COMMITTEE: Faculty Governance

MEETING DATE: February 3, 2006, 12:00 p.m. to 5:00 p.m.

PERSON PRESIDING: Puri Martinez

REGULAR MEMBERS IN ATTENDANCE: Patricia Anderson, John Cope, Edson Justiniano, Bob Morrison, Puri Martinez, and Mark Taggart

EX-OFFICIO MEMBERS IN ATTENDANCE: Mary Gilliland, Catherine Rigsby, and Paul Zigas

OTHERS IN ATTENDANCE: Lori Lee, Lisa Sutton

ACTIONS OF MEETING
Minutes of the previous meeting were not considered for approval.
Chair Martinez called the meeting to order and presented the order of the agenda based on the open hearings and email comments from faculty and administrators. Appendix D was considered first since there were recommendations at the open hearings and in the email comments for substantive changes. The comments the committee received on Appendix C, Part XII, and Part XIII generally referred to non-substantive, editorial changes.

Agenda Item: Several editorial changes

Action Taken: The committee made the following editorial changes to the proposed Appendix D.
1) In section D.II.A.1.a where there is reference to fixed-term titles a reference to Appendix C was added.
2) In section II.B.3 the responsibility was clarified as being for the initial recommendations for advancement in title.
3) In section II.C.1.d a new paragraph was started with the sentence starting with “All time served...” since this applies to parts a, b, c, and d, not just d.
4) In the following paragraph the reference to the School of Medicine was changed to include Health Sciences and Academic Library Services.
5) The language dealing with extensions of the probationary term in section II.C.3 was clarified.
6) In section II.C.4 “review the annual report for” was changed to “review the annual report of”.
7) In section II.C.4 the language was changed so that the faculty member’s letter of disagreement with the progress-toward-tenure letter is placed in the PAD and the personnel file.

Agenda Item: Fixed-term faculty members’ service on search committees.

Discussion: Rigsby stated that the committee should wait for a report from the newly formed task force on fixed-term faculty before the governance committee makes its recommendation. Zigas suggested that the Faculty Governance Committee postpone finalizing all changes made to date with regard to fixed-term faculty members until after the fixed-term faculty task force has made its report to the Faculty Senate and the Faculty Governance Committee has an opportunity to discuss those recommendations. Morrison argued that faculty committees should not wait on administrative committees to make recommendations on changes in policy, and that governance could recommend service on search committees independently of the task force recommendations. Cope recommended that fixed-term faculty not be on search committees. Martinez stated that faculty members
without terminal degrees should not be on search committees, but it would be okay for fixed-term faculty members with terminal degrees to serve. Rigsby stated that candidates being recruited for tenure-track positions might be concerned that fixed-term faculty members were serving on the search committee. Cope moved to postpone any changes to Appendix IV.A.1.c.10 until the task force made its report in April.

**Action Taken:** The motion to postpone passed with one dissenting vote.

**Additional Discussion:** Zigas moved to strike the proposed changes to Appendix D.II.A.1.a with respect to the proposed titles for fixed-term faculty and the length of contracts. Zigas argued that final action by the Faculty Governance Committee on these items should be postponed until after the fixed-term faculty taskforce has an opportunity to make its recommendations to the Faculty Senate. Rigsby noted that these proposed changes are a positive recognition of the contribution by fixed-term faculty. Morrison stated that these proposed changes were in line with the UNC task force recommendations approved by the Board of Governors in 2002.

**Action Taken:** The motion to strike failed.

**Agenda Item:** Allow the chair of the personnel committee to chair, but not vote in promotion committee meetings, unless the chair is eligible by rank.

**Discussion:** Edson moved not to make changes to the proposed role of the personnel committee chair. The personnel committee chair would not chair promotion committees unless the chair was of rank.

**Action Taken:** The motion passed.

Several editorial changes were made.
The committee included a phrase explicitly stating in section IV.A.2.b that units could use faculty members from other units across the university, not just within the division, when additional faculty members of rank were needed for tenure and promotion decisions. A phrase was inserted in section IV.2.b that when such additional faculty members are needed, the chair of the personnel committee shall ascertain that the additional faculty members are willing to serve.

