MINUTES

COMMITTEE: FACULTY GOVERNANCE

MEETING DATE: February 23, 2005

PERSON PRESIDING: Mary Glascoff, Chair


EX-OFFICIO MEMBERS: Catherine Rigby, Purificacion Martinez, Paul Zigas and Lisa Sutton.

OTHER IN ATTENDANCE: Lori Lee

ACTIONS OF MEETING

1. Agenda Item: Approval of Minutes by the Committee

Discussion: None

Action Taken: The Committee unanimously approved minutes of the meeting on February 9, 2005.

Assigned Additional Duties to: There were no assigned duties.

2. Agenda Item: Revisions to the Draft Copy of Appendix D., Section II.B (Fixed-Term Appointments)

Discussion: The Committee discusses whether ECU fixed-term faculty members are covered under UNC Code Section 604(c). There were two points of view on this question. The first finds that Code Section 604(c) does not apply to fixed-term appointments because some visiting professors have expectations of being rehired by their units. The second finds that Code Section 604(c) applies because these professors have no expectations of reemployment but have a fixed or definite term. Zigas, University Attorney’s Office, states that fixed-term faculty members have no expectations of reemployment under Code Section 604(c). In addition, Health Sciences Division wants to increase the length or term of employment/appointment and grant special rights to fixed-term faculty members.

The Committee agrees that Code Section 604(c) covers fixed-term faculty. A Committee member dissents on the coverage of Code Section 604(c) and notes the fixed-term faculty members have employment expectations. Another member concurs but notes that there could be an abuse of the visiting professor status. One other member notes that any abuse will not end by changing the status. Finally, a recommendation is made that the term reemployment, rather than reappointment, should be used to refer to fixed-term faculty. Other discussion involves improving or changing the contract, such as multi-year contract, the nature of reemployment and others.

Action Taken: The Committee takes no actions on fixed-term appointments.

Assigned Additional Duties to: There were no assigned duties.

3. Agenda Item: Revisions to the Draft Copy of Appendix D., Section II.C.4 (Progress Toward Tenure Letters)

Discussion: The Committee discusses several concerns in revising Section II.C.4. The Committee discusses documents that can be used in drafting the Progress Toward Tenure Letter. Rigby notes that the Hearing Committee often asks questions about the role of the Annual Evaluation Report in the tenure process. The Committee discusses the use of one major review for progress toward tenure but concludes
that waiting until the end of the third year would be too long. The Committee considers the role of the PAD in writing the Progress Toward Tenure Letter.

The Committee makes revisions (highlighted in gray) to Section II.C.4:

4. Progress Toward Tenure Letters
Each Spring semester, the Tenure Committee and unit administrator will review the PAD for each probationary term faculty member. On the basis of this review, the unit administrator, in consultation with the unit Personnel Tenure Committee, will write a progress toward tenure letter to each probationary term faculty member having a probationary appointment. In the event the unit Personnel Tenure Committee and the unit administrator cannot agree on the contents of the letter, the next higher administrator shall confer jointly with the Personnel Tenure Committee and unit administrator, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter. Copies of the progress toward tenure letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Personnel Tenure Committee and to the next higher administrative level. The unit administrator and a representative of the Tenure Committee will discuss the progress toward tenure letter with the faculty member. In the event that the faculty member disagrees with the contents of the progress toward tenure letter, it is the responsibility of the faculty member to make this disagreement known in writing addressed to the unit administrator for inclusion in the personnel file. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Personnel Tenure Committee and to the next higher administrative level.

A Code Unit may establish, in its Code of Operation, procedures for this consultation process in reference to progress toward tenure letters; however, if the Code of a unit is silent in this regard, it is hereby established that the entire membership of the unit Tenure Committee will participate in the drafting of the progress toward tenure letters. In accordance with the unit code, if the unit's Tenure Committee has more than five members, the unit Tenure Committee may elect a subcommittee of at least five members to participate in the drafting of the progress toward tenure letters.

Action Taken: The Committee postsrevisions to the Draft Appendix D, Section II.C.4.

Assigned Additional Duties to: There were no assigned duties.

