

EAST CAROLINA UNIVERSITY  
2021-2022 Faculty Governance Committee

MINUTES OF MEETING DATE: Wednesday, January 12, 2022, 3-5 p.m.

ATTENDANCE

PRESIDING: David Wilson-Okamura

REGULAR MEMBERS (\_X\_ IN ATTENDANCE):

Stacey Altman \_X\_, Cynthia Deale \_X\_, Edwin Gomez \_X\_,

Jay Newhard \_X\_, Anne Ticknor \_X\_, Mark Bowler \_X\_, Susie Harris \_X\_

EX-OFFICIO MEMBERS (\_X\_ IN ATTENDANCE) (with vote):

Crystal Chambers \_X\_, Wendy Sergeant \_X\_, Mary Farwell \_X\_, Purificación Martínez \_X\_,  
Dave Thomson \_X\_, Lisa Hudson, \_X\_

Guests in attendance: Linda Ingalls, Wayne Poole (auditor), Sarah von Stein (auditor staff member)

I. Call to Order, 3:00 pm

II. Minutes

- The minutes of the November 10, 2021, meeting were approved.

III. Business of the Day

A. Continuing Business

1. Faculty senate apportionment. (Revised text forthcoming from Chambers and Martinez.)
  - R. Baker shared the guidelines
    - Faculty officers have used sued something like this for years to decide on how many members of a unit equals one senator.
    - When revision to constitution proposed it involved changes to the upper limit of the number of senators allowed
    - If went by current apportionment limit it could never reach upper limit
    - Given will not see huge influx of new faculty thought it would be a good idea to look at the numbers again. There is a table to see this information.
    - Another factor playing into this is that the definition of voting faculty member has changed in the new revisions and that changes how many faculty members are counted in the definition.
    - Two things went into considering this change. The “Current” one does not consider permanent fixed term part time. The new definition opens it up to include all faculty who are permanent faculty . To do this, we had to get the number of faculty based on new numbers. We have the current definition, new

definition, and number of senators in the table. For example, in health science, the old definition had 81 faculty and the new definition has 85.

- See the number of faculty and number of senators per unit--1-30—one senator/31-60—2 senators—see the ranges & intervals.
  - Some units would get a new senator with new definition. Basically, the new apportionment increases the size of the senate in accordance with constitution.
  - Another part of the discussion was that these guidelines back in 2012 were buried in an appendix somewhere and now they do not appear anywhere –so the thought is that they should be posted somewhere so that people can understand how apportionment is done. Revised the numbers according to the guidelines to go with the model, guidelines, etc. This information may be something we want to put somewhere such as the constitution to make sure that it is clear
  - Revisions to the constitution—that was voted on last year—that has not yet been submitted to the senate due to questions about apportionment. Not part of faculty manual, but linked to it .
- D. Wilson-Okamura asked about concerns Crystal had and if they were addressed.
  - P. Martinez said yes. She said they worked with IPAR and that all agreed on these guidelines.
  - R. Baker noted that we might want to consider that the apportionment model should be reviewed every 5 years by the senate officers
  - D. Wilson-Okamura said we might put something in about staff senate
    - A committee in staff senate that parallels this and have an idea to put an ex-officio staff member on faculty senate and we reciprocate by having a non-voting faculty member on staff senate.
  - E. Gomez agreed
  - M. Bowler said that meetings are open and seems kind of empty if we do not give them a vote
  - E. Gomez does not have a problem with giving them a vote.
  - M. Bowles says it gives staff member an opportunity to vote on something regarding staff
  - D. Wilson-Okamura asked—is it ok if we give them a vote and then ex-officio on staff senate cannot vote?
  - J. Newhard said that he does not think they should vote, etc.
  - D. Wilson-Okamura asked for a show of hands and 3 hands in favor/5 hands against the staff senate representative voting.
    - Then he asked if the committee would be in favor of a representative chosen by staff senate
    - Called for a motion and it was approved and seconded
    - The motion carried
  - R. Baker shared the bylaws at P. Martinez’s request
  - P. Martinez said two things need to be brought to our attention:
    - Majority of members of faculty senate need to be tenured or tenure-track
    - Idea would be to eliminate that language

- In the constitution we have that only that tenured/tenure-track faculty members can be chairs of committees
- It is worth noting that librarians could never be chairs as they are not tenured/tenure track.
- The only roles available to fixed term are that of secretary
- We would like the faculty governance committee to take this into consideration and for example, fixed term cannot be members of fac governance committee, etc. perhaps we would discuss this here and not just in the committee on the committees
- She was not making a motion, but just asking if we think we need to eliminate that language
- E. Gomez noted that there is shrinking of the faculty and when we get positions they are fixed term. He is seeing a shift from tenure-track to fixed term so it might be prudent to review what the status and make up of the faculty is so could benefit from participation by fixed term faculty
- D. Wilson-Okamura said that he will search for minutes and circulate them to see to what degree we have discussed this topic on the past
- P. Martinez recalls that it was negotiated.
  - She moved to approve the constitution & bylaws. The motion was seconded.
  - The vote was all in favor
  - The proposal carried
- D. Okamura-Wilson asked M. Bowler to present the package to senate

## 2. Employee Code of Conduct, proposed.

Wayne Poole, Chief Auditor, and his colleague Sarah von Stein will attend to answer questions, address concerns.

