

EAST CAROLINA UNIVERSITY
2020-2021 Faculty Governance Committee

The next meeting of the 2020-2021 Faculty Governance Committee will be held on **Wednesday, Dec. 2**, at 3:00pm via video conference. The committee did not convene on Oct. 28.

MINUTES OF MEETING DATE: Nov. 11, 2020

PRESIDING: Jeff Popke

REGULAR MEMBERS (X IN ATTENDANCE):

Stacey Altman X, Cynthia Deale X, Michael Duffy X, Edwin Gomez X, Jay Newhard X, Jeff Popke X, Anne Ticknor X, David Wilson-Okamura X

EX-OFFICIO MEMBERS (X IN ATTENDANCE):

Crystal Chambers, Rep. of Chancellor X; Grant Hayes, Acting Provost / VCAA ___; Purificación Martínez, Chair of the Faculty X; Aundrea Oliver, Rep of Faculty Senate X; Mark Stacy, VCHS ___; Mike Van Scott, Interim VCREDE ___

OTHERS IN ATTENDANCE: Rachel Baker; Linda Ingalls for Office of the Provost; Lisa Hudson, Associate VCHS and Human Resources Administration Director; Paul Zigas, Interim University Counsel and VC for Legal Affairs; Meagan Kiser, Interim Deputy University Counsel; Wendy Sergeant, Assistant Vice Chancellor for Personnel and Resource Administration; Rachel Roper, vice-chair of the Unit Code Screening Committee; Kenneth Ferguson, chair of the Unit Code Screening Committee; Amanda Klein, Exploratory Committee on Diversity and Inclusion.

I. **Call to Order, 3:00 pm.**

II. **Minutes**

The minutes of Oct. 14 were approved.

III. Continuing Business

- A. Office of University Counsel's (OUC) role in advising and working with our committee.
 - 1. Zigas clarified: OUC has an attorney/client relationship with the chancellor, trustees, and other administrators; it does not have an attorney/client relationship with the Faculty Senate and its committees. OUC's legal obligation is to give advice in the best interests of the institution as a whole. OUC's resources are limited, but will make its staff available to governance committee as needed.
 - 2. Kiser confirmed: OUC's role is to advise, not dictate.
 - 3. Popke noted: the Faculty Manual specifies the chair of the faculty as the liaison between senate committees and the chancellor after the chancellor has referred a senate recommendation back to a committee.
 - 4. Chambers commented that some members of the committee have studied the legal issues independently.
- B. At Zigas' suggestion, the committee will discuss participation and rotation of vice-chancellors at a future meeting. Wilson-Okamura suggested getting the views of current VC members ahead of time.

IV. New Business

A. Proposed Faculty Manual (FM) changes to enhance Diversity, Equity, and Inclusion (DEI)

1. [Context]

- a. On Feb. 20, the Unit Code Screening (UCS) Committee recommended that new and revised unit codes should include requirements that advance the university's DEI goals. At its Feb. 26 meeting, the Faculty Governance Committee took the position that unit code requirements should address the structure of unit codes rather than their content. UCS has asked the committee to reconsider.
 - b. On May 25 Minneapolis police officers were filmed murdering George Floyd, an unarmed Black man in their custody. This event and others like it prompted protests and self-examination at every level and focused national attention on the reality of systemic racism.
 - c. Subsequent to Floyd's murder, ECU's faculty officers formed a Faculty Senate Exploratory Committee on Diversity and Inclusion led by Chambers (outgoing vice-chair of the faculty) and Klein (outgoing secretary of the faculty). This fall, the committee issued a set of recommendations that include changes to the FM. Many of these recommendations reflect or parallel findings from the UNC System Racial Equity Task Force and ECU's THRIVE project, which received a large grant from the National Science Foundation to advance gender equality through institutional change.
 - d. Prior to the meeting Chambers drafted and circulated an overview of the exploratory committee's recommendations for Faculty Governance.
- ###### 2. Discussion, which Chambers led, opened with the proposed addition to Part V, Academic Freedom and Statement on Professional Ethics, of a statement on DEI.
- a. Wilson-Okamura suggested a more direct wording of the statement's final sentence: "The university affirms the value for tenure and advancement of teaching, scholarship, and service that promotes diversity, equity, and inclusion."
 - b. Popke argued against reusing this phrase in multiple sections of the Manual.
 - 1) Chambers thought this phrase was most relevant to Part IX, on tenure and promotion.
 - 2) Roper seemed to disagree with Popke: the FM needs to affirm these values in multiple places.
 - c. Ticknor asked: how will these values be actualized?
 - 1) Popke: it's all right for this section not to specify actions; it's setting out values rather than procedures.
 - 2) Oliver added: affirming these values in a general way is helpful.
 - 3) Gomez spoke from his experience as a unit administrator: when we do get to procedures, they need to be flexible enough to allow for departmental and disciplinary differences.

