

EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART XII

Faculty Grievance Policies and Procedures

PART XII

FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTIONS

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PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION I

Faculty Grievance Policies and Procedures of East Carolina University (Text moved from former Appendix Y)

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Part XII-Section I is established to provide a peer review of faculty grievances, and structures and procedures for addressing faculty grievances through a formal procedure that, depending on the grievance classification, includes access to mediation or direct review, and the potential for a committee hearing of the grievance or a required committee hearing. The following grievance procedures are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Part XII-Section I beyond the Board of Trustees.

I. Faculty Grievances

There are two classifications of grievances that may be brought to the attention of the Faculty Grievance Committee. The first is referred to as a “General Grievance” and the second is a “Grievance Resulting From The Non-conferral of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision” (hereafter, non-conferral of early tenure).

A general grievance is guided by the procedures noted in Section III of this document. A grievance of the non-conferral of early permanent tenure is guided by the procedures found in Section IV of this document.

The two grievance classifications and differences in the grievance procedures reflect the Board of Governors requirement that an internal grievance process be provided for non-conferral of early permanent tenure that is not concurrent with a reappointment decision. This requirement and the authority to establish different grievance procedures are set forth in [Section 607 of The Code of The University of North Carolina](#) and further elaborated in [The UNC Policy Manual 101.3.2](#). The establishment of different grievance procedures ensures there is a review process for the faculty

member whether the non-conferral of permanent tenure was based on an early request or at the normal contract period requiring reappointment with conferral of permanent tenure decision because appeals to the Board of Governors are not allowed by the procedures in Part XII, Section I. In addition, the bases for the grievance provided in Part XII, Section I (IV) for a grievance of non-conferral of early tenure do not apply to General Grievances.

No grievance that involves matters related to a formal proceeding for the suspension, imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee falls within the charge of the Faculty Grievance Committee.

A grievant¹ is any faculty member who seeks the remedies afforded by the provisions of Part XII, Section 1, of the *Faculty Manual*. A respondent² is the person identified by a grievant as the person whose action is the object of the grievance and may include the person(s) who requested the action that is the object of the grievance.

II. Faculty Grievance Committee

The Faculty Grievance Committee ("the committee") shall be composed of five regular members and five alternates, each of whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment. Each professorial rank, except instructor, shall be represented on the committee. The Chair of the Faculty ("faculty chair") or, the faculty chair's delegates (the vice-chair of the faculty or the chair of the Faculty Governance Committee) shall serve as an ex-officio member of the committee. Other committee members will be elected to three-year terms in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. A quorum for the committee shall be five regular members or alternates.

Upon receipt of the grievant's Petition for Redress (Step Two), the Faculty Grievance Committee Chair ("the committee chair") will automatically recuse a member from the grievant's or respondent's relevant department, unit, college, or school. Prior to the committee's determination whether the grievance is within the charge of Part XII, Section 1, members shall recuse themselves from further participating in a grievance if they have a reason to believe that such participation will create a conflict of interest.

Upon receipt of a request for a hearing (Step Four), the committee chair shall determine the availability of the regular members and alternates to form a hearing panel consisting of five members plus one who will replace any member that is unable to attend the entire hearing. The ranking of the available alternates for the hearing panel selection shall be determined by their years of service to the University. Any party to a grievance may request that a member of the committee be recused from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and provided to the committee chair not later than 5 calendar days after notification in Step Four of the hearing date. If the member declines, the committee shall determine obligatory recusal by a majority vote (the member in question not participating).

III. General Grievances

General grievances shall be limited to matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. Grievances shall be limited to remediable injuries attributable to the violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic

community about the rights, privileges, and responsibilities of university employment or conduct that deprived the faculty member of an advantage that he or she otherwise would have received.

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16th to December 31st) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1st to August 15th). This deadline may be extended by a majority vote of the committee.³

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair. The deadline for submission of Petition for Redress to the Faculty Senate Office must be no later than the last day of the first month of the semester that follows the semester in which the grievant has met with the respondent. This deadline may be extended by a majority vote of the committee.

The grievant may terminate the grievance at any time during the process by notifying the committee chair in writing. The committee chair will issue a written memorandum to all parties regarding the termination of the grievance. Any such notice of termination is final and the grievance is closed.

