

EAST CAROLINA UNIVERSITY
2022-2023 Faculty Governance Committee

MINUTES OF MEETING DATE: Wednesday, January 11, 2023, 3-5 p.m.

ATTENDANCE

PRESIDING: David Wilson-Okamura

REGULAR MEMBERS (X_ IN ATTENDANCE):

Sandra Warren_X_, Cynthia Deale_X_, Edwin Gomez_X_, Anne Ticknor __, Mark Bowler__X_, Susie Harris_X__

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

Crystal Chambers_X_, Wendy Sergeant_X__, Mary Farwell___, Purificación Martínez_X_, Fan-chin Kung__X_, Mark Hand_X_

Guests in attendance: Linda Ingalls

Call to Order, 3:00 pm

At least the first meeting of spring semester will be on Teams. For the link, see <https://facultysenate.ecu.edu/2022/09/07/2022-23-faculty-governance-committee-virtual-links/>

11. Approve previously-circulated minutes of Nov. 30, with corrections as needed.

- The minutes of the 11-30-2022 meeting were approved.

2. Meet in-person or on Teams?

- The committee decided to continue to meet on Teams.

3. Reports from subcommittees:

- David Wilson-Okamura (Wilson-Okamura) asked about the progress of the subcommittees.

a. Annual evaluations and workload committee:

- Mark Bowler (Bowler) noted that the committee is kind of split.
- Ed Gomez (Gomez) was curious as to what is happening about workload policies because it is showing on the agenda with his next meeting with the dean.
- Anne Ticknor (Ticknor) has not heard anything , but noted that there is a new workload policy from the system.

b. Process (PADS, timeline:

- Puri Martinez (Martinez) said that they are figuring out days and times that work and will set up 2 meetings and then will be ready.

c. Search committee procedures

- Crystal Chambers (Chambers) only recalls one item.
- Wilson-Okamura thought that there might be more.
- Chambers indicated that the committee would have to give guidance about the process, such as needing someone from outside the unit and so reciprocity is needed.
- Wilson-Okamura noted that if we want to move forward that language may need to be drafted.
- Chambers indicated language has been drafted.
- Wilson-Okamura stated that he would follow up and indicated that he thinks the sub-committee (Susie Harris and Crystal Chambers) should look at it and then can coordinate it with Rachel Baker (Baker) and then share it with the entire committee.

4. Bullying policy in Faculty Manual and Employee Code of Conduct.

Note: In Dec., the faculty senate voted to return the bullying proposal to our committee for further revision. The revised employee code of conduct, which includes identical language, was also withdrawn from the senate's agenda.

- Bowler noted that there are issues regarding the policy between people who want specific details about micro-aggression and those who worry about being required to wear masks and get vaccinated, so a small group got people upset about the language.
- Chambers indicated that it might be worthwhile to have a faculty forum so that people know what the actual policy is.
 - She noted that the language from George Bailey was about student harassment and specifically about a workplace situation.
 - The forum would allow people to have their views heard.
- Wilson-Okamura asked about how people felt about a forum
- Sandy Warren (Warren) noted that it would be one more meeting, but provides people with an opportunity to hear why it's being addressed and offered suggestions
- No opposition to a forum was raised.
- Ticknor noted that the forum would be very narrow and if comments extend from it then we would need to decide what to do with those comments, etc.
- Chambers noted that it is about the scope and the concern would be about micro-aggressions and they cannot be included unless they are repeated.
 - She gave an example of repeated acts that were dismissed as "miscommunication."
 - Chambers does not think you can have a robust discussion during a faculty senate meeting so the point is to have a forum where people's concerns can be heard and they may gain some comfort with the policy even if they are not fully supportive of it
- Bowler asked what the goal of the forum is—asking if it is to change people's minds or not?
- Chambers indicated that the forum would let people know that it is for more egregious cases.

