

EAST CAROLINA UNIVERSITY  
2021-2022 Faculty Governance Committee

MINUTES OF MEETING DATE: Wednesday, March 23, 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\_\_\_, Lisa Hudson,\_\_X\_

Guests in attendance: Linda Ingalls, Rachel Baker

Call to Order, 3:00 pm

1. Approved UPDATED minutes of the Feb. 23, 2022, meeting

2. Report from Departmental evaluations and workload subcommittee (Altman, Bowler, Ticknor)

If your report is "We're still working," that's fine. Let us know if there's anything you need guidance on from the full committee.

- Anne Ticknor (Ticknor) noted that the committee has not had chance to meet again yet.
- David Wilson-Okamura (Wilson-Okamura) asked if the committee might have something to report at a future meeting this academic year.
- Mark Bowler (Bowler) said no. He said that the committee met with three deans prior to spring break. He got a good idea from that meeting to use the exact same wording as is used in post-tenure review. He noted that we need to codify best practices for performance appraisal and that the administration is shifting away from best practices and toward more subjective items. He noted that in the part of the faculty manual that says departments/units are in charge that we need to put in specific guidelines for performance appraisals/ annual evaluations. He noted that there has been an increase in subjectivity and that faculty would not necessarily know that and good performance appraisals should be the exact opposite—there should be indicators. He observed that what the deans wanted was something that could be tailored to any faculty member's appraisal, but it shouldn't be subject to arbitrary changes either. He noted that he was very distressed by this issue.
- Stacey Altman (Altman) noted that they talked about the form itself and that the multiplying part has been controversial.

- Bowler said that there is a gamification of those percentages, noting that there should be some meaning to those, and one should not be able to tweak out scores and distort them based on those percentages.
- Someone noted that if one calculated them according to the maximum then they would not be targeting one over another.
- Altman noted that we need to build in things because grants may require a certain percent.
- Bowler noted that there are issues; for example, if a faculty member teaches three courses and another teaches six and they get same impact that is not a real measure of what the faculty member is doing.

### 3. Report on fixed-term contract language negotiation with Academic Council (Martinez, Wilson-Okamura).

- Wilson-Okamura asked Puri Martinez (Martinez) to share where we are with contract language with fixed term. He noted that he and Martinez met and brainstormed.
- Martinez noted that Wilson-Okamura created a wonderful PowerPoint presentation and presented it to Academic Council. She said that they told them that they were a bit reluctant to give us a timeline about when they will continue to discuss our proposal. She noted that they were assured that it would be within two weeks, and at this point they are in negotiation with the lawyers about the revision of the language. She noted that we have to wait to see what they tell us, and we may need to continue negotiations. She noted that the language that is currently in the contract will be changed and how much change is what they are trying to figure out. She thinks there will be progress.
- Wilson-Okamura asked for questions or comments and there were none.

### 4. Records retention policy.

- (See the attachments that Wilson-Okamura sent the committee: "Secret Files, background and possible solutions" and "Secret Files in Part VIII" (which is the document we are actually editing).
- ("Secret files" was an issue from our last meeting. Beginning with the part that begins with "Administrators...")
- Wilson-Okamura showed the committee the secret files document area and the proposed revisions. For versions 1 and 2 (see the document file). In version #2 they kept the word "secret" in there because it was used in one other place. For example, in "Complaints ..."
- Crystal Chambers (Chambers) thinks we should mark this for the future as we do not have time to complete it. Chambers likes version #1 because it has the term "due process" in it. (See the revised document for additional wording).
- Bowler asked about the term "personnel file" wondering if it was truly about that file or others.
- Altman said that it is about the personnel file.
- Bowler said that technically this does not keep the administrator from keeping a secret file such as student complaints kept in a file by an administrator. He noted that faculty have been denied due process.
- Chambers thinks we can remove the phrase.