A. Step One (Meet with Respondent)

“Respondent” is used in the singular form, even where it may stand for more than one person. Prior to bringing a grievance to the attention of the committee chair, the grievant shall meet with the respondent and shall attempt to resolve the proposed grievance.⁴ Only the grievant and the respondent shall attend the meeting. It is required that as part of this meeting the grievant provide the respondent with a written statement setting forth the identity of the respondent, the nature of the grievance, and the redress sought. Individual claims must be numbered, developed and presented separately. This statement shall list all information necessary to support each of the grievant’s claims at this meeting with the respondent. Note that both parties will have an opportunity to submit information and documents in support of their claims before the hearing as specified in Step Four.

The grievant and respondent must meet to have a face-to-face discussion about the substance of the grievance; in cases where the respondent refuses to meet with the grievant, the grievant shall, by a memorandum with a copy to the respondent, inform the committee chair and the next highest level administrator in the grievant’s unit. Before proceeding to Step Two, the grievant shall provide the respondent with the Petition for Redress that the grievant intends to submit in Step Two.

Step One allows each party to select their own counselor who will serve as an advisor throughout the grievance process,⁵ and who shall not participate in the hearing nor be called as a witness (Step Five).

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to them information that may be controlled or in the possession of another party to the grievance or the administration. Upon specific request by a party to the grievance, the other party to the grievance or the administration shall provide the requesting party with information bearing on the grievance that is not otherwise privileged.⁶ The requested information shall be distributed to the committee chair and all parties to the grievance.

The committee chair will provide only procedural information to the parties of the grievance,⁷ and shall not function as an advocate for either party to the grievance. The committee's responsibility is to provide the grievant and respondent a process for a possible resolution of the grievance, and shall not function as an advocate for either party.

B. Step Two (Petition for Redress)

Petition for Redress should be addressed to the committee chair, and have appended a copy of the grievant's written statement from the meeting with the respondent. It shall be submitted with a statement that the grievant informed the respondent that with this petition the grievant intends to pursue the grievance through as specified in Part XII, Section I.

Ten copies of Petition for Redress, which should not exceed 20 pages, must be delivered to the Faculty Senate Office. The committee chair will ascertain if the grievant has completed Step One. If the grievant has not followed Step One, the committee chair will inform the grievant that Step One is not completed and must be completed prior to any further action being taken by the committee.

Based on information contained in grievant's Petition for Redress, the committee shall determine whether the grievance is within the charge of Part XII, Section I. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the charge of Part XII, Section I. Issues not within the charge of Part XII, Section I will receive no further attention. The committee's decision concerning grievance issues within the charge of Part XII, Section I shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee. Except after mediation, the Petition for Redress shall not be modified.

All material collected as part of the grievance shall be put in the grievance file maintained in the Faculty Senate Office under the grievant's name. This grievance file becomes a part of the grievant's Personnel File and, where appropriate, the respondent's Personnel File. The grievant's and, where appropriate, respondent's Personnel File Checklist(s) will indicate that additional Personnel File records are located in the Faculty Senate Office.

C. Step Three (Mediation and/or Chancellor Review)

After the committee has determined which, if any, issues raised in the grievant's Petition for Redress are within the charge of Part XII, Section I, the grievant may request:

- 1) Mediation (see C.1) followed by the Chancellor Review (see C.2) or a hearing (see Step 4) on any unresolved issues.
- 2) The Chancellor Review without mediation (see C.2).

- 3) A hearing without mediation (see Step 4).
- 4) Termination of the grievance (see Step 4).

1. Mediation

The committee chair shall offer the parties to the grievance the opportunity to seek a resolution through mediation (The UNC Policy Manual 101.3.2.III). Mediation is limited solely to the grievant and the respondent. Each party will be asked to respond within 15 calendar days after the date of notification by the committee chair as to their acceptance of mediation.⁸ The rejection of mediation shall have no bearing on decisions or recommendations related to the grievance. Unless the grievant pursues the Chancellor Review, if any party to the grievance rejects mediation and the grievant requests a hearing, the committee chair will notify the parties that the committee will meet to set a grievance hearing date (Step Four).

If the grievant and the respondent accept mediation, the Faculty Senate Office administrator will secure a mediator.^{9,10} The parties to the grievance will inform the committee chair within 5 calendar days of receiving the name as to whether the mediator is acceptable or unacceptable. An alternate mediator will be located if necessary. After the second attempt, unless the grievant pursues the Chancellor Review, if no acceptable mediator can be located, the committee chair will so notify the parties to the grievance and inform them that, should the grievant request a hearing, the committee will meet to set a grievance hearing date (Step Four).

