

EAST CAROLINA UNIVERSITY  
2022-2023 Faculty Governance Committee

MINUTES OF MEETING DATE: Wednesday, April 12, 2023, 3:00 PM to 5:00 PM

ATTENDANCE

PRESIDING: David Wilson-Okamura X

REGULAR MEMBERS (X IN ATTENDANCE):

Sandra Warren X, Cynthia Deale \_\_, Edwin Gomez X, Anne Ticknor X, Mark Bowler X, Susie Harris X

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

Crystal Chambers \_\_, Wendy Sergeant X, Mary Farwell \_\_, Purificación Martínez X, Fan-chin Kung X, Mark Hand X

GUESTS IN ATTENDANCE: Linda Ingalls, Rachel Baker X, Mark Waldrum

CALL TO ORDER: 3:00 PM

This meeting of the spring semester is on Teams. For the link, see the following meeting link:  
<https://facultysenate.ecu.edu/2022/09/07/2022-23-faculty-governance-committee-virtual-links/>

1. Approved the minutes of the March 22, 2023, Faculty Governance Committee (FGC) meeting (with no corrections).
2. Reports
  - a. Faculty chair on system-wide revisions that affect FM, Parts VIII, IX, X, and XII:

"I am writing to let you know about another update that will impact Part IX and X. In my most recent one-on-one with Chancellor Rogers we discussed these items, and also the redlined versions of proposed revisions to several chapters of the UNC Code and policies as well as the workgroup revisions that will impact UNC policies. We discussed the timing of these items—most likely some will be presented to BoG in April with others presented later—one connected point to Part IX and X is the definition and term of what is currently defined in Chapter IV of the Code as "special faculty". The terminology as well as promotion/advancement, etc. is also under consideration by the workgroup.

"How this impacts Part IX and X is that since these sections need to be approved by both the BoT and UNC System, they will be held until the proposed revisions have been voted on, which may be this summer or fall. My recommendation is that we hold off on presenting these items to senate until the BoG votes. I would also recommend this for any other revisions to FM Parts that require a similar approval (Parts VIII and XII). I am happy to share more in our next meeting.

"I have attached the redlined versions and memo requesting comments for reference." *See zip attachment.*

AT: There are proposed changes to the UNC System Code (e.g., ). Faculty Assembly had an opportunity to provide feedback, which was provided. The revisions will be up for review at the next BoG meeting. They are not available yet but will be shared as soon as they are available. There are additional potential changes coming from the working groups. All

together, this limits the changes we can make to multiple parts of the code (e.g., VIII, IX, X, XII).

DWO: Is there a problem with us presenting our current proposed changes to the Senate?

AT: Part IX and Part X have been attached to the previous Senate agendas. So, they have been shared. Also, we don't want to propose changes prior

MCB: Unless there is value in having the changes rejected, we probably do not want to present something that cannot be voted on, submitted, and approved. It will be rejected for system-level reasons.

PM: Agree that we need to hold the changes. Tell the faculty the reason that AT articulated above. Senators will appreciate us not wasting their time in a busy meeting with items that are immaterial for the time being.

Consensus was to hold these items until the UNC System finalizes their changes to the UNC Policy Manual.

### 3. Continuing Business

- a. Revisions to Faculty Constitution and By-Laws. *See comparison document compiled by Rachel Baker.*

DWO: Are there any additional changes that seem problematic in the proposed changes to the ECU Constitution and By-laws.

*Motion/Seconded to send to Senate for first reading.*

DWO: Are there any additional questions or discussion about the document?

Discussion about which versions of the documents to provide to Senators (e.g., with or without comments, clean or edited copy).

*Motion carries unanimously.*

Discussion about how it will be received by senior administration.

DWO: Engagement of administration on this committee and several other would be incredibly helpful to the general process of shared governance. Faculty want senior administrators to contribute.

CC: The Provost said that she has a representative on the committee who represents her in these matters.

WS: As the provost's representative on the committee, I have been able to address personnel procedures, but not other matters.

DWO: Wendy Sergeant's contribution to the committee has been exceptional.

Clean copy and version with comments will be shared with the Senate.

b. Resolution on compelled speech policy (attached).

