

Committee on Faculty Governance
Meeting Minutes
Sept. 15, 2015, 3:30 p.m.
233 University Center

Members Present: Stephen Bukowy, Angela McDonald, Ottis Murray, David Nikkel, Jesse Peters, Sally Vallabha

Members Absent: Cherry Beasley, Kirill Bumin, Marilu Santos

- I. Call to Order
Meeting called to order at 3:37PM by Jesse Peters.
- II. Election of Committee Chair and Secretary
Jesse Peters was elected chair unanimously. Angela McDonald was elected secretary unanimously.
- III. Approval of Agenda
The agenda was approved without additions or corrections.
- IV. Approval of Minutes of April 21, 2015
The minutes were approved by unanimously.
- V. Report from the Chair
Chair Jesse Peters reported on the need to replace one committee member due to a conflict with another Faculty Senate Committee appointment. Names of potential replacements will come from Committee on Committees interest survey.
- VI. Unfinished Business
Continued discussion of matters pertaining to shared governance: Members of Faculty Governance discussed ways to communicate with new campus leadership in Academic Affairs. Members discussed the membership and voting responsibilities of faculty members jointly serving in administrator roles above department chair on the Faculty Senate and its subcommittees. Members discussed faculty representation on university committees and the role of the Faculty Senate Committee on Committees in the selection process.
- VII. New Business
 - A. Request for consideration of creation of position of ombudsperson/faculty advocate in the process of grievances and hearings (Appendix A):
Members of Faculty Governance discussed Appendix A and determined that further discussion and exploration of a faculty ombudsperson or committee was warranted.
- VIII. Announcements

The upcoming speakers series for the School of Business was announced.

IX. Adjournment

The meeting was adjourned at 4:43 pm.

Respectfully submitted by:

Angela McDonald

Secretary

Appendix A

MEMORANDUM

TO: Beverly Justice, Chair, Committee on Faculty Governance
FROM: Scott Hicks, Chair, Faculty Senate
DATE: June 24, 2015
RE: Faculty Ombudsperson/Advocate

I am writing to ask for the assistance of the Committee on Faculty Governance, in its jurisdiction to “review and interpret the Faculty Constitution, the By-laws of the Faculty Senate, and rules of order for the conduct of Senate business” (UNCP Faculty Constitution, Art. VI, Sect. 3), to explore and, should the Committee so desire, create and develop a position of Faculty Ombudsperson or Faculty Advocate who, pending Faculty Senate approval, may serve as a resource to faculty members in navigating the procedures and processes of the University’s hearing and grievance policies.

After a year of several contentious disputes involving faculty and administration, with trustworthy, consistent, or dependable assistance for neither the faculty who appeal nor the faculty who serve on these committees, in contrast to the availability of the University Counsel’s Office to assist the administration, such a position might have the effect of remedying concerns prior to their rising to the level of official grievances and hearings and, for those concerns that do rise to this level, improving the experience of all involved faculty.

For your information, please find attached to this memo the statements of Senate chairs from across the University system relevant to this issue. I am CCing Aaron Vandermeer, Chair-select of the Committee on Committees & Elections, should your committee wish to consult or collaborate with CC&E on questions or protocols of election and/or appointment.

Thank you for your consideration and assistance in this matter, and please contact me if I may provide further information.

CC: Aaron Vandermeer, Chair-select, Committee on Committees & Elections

Andy Kocham, Appalachian State University:

“We have an Ombud, but the person in that role is not really supposed to be an ‘advocate’ for faculty so I am not certain that is the best way to go for your problem. We have created a committee of faculty who have served on grievance committees or due process committees to serve in the role of faculty advisers. The Handbook Language reads:

7.4 Faculty Committees

7.4.1 Faculty Grievance Assistance Committee (see 4.11.1.3) exists to advise the faculty member about the preparation of the case for hearing by the Faculty Due Process Committee or the Faculty Grievance Hearing Committee, to answer the faculty member’s questions about the process of grievance, or to be available as a source of information for the faculty member during the grievance process.

The Faculty Grievance Assistance Committee shall consist of four members who each shall have served on a Faculty Due Process Committee or a Faculty Grievance Hearing Committee, but are not currently members of the Faculty Due Process Committee or the Faculty Grievance Hearing Committee.

The term of membership shall be three years; provided that the first committee members shall have staggered terms.

The committee members shall be elected from among a list of interested and eligible faculty.