If an acceptable mediator is identified, the parties to the grievance and the mediation provider will be informed of the selection. The Petition for Redress and the committee's memorandum will be provided to the mediator by the committee chair. The mediator will communicate to the committee chair the beginning date of the process. The mediator shall inform the committee chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed 45 calendar days without formal approval of the committee chair or 60 days without the formal approval of the committee. Mediation will involve only parties to the grievance.

Mediation will continue until such time that:

- a. An agreement among the parties is reached (subject to time limits).
- b. A party or the mediator writes to the committee chair that further mediation is unlikely to be successful.
- c. A party to the grievance writes to the committee chair that the grievant or respondent has experienced resistance or delaying tactics in scheduling mediation meetings or that the mediator is no longer acceptable.

Events b. through c., above, will cause the committee chair to notify the parties to the grievance that the mediation process is being terminated and, unless the grievant requested the Chancellor Review, inform the grievant to move to Step Four if desired. Decisions by the grievant, respondent, or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance. Information from the mediation process is confidential. All information from the mediation process is inadmissible in the grievance hearing.

If an agreement is reached, the grievance will be considered closed and a copy of the agreement, signed by all parties to the grievance, will be placed in the grievance file maintained in the Faculty Senate Office. It is expected that most agreements will require only the authority of the respondent for a unit commitment but some may require the authority of the Chancellor. If the Chancellor rejects

the agreement, the parties may continue mediation or the grievant may request either the Chancellor Review or a hearing.

If the mediation process produces a partial settlement, those issues shall be removed from the committee's memorandum to the grievant and respondent as determined in Step Two. A signed copy of the partial agreement shall be placed in the grievance file. The grievant may request the Chancellor Review or a hearing for remaining issues (Step Four).

2. Chancellor Review

Within 20 calendar days from the request for the Chancellor Review, the grievant shall provide to the Chancellor, the respondent, and the committee chair copies of the Petition for Redress along with the committee's memorandum and any information that supports the grievant's contentions. Within 10 calendar days, with copies to the grievant and committee chair, the respondent may submit to the Chancellor, a written response to the Petition for Redress and any other documents provided by the grievant. The Chancellor shall provide a response to the grievant, with copies to the committee chair and the respondent, within 20 calendar days of the Chancellor's receipt of all materials.

The Chancellor's decision is final and may not be appealed. A copy of all information submitted to the Chancellor and the Chancellor's decision shall be placed in the grievance file and the grievance closed.

D. Step Four (Request for a Hearing)

If the grievance is not resolved, by memorandum to the committee chair with a copy to the respondent, the grievant shall request a hearing, or state that the grievance will not be pursued. Only if mediation has occurred, the committee will again review the grievant's Petition for Redress, the committee's memorandum to the grievant and respondent, and any changes to this memorandum that may have resulted from mediation. The committee may accept all, some, or none of the unresolved issues for a hearing. If the committee decides not to hear certain issues or decides that a hearing will not be granted because the grievant fails to allege an injury that would entitle the faculty member to relief under subsection I. of Part XII, Section I or because the grievance (or a portion thereof) is not within the purview of the Faculty Grievance Committee, this decision will exhaust the administrative appeals process, and shall be communicated by a method that produces adequate evidence of delivery to all parties to the grievance.

Otherwise, a hearing will be granted. The committee chair shall so notify the grievant and respondent, setting a time, date, and place for a hearing on the Petition for Redress.¹¹ The date of the hearing shall be within 45 calendar days of this notification, except when the request for a hearing is received during summer months, official university breaks and holidays, and when, despite reasonable efforts, the hearing committee cannot be assembled (The UNC Policy Manual 101.3.3).¹²

The notice of hearing will request that both parties submit to the committee the names of their counselors, and all information and documents they intend to introduce at the hearing to support or defend their respective positions.¹³ The grievant's submission shall include a list of witnesses with a brief statement with regard to the relevance of each witness, and all information to be used in support of the grievant's charges. The respondent's submission shall include a list of witnesses, with a brief statement with regard to the relevance of each witness, and all information to be used to defend against the grievant's charges. The committee may also request the inclusion of witnesses from either party to the grievance. A mediator shall not be called as a witness in the hearing of a

grievance and no part of the mediation effort (e.g., conversations, offers, proposals, etc.) shall be introduced as evidence to support or defend against the grievant's charges.

