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PLEASE POST FOR ALL FACULTY TO READ!

**EAST CAROLINA UNIVERSITY
FACULTY SENATE**

FULL MINUTES OF JUNE 17, 1993

A special called session of the Faculty Senate was held on Thursday, June 17, 1993, in the General Classroom Building, Room # 1031.

Agenda Item I. Call to Order

Chair Moskop called the special meeting to order at 2:10 p.m.

Agenda Item II. Roll Call

Members absent were: Chenier (Allied Health Sciences), McGee (Continuing Education), Spence (Education), Holte (English), Dock (Foreign Languages and Literatures), Woods (Geology), Markello and Worthington (Medicine), McCarty (Philosophy), Givens (Faculty Assembly), Vice Chancellors Hallock (Health Sciences) and Matthews (Student Life), and Lowe (Academic Deans).

Alternate Members Present were: Kares for York (Academic Library Services), Sehgal for Brinson (Biology), Schadler for Doty (Business), Ayers for Evans (Chemistry), Jones for Farr (English), Inman for Gallagher (Human Environmental Sciences), and Eudey for Spickerman (Math).

Following roll call, Chair Moskop determined that a quorum was present.

Agenda Item III. Special Order of the Day

The issue of further revisions to *Appendix D*, Tenure Policies and Regulations of East Carolina University was on the floor for discussion.

Chancellor Eakin was invited to speak first to the issue at hand. He presented a brief review of the reactions and criticisms of the revised *Appendix D* by the UNC General Administration. He noted that this special meeting of the Faculty Senate was necessitated by requests from the General Administration for further revisions to the document. The draft revisions were the product of work by John Moskop (Chair of the Faculty), George Bailey (Faculty Assembly Representative) and the Faculty Governance Committee following meetings between Vice Chancellor Springer, James LeRoy Smith, and representatives of the General Administration.

The Senate proceeded to consideration of the draft revision to *Appendix D*.

McPherson (Industry and Technology) moved to amend section II. A. 5 on page three, replacing the word "shall" in each sentence with the word "should." The motion was seconded and passed.

After questions by Ferrell (History), Bailey (Faculty Assembly) suggested an editorial change: replacing the second sentence of II. B. with the first and second sentences of II. A. 1. This change was accepted with no objections.

Grossnickle (Psychology) moved to amend section II. C. 2., by striking the term "Academic" from the heading and the word "faculty" from the first sentence. The motion was seconded, and failed.

Finley (Human Environmental Sciences) recommended an editorial change to footnotes four and five on page 6, replacing the words "Unit Personnel Committee" with the words "appropriate deliberative body." This change was accepted with no objections.

Bailey (Faculty Assembly) recommended an editorial change to section IV. A. 2., adding to the end of the first sentence the phrase "which shall consist of at least three faculty members." This change was accepted with no objections.

Following discussion by Ayers (Chemistry), Jarvis (Music) and Karns (Business), Moskop recommended an editorial change to the final paragraph of section IV. G., adding the phrase "to the candidate and" immediately following the word "non-concurrence" in the final sentence. This change was accepted with no objections.

Ayers (Chemistry) noted that the language describing the Hearing Committee is not parallel with other committees named in the document. Chair Moskop suggested that the task of correcting this section to make it parallel be delegated to the drafting committee. Hearing no objection this task was delegated to the committee.

Following discussion by Ferrell (History), Chancellor Eakin, and Irons (University Attorney), Anderson (Education) moved to add to the final sentence of V. B. 1. the following parenthetical sentence: See *Faculty Manual*, part 2, University Attorney. The motion was seconded and passed.

Following discussion by Hough (Faculty Assembly), Chair Moskop, Ayers (Chemistry) and Finley (Human Environmental Sciences), Jarvis (Music) moved to amend the document by striking the following clause from the last sentence of V. D. 1.: "those individuals who may provide information in support of the affected faculty member's contention." The motion was seconded and passed. Following this action, Bailey (Faculty Assembly) requested approval for extending the alteration made in the motion to the other hearing procedures in the document. There was no objection to this editorial request.