- Wilson-Okamura called for a vote and there was a vote of 8 in favor and no real opposition.
 - Martinez noted that she can attend a forum, but not lead it
- David proposed a motion that the FGC authorizes the sub-committee to organize one or more forum on this subject and report back to the FGC committee and then we can move on with it.
 - Puri seconded it.
 - The motion passed unanimously.
 - The motion carried.
- The bullying subcommittee will work with Baker to hold one or more forums and get feedback.
- Ticknor asked if we were willing to move on with the policy if we do not get the support from those at the forum.
- Chambers' expectation is that the most motivated faculty will show up for the forum.
 - She noted that it will give the FGC a sense of where the faculty are and if it can be made more acceptable to the faculty she is willing to go that route.
 - She does not think one outraged faculty member should be able to change the policy.
- Wilson-Okamura said that he does not think that we are taking a poll; we are listening and we do not know what to recommend until after we have the forum. The sub-committee can recommend based on what we learn at the forum.

5. New Business

- Ticknor brought up several items.
- First, she noted the salary enhancement issue for fixed-term faculty members.
 - The budget committee is planning to reach out to Wilson-Okamura to make a formal report.
- She noted that a revision to bylaws part 2 in faculty manual passed in March 2022 and then passed at the general faculty meeting at convocation.
 - She had a one-on-one meeting with the provost about proposed edits in the fall.
 - Then she had a one-on-one meeting with the chancellor in the fall. He had looked at proposed edits from the provost and the university counsel and he did not necessarily agree with all of them and scheduled a meeting today (1-11-2023) and the proposed edits were substantial. There are several items in the bylaws/constitution that have suggested edits.
 - She was not asked to work through the document , the meeting was more to let her know what the thinking is, etc.
 - She notes that there are some things that are problematic to her and there are others that seem okay—so the edits are mixed. Some changes seem to infringe on shared governance.
 - She indicated that none of this has been formalized.
 - Her next step is to get an electronic, more formalized document because this is unusual.

- There were reactions from the committee
 - One member said that we should be viewing these as substantial rather than editorial because they differ from what the faculty initially agreed upon.
 - Wilson-Okamura expressed reluctance to negotiate the final form of the faculty bylaws in a meeting with just a few people. Changes to a document that change how the senate operates should be made only with the senate's consent.
 - Another member thanked Ticknor and asked if the edits were confidential.
 - Ticknor let them know that she would be sharing the document with this committee, which proposed the original changes. The entire committee should look at the copy and proposed edits and prepare a strategy together.
 - It was suggested we get the help of Dr. Jeff Popke who guided the process when he was chair of the faculty.
 - The question was asked---What are substantial changes?
 - Ticknor said that there are some cross outs about the faculty senate as a primary forum, etc.
 - It was noted that it sounded like it was discounting the work of the faculty senate and its committees. This was explained as bringing the senate's bylaws into conformity with UNC code.
 - Ticknor said that there is a section in part 4 about senate resolutions being approved within 30 days if the chancellor does not comment in writing during that time. The administration wants to strike this on grounds of communication and transparency.
- Additional Comments
 - It was noted that all the chancellor has to do is write a letter saying that they are still considering items if there is an issue with the 30-day policy.
- An additional item brought forth by Ticknor was about article 11 about committees: the administration wants to be consulted by committees, but doesn't want its input to be considered binding.
- There was a discussion about whether or not the proposed edits were substantial and will change the way faculty work with the administration.
- It was noted that the committee won't know until we get an electronic copy. Then, we need to look at what they are saying and think about it.
- Wilson-Okamura asked--How should the committee proceed?
 - It was recommended that we try to negotiate with academic counsel
 - And it would still need to be presented through the senate. We are awaiting a formal presentation.
 - The concern is that we will only get informal items until we respond.
 - We can ask for a formal copy so that our committee can look at it as a committee.