Ten copies¹⁴ of all information and documents shall be submitted to the Faculty Senate Office no less than 14 calendar days prior to the hearing date. The submitted information and documents shall have a table of contents with numbers (Arabic) assigned to all pages that exhibit information. If the back of a page contains information, it also must be numbered. This number shall be preceded by a "G" for the grievant's submission and an "R" for the respondent's submission. If more than one grievant or more than one respondent is involved, their designation will be communicated by the committee chair.

Once the copies as described above are received from both parties, one copy from the grievant's submission will be provided to the respondent and one copy from the respondent's submission will be provided to the grievant. The hearing panel chair will create an agenda prior to the meeting to ensure that the hearing will be completed within one business day. The agenda will state limits on the amount of time that each party will be allocated for presentation of their cases. This agenda, with names of the hearing panel members and procedures for submission of new documents and handling of the witnesses, will be distributed to the hearing panel, the grievant and the respondent no less than 5 calendar days prior to the hearing date.

E. Step Five (The Hearing)

The hearing panel shall limit its investigations to the issues presented in the Petition for Redress and confirmed by the committee's memorandum to the grievant. During the hearing, the hearing panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The committee's responsibility is limited to issuing recommendations based on the information presented as part of Step Four and at the hearing. Except as noted in Part XII, Section I (III.D.), the power of the hearing panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The hearing panel chair shall preside and be responsible for maintaining order and prompt progression of the grievance process, including but not limited to the hearing. When circumstances despite due diligence make it necessary to resolve an issue not addressed in this regulation, the hearing panel chair shall have the authority to make a reasonable adjustment or exception that maintains the integrity of the process to the extent possible and consistent with applicable law and policy.

The hearing panel chair shall begin the hearing by briefly reviewing the committee's authorization and powers. The chair then shall state the conditions necessary for a hearing, the committee's belief that the issues about to be heard satisfy these conditions, and the procedures to be followed during the hearing.

The chair shall then enter into the hearing record correspondence generated prior to the hearing as the committee's Exhibit C, and information submitted in Step Four by the grievant and the respondent as Exhibits G and R.

The submitted information shall include all information necessary to support or defend the grievance. However, with approval of the hearing panel, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered, with copies to be presented

to the opposing party and members of the hearing panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the hearing panel, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The burden is on the grievant to establish, by a preponderance of the evidence, that the grievant's claims and requested redress are consistent with *Faculty Manual* Part XII, Section I (l).

The grievant is responsible for presentation of the grievant's case, including the testimony of witnesses. Hearing panel members may question the grievant, the respondent or witness(es) at any time during the hearing. After each of the grievant's witnesses has completed their testimony, and has responded to questions from the respondent and to the grievant's further questions (limited to the subject of the respondent's questions), the witness will be excused from the hearing unless recalled by the hearing panel. At the end of the grievant's presentation, the respondent may question the grievant.

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Hearing panel members may question the grievant, the respondent, or witnesses during the hearing. When the hearing panel has no further questions, the grievant is given the opportunity to make a 10-minute final statement, and then a total of 10 minutes is available for the respondent's or respondents' final statement.

F. Step Six (Hearing Panel Report)

The hearing panel's report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. Hearing panel's recommendations are to be based on, but are not limited to, the grievant's requested redress.

Copies of the hearing panel's report will be available to the grievant and respondent for their retrieval from the Faculty Senate Office. A copy of the hearing panel's report, a copy of the written record of the hearing proceedings, and a copy of all evidence submitted will be placed in the grievance file. This file will be open to the hearing panel and all parties to the grievance until the grievance is closed.

If the hearing panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the hearing panel shall submit its report to the grievant, respondent, faculty chair, and Chancellor. Within 20 calendar days the Chancellor shall in writing inform the grievant, respondent, faculty chair, and the hearing panel of the Chancellor's decision. The decision of the Chancellor is final.

If the hearing panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the hearing panel, these recommendations are not within the authority of the respondent to implement, the hearing panel shall submit its report to the grievant, respondent, and faculty chair. By memorandum, the hearing panel chair shall inform the Chancellor that in the opinion of the hearing panel its recommendations are not within the respondent's authority to implement and request the Chancellor to make the appropriate adjustments.