- Martinez continues to think the original version would offer the solution.
- Wilson-Okamura asked the subcommittee to review for the committee why the reference to secret files is problematic.
- Jay Newhard (Newhard) thinks the sentence must do a lot of work. He thinks we need to say more about the content of the file. He noted that using a circular line of reasoning that we don't know how this is reinforced so if someone wants to keep a secret file they will just be more careful.
- Bowler noted that we have this so that faculty members know that this is against the rules and should not be used against them, so due process can occur
- Wilson-Okamura moved that the statement, "Administrators shall not keep secret files..." be replaced with the subcommittee's suggestion: "As noted in other areas of the Faculty Manual, evaluations and other documentation shall not include, refer to, or be based on information the employee (i.e.i.e., subject of the evaluation or documentation) has not been provided and given the opportunity to respond to, consistent with due process."
- Bowler seconded the motion.
- Altman noted that there is a reference in another section and if it is in other policies at some point this covers that as well as the broader issue that they could be dealing with this kind of thing.
- Martinez noted that the language about due process is highlighted in part IX of the faculty manual.
- At Chambers' suggestion, the phrase "included in a personnel file" was removed from the replacement sentence.
- Newhard pointed out the need for some commas, which were added.
- The motion carried
- Next, Wilson-Okamura called for a vote on the entire document.
- Wilson-Okamura noted that he and Rachel Baker (Baker) will chat to figure what needs to be done to send it to the next level.
- Wilson-Okamura will save the file and send it to the subcommittee.

#### 5. Suggestions for auditor Wayne Poole on proposed Code of Conduct.

(Wilson-Okamura noted the following in the agenda": We've discussed this in somewhat general terms already. A set of documents comparing the codes of our peer institutions has been uploaded to a folder in Teams.)

(The following was included in the agenda: Wilson-Okamura's proposed changes, based on comments and suggestions made by committee members at previous meetings. General principles motivating most of these proposed changes: (1) a brief code of conduct is more effective than a long one that no one reads; (2) a code of conduct should govern conduct, not states of mind.)

- Wilson-Okamura noted that at the last meeting we agreed that we are going to start with comments he compiled and tried to apply the principles to the document, noting suggestions for briefer wording and focusing the code on conduct, not on subjective states of mind.

- Chambers thinks the topical areas need to be broken down with headings as there are chunks that could be put together. She said that putting the information in bits and bites would make it easier to see what is expected and what is prohibited.
- Bowler said that some of the wording about employee behavior while not at work bother him.
- Wilson-Okamura noted items such as employees don't speak for the university when not working.
- Mary Farwell (Farwell) asked about research integrity and human subjects.
- Baker noted that everything is in other PRRs.
- Bowler said that they should at least say as noted in this PRR or that PRR, or if it is the bringing together things then it should be described as such. There is a bureaucratic danger of changing something in one PRR, but not been changing it in another one .
- Chambers noted that ethics is extremely broad.
- Newhard asked--wasn't the origin of this as something we could point external reviewers, to?
- Farwell said yes for federal grants, standards of conduct.
- Wilson-Okamura said we cannot give formal advice until we see the 2<sup>nd</sup> draft that presumably will have incorporated some of the suggestions.
- Ticknor does not know if we are ready to vote, but we are noting what it is redundant, etc.
- Newhard asked to eliminate the word "integrity?" because there are three different uses of the term. He said faculty members have their personal ethics, but then follow these PRRs when in your university role, so he thinks we should remove the term integrity as there could be a disjunction between your personal integrity and ECU's ethical standards says everything—there is nothing lost if it is removed.
- Bowler, Ed Gomez (Gomez), and Martinez agreed with Newhard. Chambers thinks we should remove integrity and remove it wherever it shows up and they can fix it (see changes and comments in the document).
- Wilson-Okamura relayed the observation of a faculty member, that the terms of the code were too vague for a policy that sanctions violations with the loss of your job.
- Chambers thinks we need to be referencing the right policies for the right type of faculty as there are different policies for different types of faculty; plus, different consequences for faculty versus staff.
- Bowler and Baker noted that everything is pretty much covered elsewhere in PRRs so maybe this is a preamble to a PRR.
- Wilson-Okamura asked about the requirement to report criminal convictions to supervisors.
- Chambers and Farwell pointed out that this is already a requirement in existing policy.
- Martinez thinks that we should send it with preliminary suggestions as that is a way to let them know that it is problematic as written.
- Bowler noted that they should take these suggestions along with feedback from the faculty.
- Wilson-Okamura asked for a vote to take it forward as the committee's preliminary comments not final advice.
- Martinez seconded the motion.
- The motion carried.

