

Key Proposed Revisions to the ECU Faculty Appellate Structure

Background

The current ECU faculty manual provides for five appellate committees, each with its own membership (including alternates), and each responsible for its own appellate procedures. Those committees are Due Process, Hearing, Reconsideration, Faculty Grievance and Grievance Board. A number of aspects of our current appellate structure are inefficient and/or problematic.

- The Reconsideration Committee has not heard a grievance in anyone's memory, meaning we continually appoint ten willing and dedicated faculty members to carry out no real function.
- The Grievance Board, which seldom receives grievances regardless, has a charge that is no longer compatible with Department of Education Office for Civil Rights requirements for grievance procedures related to certain protected class issues. Moreover, provisions for faculty grievances directed toward the Grievance board are redundant with roles of the Faculty Grievance Committee.
- Currently, individual appellate committees can receive multiple hearing requests simultaneously and frequently have difficulty constituting full panels, particularly when hearings are scheduled to continue past the end of spring semester.
- Appropriate training is difficult to coordinate and tends to be inconsistent across multiple appellate committees.
- As we are now structured, some grievances seeking effectively the same redress can be made, redundantly, to multiple appellate committees.

Overview of Major Proposed Changes

- The provisions in Part IX, Section I (appeals on non-conferral of permanent tenure/reappointment, due process and reconsideration) and Part XII (general grievances and appeals of non-conferral of early tenure) are combined in a single new Part XII, putting all faculty appellate procedures into the same part of the *Faculty Manual*.
- Individual appellate committees (Due Process Committee, Faculty Grievance Committee, Grievance Board, Hearing Committee, and Reconsideration Committee) are eliminated and replaced by a single Faculty Appellate Committee that serves as a pool for various appellate panels.
- Faculty Appellate Committee composed of 30 permanently tenured faculty members elected in staggered three-year terms (10 each year) by the Faculty Senate at its annual organizational meeting each spring.
- Grievance provisions for appeals of the following remain basically unchanged, but would be heard by panels formed from the Appellate Committee pool:
 - Appeals of non-conferral of tenure or non-reappointment (Hearing Panel),
 - Due process appeals before imposition of discharge or serious sanctions (Due Process Panel),
 - Termination based on institutional considerations (Reconsideration Panel),
 - General grievances and non-conferral of early tenure (Grievance Panel)
- Provision for appeals to the Grievance Board are eliminated and, where still relevant, now are governed by Grievance Panel provisions.
- A Faculty Appellate Steering Committee, elected from and by the Faculty Appellate Committee. Steering committee is composed of four members, each responsible for overseeing one of the four appellate processes. Steering committee centralizes process for filing grievances and eliminates redundant grievances seeking the same redress.
- Panels are chosen based on a ranking established by random lottery each year. No Appellate Committee member would serve on a second panel unless all committee members already had served (except when recusals make that necessary).
- New Part XII has been brought in line with any changes in UNC and ECU policies and terminology since last appellate revisions.