During discussion of section V. D. 2., Ferrell (History) recommended an editorial change, adding the word "any" before the words "supporting witnesses" in the first and second sentences of the penultimate paragraph of the section. Also, Vice Chancellor Springer recommended that the word "also" in the final sentence of the same paragraph be omitted. These changes were accepted without objection.

Following discussion by Karns (Business), an editorial change was approved adding, after the word "representative" in the second sentence of the third paragraph of section V. D. 2. the clause "who shall not be an East Carolina University attorney."

Following discussion by Hough (Faculty Assembly) and Irons (University Attorney), an editorial change was adopted adding the clause "including all materials entered as evidence" between the words "report" and "and a copy" in the first paragraph of section VI. G.

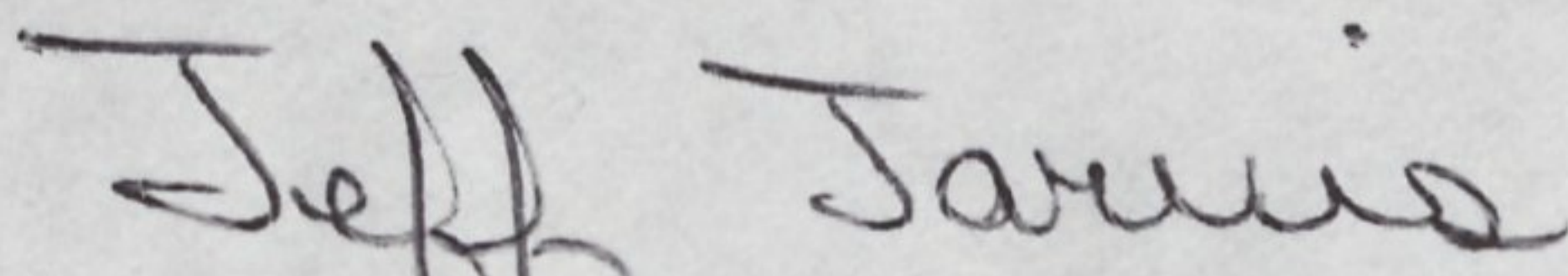
Ferrell (History) moved to amend section VIII. B. on page 23, adding the following sentence to the end of the paragraph: "The Faculty Grievance Committee may draft by-laws and procedures as approved by the Faculty Senate and the Chancellor." The motion was seconded and passed.

Having considered the document in its parts, the Senate proceeded to consider it in its entirety. Ferrell (History) called for the question, approval of the document as a whole.