- W. Poole presented a brief overview.
  - We provide advice & guidance
  - DOJ uses when something bad happens we use guidelines to assess the penalty, as is it is due to organizational culture or other?
  - Organization should have an entity wide code of conduct. ECU does not have one.
  - Two survey items were cause for concern:
    - Management cares about employees engaging in appropriate behavior— 25% said no
    - Employees are not afraid to deliver bad news to their supervisor or management—a third were afraid
  - He shared this information with Dr. Rogers, as our new chancellor
  - This code has baseline guidelines.
    - M. Bowler asked what they were based on
    - W. Poole said they were based on documents from UNCCCH, NYU, U of CO, U of IL

- S. von Stein said that they were easily accessible—not to say other UNC schools do not have them
- M. Bowler gave a list of our current peers and noted it might be good to see what they do, and it might be good to see other UNC schools' documents
- J. Newhard asked—could you say more about the numbers-on those survey items? What numbers were you expecting?
- W. Poole noted that for #1 he did not have a baseline and for #2 a third was a concern.
- P. Martinez does not think a code of conduct will solve the cultural issues described, so more action is needed. Second, she did a little research and noticed that UNC Chapel Hill is in the process of creating a code. One thing that she really liked is that they have had open forums so they can discuss and give feedback. She thinks that maybe we can have a discussion with the university committee. She thinks it might be better than going through this strict process that does not allow for feedback. She suggested having some focus groups and discussions
- W. Poole noted that those are some good thoughts. He thinks the policy committee would allow us to do that and the chancellor would be comfortable with it , too.
- C. Chambers agreed with P. Martinez that the policy won't change culture. However, the policy will help with compliance. She thinks this is a good first step. She agrees that it should be vetted with the university community.
- D. Okamura-Wilson: Noted that lot of this document is about being obligated to follow the law. Sometimes people need to be reminded about what the law is and the specifics of that obligation. He is guessing that there is not a whole lot that is controversial in this document. He thinks that if we want to have one faculty-staff forum that is a good idea.
- M. Bowler has issues with wording and thinks it needs wordsmithing as many terms are very broad. He thinks we would get a lot of feedback on it in its current state.
- D. Wilson-Okamura has a question about the document. It does not apply to trustees. Could we retitle it to include trustees who have a strong role in guiding the university, but are not employees?
- P. Martinez would not recommend that.
- D. Wilson-Okamura asked--if we are exposed to liability due to employees, do we not have exposure if the guiding body of our university is not reminded of these guidelines?
- W. Poole noted that trustees do not make operational decisions. He does not think including them mitigates that risk . I see both sides of it.
- D. Wilson-Okamura noted that we are ready to take P. Martinez's advice. What should we do next?

- C. Chambers noted in chat that she agrees with dropping the term “employees,” so that the document is titled simply “East Carolina University Code of Conduct.”
- L. Ingalls commented in chat--FYI--Trustees and senior university administrators were required to undergo ethics training by the State of NC every two years in the past. She does not know if that is still the case, but assumes that the University Counsel would know.
- D. Wilson-Okamura recommended two things: #1 look at ECU’s official peer institutions, as well as UNC Chapel Hill, and #2 and get input from ECU community in a forum
- C. Chambers noted in the chat that there are other types of accountability for trustees (e.g., lawsuits for breach of fiduciary obligations)
- D. Wilson-Okamura invited M. Bowler to go over his concerns.
- M. Bowler noted that some of his concerns are rather broad.
  - Examples he gave included the following:
    - “Extent of their ability to do so” who decides that?
    - Highest ethical standards at all times” what if I am in ethical, but not at the highest level?
    - What is ethical behavior based on standards?
    - What is integrity?
    - What is morality? That is open to interpretation
    - In terms of “all reasonable directives,” what is reasonable what is not reasonable?
    - All employees will stay abreast...makes sense if rules and regs were all collated, singularly accessible—such as all at one link
    - “Conduct all university...in a manner that upholds ..the reputation...we will be honest and act with integrity” what if being honest makes the university look bad? That could have conflicts.
    - Report without “fear” seems hard to enforce.
    - Our retaliation is only about big things, so I do not feel comfortable about lesser things.
- D. Wilson-Okamura asked—do you all have any advice about how to address these concerns?
- J. Newhard said that he appreciated Mark’s comments. He noted that using the word 'reasonable' is a good way to handle the thorny issues, and observed that in any given situation, it is normally pretty clear and objective in terms of what is reasonable and what is not.
- C. Chambers noted that it is a process, and it would be to get faculty buy-in.
- J. Newhard mentioned that perhaps we need to delete “integrity” because it has many definitions, noting that the word 'integrity' can be replaced with a phrase containing 'reasonable.' He said that there are going to be gaps and

