

EAST CAROLINA UNIVERSITY
2021-2022 Faculty Governance Committee

MINUTES OF MEETING DATE: October 27, 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_

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, Amanda Williams, Linda Ingalls

I. Call to Order, 3:10 pm

II. Minutes

10-13-2021 meeting minutes were approved.

III. Business of the Day

1.Request from Brody School of Medicine to make unit code changes required for reaccreditation prior to completion of its regular 5-year code review.

- David Thompson (David T)—noted that the Brody School of Medicine went through accreditation and some changes were needed, and also changes were made in the faculty manual and the Brody unit code had not been changed in 5 years. A list was put together of issues related to accreditation and the faculty manual, to try to be as comprehensive as possible. Some things in the faculty manual are issues that have people very concerned. He proposed having Brody enact a code reflecting the changes required for accreditation now. Then in the future, there can be an open discussion about how to align the code better with the faculty manual.
- Lisa Hudson (Lisa H) —noted that the changes were non-controversial. The changes that got the faculty concerned were not related to the faculty manual; they were changes related to being in compliance with how Brody is operating. This part is actually silent in the faculty manual. In order to get the changes in order for the accrediting body, in addition to SACS, we need to act quickly to get the three little changes made so we do not lose accreditation. We acknowledge we also need to make changes required by the faculty manual, plus others not required by the faculty manual.

- Puri Martinez (Puri M) stated that David T and Lisa H covered it. She sent the memo to the committee and noted that this has been a process of negotiation from when faculty expressed concerns. Brody needs to do two things:

1. Respond to changes required by the accrediting body in a timely manner by August
2. Revise its code to be in compliance with the faculty manual.

This two-step procedure was suggested by Laura Ingalls, who cited previous precedent.

Immediate action is required. If the committee approves, she will make a recommendation to the chancellor, with an understanding of what is going on right now. She has every expectation that there will be a complete revised code by June. There is a regular meeting of Brody in November, and they can approve the three changes and proceed to make the additional revisions, as regularly scheduled. This two-part procedure allows acting quickly when it is needed and using reflection when reflection is needed.

- Linda Ingalls (Linda I) endorsed this two-step procedure.
- David Thomson (David T)—noted that the current code states that faculty members have to be tenured or the tenure track to be a chair. However, right now, Brody has a fixed-term faculty member as a chair. We need to make the changes for accreditation and then take time to have a serious discussion about how to make all of the other pieces fit together. He encouraged us to say yes to this and we can work out contentious points at a later date.

Linda I noted--if the committee recommends this, then Puri will forward the recommendation to the chancellor. When the chancellor approves the request and then Brody makes the changes needed that then the chancellor's approval will need to say something about approving the amendments and that any parts of the code not in compliance with current policies will be revised and approved at a later date. Therefore, there will not be the approval of anything out of compliance with the unit code.

- David W-O moved that the committee recommend that the chancellor approve Brody's request.
- Stacey Altman (Stacey A) seconded it.
- The motion carried.
- Puri M said she is going to communicate with the Dean of Brody and unit code chair and Vice Chancellor for Health Sciences and the faculty governance committee, to let them all know that it was discussed and recommended.
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2. Reports from Subcommittees

A. Apportionment (Chambers, Martínez)

The sub-committee has not met yet, but has some items to address. They will get together to work on the items.

- Crystal Chambers (Crystal C) noted that Brody is underrepresented, and it is difficult to get faculty involved.
- David T noted that medical schools historically have close to 1000 faculty members, if you include the affiliates, etc., and some are clinicians who do not do a lot of academic work, he does not think we need to expand representation dramatically
- Crystal C—noted that she is concerned about those one code colleges.
- Puri M noted that we need two readings
- David W-O asked --realistically when can this committee discuss this issue?
- Puri M noted that maybe during the meeting after the next one we can discuss this issue.
- She noted that Rachel Baker has a list of the full-time faculty list
- Crystal C and Puri M inquired—do we need Beverly King to talk to us?

B. Fixed-term faculty (Chambers, Farwell, Martínez, Wilson-Okamura)

- David W-O noted that the sub-committee has emailed and there has been language recommended. The language regarding fixed-term marshals has been approved. They are still discussing fixed-term contracts. They will be discussing the language with Academic Council. He noted that we also have language ready if unit codes permit—they can serve on personnel committees. This all should probably be part of a larger package for Part IX.
- Puri M noted that she has been working on this for over a year and expects to have a draft for the subcommittee soon.

