

EAST CAROLINA UNIVERSITY
2021-2022 Faculty Governance Committee

MINUTES OF MEETING DATE: October 13, 2021

ATTENDANCE

PRESIDING: David Wilson-Okamura

REGULAR MEMBERS (X IN ATTENDANCE):

Stacey Altman X, Cynthia Deale X, Edwin Gomez X,

Jay Newhard [absent], Anne Ticknor X, Mark Bowler x

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

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

Dave Thompson X, Lisa Hudson, X

OTHERS IN ATTENDANCE: Rachel Baker; Linda Ingalls

I. Call to Order, 3:10 pm

II. Minutes

9-22-2021 meeting minutes were approved.

III. Business of the Day

1. The Faculty Governance Committee needs a volunteer to represent the committee at monthly meeting with faculty officers? (Committee Chair David Wilson-Okamura has another meeting on Tuesday afternoons.)

- Mark Bowler will represent the committee.

2. Add Martínez to fixed-term subcommittee? (She was not present to volunteer earlier.)

- Puri Martinez was added to the fixed-term sub-committee.

3. Advise Faculty Chair Martinez on tenure voting, quorum.

- George Bailey asked about what constitutes a positive vote for promotion. A majority vote is an issue between parts a and b of the faculty manual.
- Need to ask permission of the provost so that requirements of a are the same as b for Part IX.I.IV.F.2

- David Wilson-Okamura (W-O) noted that, in general, interpretations, should clarify existing rules rather than introduce new ones. It would be simplest is to restate and apply Robert's Rules of Order
- Mark Bowler (Mark B.) agreed as there is an issue because an abstention is a negative vote here
- Puri Martinez (Puri M.) noted that a and b are not talking about anything at all...
- Ed Gomez (Ed G.) noted that this would be more consistent with other UNC system protocols
- And Mark B. asked --what does it mean to be an interpretation? Does it need to be rewritten?
- Puri M. stated that —No —it could be done between Chair & Faculty Chair—sections of the Faculty Manual need to be addressed. The last time, before 2017, the last interpretation was done about external reviewers.
- David W-O noted to Mark B that rewriting might be something that can be taken up this spring; in the meantime, an interpretation allows us to handle current tenure and promotion cases.
- Mark B. noted that he was not thinking about t & p right now and the length of time it would take
- Puri M. noted that she felt that it was important that Faculty Governance Committee was made aware so that when she talks to the provost that the committee has been made aware of this item.

4. Formal advice to chancellor on fixed-term contract recommendations.

- David W-O noted that issues came up regarding fixed-term term titles and contracts and we need to consider contract length recommendations. At our last meeting the consensus was that we wanted to come back and strengthen the recommendation for contract length recommendations. He went back to the original document and read over all comments for the chancellor and did a couple of things. He standardized the language of all recommendations: “a contract of x years should be considered.” Also inserted a note that adequate funding is there. (This was suggested by Linda Ingalls.) The committee considered 5 years as the length of a contract, but that might not be what a unit/depratmenrt wants. His goal is to get something passed. The revisions seem to have a better chance of being approved by the chancellor. One thing he is hoping to get from Lisa Hudson—is how much clinical revenues contribute to the university
- (NOTE: Later, Lisa H. noted that she will get the information in about 3 weeks about the amount of clinical revenues, noting that 251 of Brody faculty are fixed term which is 54-55% of the faculty).
- David Thomson (David T.) noted that a couple of years ago ECU was asked to transfer 6-8\$ million just to the athletics dept—that did not happen ultimately...but it is a substantial amount of money. It was a substantial amount of money, but it was not differentiated between tenure and fixed term.