**Agenda Item:** Consider changing selecting peer reviewers by promotion committee.

**Discussion:** The committee reviewed previous arguments with regard to the possibility in small departments that all the promotion committee members might be from outside the unit. The committee felt having the tenure committee make the selection was the best compromise for the fair selection of external peer reviewers.

**Action Taken:** The committee made no changes.

**Agenda Item:** The committee considered adding the duty to the tenure committee of writing the cumulative report in the fall after the last progress toward tenure letter in the previous spring.

**Discussion:** The motion was made to include this as a duty of the tenure committee. Rigsby said this is an opportunity in the process for a faculty committee to make an independent evaluation. Anderson said there were 10 faculty members coming up for tenure in her unit and there were 18 members on the tenure committee. Martinez made a motion to eliminate the cumulative report letter. Morrison made a substitute motion to have the cumulative report letter written by the unit administrator in consultation with the tenure committee. The motion failed 3 in favor and 4 against.
Martinez made the motion to have two cumulative report letters, one by the unit administrator and one written by the tenure committee. These would be included as sections C. 6 and 7 in Part XII of the faculty manual with corresponding duties listed in Appendix D.

**Action Taken:** The motion to have two cumulative report letters passed, 5 in favor 2 against, 1 abstention.

The corresponding editorial change was made in section G of Part XII. In Appendix D.A..3.c the fourth duty was added to the Tenure Committee to prepare a final evaluation of the candidate’s teaching, research, and service.

The duty was also added to the Roles of the Unit administrator IV.B.

**Agenda Item:** Consideration of a majority vote by a quorum rather than a majority of the entire membership on personnel issues.

**Discussion:** Morrison moved that a quorum of a faculty committee making personnel decisions be a majority of the committee membership, except those on leave, for committees with more than 20 members, and the quorum be two thirds of the committee membership for committees that have twenty or fewer members.

**Action Taken:** The motion passed with no dissenting votes.

Editorial changes were made to change a majority of the membership to a majority of those present.

**Agenda Item:** Consideration of a mechanism that informs a candidate of the fact that a meeting is taking place and the content of the meeting when there are nonconcurring recommendations of a personnel decision.

**Discussion:** It was felt that discussions of candidates should be kept closed to ensure a free discussion. No action was taken.

Zigas suggested replacing language referring to University Attorney as editorial changes in sections V.B.1, VI.F, and VII B. 6 d-21. After discussion by the committee, the language was changed to:

The committee may at any time consult with an attorney in the office of the university attorney who is not presently or previously substantively involved in the matter giving rise to the hearing, nor who will advise the university administrator(s) following the committee action.

**Agenda Item:** Questioning of witnesses by hearing committee members during a hearing.

**Discussion:** The committee agreed with criticism of the proposed changes to the hearing process that restricted members questioning of witnesses. Zigas made a motion to revert back to the language in the current Appendix D.

**Action Taken:** The motion passed 7 in favor with no dissenting votes.

There was a question about the presence of attorneys in Due Process hearings. The Due Process Committee should address any changes that might be needed to the hearing process.

The committee made an editorial change on the delivery verification on documents in hearing matters to include the phrase “...and is consistent with UNC policy 101.3.3 in section V.C

**Agenda Item:** Allowing unit administrators to participate in the discussion in personnel committees of candidates for reappointment, promotion, and tenure.
Discussion: The committee noted that ECU has made progress in shared governance but there were many instances where faculty would lose their influence in personnel decisions if the unit administrator participated in personnel committee discussions. No action was taken.

The committee then examined UNC Vice-President Gretchen Bataille’s comments on previously proposed changes currently under review by the General Administration.

In Appendix D section V.A the phrase “with 10 working days upon receiving a request” was added.

The last two paragraphs of Section V.E. were deleted because the corresponding BOG policy had been repealed.

Agenda Item: Approval of the amended changes to Appendix D.
Discussion: Morrison moved approval of the amended Appendix D. Gilliland seconded.
Action Taken: The motion passed six in favor and one abstention.

The committee determined that recommendations made at open hearings and email comments would result in only editorial changes to Appendix C, Part XII, and Part XIII, except for those substantive changes already made. Several elected committee members had to leave at 4:00 p.m. and the committee lost quorum. The remaining committee members continued to make editorial changes.

Submitted by Bob Morrison, co-secretary.