6. Post-tenure review clarifications needed. See attachments on post-tenure review and 5-year plans.

- The following are from the agenda:
- HCAS has asked for clarification in two documents: the senate resolution describing 5-year plans and the Faculty Manual specifications for post-tenure review. At our last meeting, there was disagreement about the intention of these instructions: are we reviewing past 5-year plans, or new ones?
- Rachel Baker's research on this question is attached. At the end, she suggests that 5-year plans might not be required under UNC code, except for faculty members who do NOT meet expectations.
- Should we:
- Revise our existing instructions to clarify that the 5-year plan faculty members should submit is a new one, looking forward?
- Revise our existing instructions to clarify that faculty members should submit their previous 5-year plan along with a new one, to facilitate evaluation of the previous years?
- Revise our existing instructions to do away with 5-year plans except for faculty members who do not meet expectations?
- See "Post-tenure review clarifications needed," attached to the agenda sent to the committee for the 3-23-22 meeting.

Meeting discussion about this topic on 3-23-22

- Linda Ingalls (Ingalls) reviewed the materials and found that the UNC policy manual is not clear that there is a requirement for a 5-year plan. She noted that they do not post online minutes about UNC minutes far enough back to find the notes about it. ECU's Catherine Rigsby was on the Board of Governors committee that produced the revisions, and it alludes to the fact that there was a requirement for a 5-year plan. She noted that they suggested that NC State produced one that was a "best practice" plan. She also mentioned that we need to distinguish between a 5-year plan versus a performance development plan. She noted that when a faculty member does not meet their requirements for their post tenure review that there is a requirement for a development plan it is a separate entity, and it cannot exceed 3 years, and it requires semi-annual progress reports. She noted that we do not want to do anything to compromise the policy so that we inadvertently give faculty 5 years for a remediation plan when they can only have 3 years, and they are required to have progress meetings, but a 5-year plan is not looked at until the next review period. She asked if that made sense to the committee.
- Wilson-Okamura asked what the committee thought and asked if we want to continue to require 5-year plans? Do we want people to have to report back on their last 5 years?
- Chambers stated that the plans could be useful tools for faculty to use the plans to plan their work life as an exercise of what they want to do for 5 years . As an exercise it is useful, but measuring that is not necessarily useful as this does not help a faculty member move their career forward.
- Martinez agreed with Chambers that writing a 5-year plan for what you hope to accomplish in the next 5 years is okay, but when you go for a 5 year review you have to present all of your annual reviews, etc. and the post tenure committee gets information

about what you have been doing. Evaluating an old 5-year plan is not helpful for faculty members and will create more difficulties for committees.

