

EAST CAROLINA UNIVERSITY  
2021-2022 Faculty Governance Committee

MINUTES OF MEETING DATE: September 22, 2021

ATTENDANCE

PRESIDING: David Wilson-Okamura

REGULAR MEMBERS (X IN ATTENDANCE):

Stacey Altman X, Cynthia Deale X, Edwin Gomez [absent],

Jay Newhard X, Anne Ticknor X, Mark Bowler x, Michael Schinasi X

EX-OFFICIO MEMBERS (X IN ATTENDANCE) (with vote):

Crystal Chambers X, Wendy Sergeant X, Mary Farwell X, Purificación Martínez X,

Dave Thompson [absent], Lisa Hudson, X

OTHERS IN ATTENDANCE: Rachel Baker; Linda Ingalls, Amy Bright

I. Call to Order, 3:00 pm

II. Minutes

9-8-22 meeting minutes were approved.

III. Business of the Day

1. Consider **revising** Part VIII.I.VIII

to better reflect the Records Retention policy (see Memo and Part VIII.I.VIII folder). (Amy Bright has been invited to answer any of our questions.)

- University Records Manager, Amy Bright, spoke to the committee about PAD guidance in the faculty manual –Records Retention Schedule Series 10-39
  - Amy says dossiers should be returned at the end of the decision process and that the issue is two pronged. Any materials faculty members submitted should be returned to the faculty member--can keep a copy, but original should be returned
  - There are multiple copies of the PAD
  - Suggests that language changes are needed to specify that materials should be returned
  - Need consistent language
- Wendy Sergeant says they do not keep PADs unless there is litigation
  - They only keep extracted documents like the decision and some other items and these are placed in personnel file
  - ECU is now using teams, electronic PADs are stored on One Drive
  - Language in records retention schedule states that documents should be returned and Academic Affairs returned the paper version of the PADs to units

- Dr. Martinez previously authorized changes in wording in part 10—Rachel Baker was given permission to make editorial changes—simply refer to part 8, but there still has to be explicit information and instructions about what is in the PAD and to be returned to the faculty member.
  - Amy Bright agreed, but thinks that there need to be some changes in language – there is a conflict.
  - Martinez thinks the focus needs to be on part 8. She remembers that a case for tenure that at that time immediately after decision, the PAD was returned to the faculty member –and at some point, it changed so that the PAD would not be returned to the faculty member.
  - AA and Health Sciences --both are doing the same thing that Wendy explained—they retain certain documents/parts, but for closure of the PAD, the unit admin will download the PAD and keep it in the dept/unit pirate drive
- Amy Bright thinks that the changes are fine.
  - There needs to be a policy about the PAD when the employee is no longer an employee of the university—not a good idea to have a virtual PAD in that case
- Wendy Sergeant noted that she is not sure about comment about faculty member not being able to see some things in the PAD, but they can.
  - She noted that they decided to preserve the full PAD so that the faculty can retrieve it
  - When Interfolio gets up and operating we will use it. Now we are trying to get by –this is not going to be the process forever
- Amy Bright noted that she uses teams for a lot of secure things
  - Dept./Unit does not need to hang onto the PADs—need a conversation to inform unit heads
- Mark S. noted that dossiers are returned—things are being stored indefinitely—the policy says destroy after 2 years regardless of format—so retaining items digitally for more than 2 years is against the policies—
- Amy Bright noted that it means the 2 years once the record becomes inactive
- S. Altman asked if the faculty manual is the correct place for this or would PRR be better.
  - She thinks the section needs a good rewrite. It seems to be very selective. There seem to be a lot of gaps.
- Amy Bright noted that the software being implemented may change everything so working on this now might be redundant
- David W-O noted that the software is changing, and we don't want to keep rewriting these guidelines.
- Wendy S. noted that we can make changes very general to satisfy record retention. We can clean up this particular area if it just requires a bit of editorial work.
- Amy Bright noted that is very much in compliance about what needs to be kept. Her biggest issue is the PAD issue. She is happy to work with anyone to revise and implement policies to bring the policies into compliance and if there are other pieces that we think are missing she is happy to consult on those as well.

