

EAST CAROLINA UNIVERSITY
2019-2020 Faculty Governance Committee

MINUTES OF MEETING DATE: September 25, 2019.

PRESIDING: Jeff Popke (vice-chair)

REGULAR MEMBERS (X IN ATTENDANCE):

Tracy Carpenter-Aeby _____, Jonathan Morris _____, Michael Duffy X, Brad Lockerbie X,
Jay Newhard X, Jeff Popke X, Marianna Walker X, David Wilson-Okamura X

EX-OFFICIO MEMBERS (X IN ATTENDANCE):

Crystal Chambers, Rep of Faculty Senate X, Don Chaney, Rep of the Chair of the Faculty _____,
Jay Golden, VCREDE _____, Ron Mitchelson, Provost / VCAA _____, Mark Stacy, VCHS X

OTHERS IN ATTENDANCE: Lori Lee; Rachel Baker, University Program Specialist; Linda Ingalls for Office of the Provost; Mark Bowler, Education Policies and Planning Committee (EPPC); Lisa Hudson, Health Sciences Human Resources; Paul Zigas, Interim University Counsel and VC for Legal Affairs; Amanda Williams, Associate University Attorney

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

II. Minutes

The minutes of Sept. 11 were approved.

III. Order

The committee voted to amend the previously distributed order of business in order to discuss another revision to the appellate procedure.

IV. Continuing Business.

- A.** John Stiller, who drafted the revisions to the appellate structure that this committee recommended last year, proposed to Popke the following editorial insertion for *Faculty Manual*, Part II, Section II, Subsection iv. "A total of 30 tenured and probationary faculty will comprise the Appellate Committee..." The committee voted its approval.
- B.** Popke asked the committee what issues it would like to explore with Assoc. Provost and Chief Diversity Officer LaKesha Alston Forbes when she meets with the committee on Oct. 23 to discuss OED inquiry procedures.
1. Duffy: what documentation is archived when a formal investigation is *not* opened?
 2. Popke: does the potential respondent have a right to know when an inquiry has been made?
 - a. Williams: when a student complains, the law says no. Under FERPA, the record of an inquiry is considered to be the student's, not the employee's.
 - b. Popke: is the chair informed?
 3. Lockerbie suggested forwarding questions to Popke by email so that Forbes can consider them beforehand.
 4. Wilson-Okamura will forward the minutes from the committee's conversation with Forbes last spring.

- C. Popke asked to the committee to review a one-page list of best practices from an ad hoc committee that reviewed procedures for student feedback. Should the use of this list be formalized in some way?
1. Wilson-Okamura: the problems with student opinion surveys are well-documented, but not using them at all seems wrong too.
 2. Popke reported that, last spring, outgoing chancellor Cecil Staton rejected a narrow senate vote on these issues and encouraged the university to work toward a more broadly-shared consensus.

III. **New Business**

- A. Popke described a situation that has come up in the College of Allied Health, which is a single code unit. A merger of two departments, which have separate tenure and promotion guidelines but not separate codes, has been proposed.
1. Popke: can this merger be effected through a provisional code, approved by EPPC?
 - a. Ingalls clarified that provisional codes are good for up to three semesters, during which time they are reviewed by the regular unit code screening committee. However, the provisional status can be extended with approval from EPPC.
 2. Bowler, from EPPC, outlined additional issues.
 - a. The procedures for revising guidelines seem too lax: at present, guideline changes only have to be reviewed at the university level every five years, not before the changes take effect
 - b. Will one of the merged departments lose its disciplinary integrity if the other merged department is large enough to outvote it?
 3. Newhard: whether a merger works depends on how compatible the disciplines are.
 4. Ingalls: the chancellor will not approve a provisional code until it has undergone the same level of scrutiny that regular codes receive from the unit code screening committee, so that they comply with all university policies and the current Faculty Manual. Ingalls volunteered to help the units directly.
 5. Ingalls: there must be a period during which the old tenure and promotion guidelines are applicable to faculty members who were hired or tenured under them; and that period must be finite. Hudson and Chambers stipulated, from experience, that this arrangement is complex workable.
 6. Stacy: under shared governance, decisions to merge departments should be made by the faculty members in those departments, rather than deans or VCs.
 7. Mitchelson, in an email read by Bowler, argued that the proposed change is of material interest to the university as a whole, and is therefore the proper business of EPPC.
 8. Wilson-Okamura: we seem to be discussing two questions. One, does this change require input from the university as a whole, as represented by EPPC (as Mitchelson has argued)? Two, can the change be put into effect quickly, by petitioning EPPC to operate under a provisional code?
 9. Lockerbie moved that the change was of interest to the university as a whole, and should as such be reviewed by EPPC, following the guidelines in *Faculty Manual*,

Part IV, Section I, subsection iii. The committee voted to adopt this motion as its recommendation.

10. Popke, with input from Chambers, Ingalls, and Lee, moved the addition of “h. Reorganizing departments within a code unit” to the list of changes to existing code units that may be proposed [to EPPC] in *Faculty Manual*, Part IV, Section I, subsection iii. Carried.
 11. Newhard moved the following change in the same section: “In addition to creating new code units, some of the changes to existing code units that proposals may address include but need not be limited to...”
 - a. Zigas suggested an alternative: “Proposals to change code units may include, but are not limited to...”
 - b. Wilson-Okamura seconded Newhard’s original motion, which carried.
- B.** Popke asked the committee whether faculty members who have announced their resignation should be allowed to participate in personnel actions, such as voting on tenure.
1. Ingalls, by email beforehand, clarified that the existing text of the *Faculty Manual* does not curtail such participation.
 2. Popke noted, however, that probationary faculty members who have been denied tenure may not serve on personnel committees in their terminal year. Does this imply a larger principle, that faculty members shouldn’t make decisions they won’t be around to live with?
 3. Lockerbie: there is a material difference between resigning and being denied tenure. Zigas concurred.
 4. Williams noted that personnel committees in small units might be crippled if members were removed before they actually left the university.
 5. The committee agreed with Lockerbie’s summation.

V. Adjourned at 4:48.

The next meeting of the 2018-2019 Faculty Governance Committee will be held on **Wednesday, October 15**, at 3:00pm in Rawl 142.

Respectfully submitted, David Wilson-Okamura.