*Bowler reports: "Here is a brief update on yesterday's senate meeting. The anti-bullying language addition to Part V, Section II of the Faculty Manual was approved with no edits. Moreover, there were several previous detractors who spoke in favor of the change. In contrast, however, the resolution regarding the change to the UNC Policy Manual, 300.5.1 was sent back to the committee for revisions. The primary feedback provided was that (1) it should be expanded include other topical areas that are included in under the policy (e.g., transgender issues, abortion, CRT, climate change), (2) not include items that are potential extrapolations to future policies (e.g., "silencing university faculty... the free speech rights of teachers"), and (3) should include as little additional information from third-party sources as possible (e.g., citing SCOTUS decisions). Overall, I think that there was a positive response, it just needs some additional revision."*

CC: Shared an email that provided a detailed response. In the end, we are trying to have a welcoming environment for everyone and the policy makes this more difficult.

Good morning all. It's a busy time of year and will now get to the specifics of the misunderstandings behind the arguments raised. A lot of the concerns raised arise out of the fact that most faculty do not understand the contours of academic freedom (and heaven forbid if we get into the line of cases suggesting that academic freedom belongs to the institution and is not an individual faculty member's right).

1. Sweezy vs. New Hampshire establishes the contours of academic freedom: who may teach (hiring/qualifications), what may be taught (content – extends to research/scholarship), how shall it be taught (pedagogy/ andragogy), and who may be admitted to study (admissions). The policy specifically interferes with the first prong regarding admissions – no extrapolations. As one can see in the interpretation of the policy, the policy is directly aimed at the first of academic freedom with respect to DEI statements in hiring packages. We have a right to decide how we, as an institution, will pursue hiring within the bounds of federal policy and state requirements. Indirectly it implicates the DEI professional development because we have made it a requirement of continued employment/ faculty good standing – think post-tenure review/ insubordination for failure to take a PD. This restraint is a constitutional one and before all of this is said and done, SCOTUS will make a decision. One district court in Florida has ruled that faculty are arms of the state. So be clear, this is where all of this is headed.
2. This is not a loss of speech only in the sense that the point of DEI is to create welcoming and inclusive and supportive environments for all. You can't lose what you don't have. But now we're losing tools to gain that ground.
3. It is already illegal to compel speech in the workplace: *Buonanno v. AT&T Broadband*: <https://law.justia.com/cases/federal/district-courts/FSupp2/313/1069/2580638/>. This point was made in a prior iteration of the resolution but in pearl clutching fervor we heard from faculty that somehow that was untrue.

Being right (correct), is one thing. Doing the right thing is another. I can live with most changes that the faculty would like to see except for revisions to the last "Be it resolved." Here I think the Senate needs to rethink why we do DEI work at all. For BIPOC students and faculty, historically White campuses nationwide have few safe havens where one is affirmed in their whole selves (See "An Academic Gresham's Law: Group Repulsion as a Theme in American Higher Education", Harold S. Wechsler). Climates often range from chilly to hostile. We are constantly having to self-regulate so that we can be accepted and heard. Otherwise, anything we do or say not in conformity with westernized ideals of how to be (or within accepted stereotypical ways of being) can be dismissed as unprofessional. (Eg, I don't have the privilege of a resting b\*\*\*\* face). Similarly, across all campuses, LGBTQ+ many persons face similar climate ranges and make similar choices between acceptance and rejection, forcing people to put forth their most acceptable selves. The purpose of DEI efforts is to make cultural change so that all people can be who they are and be accepted, supported included. The compelled speech policy is reactionary, an action grounded in aggrieved privilege aimed at preserving a status quo that does not work well for many of us. To step away from this last clause would be seen as a betrayal to many BIPOC faculty on this campus. The Senate has the opportunity to stand with and for us, or while wagging its finger at actions that do implicate academic freedom as constitutionally outline, forget those the policy is intending to silence. And it is silencing. We have practices here that make it ok for faculty to tell students they can't major in racism. But then, in turn, we cannot advance

professional development to address that concern or employ hiring strategies that ensure we do better in selecting new faculty who don't mind teaching all of our students. Do you know that ECU has more Black students than several HBCUs and that there are administrators who would like to keep that knowledge low-key for fear of perceptions? That's being small, and to appease whom for what purpose? Is this the side we choose to align with?