- Linda Ingalls thinks we have to distinguish when decisions are made and when that action is no longer appealable or in a stage of grievance or review. She said that they have had to go back 10 years with regard to a federal lawsuit for not only the individual litigation but also for those of others—as they were comparing the faculty member against others. The policy needs to be thought about as we go forward. Format—paper or electronic—does not matter—some records that are part of the PAD will need to be accessed as part of the appeal process. We need to think about this as we make revisions.
- Amy Bright noted that when she says active vs. inactive that a faculty record is active until a grievance is completed when they are employed. If we have destroyed records according to the policy and if we are meeting our legal obligations, then we are not liable if we do not have those documents.
- David thinks we need a subcommittee. Stacey and Wendy have expressed interest. He asked if this is this something we want to tackle in fall or spring?
- Lisa Hudson volunteered to be on the sub committee
- Wendy noted that language changed in part 10 editorially, but nothing in part 8 was changed.
- Mark S noted that it seems like it could be a “snap fix.”
- Altman notes that we need to work out timing.
- David said to focus on what depts/units need
  - He suggested that the subcommittee should get together with Amy Bright to figure out what we need to tell unit chairs for this upcoming cycle
- More on this issue:
  - PADs are now in Teams and are sitting in Teams until spring semester –February of 2022
  - When a decision is made, PAD is returned
  - Only when there is a grievance the PAD is held for a faculty m to choose if they want to file a grievance
  - If AA hears a grievance, if a grievance is filed, the PAD is frozen until litigation
  - If there is no grievance filed, then PAD is returned to unit to return it to faculty member
  - If legal counsel gets PAD to represent, do not know what they do—not sure—can be a conversation with them
- David noted that this sounds like something we do not need to do in next 2 weeks.
- Amy Bright noted that it is really what happens in February
  - PADs all in teams unless there is an ADA accommodation
- David thinks this might be something for the subcommittee for the spring
- Puri—reminded us that we need a formal motion to form a sub-committee.
- David made a charge to the members—this group is to develop 2 documents—one with information to distribute to units and a second with what changes need to be made to the faculty manual. David noted that we agree we do not want to make small changes –we are changing software
- Motion—carried—consider yourself charged—sub-committee--Altman, Lisa, .etc.

2. Review process for dealing with edits requested by chancellor, with possible revision of FM Part II, Section III.

- David has trepidation about this item. He noted the following:
  - What happens to policies in FM when they go to the chancellor, counsel, etc. and was revising process and there is one brief description of what happens but there is more detailed description for PRR.
  - Why is process more spelled out for PRR?
  - Should it be the same for FM and PRR?
  - Committees making recommendations directly to chancellor -Why do we have separate ways between PRR and FC?
- Puri noted that an internal auditor indicated that university policies needed to be consolidated and easy to find in one place. The proposed change from admin university will adopt policies like NC State to have PRR—NC State does not have a faculty manual
  - Faculty senate did not think it was acceptable for shared governance practices
  - They negotiated complete reorganization of FM and many sections taken out and put into university policy manual
  - FM had many sections revised
  - Appendix C and L became Part 8 and part 9
  - A result of reorganization
  - There was as an agreement that the policies in the university policy manual needed to be vetted formally by faculty senate
  - Faculty senate committees answer to faculty senate—no doubt
  - Sending something that is a draft of Academic Council for feedback
- Mark commented that he trusts our current faculty officers, but he would like to see some kind of report made saying we let this go forward-- it seems like there is a gap
- Puri noted that changes are accepted by faculty committee and then reported to faculty senate
  - The chancellor sends changes to the committee then, if they are editorial, and the faculty senate says editorial changes are ok if committee says no that they need to do more work , then faculty senate has to approve any changes
- S. Altman asked--why not adopt more of the NC State approach? But she is not supporting it because of what it does to shared governance. She asked what process will change it for the better?
- David asked--is this a level of detail we don't need in the faculty manual?
- S. Altman says that we probably do need it
- Maybe committee needs to be proactive

