MINUTES OF MEETING DATE: Wednesday, September 28, 2022, 3-5 p.m.

ATTENDANCE

PRESIDING: David Wilson-Okamura
REGULAR MEMBERS (X_ IN ATTENDANCE):
Sandra Warren_X_, Cynthia Deale _X_, Edwin Gomez _X_, Fan-chin Kung_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___, Purificacíon Martínez_X_

Guests in attendance: Linda Ingalls, Rachel Baker

 Call to Order, 3:00 pm

NOTE: This semester's meetings will be on Teams:
https://facultysenate.ecu.edu/2022/09/07/2022-23-faculty-governance-committee-virtual-links/

1. Approve previously-distributed minutes of Sept. 14, with corrections as needed. The minutes were approved.

2. Employee Code of Conduct

See attached, with comments from Mark Bowler and Sandra Warren. Query: should FGC offer formal advice independently, or in coordination with another committee, such as DEIC?

- o There was a lively discussion among the committee members about proposed changes to the Code of Conduct (CoC) and about what needs to be done going forward.
- o The committee agreed upon the following:
  - o It would be a good idea to have the Diversity, Equity, & Inclusion (DEI) committee take a look at it.
  - o It was noted that the report would go to the faculty senate and then it would be sent to the chancellor.
  - o Mark Bowler noted that the subcommittee will complete aa report and recommended changes. Bowler went through the Employee Code of Conduct comments (see the document).
- o The FGC committee went through the document, made comments, and provided suggestions that included the following:
  - o It was noted that ECU's mission is not teaching research, and service—those are faculty members' job responsibilities. According to the website of the Office of the Chancellor (https://chancellor.ecu.edu/university-mission/) the following is the university's mission statement:
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- To be a national model for student success, public service and regional transformation, East Carolina University:
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- Uses innovative learning strategies and delivery methods to maximize access;
- Prepares students with the knowledge, skills and values to succeed in a global, multicultural society;
- Develops tomorrow's leaders to serve and inspire positive change;
- Discovers new knowledge and innovations to support a thriving future for eastern North Carolina and beyond;
- Transforms health care, promotes wellness, and reduces health disparities; and
- Improves quality of life through cultural enrichment, academics, the arts, and athletics.
- We accomplish our mission through education, research, creative activities, and service while being good stewards of the resources entrusted to us.
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    - Approved by the Board of Trustees in July, 2013
    - Approved by the Board of Governors in February 2014
- Suggestions with regard to wording have been made by the subcommittee there was a sense that terms such as "ethical, legal, professional manner" need to be clearly defined, and that the section seems to currently be directed toward faculty, but needs to be for all employees. Some additional grammatical changes were recommended, such as adding Oxford commas.
- Others thought the wording was okay and that there are bigger issues to address.
- The FGC noted that the committee could reach out to Aisha Powell (the chair of the staff senate) to ask about their thoughts regarding the document.
    - A member noted that in the PRR process that the staff senate already noted that they had no comments on the document
- Questions were raised regarding the statement about "transparency, accountability, …etc." and whether it is appropriate. and noted that DEI should be addressed, too.
- Members of the FGC also raised concerns about the use of and definition of the term "appearance" in the CoC.
- The members of the FGC agreed that specificity would help to clarify terms, etc. in the CoC.
- Questions were raised about how to deal with administrative conduct.
    - Wilson-Okamura indicated said those issues would be dealt with according to the organizational chart, i.e., chancellors, trustees, Board of Governors (BOG), state
    - Linda Ingalls (Ingalls) noted in the chat the senior leaders of the institution are required by the UNC system and the state of NC to undergo "ethics" training every 2 years. Or at least that was the

requirement pre-Covid, but she is not sure now. The training is conducted by the state.

- o Questions were asked about conflicts between this code of conduct and professional codes.
    - o Chambers noted that the code of conduct should be broader than the professional codes so there that there is not a direct conflict.
- o Bowler queried the "appearance" test—does this mean you should not do things that make the university look bad. Wilson-Okamura thought it meant something different: you shouldn't do things in private that would look bad in public.
- o The committee will resume discussion at its next meeting, then seek input from the DEI committee.

3. Bullying

New items from the chair of the faculty:

- o As an introduction to this topic, Chambers stated that a number of complaints come in that deal with items not about protected class and the issues fall through the cracks. The policy is about extreme, repeated behaviors. A behavior has to happen within 3 times within a set period so that it can have a threatening effect. She noted that in the workplace environment you want people to work together and not have to take time off to avoid ap person it makes it harder on all of us. She noted that the policy covers electronic and face to face interactions and does not require an expression of physical harm. She stated that given the research during the pandemic it should be seen effective and told us that Paul Zigas has had an overview of what we are talking about . She noted that it is for systematic behavior.
- o There was a lot of discussion among the FCG committee members, about bullying and clarity about what it is, etc. Some areas that the FGC committee members think need to be considered included the following:
    - o We might need some categories.
    - o we need to talk with the Vice Chancellor because they have a filing policy.
    - o Concern was expressed that the policy does not define bullying clearly and bypasses the faculty grievance process.
    - o A member noted that the faculty grievance committee process could take over 1/2 a year and it is way too much time.
    - o Some liked the NC law wording about stalking, but not sidestepping of faculty grievance procedures.
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- o A vote was called and there was a vote of 5 to 5 about the first section.
    - o Wilson-Okamura recommended sending ideas, comments, etc. to the subcommittee.
    - o Chambers sent the following link via chat to help out:
    - o https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/workplace-bullying.aspx