4. Agenda Item: Revisions to the Draft Copy of Appendix D., Section IV. A.1.a (Unit Committee)

Discussion: The Committee discusses several concerns in revising Section IV.A. The Committee discusses and agrees to change the order of the listing of unit committees in Section IV.A:

A. Unit Committees

1. Personnel Committee [Please refer to interpretations #197-7, #191-16 and #193-18.]
   a. Function
   The Personnel Committee shall be responsible for making recommendations regarding initial probationary appointments and initial and additional special fixed-term appointments (for other functions of the Personnel Committee, see Section IV.B.).
   b. Composition
   The composition of each unit’s Personnel Committee shall be determined by the unit but shall consist of at least three members. The membership of the committee shall be composed of some or all of the permanently tenured and probationary-term voting faculty members of the unit, including those who are on leave but in attendance at the meeting at the time of the committee’s vote, but excluding the unit administrator. At least two thirds of the unit Personnel Committee membership shall be permanently tenured voting faculty. When there are not enough permanently tenured voting faculty members in the unit to satisfy this requirement, additional permanently tenured faculty shall be appointed according to the procedures in Section IV.A.1.b. above. All other members of the unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty of the unit.
   c. Additional Roles of Unit Personnel Committee
   In addition to making recommendations to the unit administrator on initial and additional fixed-term appointments and initial probationary-term appointments, the unit Personnel Committee has the following responsibilities:
   1. Recommending to the unit administrator the initial rank of faculty appointments.
   2. Notifying fixed-term faculty members that the Personnel Committee will or will not recommend an additional fixed-term appointment when the fixed-term faculty member requests notification not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.
   3. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).
   4. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).
   5. Consulting with the unit administrator in the preparation of the progress toward tenure letter (see Section II.C.4).
   5. Consulting with faculty members who are considering requesting a renewal of permanent tenure prior to the end of the probationary term (see Section II.C.5).
6. Consulting with faculty members who are considering requesting promotion (see Section III.).
7. Producing a list of possible external reviewers and selecting external peer reviewers from lists produced by the
   Committee and by the candidate (see Section IV.E).
8. Selecting, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers
   (see Section IV.E).
9. Reviewing additional materials submitted by faculty members for inclusion in their personnel action dossier; consulting
   with the unit administrator regarding responses to such materials (see Section IV.f.2.).

d. Role of the Chair of the Unit Personnel Committee

   The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from
   the committee's membership. The chair shall preside over all committees making personnel recommendations for the faculty,
   and may participate in the decisions of any committee of which the chair is a member. If the chair of the unit Personnel
   Committee holds a professional rank lower than that to which a faculty member requests promotion, the unit Personnel
   Committee chair shall be responsible for calling the meetings of such committees, facilitating the election of a chair of the
   committee from among its membership, obtaining and distributing materials to be used during the deliberation of such bodies,
   insuring that a valid vote has been taken, communicating the results of such votes to the appropriate faculty and to the unit
   administrator, and performing other duties as designated by the unit. In such cases where the Chair of the unit Personnel
   Committee is not a member of the committee, he/she shall not attend any meetings of the committee except to facilitate the
   election of the chair as noted above. Chair the Promotion Committee but shall not have a vote on that committee. The chair
   shall be responsible for calling the meetings of such committees, obtaining and distributing materials to be used during
   deliberation of such bodies, insuring that a valid vote has been taken, communicating the results of such votes to the
   appropriate faculty and to the unit administrator, and performing other duties as designated by the unit.

2. Promotion Committee

   [Please refer to interpretation #07-8.]

   a. Function

      The Promotion Committee shall be responsible for making recommendations for promotions in rank.

   b. Composition

      The membership of the Promotion Committee shall be composed of those permanently tenured and probationary-term voting
      faculty members who hold rank at least equal to the rank for which the candidate is being considered, including those on leave
      but in attendance at the committee's meeting at the time of the committee's vote, but excluding the unit administrator. The
      composition of the committee shall thus vary with the rank to which a faculty member is being considered for promotion. When
      a unit has fewer than three permanently tenured or probationary term voting faculty members of sufficient rank and not holding
      administrative status, the next higher administrator above the unit shall appoint additional permanently tenured and
      probationary term faculty to increase the membership of the committee to three, with at least two thirds of the members being
      permanently tenured faculty. These appointments to the committee shall be from a list of candidates selected by a vote of the
      permanent tenured and probationary term faculty having rank at least equal to the candidate(s) being considered for
      promotion. When a unit has fewer than three permanently tenured voting faculty members of sufficient rank and not holding
      administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty at the
      required rank from other units to increase the committee's membership to three, with at least two-thirds of the members being
      permanently tenured faculty. These appointments to the committee must be from one list of candidates selected by a vote of the
      permanently tenured and probationary term faculty having rank at least equal to the candidate(s) being considered for
      promotion. The list forwarded to the next higher administrator by the faculty will contain at least twice the number of faculty
      members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher
      administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are
      willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator
      may not be returned for revision.