- Wendy Sergeant asked --do you think if the committee drafts policy at that last meeting maybe that's when you invite legal counsel to see what is and is not going to be problematic therefore, the committee engages with experts?
- David noted that everyone wants to feel that practice would be good to include academic council at the drafting stage.
- Jay noted that it is recommended practice to meet with academic council.
  - He remembered--Something passed overwhelmingly in committee rejected by the senate
- David- noted that the committee is not at a point to add or revise language—and suggested putting it on side and could pick it up later in year

3. Review the additional edits requested by the Chancellor for Resolution #21-41, Revisions to ECU Faculty Manual Part VIII.I Personnel Policies and Procedures for the Faculty of East Carolina University.

(Note, in particular, the requested changes to contract terms.) The outcome of the committee's review will be **formal advice** to the Chancellor.

- David asked--How do we respond to chancellor's recommendations about fixed term faculty titles, etc. ?
  - The committee worked on it last spring, senate passed it and chancellor came back with lots of suggested changes
  - How should committee consider giving formal advice?
  - What are general impressions?
- Mary Farwell asked a general question—who are the people making the comments?
  - It was noted that many were by Meagan Kiser—legal counsel
  - David—noted--Assume changes initiated by legal counsel
- Linda Ingalls noted that she initiated some of the changes
- Mark noted that we need to clarify original changes and the back to committee changes—not sure how to tease this all part
- Linda—clarified what she knows—that several of the ones in blue are comments/changes she made .The red came to the chancellor from senate and the Strike through—were faculty senate revisions
- David started to go through the manuscript
  - Thoughts on first page—seems to look good
  - Change about research by C. Daniels considered good (in blue font)
- David W-O noted that the chancellor asks us to say “may” consider a multi-year contract instead of “should” as committee had suggested. There was much discussion about this point:
  - Mary Farwell thinks it is a liability issue.
  - Anne Ticknor noted that it aligns with budget issues.
  - David W-O says it should be considered and budget issues are considerations.
  - Mark B says that if should is used then it could be litigated.

- Jay noted--that explains why change was made but does not justify it. Schinasi—believes the term “may” too weak and believes that they should be considered. Thinks a strong fixed term faculty is important.
- Altman noted—from a chair position—thinking about language used—perhaps units are not doing the right thing—for a long time there was a cap and now there seems to be a shift in culture and people want to apply for an advancement in title.
- Mark S noted—amount of work going into doing contracts every year is a lot—could benefit from multi-year contracts. I think admin should work to get us the funds. There should be some kind of process that they are getting the consideration—he feels strongly about keeping the word “should.”
- Altman—clarify position coming from 15 out of 40 are fixed term and maxed out multi-year for all—can see that this could be a bigger issue for other units. David—foreign languages did not get any multi-year contracts. I don’t think this is at the dept/unit level, but is above that .
- Michael S. noted—I don’t think we have a single one on multi-year contract in foreign languages.
- Mark noted—protecting fixed term critically important. Not sure FM’s role.
- David thinks that it is of concern to legal.
- Jay thinks people will turn to FM. A thought—this faculty member deserves it—but could say budget issues could prevent it so one sentence might be all that is required.
- Lisa—so do we know if the word “should” is taken out for a legal concern or is that a thought?
- David notes that Meagan Kiser from legal counsel does provide input in the document and recommends the word “may.”
- Altman--perhaps the term develops a sense of continued employment.
- Wendy noted that this really is a discussion between the unit/ dept. chair and dean—this happens at the college level
- David asked-is there a # of contracts the college gets?
- Wendy thinks it is up to certain amount, but it is not set by a quota by unit—it is at an aggregate level
- Hudson noted—we have a lot of fixed contracts in health sciences.
- Michael S wonders if there is any statistic about the cost to university of one year contract? One year contract is incentive to leave the university—for example, in foreign languages If we cannot do a search around the country, we have to do the search in Greenville and it becomes difficult.
- David noted—there is an issue of fairness and recruiting and an issue of overhead and what it costs the university

David called for a straw poll to keep the wording as ‘should’ (vote=yes) instead of changing it to “may” (vote =no). Seven out of nine were in favor.