- o The committee moved on to the next section…about "Allegations about faculty misconduct …"
- o After discussion, Wilson-Okamura took a straw poll about the proposed process and the vote was 3 approving and 6 not approving.
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    - o Ingalls noted that the UNC defines misconduct specifically so does not know if we can define it differently. She stated that this comes directly out of the BOG. They are the ones who define misconduct.
    - o Bowler noted in the chat that Ingalls was correct that the language comes directly from the UNC Policy Manual 101.3.1.1[R]. He asked, "Are we allowed to alter those kinds of things that are specifically copies from the PM?" https://www.northcarolina.edu/apps/policy/doc.php?type=pdf&id=45
    - o
- o Wilson-Okamura said that he will put this on the agenda for the next meeting.
- o [During the meeting, VC Paul Zigas emailed the committee chair and members of the bullying subcommittee: "As an information item, I note that the ECU Board of Trustees does not have authority under existing law or UNC policy to modify the language prescribed by the Board of Governors at Section 603(1)(a)-(c) of the UNC Code and can confirm for the Committee that ECU has existing policies and practices in place to address the investigation and disposition of alleged employee misconduct, whether the allegations implicate a member of the Faculty or other employees, and where the alleged conduct is of the nature contemplated by the proposed revisions."]

4. Size of the Faculty 180 PAD files, issues surrounding the sharing of the PAD files (differences between when it was in a binder and access was protected, versus ability to share a copy of it now). Refer to Process subcommittee?

- o Ticknor summarized this item about PADs. Questions came out of the transition to Faculty 180 and electronic PADs. The question about the size of the PAD came out because we used to have the 4-inch binder. There has been an issue with emailing it because it was very large.
- o Baker noted that size was limited by the binder and now size in the electronic realm makes size a new issue and there is a question about whether these things should be emailed.
- o Questions asked and Issues raised during this discussion included the following:
    - o Are we addressing having physical PADs be digitized? A physical part has to be kept, as in a physical piece has to be kept for a period of time.
    - o Ingalls remembered that Amy said that there are pieces of the PAD that reside in the personnel file, but once the person leaves an institution that PAD should go with the faculty member when they leave the institution
    - o Ticknor sent the following link via chat to help out with this topic:https://www.ecu.edu/cs-

acad/fsonline/customcf/misc/coronavirus/P_Memo_ElectronicPadCloseout2021.pdf

- o Gomez said that he does not think that how large the PAD should be is going to help anyone as we hone in on certain things anyway and now that we have the DOIs so we can put in the links to publications.
- o Wilson-Okamura asked for a motion to remove size limits on the PAD. Chambers moved and Gomez seconded it.
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    - Gomez noted that the sees two issues: the size issue and sharing issue. As in one can look at items on a faculty member's laptop or a faculty member gives access to the Faculty180 dossier/PAD. He stated that sharing it externally is another issue and maybe we could invite Cara Gon, the Faculty 180 coordinator to discuss these issues.
- o The motion to remove size limits on the PAD passed unanimously.

The meeting was adjourned at 4:57 p.m.

NOTE: The following items will be addressed at a future meeting.

5. Review Part IX to make sure all interpretations have been incorporated and to consider whether additional language is necessary to authorize virtual meetings for consideration of personnel matters and authorized electronic voting processes for secret ballots.

Rachel Baker comments: would need to be done at some point before Part IX is released by the committee for vote by Faculty Senate. If you prefer to vote on the search committee additions separately from any additions these considerations might warrant, then a different subcommittee might work on it than the one for Search Committees.

6. Fixed-term advancement in title: can a title be skipped? It has been allowed at least once but is not addressed in the Faculty Manual. If it is addressed, where should it be addressed (Part VIII in description of fixed-term titles? In Part IX for advancement in title? Or both?)

7. Minimal Unit Code Requirements in Part IV.II.IV, #11. There are indications that many units do not actually follow the procedures to allow for voting on the unit's major planning documents, assessment documents, Guidelines for Unit Academic Program Review, and other major reports. Administrators point to deadlines for turnaround that inhibit their ability to solicit votes. There are also questions of the appropriate voting faculty when the unit is coded at the college level. Is it appropriate to have all college voting faculty vote on the assessment documents or an academic program review for a department within that college?