   Meetings of the promotion committee shall be convened by the Chair of the unit's Personnel Committee. The first order of
   business for a newly convened Promotion Committee shall be to elect a Chair from among its membership.

3. Tenure Committee

   [Please refer to interpretation #07-7.]

   a. Function

      The Tenure Committee shall be responsible for making recommendations regarding initial appointments with permanent
      tenure, reappointments of probationary-term faculty members, and the granting of permanent tenure. The Tenure Committee
      (or properly constituted subcommittee) shall consult yearly with the unit administrator in the preparation of progress toward
      tenure letters as described in Section II.C.4.

   b. Composition

      The membership of the Tenure Committee shall be composed of the permanently tenured voting faculty of the unit, including
      those who are on leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit
      administrator. When a unit has fewer than three permanently tenured voting faculty members not holding administrative
      status, the next higher administrator above the unit level shall appoint permanently tenured faculty from other units to increase
      the committee's membership to three. These appointments to the committee shall be from a list of candidates selected by a vote
      of the permanently tenured and probationary-term faculty of the unit. When a unit has fewer than three permanently
      tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall
      appoint permanently tenured faculty from other units to increase the committee's membership to three. These appointments to
      the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term
      faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the
      number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded
      to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on
      the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher
      administrator may not be returned for revision.
4. The voting faculty of the unit may elect a committee of voting faculty to fulfill the responsibilities of soliciting and screening applicants and recommending candidates for the position to the unit's Personnel Committee.

B. Additional Roles of Unit Personnel Committee
   In addition to making recommendations to the unit administrator on initial and additional fixed term appointments and initial probationary term appointments, the unit Personnel Committee has the following responsibilities:
   1. Notifying fixed term faculty members that the Personnel Committee will or will not recommend an additional fixed term appointment when the fixed term faculty member requests notification not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.
   2. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).
   3. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).
   4. Consulting with the unit administrator in the preparation of the progress toward tenure letter (see Section II.C.4).
   5. Consulting with faculty members who are considering requesting conferential permanent tenure prior to the end of the probationary term (see Section II.C.5).
   6. Consulting with faculty members who are considering requesting promotion (see Section III.).
   7. Producing a list of possible external reviewers and selecting external peer reviewers from lists produced by the Committee and by the candidate (see Section IV.E).
   8. Selecting, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers (see Section IV.E).
   9. Reviewing materials submitted by faculty members for inclusion in their personnel action dossier, consulting with the unit administrator regarding responses to such materials (see Section IV.F.2).

C. Role of the Chair of the Unit Personnel Committee
   The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership. The chair shall preside over all committee meetings making personnel recommendations for the faculty, and may participate in the decisions of any committee of which the chair is a member. If the chair of the unit Personnel Committee holds a professional rank lower than that to which a faculty member requests promotion, the unit Personnel Committee chair shall chair the Promotion Committee but shall not have a vote on that committee. The chair shall be responsible for calling the meetings of such committees, obtaining and distributing materials to be used during deliberation of such bodies, insuring that a valid vote has been taken, communicating the results of such votes to the appropriate faculty and to the unit administrator, and performing other duties as designated by the unit.

Action Taken: The Committee postsrevisions to the Draft Appendix D, Section IV.A.
Assigned Additional Duties to: There were no assigned duties.

5. Agenda Item: Discussion of the Need for a Timeline in Appendix D, Section IV (Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure)

Discussion: The Committee discusses the need for a section listing a timeline for the tenure process. There is a proposal to place this timeline at the end of Appendix D. There is another proposal to add it to Part XII (Personnel Action Dossier) as a suggested documentation of time. Finally, one member noted that the tenure process is already set forth in the Faculty Manual.

Action Taken: The Committee takes no actions at this meeting on the insertion of a tenure process timeline in the Faculty Manual.

Assigned Additional Duties to: There were no assigned duties.

Adjourned at: 4:30 p.m.
James E. Holloway, Secretary

NEXT MEETING: Wednesday, March 23, 2005, 3:00 p.m.

Item to be Discussed
Agenda Item: Revisions to the Draft Copy of Appendix D (7th Draft 2/23/05)