If the hearing panel finds that some or all the grievant's contentions are supported and makes one recommendation or more in favor of the grievant, the hearing panel shall submit its report to the grievant, respondent, and faculty chair. Within 20 calendar days of the recommendations, the

respondent shall, with copies to the grievant and the faculty chair, communicate in writing to the committee chair the respondent's response to the hearing panel recommendations. Within 15 calendar days of receipt of the respondent's response, the grievant will inform the hearing panel chair if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory, the grievance will be closed.

If the respondent's adjustments are not satisfactory to the grievant, the grievant may appeal to the Chancellor. By memorandum, the grievant shall inform the Chancellor of the grievant's appeal and include a detailed explanation of the reasons for the appeal. A copy of the appeal memorandum shall be sent to the respondent, hearing panel chair, and faculty chair. The hearing panel chair shall forward the grievant's appeal memorandum and the hearing panel report along with all supporting documentation to the Chancellor.

If the grievant appeals or the hearing panel requests the Chancellor to make the recommended adjustment, the Chancellor's decision shall be based on the recommendations of the hearing panel and the record from the faculty grievance committee hearing. The Chancellor may, in the Chancellor's discretion, consult with the faculty grievance committee before making a decision. ([The UNC Policy Manual 101.3.2.IV.g](#)). The Chancellor's decision shall be communicated in writing within 20 calendar days to the grievant, respondent, faculty chair, and the Faculty Grievance Committee's hearing panel members. The Chancellor's decision shall contain a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information in Section III.G. Step Seven (Appeal to the Board of Trustees), below, and shall be signed, in descending order, by all individuals who contributed to the report.

If the Chancellor's decision does not support the recommendations of the hearing panel, the grievant may appeal to the Board of Trustees of ECU in accordance with the procedures in Section III.G. Step Seven (Appeal to the Board of Trustees). The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

Dissenting Chancellor's Report

Should the Chancellor disagree with the hearing panel's report on its interpretation of Part XII, Section I (I.) of the *Faculty Manual*, the Chancellor shall withhold the Chancellor's decision, and inform the hearing panel, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 20 calendar days. The hearing panel chair will then request the faculty chair to begin the normal interpretation process as set forth in the *Faculty Manual*. It is expected that the faculty chair will expedite this request. Upon completion of the interpretation process, the Faculty Grievance Committee's hearing panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section I (III.F.) with the grievant's rights to appeal intact.

G. Step Seven (Appeal to Board of Trustees)

1. Decisions which may be appealed.
 - a. If the hearing panel did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the Chancellor is final and may not be appealed.
 - b. If neither the relevant administrative official nor the Chancellor makes an adjustment that is advised by the hearing panel in favor of the grievant, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.

2. The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances submitted pursuant to [Section 607 of The Code of The University of North Carolina](#).

3. Timeline for Appeals

- a. A grievant who seeks to appeal the Chancellor's disposition of the grievant's grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery ([The UNC Policy 101.3.3](#)), within 10 calendar days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the Board agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board Chair or from a committee of the Board that has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the time for compliance or it may dismiss the appeal.
- b. If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the 10 calendar day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method that produces adequate evidence of delivery ([The UNC Policy 101.3.3](#)).

4. Standard of Review: In order to prevail before the Board of Trustees, the faculty member must demonstrate that the Chancellor's decision was clearly erroneous, that it violated applicable federal or state law or university policies or regulations, or that the process used in deciding the grievance was materially flawed.

IV. Grievance Resulting From The Non-conferral Of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision.

A. Initiation of Hearing Process

No later than 25 calendar days of receiving written notice from the vice chancellor of non-conferral of early tenure, a faculty member (hereinafter, the grievant) may initiate the process leading to a hearing before the Faculty Grievance Committee (hereinafter, the committee) by submitting a Petition for Redress to the committee.

Failure to meet the time periods allotted to the grievant constitutes a waiver of the right to a hearing and no further administrative appeals of the grievance are allowed. However, before the expiration of a deadline the faculty member may request an extension, provided that the request is made in writing and presented to the committee. Within 10 calendar days of receiving a request for an extension, the committee will make its decision and communicate¹⁵ the decision to the grievant. The committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes summer months, official university breaks and holidays and when, despite reasonable efforts, the committee cannot be assembled.