- d. Popke suggested that a smaller group work on wording. E.g., our statement doesn't need to quote extensively from the Board of Governors (BOG) policy.
 - 1) Chambers and Klein (who was taking notes for the exploratory committee) explained: the BOG policy is invoked here to overcome resistance that we encountered to a previous statement.
 - 2) Chambers will confer with Martínez, Popke, and Wilson-Okamura on wording.
- 3. Proposed addition to FM, Part II, Section V: Organization and Shared Governance, of DEI content to annual faculty evaluations of administrators
 - a. Popke suggested, to general agreement, that the place to address this is in the surveys themselves, which the senate determines the content of, rather than the FM. Martínez and Wilson-Okamura concurred.
 - b. Roper: increasing the number of DEI questions in the survey will increase awareness of the issues.
 - c. Altman suggested that we revise both the guidelines and the survey itself now, while there is attention on the subject.
 - d. Klein suggested that the DEI committee could suggest some questions for the survey before it disbands in December.
 - e. Chambers noted: writing good survey questions is not a casual undertaking.
- 4. Proposed addition of DEI to the duties of a unit administrator in FM, Part IV, Section I: Academic Units.
 - a. Popke expressed a reservation: this section of the FM defines an administrator's function, not duties. If we want to define duties in the FM, they should go under the specifications for unit codes.
 - b. Popke expressed a second reservation: chairs are tasked to assign duties in such a way as to advance the mission of the unit and university as a whole. Equitable distribution of duties is not guaranteed, and would likely fail legal muster.
 - 1) Chambers and Roper expressed skepticism about a legal impediment. We need to consult OUC.
 - 2) Chambers added: equity is, in fact, a legal requirement.
 - 3) Roper noted: there is documented inequity in the start-up funds awarded to men and women, and in the amount of service that men and women volunteer for and are assigned.
 - 4) Altman asked: how will we manage compliance when a chair's mandates conflict with each other?
 - c. Gomez: my department resisted the creation of an additional DEI committee, on the grounds that they were already accomplishing DEI goals within the existing structure.
 - 1) Roper: even if there's not a DEI committee, requiring DEI in various part of a unit code will advance the university's DEI goals.

- 2) Martínez: if we want to have an impact at the unit level, we need to focus on the parts of the FM that people actually read: evaluations, duties of chairs, tenure and promotion.
 - d. Wilson-Okamura: last year our committee took the position that the FM specifies the structure of unit codes, not the content. If our position has changed, can we articulate why?
 - 1) Roper: we need to have a way to exclude white supremacists and Nazis from tenure. Chambers interjected: that seems to intrude on academic freedom. Roper clarified: the real issue is how faculty members treat students, not what they believe.
 - 2) Popke: I can see the need for mandating a DEI section of unit codes, but we need to leave the content of that section undefined.
 - 3) Chambers: the changes proposed here put chairs on notice that they are responsible to positively affirm DEI.
 - 4) Roper added: affirmation might seem subjective, but that quality isn't unique to this proposal; for example, requirements for tenure have lots of subjective criteria.
 - 5) Gomez, though, resisted the proposed requirement that chairs create a certain kind of environment or atmosphere, noting that the terms are vague and open chairs to nonspecific criticism.
 - e. Ingalls: another document we should consult is the template and guidelines for writing unit codes. UCS relies on this text as much or more than the FM text.
 - f. Roper stated and Ferguson reiterated: adding this language to the FM would help USC to make expectations for DEI uniform when units resist (as one has, recently).
5. The committee agreed to resume its discussion of these issues on December 2.

V. Adjourned at 5:06 pm.

Respectfully submitted, David Wilson-Okamura.