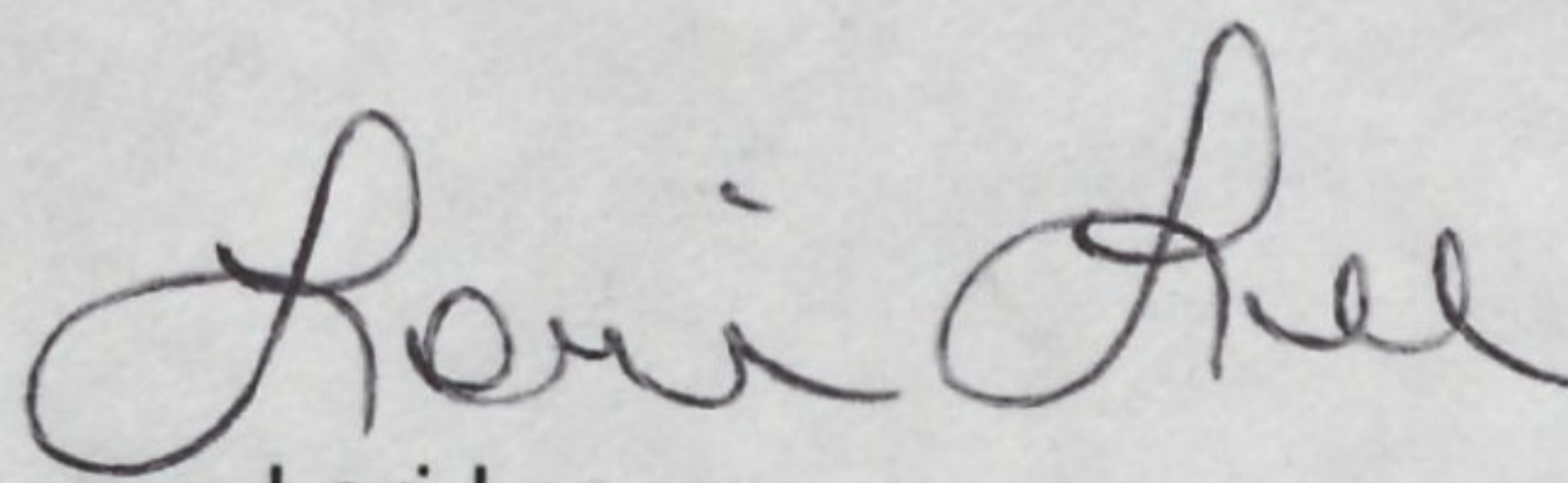
The motion, approval of the draft revision of *Appendix D*, Tenure Policies and Regulations of East Carolina University passed (**Resolution #93-26**). A copy of the revised document is available from the Faculty Senate office (140 Rawl Annex) upon request.

There being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,



Jeff Jarvis
School of Music
Secretary of the Faculty



Lori Lee
Faculty Senate Office

RESOLUTION PASSED AT THE JUNE 17, 1993, FACULTY SENATE MEETING.

#93-26 Revised *Appendix D*, Tenure Policies and Regulations of ECU. (This document is not included with this report due to its length. A copy is available from the Faculty Senate office, upon request.)

Disposition: Chancellor, Board of Trustees, Board of Governors



MEMORANDUM

Faculty Senate
140 Rawl Annex

919-757-6537
FSLEE@ECUVM1

TO: Faculty Senators and Alternates
FROM: *John Moskop*
John Moskop, Chair of the Faculty
DATE: June 11, 1993
SUBJECT: Called Meeting to Consider Revised Appendix D

As you will recall, the revised Appendix D approved last year by the Faculty Senate, the Chancellor, and the ECU Board of Trustees was submitted to the UNC General Administration for final approval by the Board of Governors. Officers of the General Administration recently communicated comments on the revision of our Appendix D; those comments are summarized in attachment 1. An ad hoc Committee of George Bailey, John Moskop, and James LeRoy Smith drafted a new revision of Appendix D in an attempt to respond to those comments. That draft was considered and further revised by the Faculty Governance Committee at its meeting on June 10, 1993. The Faculty Governance Committee approved a revised Appendix D, attachment 2, for consideration by the Faculty Senate at a **special called meeting at 2:10 pm, Thursday, June 17, 1993, in the General Classroom Building, room #1031.** Please review the new revision of Appendix D for this meeting.

To improve clarity and stylistic consistency, a number of sections in the first third of the previous draft of Appendix D have been rearranged in the new revision. The placement of sections in the two documents is compared, for your information, in attachment 3.

attachments

attachment 1.

MAY 24, 1993

OBSERVATIONS BY THE GENERAL ADMINISTRATION
RE THE "FINAL REVISED APPENDIX D DOCUMENT"
Recorded by James LeRoy Smith, ECU

GENERAL OBSERVATIONS:

1. A continuing problem throughout the document is the manner in which stylistic incoherence exacerbates problems of substance.
2. There are several problems of substance which must be more clearly addressed. Most of these are policy decisions which ECU must make in a clear manner; others are crucial enough that, unless changed or clarified in an acceptable direction, GA could not support them [e.g., the inquisitional turn with Hearing Committee procedures]. In those cases, "must be dropped" is indicated.
3. At several junctures, e.g., in handling the concept of "probationary", why "the wheel had to be re-invented" in such a cumbersome way is very unclear.
4. Often, then, it is not the choices ECU makes, but the style and expression of those choices that is the problem. Moreover, in three or four places, typos or lapsed phrases cause the problem.
5. Finally, now that material procedural irregularity is petitioned as an allowable basis for grievance, the document must be eminently clear and concise in order not to invite litigation. The document, however, is often not clear and concise.

