

EAST CAROLINA UNIVERSITY
2018-2019 Faculty Governance Committee

MINUTES OF MEETING DATE: February 13, 2019.

PRESIDING: Brad Lockerbie

REGULAR MEMBERS (X IN ATTENDANCE):

Tracy Carpenter-Aeby X, Jonathan Morris X, Michael Duffy X, Brad Lockerbie X,
Derek Maher _____, 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, VCHS X,
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; auditors Wayne Poole and Sarah von Stein.

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

II. Minutes

The minutes of Jan. 23, 2019 were approved.

III. Continuing Business

- A.** The committee discussed additions to the Faculty Manual, proposed by Duffy, Maher, and Popke. These additions, to Part IV, Section II: Unit Codes, describe a procedure to create College constitutions and by-laws.
1. Wilson-Okamura asked what the threshold for approval should be.
 - a. Stiller proposed the default standard of Robert's Rules of Order, a majority of faculty voting, unless otherwise specified in the new document.
 2. Ingalls asked how "faculty voting" would be defined.
 - a. Stiller suggested the standard used elsewhere in Part IV: tenured faculty.
 1. Stiller expressed concern, however, that this excludes fixed-term faculty (FTF) members who are just as committed and experienced.
 2. Ingalls pointed out that, in some departments, FTF members can participate in deliberations on unit codes but not vote.
 3. Ingalls and Walker noted that we can't use unit code definitions, because these differ across units.
 4. Carpenter-Aeby distinguished teaching experience, which many FTF members have in abundance, from experience with the tenure and promotion process.
 5. Stiller pointed out that annual meetings, such as convocation, do not require a majority of eligible voters, only a majority of voters present.
 3. Duffy moved to amend the proposal as follows: "[T]he constitution or by-laws shall be approved at a general meeting, such as fall convocation, by a majority of the tenured faculty members present and voting." Carried.
 4. Walker moved to recommend the proposal as amended. Carried.

- B.** Ingalls and Wendy Sergeant proposed that the Faculty Manual should distinguish between medical and non-medical leave for purposes of quorum and voting. Popke suggested a further nuance, permitting written exceptions for medical leave.
1. Ingalls explained that, by statute, the terms of “intermittent” medical leave are defined in writing by a physician’s recommendation.
 2. Morris and Stiller recommended, to general agreement, that this issue go to the senate with other Faculty Manual amendments.
 3. Stiller suggested that we not specify who gives approval for exceptions, merely that the “written approval” be “university written approval.”
 4. Gooden-Payne and Ingalls noted that tenure votes are the critical scenario.
 5. Duffy moved to approve the recommended change as amended by Popke and Stiller.
- C.** Popke asked the committee to consider for the next meeting how student surveys of instruction should be represented in PADs for reappointment, tenure, and promotion.
1. Chaney endorsed Stiller’s suggestion that full surveys be moved from the cumulative report to another section of the PAD.
 2. Wilson-Okamura reiterated his question from the last meeting: should we require complete survey responses in the PAD?
 3. Lockerbie suggested, again, that we resume discussion of this vexed question at our next meeting.

IV. New Business

- A.** Auditor Wayne Poole introduced a proposed ECU Code of Conduct Policy for all university employees drafted by auditor Sarah von Stein.
1. Von Stein explained that this draft is modeled on similar codes at NYU, Univ. of Illinois, and Univ. of Colorado. Stiller noted that only two schools in the UNC system currently have such codes.
 2. Stiller observed that Wilmington’s code also applies to students and trustees. Why not this ours?
 - a. Poole explained that students already have an existing code
 - b. Morris: but the same is true of faculty members.
 3. Stiller characterized this draft as emphasizing policy over values.
 4. Wilson-Okamura and Carpenter-Aeby remarked that employee obligations were not reciprocated by institutional obligations.
 5. Stiller and Popke: the document as a whole seems punitive. Popke and Carpenter-Aeby added: it enables numerous sanctions for vaguely-defined infractions.
 6. Morris questioned whether we need such a document.
 - a. Stacey thought we might. For example, existing policies do not seem to enable sanctions for lying. As VC of Health Sciences, he is trying to set a higher tone.
 - b. Lockerbie suggested that our existing policies are adequate to deal with the situations that have come up so far.
 - c. Stiller argued that what we need is not another policy document (which this is) but a larger ethical statement.

1. Gooden-Payne: what happens when those larger ethical standards are violated? Should you be fired for violating a conduct code without violating a policy or law?
2. Wilson-Okamura: high-minded codes of conduct are undermining if we can't live up to them.
3. Popke: high-minded ideals are not the problem; the problem is the language of "shall."
4. Gooden-Payne suggested dividing the document in two: larger ethical structure; and policies that apply to all employees.
- d. Lockerbie cautioned against prescribing thought and belief, which this draft seems to at certain points.
7. Stiller queried the obligation to report criminal convictions without distinguishing, for example, traffic violations.
 - a. Wilson-Okamura asked why employees should be obliged to report charges and indictments before they have resulted in convictions.
 - b. Gooden-Payne argued: employees do not have a legal right to withhold information about criminal charges and indictments; and the university has obligations which make this information a reasonable requirement.
8. Wilson-Okamura asked what obligations the committee thinks the university has to its employees.
 - a. Von Stein reported that none of her models included such obligations.
 - b. Gooden-Payne suggested the inclusive "we" language of the Health Sciences code.
 - c. Walker suggested language that originated in the AAUP.
 - d. Popke proposed "respect"; Stacey "safety."

IV. Adjourned at 4:52 pm.

Respectfully submitted, David Wilson-Okamura.

The next meeting of the 2018-2019 Faculty Governance Committee will be held on **Wednesday, February 27**, at 3:00pm in Rawl 142.