

**EAST CAROLINA UNIVERSITY**  
**2017-2018 Faculty Governance Committee**

**MINUTES OF MEETING DATE:** Jan. 24, 2018

**PRESIDING:** Tracy Carpenter-Aeby

**REGULAR MEMBERS ( X IN ATTENDANCE):**

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

**EX-OFFICIO MEMBERS ( X IN ATTENDANCE):**

Patricia Fazzone, Chancellor's Rep X, Ron Mitchelson, Provost / VCAA X, 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, Linda Ingalls for the Office of the Provost

**I. Call to Order, 3:05 pm, Rawl 142**

**II. Minutes of Jan. 10, 2018 meeting were approved.**

**III. Unfinished business**

**A.** The committee resumed discussion of Faculty Manual, Part XII: Faculty Grievance  
Policies and Procedures, beginning with section I.IV: "Appeals of Termination of Faculty  
Employment Based Upon Institutional Considerations."

1. Gooden-Payne raised several issues, in person and through comments on the  
Word document:

a. Does the university want to have two separate review bodies to evaluate  
program elimination for reasons of financial exigency? UNC policy does  
not require it, and it prevents the chancellor from moving quickly.

1. Some of this inefficiency is intentional (these are weighty decisions)  
and inevitable (accreditation requires teach-out plans for existing  
students, etc.).

2. Morehead: the purpose of the second, ad hoc committee seems to  
be implementation of EPPCC's recommendation.

3. Stiller will review the UNC policy and draft language to clarify that the  
second committee's is implementation.

b. Should years of service continue to be even a secondary consideration?

1. The committee agreed to revert to the minimal formulations of the  
UNC policy manual, which Stiller will incorporate in a proposed  
revision.

c. For rehires within two years, should this rule specify a procedure for  
dealing with allegations, since terminations, of misconduct?

1. This is an issue for HR, not Faculty Governance.

- d. Under “Procedures for the Hearing,” “the hearing must be within 35 working days” has already been softened to *should*. “Working days” will be regularized to “calendar days” throughout.
  - e. Under “Procedures after the Hearing,” is “favorable to the faculty member” ambiguous?
    - 1. The committee declined to amend.
  - f. Under “Appeal to the Board of Trustees”: consider adopting existing language for appealing a discharge for cause to BOT, but “standard of proof is not ‘clear & convincing’; rather the burden is on the faculty member to show by preponderance of the evidence that the decision was arbitrary and capricious. Also, there is some question as to whether the appeal to the BOT is a matter of right under the UNC Code rather than the discretionary review set on here. We should get clarification, in writing, from GA on this point.”
    - 1. The committee agreed and Stiller will draft appropriate language.
  - 2. Maher raised a couple of issues via comments on the Word document:
    - a. Do faculty members requesting a reconsideration hearing need to acknowledge that the university may offer a rebuttal using data in its possession?
      - 1. The important point may not be the possibility of rebuttal but the use of *any* relevant data.
    - b. The existing text states that documentation must be provided, on request, after a decision to terminate has been made.
      - 1. The committee agreed to delete the clause about “after a decision,” since everything in this procedure occurs after a decision has been reached.
  - 3. Stiller: under “Procedures after the Hearing”: “The faculty member may appeal the decision to terminate employment to the chancellor within 10 calendar days following receipt of the panel’s decision (Faculty Senate Resolution #99-4)” seems unnecessary.
    - a. Looking back at the resolution, this sentence seems to be misplaced and should be deleted here.
- B.** How is the post-tenure review process that this committee recommended going?
- 1. Morehead reported that it’s a lot of work for a conscientious chair and the deans.
  - 2. Wilson-Okamura: what is this doing that the annual review doesn’t?
    - a. Roper: it involves a committee, not just the administrator.
    - b. Morehead: it deals with a wider time horizon than just one year.
    - c. Fazzone: it prods the units to articulate shared expectations.
    - d. Aeby-Carpenter: it can lead to discussion of expectations for different phases in a career.

**IV. Adjourned at 4:57 pm.**

Respectfully submitted, David Wilson-Okamura.

The next meeting of the 2017-2018 Faculty Governance Committee will be held on **Wednesday, February 14**, at 3:00 pm in Rawl 142.