MINUTES OF MEETING DATE: Wednesday, September 27, 2023, 3-5 p.m.

ATTENDANCE (X_ IN ATTENDANCE):
Sandra Warren__, Cynthia Deale _X_, Anne Ticknor X__, Susie Harris __
Wendy Sergeant___, Purificacíon Martínez _X_, Fan-chin Kung _X_, Jay Newhard, X___Nancy Dias, X_Chris Buddo, X__Ryan Martin_X_Lisa Ellison_X_

Guests in attendance: Linda Ingalls, Rachel Baker

FGC Chair Purificacion Martínez (Martínez) called the meeting Call to Order, 3:00 pm

1. Approval of the Minutes of the September 13th, 2023, Meeting.
   o The minutes were approved.

2. Resolution 23-31 Bullying Statement (Subcommittee members: Harris and Newhard)
   o Jay Newhard (Newhard) gave the committee some background.
     o As he recalls, Crystal Chambers was working on the document and was quoted verbatim
   o Lisa Ellison (Ellison) wonders about the use of the term “professors” instead of “faculty members” suggests that we change it to faculty members
   o Martínez said that the AAUP uses “professors” in its terminology and if we change it, we will have to change it throughout
   o Newhard said that if the wording at the end is aspirational, it should use “shall,” etc. and not just be descriptive.
   o A discussion ensued about the difference between “shall” and “should.”
     o Ellison raised the idea of using “should”
     o Newhard thinks “shall” is better
     o Chris Buddo (Buddo) asked if a box was still there to check and that would indicate that it is “shall.”
     o Martínez thinks “shall” is enforceable
     o Linda Ingalls (Ingalls) wondered if in the part where it says “professors do not discriminate or engage in…” was the word “shall” deliberately left out?
     o Newhard thinks it should be “shall.”
     o Anne Ticknor (Ticknor) said the box is still on the form and it says “shall.”
   o Martínez asked for a vote on the document.
     o The document was approved.

3. Compelled Speech Revisions (Subcommittee members: Dias, Ellison, Ticknor, Warren)
   o Ellison introduced the changes to the committee.
All changes are tagged with aligning the language with the policy on, diversity & inclusion in the UNC system.

They removed statements about equity, etc.

Ticknor said that they basically quoted language from the UNC system policy, used it verbatim.

Buddo asked for classification and removal of “its,” as “its” refers to a person in connection with the unit and the change to “their” was made.

Martínez directed the committee to the minimum code requirements. Newhard thought that in order to be in compliance with the compelled speech restrictions, the commitment had to come from the individual faculty member and that the university, nor any part of it could put any pressure on someone to support these things. He requested further explanation. Ellison pointed out that the expectation is on the chair. The Chair should be creating an environment that is pleasant to everyone. Is the chair being compelled? Newhard said when the text refers to unit codes, that seems to be part of the university. Ticknor asked if he was talking about institutional speech, because if he was, she did not think this would be a case of institutional speech. Kung said that in his understanding, the compelled speech restriction is only for personnel actions and not a general restriction. There was a conversation about compelled speech, diversity, equity, and inclusion, and creating a culture of care and that this may be the subject of a conversation in the senate.

Martínez went on to the unit code section, which she thinks has already been addressed. Nancy Dias (Dias) thought that additions were made so that academic freedom would be supported in teaching and research. The part about diversity, equity, and inclusion in research and education was removed. Buddo worries about removing the item. Martínez noted that in part X they eliminated the items from the language. Ticknor said that they removed items that could be subject to contemporary political debate.

Martínez moved on to Part XI. Ticknor kept in professional development and removed part about diversity, equity, and inclusion, and instead turned to language from the university mission. Dias said that to address these mission statements, we should engage in diversification without using the terminology. Newhard suggested writing that we “foster a supportive environment in which all students thrive…” Ticknor thinks it should be a supportive environment for all students, faculty, and staff. Kung suggested using all individuals in the ECU community.
• Martinez thinks that we should think about wording a bit more and continued on through the document.
• Ticknor observed that with “all faculty” thing that we had issues with this as we are suggesting every faculty member, including part-time, is doing faculty professional development and we need to clarify that.
• Martínez thinks all faculty still works here for the professional development part.

• Buddo wonders if the word “actively” is compelling, as in “building a culture and a community that actively supports…”
• Buddo makes a motion to remove “actively” in two places.
• The motion was seconded.

• Newhard asked if compelling speech relates only to personnel matters, can the university compel speech elsewhere?
• Martinez said we cannot ask these types of questions about stances on issues when someone applies or asks for advancement, etc.
• Ticknor said there could be a question about whether this is institutional speech. She does not think this is institutional speech. This isn’t saying someone is going to be evaluated on this.
• Newhard said that including that language in the code makes it seem like it would bear on personnel decisions within the code. Otherwise, why would it be included in the code at all?

Martínez said that in conversations with her colleagues, she keeps hearing that no one truly knows what to do or not to do.

• In her view, we are making a proposal. Hopefully, the senate will approve it and the chancellor will too.
• She does not think we should do self-censoring.
  ▪ We are trying to preserve as much as we can about work that we thought was important. The chancellor may not approve it, but we’ll have a better answer about what is allowed.

• The motion carried.
• The document will be sent to the senate.
• Martínez will present it.