does not think we can eliminate them, but try to make them as little as possible.

- C. Chambers asked if we need a definitions section
- M. Bowler observed that this is a PRR or so it applies to all aspects of employee behavior at all times
- W. Poole noted that it ties into grants, contracts, and employees' interpretation
- M. Bowler noted that it could be used against any faculty member for any behavior or the breadth of it could supersede anything else we have as a PRR
- C. Chambers noted that to that point, there would be a whole process and there are things that faculty can get away with that others cannot do under some broader rubric
- M. Bowler noted that there should be links to those processes (e.g., how violations are processed) in the document
- C. Chambers gave an example of inequity in processes. She said that the person she discussed is not an employee now, but employed at an institution with a higher rank .
- C. Chambers, noted in the chat that turnover is a cost too/training is like adopting a policy .... another step - accountability is key
- J. Newhard asked if people could comment on their responses/ training
- W. Poole noted that any document by itself is not going to change culture. It is one step. We appreciate your comments. We want to do this right.

3. Revisions to FM, Part XII, Section 2 from the Personnel Policies subcommittee (Chambers, Newhard). Carried over from Nov. 10; two Part XII documents and FG - Personnel Policies Subcmte minutes are attached.

- J. Newhard noted that changes have been recommended on page 18 part XII in section c
  - And noted that an act that constitutes retaliation...and changed it higher up in the document in part V, Section II sub-section
  - In Section II. About grievance procedures he worries that retaliation is sanctioned. They added the term “non-frivolous” so it should be based on substantive issues
  - In the document, they struck out words to make the language more direct
- D. Wilson-Okamura asked the committee for comments or questions.
- P. Martinez thinks eliminating the language is okay. She noted that by eliminating it we are not taking away any right from anyone, but removes the appearance of retaliation.
- J. Newhard agree with P. Martinez and is not sure of the right way to sort out the retaliation issues

- C. Chambers noted that we need a process for bringing people back to the table. She is not sure if the ombudsman process works for some situations.
- P. Martinez moved to adopt the changes and send the revised document to the senate, and they were seconded.
- The motion was carried.

## B. New Business

### 1. Academic Library issues

- C. Chambers talked about academic library faculty all being fixed-term at the current time. She noted that at ECU, we pay fixed term \$10K less per person so we save about one position.
- P. Martinez noted a drawback to the policy, as in, if they cannot pay competitively they may not attract competitive candidates.
- C. Chambers asked how we can retain them if they get a terminal degree beyond a masters.
- D. Wilson-Okamura noted that we are at a competitive disadvantage, but many other university libraries have the same policy and system.
- C. Chambers said that she would like to see us reconsider the rules.
- D. Wilson-Okamura noted that people who were tenured retained tenure, but might not apply for other positions that would make them have to give up tenure.
- E. Gomez asked if this is this particular to library sciences or is it across the university. Is it a systemic issue?
- C. Chambers said that it is the one academic unit where only fixed-term fac are hired.
- E. Gomez said that maybe we should approach the new provost. He thinks that we should defer this for now.
- D. Wilson-Okamura said that would want to do it in consultation with both of the ECU library directors.
- D. Thomson said that he discussed this issue with a cousin who is a librarian at the University of Wisconsin and there, the librarians do not hold faculty positions. He noted that perhaps we should use the peer group of universities to see what the standards are. It would be nice to be informed before going to the provost.
- D. Wilson-Okamura asked if there is there is a reason for the Faculty Governance Committee to take this on instead of the libraries committee. He asked P. Martinez and C. Chambers to look at this and noted that we will revisit it and see where we are.
- P. Martinez noted that we can collaborate with the library committee, but revising the relevant sections of the Faculty Manual is in our charge, not theirs.
- D. Wilson-Okamura said that he will email the two directors of the ECU libraries.

### 2. Personnel committee

S. Altman noted that due to feedback the subcommittee members have gone back to the drawing board a bit and will report when they can.

#### IV. Adjournment

- The meeting adjourned at 4:55 p.m.
  
- The minutes are respectfully submitted by Cynthia S. Deale