

EAST CAROLINA UNIVERSITY
2018-2019 Faculty Governance Committee

MINUTES OF MEETING DATE: October 10, 2018.

PRESIDING: Brad Lockerbie

REGULAR MEMBERS (X IN ATTENDANCE):

Tracy Carpenter-Aeby ____, Jonathan Morris ____, Michael Duffy X, Brad Lockerbie X,
Derek Maher X, Jeff Popke X, Marianna Walker X, David Wilson-Okamura X

EX-OFFICIO MEMBERS (X IN ATTENDANCE):

Don Chaney, Rep of the Chair of the Faculty X, Jay Golden, VCREDE ____, Ron Mitchelson,
Provost / VCAA ____, Donna Roberson, Chancellor's Rep ____, Mark Stacy, Interim VCHS ____,
John Stiller, Fac Sen Rep X

OTHERS IN ATTENDANCE: Lori Lee; Linda Ingalls for the Office of the Provost; VC for Legal Affairs
Donna Gooden-Payne; Steve Serck, Attorney with the University Counsel's Office; and Mike Van Scott
for Jay Golden.

I. Call to Order, 3:00 pm, Rawl 142

II. Minutes

The minutes of September 26, 2018 were approved, with amendments from Gooden-Payne
and Maher.

IV. Continuing Business

A. Serck responded to the committee's suggestions for the interim Freedom of Expression
PRR.

1. A "responsible person" needs to be defined, as a liaison between the person
expressing and university officials.
 - a. Wilson-Okamura asked, Can a guest be "responsible"?
 - b. Serck suggested amending the definition, such that a "responsible person"
is a member of the community; and limiting the need for a "responsible
person" to situations "where practical."
 - c. Stiller observed that this effectively removes the requirement for a
connection with the university community.
 - d. Wilson-Okamura suggested that we continue to require a "responsible"
member of the university community, except for "Designated Forums,"
such as the cupola.
 - e. Walker suggested that the text needs to allow for the "responsible person"
to change over the duration of an event (e.g., if the original "responsible
person" needs to go to class).
 - f. Wilson-Okamura suggested that a "responsible person" serves two
functions, both of which are important: to organize communication with law
enforcement and university officials; and to connect with the university
community.

2. Gooden-Payne asked whether we could add “imminent lawlessness” to restrictions on expression, but retain “clear and present danger of serious bodily injury”?
 - a. Gooden-Payne’s team will study this issue to see whether this addition would weaken the policy.
 - b. Serck suggested that “clear and present danger,” if retained, might need to be defined.
 3. On the subject of kneeling during the singing of the national anthem:
 - a. Serck distinguished between symbolic activities, where expression is protected, and actual playing, warming up.
 - b. Gooden-Payne added: there are a lot of variables; small changes in context can have large consequences.
 4. Duffy asked, Are there guidelines for requesting a university venue?
 - a. Serck explained that the only places where the university is required to offer space are the ones so designated on the east and west campuses.
 - b. Gooden-Payne added that those designated areas are not required by law.
 5. Walker asked, What defines “fighting words”?
 - a. Serck answered, a police officer on the spot usually decides, but the courts have narrowed the definition of “fighting words” considerably.
 6. Wilson-Okamura asked whether “significant university interests” can be specified further?
 - a. Serck urged us to retain the BOG’s suggested wording.
 - b. Duffy pointed out that “interests” are defined later in the document.
 7. Lockerbie asked about the right to confront accusers.
 8. Duffy asked about the rights of counter-protests.
 - a. Serck explained that both physical threats and shouting down another person’s expression are prohibited in this policy.
 - b. Gooden-Payne: in practice, we would probably tolerate a lot of shouting back and forth, especially in spontaneous fora like the Mall. For a rented hall, we would usually designate an adjacent space for protestors that did not interfere with ingress or egress of event-goers.
 9. Rather than distribute a document tracking changes from the existing policy, the committee adopted Stiller’s suggestion that a summary of changes would be more useful.
- B. Discussion of tenure and promotion committees at the college level**
1. Prior to the meeting, Popke distributed Duffy’s memo, arguing against such a committee in the College of Fine Arts and Communication.
 - a. Wilson-Okamura asked how the College of Arts and Sciences is different.
 - b. Maher argued that Arts and Sciences is larger and more various, so that its dean needs more advice from the faculty.
 - c. Ingalls noted that some UNC schools have provost-level committees. Our provost does not think we need those here, but that college-level committees provide useful context.

2. Stiller and Popke: the *Faculty Manual* leaves this question for colleges to resolve in their constitutions, but this committee still needs to give advice on guidelines for those constitutions.

V. Future Business

- A. The focus of our next meeting will be the Appellate Committee Structure in *Faculty Manual (FM)*, Part XII.
- B. Duffy, Maher, and Popke will formulate recommendations, or at least outline the salient issues, for guidelines appended to unit codes.

VI. Adjourned at 4:40 pm.

Respectfully submitted, David Wilson-Okamura.