- The last item that Ticknor brought to the committee was the following: PRR on ADA compliance, which requires formal faculty advice.
- Chambers read through it and it follows the ADA rules closely. She noted that there is a need to file everything through the ADA coordinator on campus for faculty and staff rather than individual units. She noted that this aligns with spirit of ADA and interpretation of ADA items.
- Wilson-Okamura asked—what do we want to do?
 - Does the committee think it is good or does it need to take a couple of weeks to study it?
- Ticknor asked about language about being fired for violations, in the last paragraph.
- Bowler quoted the text in question.
 - Consequences of Violation of Regulation
 - Any member of the University community who violates any aspect of this policy is subject to corrective or disciplinary action, including, but not limited to, termination of employment or termination from educational program.
- Ticknor indicated that there are 2 versions, a clean one and one with comments.
- However, Bowler & Baker & Martinez think it is a brand new PRR and not the revision of existing one.
- Several suggestions were made about proposed changes/additions to the wording.
 - Chamber recommend adding to the above –at the end--“pending due process procedures.”
 - Wilson-Okamura suggested adding “subject to due process.”
 - Another suggestion was that after action... “consistent with due process that includes...”
 - Bowler says that there does not seem to be a need for this...this is a definitional document. It is describing terms and defining accommodations, etc. and wonders why firing or corrective action is added at the end?
 - Another comment was that they need to think more about responsibilities
 - Martinez noted that sometimes accommodations are very specific and other times they are very open and the faculty may have difficulty figuring it out because there is not guidance from the ADA coordinator so a faculty member may be required to basically teach a class in an alternative format .
 - Chambers added : [#3 Title IX Jurisdiction provides employment or enrollment consequences \(3,4\).](https://policy.ecu.edu/05/25/03)
 - It was noted that issues can result in terms of reasonable accommodations.
- Wilson-Okamura observed:
 - The document proposes a very large umbrella of responsibility and only at the end does it then state that if you have violated it in any way, you can be fired.
 - Instead of creating a new process for enforcement, as this last paragraph seems to, we should refer to the existing PRR that covers discrimination, which has a detailed process already.

- Baker shared the following:

Could refer to Resolving Allegations of Discrimination, which includes this: 3.2.3.9. Sanctions:

3.2.3.9.1. Disciplinary action imposed against a Respondent who engaged in Prohibited Conduct or other misconduct revealed by the investigation may include, but is not limited to, one or more of the following: training, progressive disciplinary action, restrictions on interactions with students or other members of the ECU community, No-Contact Directive, transfer of position, removal of administrative appointment, demotion, suspension without pay, and discharge from employment. A Respondent may appeal the imposition of disciplinary action as permitted by any disciplinary policy applicable to the Respondent.

3.2.3.9.2. Any sanction or combination of sanctions imposed upon a Respondent will be documented in the Respondent's personnel file.

- Wilson-Okamura suggested that if we just propose deleting this paragraph altogether, it probably will stay. Instead we should suggest an alternative.
- Fan-chin Kung (Kung) proposed saying “consistent with due process.” --and ending the sentence there.
- Wilson-Okamura revised the last sentence to read as follows: ” Any member of the University community who violates any aspect of this policy is subject to corrective or disciplinary action, consistent with due process including.” He explained this revision in a comment: “Faculty Governance Committee recommends: (1) The sanction needs to be proportionate to the violation. (2) Rather than create a new procedure for adjudicating violations with this paragraph, the PRR should invoke existing due process, such as the recently-ratified PRR on discrimination.”
- The committee went back to the employee code of conduct. Since it contains the same bullying language that senators objected to in the Faculty Manual's statement on professional ethics, Wilson-Okamura asked the secretary of the faculty senate to withdraw it from the agenda until the committee can revise the language in both places.
- Bowler noted that the employee code of conduct version does not have the health component, but it has more language from the existing statement on professional ethics.
- The committee discussed what to do about this matter.
 - Bowler noted it is the first face to face meeting coming for the senate.
 - It was noted that having a statement about faculty conduct could be helpful in the faculty manual
- Wilson-Okamura asked if anyone wanted us to move forward with changing the employee code of comment immediately—no one responded. Therefore, Baker will keep it off the agenda until asked later.
- Wilson-Okamura moved that we make changes to include due process.
 - Martinez seconded the motion.
 - The motion carried.
 - Wilson-Okamura will send the document to Baker and include in the report to the senate that we are recommending changes.
- There was no additional new business

- The meeting was adjourned at 4:47 p.m.