

Reported at 2-23-93 F. Senate
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FEBRUARY 19, 1993 FACULTY ASSEMBLY REPORT

The Eighty-fourth session of the faculty assembly was convened by Chair Ken Wilson (ECU) at 1:28 P.M. on Friday February 19, 1993.

Mr. Samuel Poole, Chair of the Board of Governors addressed the assembly, thanking it for its leadership and willingness to serve. The bulk of his address was directed at the criticism the system has been receiving lately, particularly in the Legislative Performance Audit and media coverage of the report from the North Carolina Center for Public Policy Research. He encouraged that organization and the Legislature to once again read the mission statement of the University. He emphasized that instruction IS the primary responsibility of each of the constituent institutions, and that the strategy to attain the goal of excellence in instruction is the hiring and retention of outstanding faculty who must then be encouraged and rewarded. He stressed the need for improved compensation and the expending of more effort on faculty development.

Tenure and teaching, he said are being studied by two committees of the Board of Governors and they should have a report based on hearings held, in the spring. Again, he reiterated that teaching and quality of teaching are fundamental elements in the evaluation of faculty. The research and service component weights are dependent on the type of institution. Contrary to some reports, he said, the Board is NOT considering the abolition of tenure in the system. The Chancellors of the 16 institutions have been asked to list and submit to President Spangler, the criteria for evaluating teaching and see where there is room for improvement of the evaluation task. The Board sees the need for greater clarity and less ambiguity in the criteria and procedures being used, so that more clarity may be obtained in recognizing quality teaching.

In the question and answer portion of his appearance, Mr. Poole again addressed excellence of teaching saying that it was a prerequisite for consideration of research and service, but by itself was not sufficient for granting of tenure, though the absence of quality teaching may be sufficient for not considering tenure. It is the responsibility of those doing the evaluating to look beyond the student evaluations which are in place at all institutions, to teaching outlines, materials employed, courses taught, techniques observed, and other factors and not rely on any single criteria. He said it is easier to quantify research than it is to quantify teaching.

In President Spangler's remarks he also addressed teaching, the Bond issue for capital improvement, consulting for money, and the Performance Audit findings on time to graduation. He said that from a survey on satisfaction with teaching, from the 65% of recent graduates who responded, 94% were quite satisfied with the education they had received. This will be pointed out in future meetings with the General Assembly. He also commented on the Standard and Poors Bond ratings of the University which is at the highest level due to quality of the University, and its research productivity. Mr. Spangler expects the governor to support the bond issue.

In commenting on the request to propose a 1% and 2% reduction in University expenditures, the President indicated that the University reply declared that the \$121 million reduction over the past three years was enough and that the General Administration will attempt to mitigate any future cuts. He indicated that the Governor has recommended funding of enrollment increases and an improved telecommunications system. The Board of Governors does not want any tuition increase and the university will attempt to forestall any but minimal tuition increases over the next biennium to 3% and 3.2% for in-state and 5% for out of state students, while at the same time recommending a 3% increase for faculty and \$2 million for recruitment purposes. The University is also attempting to end the 30% reversion rule for retirements. He also indicated that copies of the Intercollegiate Athletic Report were available, and copies should be available in the Senate office.

President Spangler also indicated that the final Report of the Performance Audit had been received by the Board of Governors for their consideration at their March meeting. There is also a one time review of all graduate programs for elimination and consolidation.

Ms Betsy Bunting presented a very extensive report on Liability Insurance Coverage for faculty. Due to the length of her report, a summary is attached to this report and will be available in the Senate office. She discussed coverage, limitations, and

exclusions. We should all take the time to familiarize ourselves with the provisions of the Defense of State Employees Act and the provisions of these Liability Insurance plans.

The date of the next meeting has been changed from 16 to 2 April because of a conflict with a Board of Governors meeting. A nominating committee was elected, on which Ken Wilson is serving to select candidates for 1993-94 offices. The first Plenary Session adjourned at 3:03.

The Second Plenary Session convened at 7:00 with further discussion of the next meeting date which was followed by Committee reports.

ACADEMIC FREEDOM AND TENURE will bring several resolutions to the April meeting. They had discussed external consultation, which will also be on the Board of Governors agenda for March. They are also considering Legal Representation for faculty appellate committees and indicated that the Board of Governors is in the process of preparing a manual for such committees. There is also consideration of developing a cadre of trained legal professionals to be available to assist these committees. They are also considering some means of obtaining compensation for obtaining legal assistance in appellate matters. The N.C. Center for Public Policy Research Report on teaching and a survey on evaluation for pay and tenure considerations were additional topics of discussion.

BUDGET Committee was briefed on the Performance Audit and Governor Hunt's Budget proposal by Vice President Joyner who indicated that we could expect some tuition increases. He thinks the General Assembly will follow the governor's recommendations. They also discussed impact of tuition increase on graduate programs. There was a request from Western Carolina University that the Assembly urge some schools to experiment with the trimester system, but having no expertise in the area, they forwarded the proposal to the Planning and Programs Committee.