SPECIFIC OBSERVATIONS: [PAGE BY PAGE]

D-1: no comment

D-2: --C.1.a.(2): why not add a discussion of professorial ranks here, to show the relationships: "(2) Probationary Appointments and Professorial Ranks"

--in C.1.a., why not add a paragraph on Instructors? IF instructors are going to be tenure-track and probationary then it should go in (2), but if not, then use a separate paragraph [a 4 to go along with 1,2,&3] [cf. the fax and also UNC-CH's document].

--Last sentence in C.1.a., the reference to protection of tenure is vague unless cross-referenced with VI.A.

D-3: --New federal court rulings now guide incorporation by reference: "shall incorporate by reference..." is the way the wording should go...

- D-3: --w/ no more faculty in Student Life, can we not strike the reference in ftnt #1 to VCSL?
- D-4: --section f should be "Unpaid Leaves of Absence" presumably? or "Special Unpaid Leaves" even better. Also, the second paragraph [3 lines] is unclear: is this a reference to compassionate leave? Also, the last sentence in parag 1 [4 lines] is mostly repetitious of matl above: add "subject to approval by the Chancellor" to the first sentence? The substantial problem in this section is whether to give any time off the tenure clock for leaves of less than six months, presuming that a yr off that clock is appropriate for leaves of six months to a yr. Giving a semester off the clock would put the tenure-track calendar out of sync. However ECU decides to proceed, policies should be clearly expressed.
- D-5: --line 2: replace and by or between VI. / VII.
- Section 3: This entire section covering D-5 thru part of D-10 should be reconsidered in light of the fax from Dick Robinson [attached] and the documents of other institutions, e.g., UNC-CH and UNC-C. ["Instructor" continues to be unclearly handled.]
- D-6: --the first parag of section b. is terribly unclear & turgid. Why not make the reapt w/tenure decision at the end of the 5th year? Is the seventh yr built in advertently? It's ok, but unusual. If we keep it, please say it more clearly.
- D-7: --Again, see fax and UNC-CH document for a much more economical approach.
- D-8: --section c: in that these letters are another thing subject to grievance, be sure their value outweighs that risk.
- D-9: --line 1: again, revise the language: admission of "failure to give timely notice" is no way to handle the timeline on recommendations. If a seventh year is going to be given, ok, but write it up a different way than this...
- D-10: --why leave out the examples in 4 that were found in the current D? Explaining their use would be an important addition to the document...

D-11: --ensure that the change in policy on fixed-term employment [section c] is advertent. Have the consequences of this change been considered thoroughly?

-- the second paragraph of c. is not tenure regulation material; can it be removed and codified elsewhere?

D-12: -- in sections 1 [beginning on D-11], 2, and 3, three committees are mentioned, but only one [Personnel Committee] is named. Defining these committees is imperative.

-- in section B., beginning at the bottom of the page, no differentiation on the basis of 1,2, and/or 3 in section A is offered.

D-13: --JLS: line 4: this line requires that both tenure-track and permanently tenured faculty be on the personnel committee, yet page D-12, middle, leaves open that all could be perm. tenured. Is this advertent? In any case, it isn't clear.

--the first sentence in paragr 2 is an incomplete expression: what is meant by initial probationary appts? Also, "unit personnel committee", again, has not been clearly defined.

--the last sentence in parag 1 of section D is unclear regarding "appropriate deliberative body."