Andrew Moorhead, East Carolina University:

“ECU does not have an ombuds position, although I will continue to advocate for one. If the campus is large enough (and at ca 2060 faculty, ECU fits that description), then the savings in avoided grievances and related expenses will almost certainly pay for that position.

“We have multiple appellate committees (grievance, grievance board for EEO related matters, hearing for tenure appeals, reconsideration for those laid off and due process for those who suffer serious sanctions. Happy to share if anyone is interested.”

Margery Coulson-Clark, Elizabeth City State University:

“ECSU does not have an Ombudsperson either.”

Ashton Powell, N.C. School of Science & Mathematics:

“We don’t have an ombudsman at NCSSM for the purpose of faculty grievance. We do have a faculty committee appointed by the Senate that reviews grievances. The final decision still comes back to the Chancellor and eventually the BOT.

“I agree with Andrew that an ombudsman’s role should not be to advocate for any party in a grievance but to decide who is right. I think that would still be exceptionally

valuable. If you want a faculty advocate, that is a very different position that could also be very useful for faculty who are less aware of the policies/systems they work under.”

David Zonderman, N.C. State University

“Just this year, after what I am told was literally forty years of on-and-off discussion, we finally have a faculty Ombuds. He is hired on a part-time contractual basis and reports directly to the Chancellor. He is a trained attorney and mediator, and also has Ombuds training. He does not play any role in the grievance or mediation process but serves as a sounding board for faculty and can advise them on the options available to them when they have concerns or feel aggrieved.”

Dee Eggers, University of North Carolina, Asheville:

“UNCA does not have an ombudsman. Off the cuff, I think smaller campuses (we have +/-210 tenure-track positions) might not want to commit a position to this. We benefit greatly from processes with multiple layers of oversight. For example, our tenure process involves student rating of instructor, faculty peer review (new model—don’t use ours), department chair input, the tenure committee, and the provost. If things go awry, the provost, the HR Employee Relations staff (closest thing we have to an ombudsman), Hearings Committee, or Grievance Committee are possible avenues for recourse.”

Spoma Jovanovic, University of North Carolina, Greensboro:

“We spent the year investigating the possibility of having an Ombuds office, patterned after what exists at UNC-CH. NC State also has one, I believe and of course those folks could tell you more.

“Here at UNCG, we think the office is critical, but it's a matter of budget and thus probably not the highest priority at the moment (though our new Chancellor may agree with the proposal to have one).

“In the meantime, this year I asked our Vice Provost Alan Boyette (who spoke at Faculty Assembly this year) to provide ‘training’ to our faculty grievance and faculty due process committees, which he did ably. We had hoped to have legal counsel also part of that discussion, but ours was demoted during this time and we were left without an interim (which we have now) to assist. The training—which reviewed documents and provided ample time for Q&A (what if ... how about ...)—was very helpful to these two committees.

“Is creating such an office on each campus, or in each region, something Faculty Assembly could push for and support?”

Leroy Kaufman, Western Carolina University:

“Folks on Faculty Senate lobbied for years to get a position here at Western. One year ago, we got a commitment to fund a partial release for a faculty person. A person was identified and performed the job for one year, hearing concerns from both faculty and staff. Last year the “staff side” of the house hired a person to fulfill this need and role. A Provost Fellow for Faculty Affairs was advertised with some course release and training

time as compensation. There were NO applicants. Faculty Senate Planning Team discussed the response and, with some modifications, readvertised the opportunity. We eventually had one applicant, a faculty person from management in the HR area, who was eventually hired for the role. There will be a one course release per semester along with some ombuds training provided.

“We also have organized both a Faculty Hearing Committee and a Faculty Grievance Committee which have quite different roles from each other but do provide a final outlet for problems. The Provost Fellow for Faculty Affairs role will be one of listening and perhaps coaching in an attempt to resolve things before grievances and hearing needs to be held.

“I’d be willing to provide copy of the Grievance and Hearing committee structures to anyone who’d be interested. As faculty chair-elect I worked long and hard with legal counsel to codify these processes which were ultimately approved by UNC GA staff.”

Ludovic Kovalik, Winston-Salem State University:

“WSSU does not have an ombudsperson. UNCOSA approached us not long ago, asking if we were interested in sharing one with them (their campus is small, ours is not exactly big, so sharing one might make funds easier to find).

“I raised the issue in Faculty Senate’s last meeting for AY 14-15; the decision was to table until next year. Both the chancellor and the provost are aware that a request for an office of ombuds on the campus is under consideration. They told us that if we come up with a solid statement as to why an ombuds would/could make a difference they might find the means to fund the position.”