- David noted that there are some other areas with “should” and asked if there are any other areas to talk about?

- Mary F noted that several fixed term faculty members in biology do research in addition to their teaching , this wording almost removes research —she is concerned about this issue
- Michael noted that the issue of fixed term faculty and research came before research/creative activities award committee—can we consider fixed term?- and they can—so wouldn't it be hypocritical not to be able to consider it for fixed term?
- Mary noted that for the fixed term part that starts “ Engages in professional development, etc.” ...and thinks that we need to add research
- Linda—noted that she understood what Mary was saying and believes that there is another paragraph that gives the opportunity and recognizes the value of research/creative activity for fixed -term---is that not sufficient? She said that she knows that there are other places in part 8 where that is mentioned.
- David raised a concern that there would be too much—for example, a faculty member on fixed-term teaches 8 course a year and wouldn't it be nice if you published an article every 2 years, etc.
- Mary thinks not including research in the section does a disservice to those fixed term faculty members who do engage in research/creative activity
- Altman noted that expectations when not written into the contract—is it even possible to change it?
- Wendy noted that in the existing FM there is another classification for fixed term—we do have research fixed term faculty
- Mary noted that that was not what she was referring to
- David noted that we could send advice back to chancellor for more language as David drafted something . He noted that we also want to look at some of these issues and we could thank the chancellor and suggest that contract language for fixed term faculty be strengthened .We might add something about finances. Need to change the way we think about fixed term—think of 44% of university FTEs as assets as well as chains. Show dedication to those who show dedication to us . David then asked—do we send something back to chancellor or to senate?
- Crystal noted that she is comfortable taking it back to chancellor
- Jay noted-if we send this back should we explain why we want to change it back?
- Stacey Altman moved to send what David drafted back to the chancellor to move the conversation to action on it in one way or another. Altman noted that they had as many people on multi-year contracts as the rules allowed and understood that other units in HHP have been operating that same way—The motion was seconded .
- Crystal noted that about getting IPAR Report on the impact of the change of librarianship from tenure track to fixed term—from 2008 reasoning that we would be nimble
- Linda Ingalls made a couple of observations...
  - Question about how would interpret—” expected, finances permitted” What is the power of that phrase? Perhaps not willing to

commit to 5 years –that is found in some unit codes What if there were other reasons that length of time could not be approved How strongly does governance believe that the language ?

- David observed that this is something we need to do carefully. I think we ought to take this up again at our next meeting and some people should work on improving a draft of formal advice—all agree
  - Crystal—noted that I think we can create an early promotion process
  - David—asked--who would work on this?
  - David asked Crystal and can we send Linda a draft—and she said yes—she is trying to help us do the best we can do

#### **4. Prioritize business items, form subcommittees.**

- Sub-Committees were formed:
  - Records—Hudson, Altman, Sergeant
  - Apportionment –Puri Martinez, Crystal Chambers
  - Fixed term committee (be on personnel committees & marshals)—Crystal, David Wilson-Okamura, Mary Farwell
  - Dept. eval and workload –Mark Bowler, Anne Ticknor, ask Ed Gomez, Stacey Altman,
  - Personnel policies—Crystal Chambers, Jay Newhard
  
- David—moved to adopt sub-committees
  - Members consider items they have been charged to consider
  - Communicate with David about reasonable timetable
  - Seconded by Mary F
  - Wendy noted that Beverly King pulled some information to help with apportionment
  - David called for a vote--All in favor no opposed—motion carries
    - Also noted that Committee Files are in Teams—ask Rachel if you need something

III. Adjourned at 4:57 p.m.

Respectfully submitted by Cynthia Deale