D-14: --last sentence of 1st paragr under E: is "results of creative activity and scholarly activity" a sufficiently clear reference in the academic community?

--in 3rd paragr under E: how is the reputation to be measured? The honorarium reference need not be in this document [and very seldom offered elsewhere, incidently]

--the "reviewer identification removed" must be dropped. It is against state law.

This whole section [E] should be re-thought in terms of the clarity and conciseness which would be demanded in a document offering material procedural irregularity as a permissible ground for grievance.

D-15: --line 2: "..be appropriate to the personnel action." --this is an example of lack of clarity. Also, the last sentence in that paragr [top, D-15] seems inconsistent with line 8 on D-16.

--line 4, 2nd paragr on D-15: again, against state law: must be removed.

--section F.1. on D-15: the personnel file antedates appt: applicant matls are legally part of it. In general, ECU should relaize that "personnel file" is not a single physical file kept only in one location. Rather, it is those certain documents used for certain personnel processes, wherever those documents are housed.

D-16: --in section d, the "student opinion of instruction" is left vague. What counts here? Also, in general, all of these portfolios are matls about which a candidate can grieve: ensure clarity and justifiability throughout.

D-17: --In line 6 of G, the "appropriate deliberative body" is unclear, as also in the next paragr; also, what about appointment --why is it left out of paragr #3?

--in H, there is an extra "body" in line 1.

--most importantly, the conditions on voting in H allow for no action to take place. This must be dropped. There must be a process whereby the chair can render a recommendation in all cases.

D-18: --In section I, that the Chancellor receives all negative recoms is problematic. [WCU is the only other campus which allows this and this is an opportunity to rectify this situation at ECU.] The Chancellor should remain free of such decisions in case of a grievance which he would have to adjudicate. While we do not insist on this, why cannot the negatives stop at the VC level? On some campuses they stop w/ the chair.

In section K, "appropriate deliberative body" is unclear.

Section L has nothing to do with the topic of this part of the document. It should be placed elsewhere in the document.

D-19: --under section A, clarify whether early tenure considerations are subject to appeal. Also, given "matl procedural irregul" as a permissable ground for appeal, is it really clear that the informal process would be a waste of time? [rethink that]

--in last line on the page, who decides the disqualifications?

D-20: --In 2, it is extremely important to have the wording on MPI clearly stated. It is not clearly stated in 2.b. --cf. UNC-CH's wording where it is clear that the Chancellor rules as to what procedures were in effect such that there is a benchmark for judgement. Also, "..result of.." in line 5 of section 2 and again in paragr 4 on the next page is too stringent. "..attended by.." is proper language instead [cf. UNC-CH's statement on MPI]. This must be dropped. I.E., the failure to include full treatment must be abandoned in favor of wording like UNC-CH's.

D-21: --expand the statement on MPI here, consistent with the revision suggested on D-20.

D-22: --the first three lines are not a complete thought.

--beginning with line 6 of the second paragr, the Hearing Com undertakes to be a board of inquiry [an "inquisitional approach] and this is a radical departure from all other campuses and is not acceptable. This must be dropped. That statement is also, as it stands, inconsistent with the next to last sentence in the same paragraph.

D-22 cont'd: --in D. 1., is the information referred to in addition to that referred to at the start of the process? --i.e., is this yet another opportunity to bring information forward? If so, why? It would seem that the information deemed relevant by the grievant could be amassed at the very start of the process.

D-23: --no comment

D-24: --The first full paragraph on D-24 illustrates again the radical departure mentioned earlier. While the committee may rightfully question statements which are unclear in order to make a judgement about the allegations presented, the burden of proof is on the faculty member. The committee should hear the adversarial presentation. The committee must not undertake independent and unilateral inquiry. This must be dropped [i.e., revised to eliminate].

--in the last sentence in section D, a listing of the impermissible reasons, including MPI, would be helpful.

D-25: --in the second paragr, the wording suggests that only a finding of MPI suffices to cause a remand. In truth, **any** conclusive finding of impermissible ground causes a remand.