I want to encourage us right now to be bigger not smaller. In South Carolina, a bill to abolish tenure moving forward was just defeated in the legislature. What remains is a clause in all tenure track faculty contracts that legislation may nullify the terms of their contracts (think to the fixed term faculty contract language that effectively renders the contracts as at will employment). We need to pay attention to the bigger issue. What we are experiencing here is part of larger concerted action nationwide and the more ground we cede, the more that will be taken, with hastening speed.

AT: One of the comments was to broaden the topic it beyond DEI. Abortion, critical race theory, climate change, and other issues of contemporary debate.

MCB: The legal citations make it more confusing and the claims of silencing faculty will be pointed out as being factually incorrect.

Discussion about the appropriate terminology (e.g., "silence" versus "change").

DWO: Spoke in favor of keeping the legal citations.

Edits to the document were made.

Potential changes to the proposed ECU Strategic Plan revamp. Additionally, there may be changes requested regarding what is required for professional development (e.g. the DEI activity). Potential words that would be removed would be "diversity" and "accommodation"). May want to look at the UNC Policy Manual for additional material that is relevant and contradictory.

DWO: I tend to think that a more focused resolution will be read. If we add too much, it may not get the attention of its real audience, the Board of Governors. (Tell the Senate, we discussed it and decided to keep it with a narrow focus. Focus on the one challenge that we know is right.)

This suggestion was generally accepted.

CC: The UNC Policy Manual is clear in saying that the quality of the university is a function of the quality of the faculty.

Further discussion about what would be the most compelling language to utilize in the resolution.

MCB: It is imported to include references/quotations that note the source of the information.

CC: Regarding the additional issues (e.g., climate change, abortion, etc.) are inherently included in the resolution.

DWO: The DEI is foundational in a way that the other issues are not. Some of those topics are open to collegial debate, whereas DEI is a bedrock component.

CC: By preserving DEI, we are preserving the ability for faculty to pursue those topics.

*Motion to send edited version to Senate was approved unanimously.*

c. Timetable for fixed-term advancement in title.

See proposed revisions to FM, Part X (attached) and comment from Assoc. Dean Marianne Montgomery (AS):

"While I am pleased that advancement in title procedures will be regularized and codified in the FM, I am concerned that the timeline in Part X is stricter than it needs to be. It seems to have been set up to align with the promotion and early tenure timeline, with the faculty member notifying the chair of their intentions early in the spring semester and the decision coming in the following year. This means there is a long 7 month gap between the intentions deadline (Feb) and the portfolio deadline (September). This seems excessive and requires FTF to make plans far in advance, often in cases where the university has not made a correspondingly long term commitment to them with a multiyear contract.

"I see several potential solutions:

1. Make the decision happen in the spring (as it does now in THCAS), with the intentions deadline in late fall and the portfolio due early spring. Given that there are fewer approvals for advancement in title, the decision could be completed in the spring and the faculty member could begin the fall with the new title (and, potentially, associated pay raise).
2. Keep the portfolio deadline in September to align with P&T/PADs, but make the intentions deadline later in the spring (late April?) or even first thing in the fall (late August?). The long timeline for P&T is necessary to allow time for securing external reviewers, sending materials, and waiting for reviews to be completed, but since there is no external review for advancement in title, there is no need for a lot of advance notice.

"My concern with the current proposed timeline isn't that it's terrible, but that it could lead FTF to miss out on deserved advancements, as the FM deadlines are strict, and I could absolutely expect some FTF to not be thinking seven months in advance about deciding on advancement in title, and then having to wait another year to submit their portfolio because they miss the intentions deadline (and thus having to wait another year for a raise). Missing the deadline happens semi-regularly with people seeking promotion to full, and it would be, I expect, even more likely with FTF. We don't need an extended timeline that makes this process harder than it needs to be for FTF colleagues."