GOVERNANCE COMMITTEE met with Chairs from eleven of the constituent institutions and discussed 1) procedures for evaluation of administrators and 2) faculty involvement in selecting chairs and deans. They have found a wide divergence in this latter across campuses. They will continue to explore ways to help campuses with shared governance.

WELFARE COMMITTEE received a partial report on their Crime Prevention survey; but having received responses from only five schools will continue their efforts to obtain information from the other eleven. They discussed the possibility of Ms Bunting making her presentation on Faculty Liability Insurance at different campuses upon request, and asking her to prepare further presentations on changes in sexual harassment policy as the law is changing so rapidly. Faculty Morale in regard to the health insurance program, and salaries. The committee was informed about several bills before the General Assembly: HB 194 which is on Flexible Benefits, and HB 25 with SB 120 which would change from 30 to 28 years the time needed to obtain full retirement benefits under the State program.

PLANNING AND PROGRAMS reported that their survey of days in session indicated that there was a decimal increase during the past year. They too discussed the NC Ctr for Public Policy report on Teaching and determined that all schools in the system use some form of student evaluation. They discussed improving graduation rates and a number of elements, such as student employment, which the General Assembly and media do not consider when levying criticism for five, six or more year periods from matriculation to graduation. They are looking at the various definitions of "Workload" as employed in the system.

PROFESSIONAL DEVELOPMENT discussed various measures for determining "effective teaching:" and found that it is easy to quantify behaviors, but have not yet reached any measure of how to define an effective teacher. They also discussed the diminution of a sense of Community at institutions without reaching any conclusions.

OLD BUSINESS

Vice President Carroll indicated that the data used in the NC Center for Public Policy research was obtained from a 1990 survey, and that what the Report said about teaching in the University System is much better than what the media said. He did indicate in regard to changes forthcoming that some programs for the baccalaureate degree in excess of 135 hours will have to be described as five year programs, and that we will be required to notify students at the beginning of their programs how long they should expect to take to meet the requirements.

EXCESS LIABILITY

- I. Past Coverage: Jefferson - lapsed June 30, 1991
- II. New Carrier: National Casualty Co. - starting July 1, 1991
- III. Policy Coverage: tied to our self-insurance under Defense of State Employees Act
- A. Covers injury to person or property caused by a state employee, board member or volunteer (agent)
- B. Once the first \$100,000 is paid out on a claim, there will be \$1,000,000 coverage per employee per incident but there is an incident maximum of \$5,000,000 (thus for 6 employees involved in one incident -- 5 million not 6 million of coverage). Also, there is an annual maximum of \$15,000,000.
- C. Claims covered: any act or omission made in the course and scope of employment (course and scope of board member duties; course and scope of volunteer activities while under our direction)
- D. Does not cover: (general exclusions)
- [- criminal acts
 - [- acts or omissions based on fraud,
 - [corruption or actual malice
 - AG determines [- where defense would create conflict of
 - [interest
 - [- where defense not in best interest of state
- E. Does not cover: (particular exclusions)
- worker's compensation, unemployment compensation, disability benefits claims
 - environmental incidents (broad, not just toxic)
 - asbestos claims
 - nuclear claims (nuclear material, waste, facility)
 - operation, use, maintenance, ownership of plane or boat operation use, ownership of vehicle (maintenance is covered)
 - malpractice and autopsies (medical and dental)
 - sexual abuse, immoral acts, sexual acts
 - prior claims - before July 1 of that policy year
 - employee vs. employee claims, but does cover discrimination, employment, equal protection claims
 - claims for which notice was not provided to insurer
- F. New areas of coverage (were excluded before)
- professional liability
 - copyright, trademark, patent claims
 - libel and slander
 - some coverage of employee vs. employee - see above

IV. Reporting Procedures

A. All claims, notify: Attorney General's office

notify: Mr. George Parker
Tort Claim Section
Dept. of Justice
P. O. Box 629
Raleigh, NC 27602

Also, for certain incidents, we should report even if claim not filed or even if we feel we're not liable:

- all serious physical injuries where one of our employees, volunteers or board members is involved
- all shootings
- all injuries which may result in paraplegia or in quadriplegia
- all injuries which may result in brain damage
- all injuries involving severe burns
- amputations of limbs
- sensory loss
- significant psycho-neurotic conditions
- all fatalities

B. Format of Notice

- in writing
- mailed promptly
- include employee (etc.) name and factual description
- send to Mr. Parker
- perhaps call ahead to alert him: 733-3805
- for any post July 1, 1991 claims, make sure you have filed notice and a factual report

V. Continuing gaps: boats, pollution, nuclear waste
see also student coverage: only if official university student and only if under our direction (at least indirectly; example, student gov't)

VI. Summation: Less aggregate coverage, but more acts covered; based upon prior loss experience, this may be a better policy for us