C. Records Retention (Altman, Hudson, Sergeant)

- Wendy Sergeant (Wendy S) noted that on 10-25-2021 a memo went out to the faculty about records retention. Next week the sub-committee will discuss revisions to part 8. Two meetings from now we may have something.
- David W-O asked if we have pieces that would be ok for the committee
- Stacey A noted that maybe we can present two drafts in two sections.
- David W-O said that he will pencil in the committee for the next meeting.

D. Departmental evaluations and workload (Atlman, Bowler, Ticknor)

- Mark Bowler (Mark B) noted that he sent an email to all department chairs to provide with their teaching evaluation and workload policies. He suggested that everyone should go to the departmental channel and take a peek at what different

departments/units do because the variety is amazing. Some departments/units have very detailed rubrics, some have none, and then there is everything in between. He will send out a reminder email and asked us to gently nudge department chairs.

- Crystal C provided a link in the chat about faculty workloads-- <https://facultyworkloadandrewardsproject.umd.edu/about.html>
- Mark B noted that at some universities there are different paths to tenure, but we do not really allow for that.
- Puri M said that the Faculty Assembly was recently shown a new policy for tenure, promotion policies at UNC Chapel Hill and we need to include these in our work.
- Crystal C: There is flexibility in Brody between clinical, tenure track, and non-tenure faculty, but that does not exist elsewhere on campus.

E. Personnel policies (Chambers, Newhard)

- Jay Newhard (Jay N) noted that the sub-committee is scheduled to meet tomorrow morning to talk about this and does not think this is a huge issue, but it depends on if the appellate committee has the capability to decide. He noted that they may have something for the next meeting, but it may take more time.

3.Revisit: Interpretation of Majority Vote for Recommendations.

- In response to an email from Professor George Bailey (Philosophy), David W-O asked the committee to review the official interpretation that it recommended last meeting. There were two issues, he said: —what are the best policies for voting on tenure? He said that this is something we can debate with integrity. Second, was the interpretation really a substantive change (as Bailey argued)? If so, he is concerned about the precedent.
- Puri M noted that Rachel B has done extensive research on the history of this issue in the Faculty Manual. For tenure and promotion, the rule that counted abstentions as “no” votes was removed by the senate after a long process of deliberation.
- She continued: The interpretation process is also quite deliberate, and will eventually require senate approval.
- She reviewed the reasoning for this interpretation: to make the rules for voting on tenure, promotion, initial appointments, and subsequent appointments uniform.
- Mark B noted that he does not understand what the continuing issue is and did not understand George Bailey’s email.

- Jay N noted that he has not spoken with Bailey, but he conjectures that there are potential problems applying this whether or not abstentions are considered or not, as in when faculty members neglect their responsibilities by not voting, etc. or when they could railroad something through with a quick meeting where some faculty members could not attend, etc. In Newhard's opinion, the change is substantive, not an interpretation. He suspects that we can handle this in a way to handle both types of problems
- Puri M noted that these are two separate issues. One is about the quorum—no vote can happen for any personnel action without a quorum. There is a different issue about when the attempt to meet is made three times without a quorum, then the vote is automatically against the faculty. In her opinion as a faculty member (not as the chair of the faculty), that rule should be changed.
- She noted that Part 9 needs to go through the UNC system. If we see part 9 areas that are problematic, then the only way we can address them is by interpretation. We cannot wait 5 years.
- For example, we needed an interpretation about external reviewers until we could establish it in the faculty manual. Maybe we can consider change in policy, but language about abstentions does not exist in the fac manual. It used to exist, but it does not exist right now. David W-O can confirm that.
- Jay N made just a quick point. He gave an example of attending a meeting and 4 vote for and 12 abstain and 3 vote against—for a total of 19—it is just that a very small portion of the tenure committee makes the decision.
- Puri M noted that when we get to revise part 9 that we should eliminate abstentions—and have faculty vote yes or no.
- Jay noted that his example was a picture of a dysfunctional department.
- Mark B asked Jay what is the way to go about this?
- David W-O showed the committee where this language about abstentions is still in the faculty manual, but only for recommendations for new appts or subsequent appts for fixed term faculty. He noted that it does stand out as a different way of voting. If we were to delete two sentences, then all of our polices would be consistent. Maybe do this when there is a revision of part 9.