*Follow-up from Montgomery:*

"I discussed the proposed AIT timeline with our (very excellent) college personnel coordinators, Tawnee and Courtney, today and wanted to share some additional feedback. They agreed with the concern that the proposed timeline is too extended, but they also suggested that the best timeline for advancement in title would align it with subsequent appointment. Currently, we do advancement in title in THCAS after subsequent appointments, which means that faculty get a new contract and then later a superseding contract with the new title. This requires quite a lot of additional paperwork. If we did advancement in title in the fall, on the proposed timelines, faculty would go through the whole process to advance in title well *before* they know if they have a subsequent appointment (unless they're on a continuing multi-year contract). In an ideal world, AIT would line up with subsequent appointments, which are typically considered by PCs in February. Since PC considers both advancement in title and subsequent appointment, these could even potentially be done in Faculty180 in a single portfolio (once these processes are developed in F180), saving FTF valuable time and effort.

"So, while any timeline shorter than the proposed timeline would be an improvement, I would suggest that advancement in title deadlines close to tenure-track reappointment deadlines might make the most sense. Portfolios would be due in January (or December), PC would recommend in January/February, and the dean could recommend advancement in title at the same time as the subsequent appointment."

DWO: Associate Dean Marianne Montgomery noted some potential issues with the timetable (as noted in correspondence above).

PM: There is no university policy about timeline for advancement in fixed-term title. The timing about these is what the subcommittee talked about. This shouldn't prevent anyone from advancement. Might be good for Wendy Sargent and/or the subcommittee to reach out to deans and AA to see when they are timing advancement in fixed-term title.

CC: In the CoE, which is coded at the college-level, these are done at the department-level

WS: Most colleges tie this with other similar work. From my perspective, it was important that we could have time to provide those appointment letters to faculty in time.

WS: My one question is about the intent of the process. Currently, for advancement in title, if a positive recommendation comes all the way forward, the Provost's office doesn't even see the materials. All we get is a recommendation form noting who agrees (e.g., dean, chair). So, if we are continuing along that process, we would just continue issuing the letters as we have been in the past.

PM: In the most recent edits of the policy, it is clear that the Provost still does not need to review the materials for fixed-term advancement in title. The deadline for when AA issues those letters will be the same.

CC: It is helpful for a Personnel Committee to know at the beginning of the academic year and not late into the fall semester. Given that these are full-time longstanding faculty, there shouldn't be much of a surprise regarding who should be considered for advancement of title.

DWO: There are multiple reports/process that are being generated simultaneously. Annual report and what is included in fixed-term faculty portfolios. What is being suggested is aligning the process of new contract and request for advancement of title. Entered into a single report in Faculty 180.

CC: In our department, we use the same package to deliberate new contract and advancement in title.

PM: In our original proposal, the tenure-track and fixed-term processes mirror each other. I do like the professionalization of the process so that the university is further compelled (1) to pay them more and (2) to provide more multiyear contracts.

DWO: Do we keep it as it is or do we send it back to the sub-committee (that will have different members next year).

AT: This will be impacted by the work of the faculty workgroups that are currently working for the UNC System. Three different committees are doing work that is related to fixed-term

**Commented [DW1]:** I don't know what I meant here, which probably means it wasn't important.

faculty. These reports are due in May. Implementation will be later but not that far off. However, sometime items get dropped.

PM: Part IX and Part X are being left for next year's committee members.

For FGC Annual Report: Ramifications of the UNC policy changes on Part IX and Part X.

- d. Budget Committee's discussion of salary increments for fixed-term advancement in title (Ticknor).

WS: Not sure if a new scale has even been developed. There needs to be a discussion about this topic.

#### 4. New business

- a. Chambers, proposal for insertions in FM, Part VIII:

Additional faculty titles

Adjunct Instructor; Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor: These titles are used to appoint outstanding persons who have a primary employment responsibility outside the university or in a different department in the university and who bring some specific disciplinary or professional expertise to the academic program. An appointment of a general faculty member who serves as an adjunct instructor, adjunct assistant professor, adjunct associate professor, or adjunct professor is a courtesy appointment and may be included in the unit directory with the by courtesy designation.

MCB: Should dovetail this with the Brody changes to faculty titles.

DWO: Add to next year's committee business.

- b. Committee's annual report: what suggestions, new business should vice-chair Mark Bowler include?

Annual evaluation bias analysis.

Respond to system-wide changes (novel changes as well as responses to Part IX and Part X).

Additional items noted above in blue.

MEETING ADJOURNMENT: 4:40 PM