- Wilson-Okamura asked if anyone thinks it would be good to use old five-year plans to measure performance? No one spoke in favor of this idea.
- Bowler agreed with Martinez and Chambers.
- Gomez stated that he also has issues with the 5-year plan due to changes that occur.
- Chambers said to look at 5 years of your annual evaluation and look at your plan, that for a professor that was below research expectations then they might have to make changes.
- Ingalls wanted to point out that in the mandate by the board of governors the one thing we cannot do is that we cannot take 5 years of annual evaluations and use that as a 5-year review because on some campuses they thought that they did not need to do 5-year review because they evaluate them annually. However, the Board of Governors felt it was problematic that average of 5 years annual evaluations is not what it should be; it has to be more comprehensive, a more global look, 5-year plans were not to be too specific, but were to be general and they were amendable. For example, if a global pandemic comes along and derails everything you were going to do then you have the right and privilege and obligation to amend the plan. A 5-year plan was to have comprehensive review rather than annual reviews only; you cannot use annual evals as the primary source of a 5-year review.
- Newhard asked the following questions: When you take the more global 5-year view what is supposed to be revealed? Then I wondered if the annual evaluation evaluates teaching, research, and service, does that annual evaluation align with the 5-year plan? A 5-year plan is one element of looking at globally what your goals are for the next 5 years as a tenured faculty member.
- Martinez noted that the 5-year plan does not give a lot of specific details; using the previous 5-year plan to evaluate to see if a faculty member has met expectation does not seem particularly useful because it is very general. She thinks in that case what we are doing is making the chair, the faculty, and everyone else have to figure out what the faculty member has done instead of providing a general statement about what they are going to do for 5 years. She thinks if it is too general and not useful, but if it is too specific it needs continuous revisions and that is cumbersome. She proposed that a faculty member puts what they plan to do as a global plan, not a specific 5-year plan, but that 5-year plan is not used to evaluate performance of a faculty member 5 years from the time of the plan. She is not proposing the elimination of the plan, but proposes that we do not use it looking backward.
- Wilson-Okamura stated that he hears people saying not to remove the 5-year plan, for as Ingalls pointed out, we need to have something and writing a very general plan seems like a reasonable use of faculty time.
- Ingalls noted that the faculty member does not submit everything for the 5-year review, the chair pulls items, such as the 5-year plan is in the file. She thinks that Martinez made a good point that if you keep the 5-year plan that the faculty member should write a narrative. She interpreted this to expect that a faculty member writes a personal statement about this what they did in the last 5 years, as in what they accomplished what they did not accomplish, much like a PAD where they submit a narrative personal statement that informs the reviewers. The faculty member does not put all of the items together for the

post tenure review because some of the materials are already there, such as annual evaluations and the 5-year plan, for example.

- Newhard opened up his 5-year plan and noted that we are talking about 2 different things; the annual evaluation is how well you are doing in teaching, research, and service. He stated that his 5-year plan is 40%, 40%, 20% in terms of teaching, research, and service. He does not think that it is very onerous to have a faculty member do that. However, the goal of writing X number of many papers, etc. could blur with the annual evaluation.
- Gomez wondered if it is really asking--are you still doing something that is productive? Is it truly evaluative or a spot check on the faculty member? He still wonders what the post tenure review (PTR) is, and he liked the idea of having a faculty member write a narrative.
- Wilson-Okamura observed that there is a point at which this process can erode tenure and we want to stay well shy of that. He asked if this should be a retrospective plan or a prospective plan.
- Martinez stated that she thinks that it should be about prospective activities for teaching, service, and research, and should be a comprehensive evaluation taking in consideration the last 5-year annual evaluation, an updated CV, etc.
- Ingalls recalled that erosion of tenure had, indeed, been a concern when the procedure for post-tenure review was discussed the last time.
- Wilson-Okamura stated that people have spoken in favor of prospective plans, not retrospective plans. So, then we want to clarify to Arts and Sciences that at a minimum that the plan going forward is the prospective plan. He noted that there are two places that make reference to it: 1. In Part IX of the faculty manual, we can clarify that it is for the next 5 years, and 2. The other one is a senate resolution. He asked if we could shift wording to clarify, but noted that we probably need to have a replacement resolution as we cannot revise the resolution.
- Martinez concurred and noted that Baker could tell us better.
- Wilson-Okamura observed that the other possibility is to send an email to Arts and Sciences about our discussion and that our advice is the 5-year prospective plan, and then the next time these items are updated we will address this issue.
- Martinez said that she thinks that we should leave it as is and send the clarification.
- Bowler and Gomez agreed with Martinez.
- Wilson-Okamura asked if anyone disagreed (No one disagreed). He stated that he will email Arts and Sciences about the committee's views.

## 7. Other business

- Wilson-Okamura asked if there was any other business.
- No other business was mentioned.
- Wilson-Okamura made a motion to adjourn.
- The motion was seconded, and the motion carried.
- The meeting adjourned at 4:40 p.m.

## Future business:

- Proposed Faculty Manual revisions from the Fixed-Term subcommittee

- Elimination of obsolete VC titles from Faculty Manual and Bylaws.

Before we eliminate the VC for Research, Economic Development and Engagement (formerly the VC for Research and Graduate Students), someone needs to figure out who will be ECU's designated Integrity Officer and Deciding Official.