- Puri M reminded the committee that going to the UNC system is necessary for Part IX.
- Mark B inquired about what is the correct proceed that does not leave ambiguity.
- David W-O explained his understanding of Bailey's letter. There is not ambiguity, just inconsistency. Bailey thinks the inconsistency is purposeful and should have been preserved. Or, if the inconsistency was going to be removed, it should have been done through revision not interpretation.
- Jay N noted that it is kind of an emergency situation and that the whole process is going to take a few years, but in the meantime some real things are going to need to be done; hence the need for interpretation.
- David W-O worried that we may feel that everything we want to do is urgent and will bypass the means of amendments that are in our constitution.
- Puri M reminded the committee that this interpretation has to be approved by the faculty senate. Part IX has to be revised every 5 years. The last time was 2017 so it is coming soon (2022). Past practice has been that when part IX was revised that all interpretations were discussed and rejected or incorporated. She does not think we are establishing a dangerous precedent. She shared with us that it could cause problems because it will be seen as substantive not interpretive and what if someone gets denied tenure when we have identified that this is a problem? So, she proposes interpretation.
- Jay N noted that this is a class of a problem in ethics: How do you handle things when things go wrong and why was the section written this way? Was it an attempt to enforce people to live up to their responsibility to vote? What do we do now?
- He noted that he wants us to be as honest as possible in how we handle this issue. Is it an error? And if it was, point out that we are constrained in how we can handle it.
- Puri M stated that she would be happy to present it this way.

- Linda I noted that prior to 2017 changes to part IX the faculty tenure regulations read that failure to get the majority of the members of a committee constituted a negative recommendation. She thinks in the last rewrite the attempt was made to fix that problem by defining the quorum.
- She noted that it could be that the recommendation for new hires and subsequent appointments just did not get addressed when TPR were addressed.
- David W-O stated that he thinks that this is very likely, noting that we have not been in the habit of giving attention to fixed term faculty. He thinks this is a fossil of thinking that we are evolving beyond.
- He asked if the committee would be ready to amend this section of Part IX, dealing with fixed-term appointments, as follows:
(c) In the case of recommendation(s) for new appointments or for subsequent appointments of faculty members currently holding fixed-term appointments, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for or against the recommendation. This vote may be taken at a committee meeting or by mail ballot as described in subsections IV.F.2(d) and IV.F.2(e).

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

The committee's deliberations may address any of the candidate's professional activities and conduct. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for a new or subsequent appointment. ~~A member who is present when a vote is taken but who does not vote counts as part of the membership of the committee for the purposes of determining a majority vote.~~ Failure to obtain a majority vote constitutes a recommendation against a new or subsequent appointment. A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

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- If approved here, this change would be part of a larger package of Part IX revisions that would go to the senate later in the academic year.
- A motion was made to strike the sentence.
- Mark B seconded the motion.
- Mark B observed that it seems that these kinds of voting rules should be singular at the beginning of the section and not repeated over and over.
- Jay noted that Robert's rules provide guidance and abstentions do not count.

- Linda I observed that we will need to pay particular attention to part d about the vote by mail. That is going to be important.
- Stacey A —proposed some alternative language.
- David noted that Mark’s suggestion about putting general principles about voting using Robert’s rules once at the beginning means we do not have to reiterate it every time.
- Stacey A noted that we are constrained a bit in terms of what we can do
- David W-O asked the committee if we are confident that when we get fixed term revisions that this will be part of that. He thinks it would be fine if we voted yay—or nay—we like this in spirit, but we are not sure this is the solution. He noted that he is not comfortable doing things on the fly.
- David W-O called for a vote to delete the sentence that begins with, “A member who is present when a vote is ...”
- The motion carried.

4. Electronic voting.

- David W-O asked if there is there anything that his committee can do to enable electronic voting to happen? What would it take? Is anything in the faculty manual tied to a specific system?
- Puri M said we have a memorandum about using Qualtrics, signed by the previous Chair of the Faculty, Jeff Popke, that allows us to use it for voting by now.

IV. The meeting was adjourned at 4:36 p.m.

Respectfully submitted by Cynthia Deale