- Puri M. said that she spoke to the Dean of Body and was told that the majority of income comes from clinical faculty. For example, consider ECU physicians
- Crystal Chambers (Crystal C.) asked if we can say approximately ½ of income is from clinical faculty, noting that 54% of Brody faculty are fixed-term and just based on that over half of the revenue could be from the clinical faculty
- David W-O noted that another argument – came from Jay Newhard. Jay pointed out that all UNC system schools are subject to statutes that require hiring and promotion not to be arbitrary and capricious. He thinks that the word “should” would make less vulnerable to litigation rather than use of the word “may.” W-O, though, is worried that if we say that then OUC will take out “may” all together and take out all reference to contract length. What do people think about Jay’s recommendation?
- Stacey Altman (Stacey A.) liked what Jay said, but wondered if it is needed? She noted that it seems like the feedback supports it already.
- Mark B. noted that he likes it but thinks that we need to stay in our wheelhouse and make it more academic, if it is not perfect it may de-value other parts, if we bring in a legal argument it might undermine other things that we want to do.
- Dave T noted that he thinks that as for the words should or may—either one works. He also noted that we have to make sure that people who are committed can get longer contracts. Somehow, we need to figure out a way that makes it happen.
- C. Chambers noted that the word “may” is permissive and “should” is normative; we have not said “shall”, which is imperative. She noted that “may” gives more space to be wishy-washy. She likes Jay’s argument ,such as the way we get faculty lines, etc.
- David W-O asked if there were any other comments and there were none, so he noted that it sounds like are ready to move on
- Puri M asked if David W-O would be willing to set up meeting with the Academic Council (AC).
- David W-O noted that what we could do if you think AC is willing to meet with us, maybe our committee could approve to vote to approve this as our position to bring to AC
- Stacey A asked—what is the evidence that a contract has been considered.
- David W-O noted that it could have a one sentence statement. For example, we considered this but did not have adequate funding or questions on the record, etc.
- Linda Ingalls (Linda I.) observed that we might consider if the provost and VC for Health Sciences wanted to consider putting into the instructions/guidance to units some sort of statement for them to indicate just what you said...we considered a contract length of 5 years, but because funding is not secure, student credit hours are declining, etc. we selected to go for 3 years at this time. She noted that there is a slight nuance -you have got to be careful with that justification. One—fixed-term faculty do not have a right to be considered for another appointment. They do not have the rights of probationary faculty. For that reason, she said that she would be careful—there is a nuance on the statement ...

- Puri M. noted that this was coupled with part IX last year...and now she will have a little more time to work on this...etc. Part 8 and part 9 together will show you how that should work together.
- David T. noted that the language is nice so if I get a 5-year contract and funding dries up, university owes me a 90-day notice...some of the wording becomes redundant.
- Ed G. said that he agreed with David T. He noted that we already added if adequate funding exists so that takes care of that de facto...it's not like this decision will be made without checking with the personnel committee-- the "PC memo" ...
- David W-O noted that in his experience it varies by unit: some personnel committees give input on contract length, but it is not required by the Faculty Manual.
- Wendy Sergeant (Wendy S.) noted that we need to clarify it.
- Lisa Hudson (Lisa H.) noted that the faculty manual states that if faculty are going to resign, they need to give a 90-day notice and that fixed term contracts have changed and basically provide language in them that allows university to terminate contract immediately. The 90-day notice is not in our contracts now—can immediately terminate fixed-term faculty.
- David W-O noted that he is very concerned about the new contract language that was introduced last year. I don't know if they fall under our committee's charge, however.
- Puri M. said that AC is willing to engage in a conversation about contracts
- Crystal C. noted that she would be willing to see what academic counsel at WCU has to say about the language
- David W-O said to add this to the fixed term sub-committee and loop Crystal Chambers in and see how we can move that forward. Then he asked --Does this committee simply want to share this advice draft with the chancellor or with AC and share any issues with them?
- Crystal C said to share it with Academic Counsel . She noted that as soon as we share it, the conversation is going to change.
- David W-O offered a motion that the committee will authorize two members, David W-O and Puri M.to share this document with the AC as a statement of the committee's deliberation and thoughts about the topic the share with the AC.
- Ed G.—seconded the motion.
- The motion carried.
- Puri M. thanked the committee and noted that it is very important to her.
- David T. noted that he thinks that his department generates about 15\$ million in clinical revenue
- Lisa H. noted that she will get the information in about 3 weeks about the amount of clinical revenues, noting that 251 of Brody faculty are fixed term which is 54-55% of the faculty (see this comment placed under the earlier discussion as well).