--in section F, what kind of action? Overriding that, though, is the total lack of necessity for this section: if there is a finding for the faculty member, restitution would be made. If there is not, restitution would be improper.

D-26: --in section B, why is informal process kept here, but eliminated with other grievance procedures? Also, as stated, steps are unclear. When do discussions take place & what timeframe governs them? This looseness allows for long delays which themselves would be potentially grievable. [Chancellor could dictate timelines, etc in a letter...]

--the fntn [#5] should be less perjoratively stated.

D-27: Under E, candidates must be elected and this is not made clear. Also in paragr. 1 of E, who does the disqualifying?

--as for peremptory challenges, why here for the first time? Challenges for cause are the only appropriate challenges in these proceedings.. --moreover, if they were to be included, why is the administration not allowed the same opportunity?

D-28: --in paragr. 2 of F, why is counsel for the Chancellor not included?

--in the last sentence in F, something is either extra or left out.

D-29--D-36: In section VII, two comments: does not the manner of additional committee involvement overburden the process? Also, item 10 on D-36 is subject to the same claim as stated above re section F on D-25: unnecessary.

D-36--D-38: Informal consideration up the administrative chain is not required here; it should not be a requirement that administrators above the level of the grievance should be called as part of the adversarial activities in the process.

Further commentary may be forthcoming.

3. Probationary appointments

Persons appointed to the ranks of Assistant Professor, Associate Professor and Professor are eligible for the conferral of permanent tenure following completion of a prescribed period of probationary employment. Before expiration of the maximum allowable probationary period, the faculty member must be awarded permanent tenure or the employment must be discontinued.

a. Probationary periods

Although the Chancellor may recommend that a faculty member be granted tenure at any time during an applicable probationary period, the normal period of probationary employment for the respective faculty ranks shall be:

(1) Assistant Professor. The probationary period is six years, consisting of three successive two-year appointments.

(2) Associate Professor. The probationary period is four years, consisting of two successive two-year appointments.

(3) Professor. The probationary period is two years, consisting of one two-year appointment.

Although the prescribed period of probationary employment may be extended by mutual agreement, in no case shall the probationary period exceed seven years.

b. Credit for previous academic employment

At the time of initial appointment to a professorial rank, and with the agreement of the appointee, a simple majority of the unit

personnel committee, the unit administrator and the appropriate vice chancellor, the faculty member may be granted up to a maximum of three years of credit for previous full-time faculty employment at another accredited college or university. The granting of such credit shall reduce the probationary period applicable to the rank to which the faculty member is appointed, as follows:

(1) A candidate appointed at the rank of Assistant Professor, a maximum credit of three years.

(2) A candidate appointed at the rank of Associate Professor, a maximum credit of two years.

(3) A candidate for appointment at the rank of Professor, no credit is allowed.

c. Reappointment decisions

(1) Period of advance notice of reappointment or nonreappointment

A decision to reappoint or not to reappoint a probationary faculty member shall be made by the appropriate university authority . . . the minimum notice requirement shall be: During the second year of continuous service at East Carolina University, no less than 180 calendar days of notice shall be given before the employment contract expires; during the third and all succeeding years of continuous service, the faculty member shall be given not less than twelve months of notice before the employment contract expires. The notice requirements applicable to ^{the conferral of perm. tenure in} the specific academic ranks, as they may be adjusted by credited service at other institutions of higher education, are:

(a) Assistant Professor.

A probationary employee at the rank of Assistant Professor with no reduction in probationary period for prior academic experience shall be notified by the end of the fifth year of probationary service.

A probationary employee at the rank of Assistant Professor who has been granted a one-year reduction in probationary period shall be notified by the end of the fourth year of probationary service.

d. Progress toward tenure letters

e. Form of notice (written, failure to provide accords one-additional year)

f. Criteria of reappointment

g. Criteria of conferral of permanent tenure

h. Promotion

4. Instructors