

EAST CAROLINA UNIVERSITY
2017-2018 Faculty Governance Committee

MINUTES OF MEETING DATE: November 8, 2017

PRESIDING: Tracy Carpenter-Aeby

REGULAR MEMBERS (X IN ATTENDANCE):

Tracy Carpenter-Aeby X, Cynthia Deale X, Kylie Dotson-Blake _____, Brad Lockerbie X,
Derek Maher X, Andrew Morehead X, Marianna Walker X, David Wilson-Okamura X

EX-OFFICIO MEMBERS (IN ATTENDANCE):

Patricia Fazzone, Chancellor's Rep X, Ron Mitchelson, Provost / VCAA _____,
Phyllis Horns, VCHS _____, Jay Golden, VCREDE _____,
Jeff Popke, Rep of the Chair of the Faculty X, Rachel Roper, Fac Sen Rep X

OTHERS IN ATTENDANCE: Chair of the Faculty John Stiller, Univ. Counsel and VC for Legal Affairs
Donna Gooden-Payne, REDE Sr. Assoc. Vice Chancellor Mike Van Scott

I. Call to Order, 3:02 pm, Rawl 142

II. Minutes of Oct. 25, 2017 meeting were approved

III. Unfinished business

- A.** It was decided to postpone further discussion of Faculty Manual Part VIII to a future meeting.
- B.** The post-tenure review process discussed at the Sept. 27 meeting is under way.
- C.** At its Sept. 27 meeting, the committee tasked present and past faculty chairs Morehead, Stiller, and Walker with reviewing proposed changes to the appellate committee structure in Part XII of the Faculty Manual. Working from a revised text of the proposal, the committee now resumed discussion of Part XII, Section 1.
 - 1. Several issues were raised by Gooden-Payne or in response to her observations.
 - i. Definition of *respondent*
 - 1. Should a former administrator be named as a respondent if he or she is still an ECU employee but not in that position?
 - 2. The purpose of grieving is to obtain redress for the grievant, not discipline the respondent.
 - 3. Former administrators might want to tell their side of the story.
 - 4. Agreed: the panel *may* designate the previous administrator as an *additional* respondent.
 - ii. Can the chancellor decide to keep open a grievance for someone who has accepted a position at another institution? Yes: someone might be constrained to accept a position elsewhere (for example, if tenure were denied) and still have a legitimate grievance.
 - iii. Agreed: under "Descriptions of Grievants and Respondents," the chancellor's timeline to respond should be extended from 20 to 30 calendar days.

- iv. Suggested: the document should recognize in a new section, on timing, that the chancellor has plenary authority to extend deadlines when it is in the best interest of the institution.
- v. Under “Deadlines for Review,” is it helpful to list avenues of review that are waived when a deadline is missed?
- vi. Should alternates be able to participate in panel discussions if they are not replacing a member of the panel? Can we give the non-replacing alternate a voice but no vote? Is that too complicated? The committee decided not to specify.
- vii. Under “The Hearing Panel”: the committee agreed to retain the so-called firewall between university attorneys who advise the hearing panel and those who advise grievants or respondents.
- viii. Under “Initiation of the Hearing” and “Procedures for the Hearing,” more advance notice of initial hearings is needed.
 - 1. Agreed: the Appellate Steering Committee, not the Hearing Panel, should make the initial notification to respondents.
 - 2. Agreed: the Faculty Senate office should “promptly notify” the vice-chancellor of the appropriate division that a complaint has been filed.
- ix. Agreed: under “Procedures of the Hearing,” clarify that witnesses may include the complainant, respondents, and the respondents’ spokesperson.
- x. Under “Procedures after the Hearing,” the sentence about standard of evidence is confusingly worded. The University Counsel’s office will recommend a fix.
- xi. Agreed: under “Procedures after the Hearing,” it should specify that the chancellor is not required to meet with a panel if his or her decision accords with its recommendation.

D. The committee agreed to add an extra meeting in late November or early December. [Carpenter-Aeby subsequently fixed this meeting for November 29.]

IV. Adjourned at 4:56 pm.

Respectfully submitted, David Wilson-Okamura.