5. Expand eligibility of faculty marshals to include fixed-term faculty members?

- David W-O state that currently faculty marshals have had to be tenured faculty members and yet we have fixed-term faculty with many years of teaching. We have done much to expand their faculty roles so they can serve on most committees and vote on unit codes. The change is in the spirit of acknowledging the role of fixed-term faculty by simply removing the term “tenured.”
- Ed G. agreed and does not see a problem with fixed-term faculty serving as faculty marshals.
- Crystal C. liked the ideas and noted that this is probably the first perk. This is actually a space for being recognized and she looks forward to seeing fixed-term serving as faculty marshals.
- Rachel Baker (Rachel B.) expressed concern over getting one part to be accurate. She noted that the Vice Chancellor of via Human Resources does not in fact calculate seniority, as it says in this section of the Faculty Manual.
- Wend S. noted that she agreed.
- David W-O asked if it would it solve the problem if we deleted the sentence?
- Rachel B. noted that yes or we could change it so that it notes that seniority determination is made by consulting a personnel report.
- Lisa H. noted that when HR creates the list to verify that they are in good standing, we could reach out to HR offices in the division.
- David W-O asked if anything else was needed to make it cleaner.
- Then there was a move to approve it.
- The motion was approved—the amendments carry.
- Rachel B. stated that she will put it on the agenda for the next meeting for faculty senate and Mark Bowler will present it.

6. Report from Records Retention subcommittee (Sergeant).

- Wendy S. —noted that ere were two documents in teams regarding this item. She noted that there is the closeout of the electronic PAD (e-PAD)- and that we need to get something out to chairs about how to close out electronic PAD for record retention. She noted that we will tackle the memo first since we are in the e-PAD process. The subcommittee added detail for the closeout process for e-PADs. She went line by line—all of the words in red are proposed to add to memo. It is very clear about what happens at the division level and about the extender/a paper copy...listed out what needs to go in personnel file, etc.
- Crystal C. asked--division reps—what does that mean? Is it clear?
- Wendy S. provided an overview of the sections of the memo.
- - The memo includes what goes into a personnel file for tenure, promotion, and reappointment, etc. and identifies how and where an e-PAD should be copied, downloaded, and shared. It also indicates who divisions and unit administrators will handle e-PADs, including providing a copy to the faculty member before

deleting a PAD, and the process that they will go through before deleting one. Please see the memo for details.

- Wendy S. noted that we should not be keeping various copies of an electronic PAD once a closeout process has occurred. She noted that a unit administrator deleted a PAD and we do not want that to happen again. If we are maintaining copies, it would make us custodians and we should not be doing that. However, if the unit admin. still has the e-pad in their possession, the unit admin. can provide the faculty member with an e-PAD.
- Wendy S. noted that according to Amy Bight the process should stop at #6. However, some units might not be thrilled with that so in that case we added #7.
- Wendy S. can answer questions and contact Amy Bight if we have more questions.
- Anne Tichnor (Anne T.) asked are we using “format” for a reason? It is not in the faculty manual. There was a brief discussion about the use of the term “format.” Initially the thought was that it was in the title of the document.
- Stacy A. noted that it feels like there is still some sense that the risk involved in not having that copy may make people nervous. Amy is from perspective of the record retention schedule. Would it be useful to run it by OUC to see what their sense of it is?
- Wendy S. noted that this process is really to get us through teams until Interfolio is up and running. We need #7 so there is not an immediate deletion from the share drive
- Anne T. noted that the file name has format in the title.
- Linda I. noted that the actual title of the document is Part X, Section 1 is the Cumulative Report of Reappointment, Promotion, and Tenure.
- David W-O noted that probably we can delete “format.”
- David W-O also noted that having a copy of the PAD could be essential for later situations,-for example a PAD could be used for tenure, but then could be useful to look back at for promotion.
- Ed G. asked if we still have to have hard copy three ring binder PADS. He does.
- Wendy S noted that we do not have to have hard copies of PADS, only for ADA purposes.
- Ed G. noted that he thought the memo is pretty good and does not have an opinion on #7.
- Wendy S. reminded the committee that this is just a memo about closing out e-PADs.
- David W-O asked what is the next step?
- Wendy S. said that the next step is editing and—do we want to have #7 or end with #6? She went through the memo again. She noted that after tenure promotion a unit was keeping the PAD and we are not sure when the faculty member got the PAD back. Amy Bight’s concern is what did the unit do? She is thinking PADS were never returned to faculty when they left the university.
- There was a discussion about the use of the PAD and whether it was for reappointment only or for any personnel action and Wendy S. noted that these are two different actions. For promotion must be published in cumulative report.
- David W-O noted that if someone published something that already counted for tenure that you would only now this by seeing the PAD and not the cumulative report.