4. Discussion of Part XII

• Martínez noted the procedure she used to revise the document:
  • First, she offered Rachel Baker (Baker) a revision of the first section
  • Then, Baker gave feedback.
  • Martínez then kept working on the sections.
  • For example, she tried to get rid of inconsistencies.

• Ticknor noted that early tenure review procedure might have to move back to general grievances.
• Ingalls noted that it is important for all to be aware that when we do not confer tenure early, they return to their original appointment schedule (unlike many other institutions).
At ECU, a denial of early tenure is not an up or out decision.
Tenure is another reappointment; the code refers to it as a review.

Martínez asked the committee to look at the General Appellate Procedures (Section I)
- Considering legal counsel and appellate counsel—as Wendy Sergeant suggested.
- Martínez said that she went through it and made changes to make it easier to read.
- Fan-chin Kung (Kung) asked if we need to define legal counsel.
- Martínez said yes and we do define it.
- A part about appellate steering committee training was added.
- Martínez removed the option to consult first with the ombuds to preserve the role of the chair of the faculty in providing this initial information to faculty considering an appeal. Newhard is in favor of offering all of the options they have.
- Martínez is okay keeping it as it was originally.
- Dias supports Newhard suggestion.

Martínez made some changes in the deadlines section.
- And the timeframe for the annual review is specified as fall.
- It was noted that in the deadlines it should be ECU Board of Trustees not UNC Board of Governors
- Martinez asked about request for a panel...30 days, etc.
- Baker thinks it okay to leave it in
- Ingalls said the section covers denial of promotion or early tenure throughout we focused on no-reappointment and no conferral of tenure, but we do not say all of the decisions made under subsection, which includes denial of promotion.
- She noted that when the language is specially a review of the decision and she suggests that you define grievant a little more carefully as a faulty member seeking a review of the decision is identified as the grievant.

Martínez continued to go through the document.
- She revised items to make more sense. For example she added about how to organize the hearing, the 90 minute time limit, etc.

There was a discussion about the discipline/due process section, regarding the sentence that begins “For purposes of the Faculty Manual….”
- Ingalls thinks the statement is very broad, but the faculty manual is more specific. Martínez moved to remove “For purposes of the Faculty Manual” from the section.
- It was seconded.

Discussion about the document continued.
- Newhard talked about specifically noting the protection of tenure.
- Ingall says they do not use protection of tenure.
- Ticknor put the current wording in the chat: For impositions of formal discharge, suspension, or demotion under this section of The Code, a faculty member serving a stated term shall be regarded as having tenure until the end of that term.
Martínez said we can eliminate and copy the code.

Ingalls said how about using “for purposes of this appeal or…?”

Martínez said we could eliminate the “for purposes of the faculty manual” part.

Newhard noted that the language of the code might be murky on appealing, but we could state it more clearly.

Martínez asked Newhard to come up with new wording.

Martínez said we need to be aware of drastic changes in the system policy.

The ECU faculty assembly was not successful in acting against the changes.

We are much more fragile than before.

Martínez wanted to be sure all hearing processes follow the same as denial for tenure and specify all documents included, but she was not able to figure out what that list of documents is.

Baker noted that the language was not specifically restrictive; she does not know if you can specify exactly what types of documents are allowable so it seems fine to leave it more general.

Martínez continued to go through the document and said she was puzzled by the language about the process for the Board of Trustees, which is different than in other areas.

Ingalls noted that when discharging a faculty member with tenure it is the most substantive decision made and it is rare

She thinks maybe the specificity was due to the seriousness of the decision.

Or it is a decision not to grant tenure early.

Ramifications of a decision not to grant tenure early are that the person goes back to their probationary term and can go up for tenure again.

Baker says the wording coincides with that of the code.

Newhard came up with the following wording:

Here is what Newhard came up with. (a) is modeled more closely on The Code.

(a) For the purposes of imposition of formal discharge, suspension, or demotion described in the Faculty Manual, a faculty member serving in a fixed-term or probationary appointment shall be regarded as having tenure and especially its protections until the end of the stated term.

(b) A faculty member serving in a fixed-term or probationary appointment shall be regarded as having tenure and especially its protections until the end of the stated term.

Ingalls wondered if it would be saying the same thing if you said, “a faculty member serving in a fixed-term or probationary appointment shall be regarded as having tenure, with its protections, until the end of the stated term.”

Tenure being contract protection’ that tenure resides just within that period of time

Permanent tenure may only be taken away under the UNC code mechanism or financial contingency or program curtailment.

Martínez had the committee look at grievances section again.
- She added wording about informal conflict resolution that they can have an advisor.
- She indicated recommendations regarding ombuds after her conversation with ombuds.
- Adding that they can never serve as a witness.
- Also adding information from an informal meeting with the ombuds cannot be used in a formal hearing. The ombuds said that people might use the informal meeting as a way to get information to use for a grievance if the information could be used in the hearing. It undermines the intent of the informal meeting.
- She intends to work more tomorrow on finishing the section so we can approve it at our next meeting and then she can send it to next senate meeting.
  - It was suggested that the OUC look it over first perhaps—consider that and how much time should they get.
    - Martínez says that we can give them the option.
    - She prefers that we all look at all revisions and after that we can send it to OUC.
- Martínez noted that we have two items on our next meeting’s agenda:
  - This one and the computer policy.

- The meeting was adjourned at 5:00 p.m.