- Linda I. agreed with David. She had a question about the period of appeal. This process—where does it fit? Somewhere there is a full document for the appeal process that the university has access to for the appeal.
- Wendy S. noted that there is a 20-day period for the old period to make sure a grievance would not be filed. She also noted that the closeout process is long.
- Linda I. noted that she thinks that there is enough newness about this process and recommended to maintain #7. She also noted that this entire process will be revisited when Interfolio is the process.
- Wendy S. agreed with Linda. Also, in her opinion #6 about unit admin. and #7 could be a little stronger.
- Crystal C. agreed with Linda.
- Stacey A. agreed with Linda and thinks it (the memo) reflects a sense of the sub-committee, which is primarily made up of individuals who have a lot of experience with record keeping as well.
- Ed. G added that he benefited from having previous PADs in his unit. It gave him some historical knowledge of TPR.
- David-W-O wondered if we could make it clearer that unit administrators should retain copies of the PAD until the faculty member leaves the university.
- Crystal C. wondered if there is a way to retain a PAD for a faculty member that is promoted but is not to full professor yet. She knows that the Center for Faculty Excellence was looking for exemplary PADs from units across the university that would be kept with permission from faculty member. This helps with institutional memory and helps faculty members.
- David W-O noted that he thinks that units need to hold onto the PAD as long as there might be a possible use.
- Wendy S. noted that she was editing #6 such that unit admin. will notify division. Please see her new “edits” to the memo.
- Mark B asked, isn’t the purpose of this that we are supposed to be destroying the documents? The rules are pretty explicit that units are not supposed to be keeping these documents.
- Wendy S. noted that Mark was right. With paper PADs...this is language that Amy Bight thought would happen but understands that we have a new electronic process. Once a faculty member leaves, we should give a copy to faculty member and destroy e PADs ...they are in teams now and we are moving to Interfolio...figuring out how to destroy a PAD when a faculty member leaves university.
- David W-O noted that we want to distinguish between after promotion and tenure and after an employee leaves. He does not have a problem with Academic Affairs holding on to a PAD as long as it can still be accessed for personnel actions.
- Chambers provided a link to the [2021 UNC System Retention and Disposition Schedule \(ncdcr.gov\)](https://ncdcr.gov/2021-UNC-System-Retention-and-Disposition-Schedule) Quick check—official proceedings litigious or is it other procedures [2021 UNC System Retention and Disposition Schedule \(ncdcr.gov\)](https://ncdcr.gov/2021-UNC-System-Retention-and-Disposition-Schedule)

- Wendy S. provided alternative wording/new wording in the chat:

6. The unit administrator will notify the division representative once step 5 is complete. This will prompt the division representative ~~and the unit administrator~~ to delete the backup PDF of the full PAD. The following materials will be placed in the division office personnel file for promotion and tenure actions: recommendation memo(s), cumulative evaluation narratives, the Personnel Action Summary Form, the **ECU Cumulative Report for Reappointment, Promotion and Tenure**, and the external peer review letters. The following materials will be placed in the division office personnel file for reappointment actions: recommendation memo and the **ECU Cumulative Report for Reappointment, Promotion and Tenure**.

(PROCESS SHOULD END HERE)

Amy Bright did say that if the dept really wants to maintain a copy, then step 7 should be completed. However, she was concerned that keeping the E-PAD at step 6 will then make us custodians of the E-PAD and we shouldn't be in that role.

7. Once the faculty member, departs the institution ~~If the unit administrator still has the E-PAD in their possession upon the faculty member's departure,~~ the unit administrator will provide a copy of the PDF to the faculty member and delete the backup PDF of the full PAD from the shared drive.

- David W-O asked the other sub committees to let him know what they might have for next meeting discussions, etc.
- Wendy S asked if we are ok with cleaning up memo and sending it to Puri M and the group and she can have the conversation.
- Motion from Wendy
- Motion seconded.
- Motion approved.

IV. The meeting was adjourned at 4:59 p.m.

Respectfully submitted by Cynthia Deale