A hearing will be granted if the Petition for Redress is timely (above), complete (1., below), and claims an infringement of one or more of the bases (2., below)

1. The Petition for Redress must include (i) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (ii) the identification of the respondent(s); (iii) an enumeration and description of the information or documents which are to be used to support the contention (copies of the described documents are to be made a part of the Request for Redress); (iv) the identification of persons who may be willing to provide information in support of the contention; and (v) a brief description of the information those persons identified in (iv) may provide; and (vi) a copy of the vice-chancellor's notice of non-conferral of early permanent tenure.

2. The basis for a request for a hearing must be found in one or more of the following reasons: (a) the decision was based on any ground stated to be impermissible in [Section 604B of The Code of The University of North Carolina](#)¹⁶; (b) the decision was attended by a material procedural irregularity¹⁷.

Ten copies of Petition for Redress, which should not exceed 20 pages, shall be addressed to the committee chair and delivered to the Faculty Senate Office. Upon receipt of the grievant's Petition for Redress the committee chair shall notify each named respondent that he/she has been named a respondent in a grievance based on the non-conferral of early permanent tenure. Accompanying this letter will be a complete copy of the grievant's Petition for Redress.

B. Procedures for the Hearing.

The committee will review the grievant's Petition for Redress to determine if the Petition for Redress is timely, complete, and is based on one or more of the bases noted above. If the Petition for Redress fails to meet any one of these requirements, the committee shall not grant a hearing, the grievance will be closed, and this decision will exhaust the administrative appeals process for the grievance. This decision will be communicated to all parties of the dispute by a method that produces adequate evidence of delivery ([The UNC Policy 101.3.3](#)). If the Petition for Redress meets all of the above requirements, but makes claims beyond those noted in b.), above, the committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receipt of the Petition for Redress by the Faculty Senate Office, except when a Petition for Redress is received during summer months, official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.

The committee chair shall notify the grievant, the respondents, the faculty chair, and the Chancellor, of the time, date, and place of the hearing. This notification shall call attention to any claims made in the Petition for Redress that have been struck and will not be addressed in the hearing. The notification will include the names of all committee members and alternates who may take part in the hearing.

The grievant and respondent are to submit ten copies of all information and documents to be used in the presentation (grievant) or to defend (respondent) the grievance. The grievant's and respondent's information must include: a.) the identification of a witness(es) who may be willing to provide information to counter the contention; and b.) a brief description of the information each witness may provide. This information and documents shall be submitted to the Faculty Senate Office not later than 14 calendar days prior to the hearing date. One copy of the grievant's information will be provided to each respondent and one copy of the respondent's information will be provided to the grievant.

C. The Hearing

The committee's hearing panel shall limit its investigations to the issues presented in the Petition for Redress that were not struck in the committee's notification of the time, date, and place for the hearing. The hearing panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The hearing panel's responsibility is limited to issuing recommendations based on the Petition for Redress, information and documentations submitted prior the hearing, and information developed during the hearing. The power of the hearing panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The hearing panel chair shall begin the hearing by briefly reviewing the committee's authorization and powers. The hearing panel chair then shall state the conditions necessary for a hearing, the hearing panel's belief that the issues about to be heard satisfy these conditions, and the procedures to be followed during the hearing.

The hearing panel chair shall then enter into the hearing record correspondence generated prior to the hearing as the committee's Exhibit C, and information submitted (above) by the grievant and the respondent as Exhibits G and R. It is expected that the hearing will be limited to this information. However, with approval of the committee, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the hearing panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the hearing panel, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The grievant's case will be evaluated on the basis of the preponderance of the evidence.

The grievant is responsible for presentation of the grievant's case, including the testimony of witnesses. Hearing panel members may question the grievant, the respondent or witness(es) at any time during the hearing. After each of grievant's witnesses has completed their testimony, and has responded to questions from the respondent and to the grievant's further questions (limited to the subject of the respondent's questions), the witness will be excused from the hearing unless recalled by the hearing panel. At the end of the grievant's presentation, the respondent may question the grievant.

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Hearing panel members may question the grievant, the respondent, or witnesses during the hearing. When the hearing panel has no further questions, the grievant is given the opportunity to make a 10-minute final statement, and then and then a total of 10 minutes is available for the respondent's or respondents' final statement.

D. Hearing Panel Report

The hearing panel's report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. Hearing panel's recommendations are to be based on, but are not limited to, the grievant's requested redress.

Copies of the hearing panel's report will be available to the grievant and respondent for their retrieval from the Faculty Senate Office. A copy of the hearing panel's report, a copy of the written record of the hearing proceedings, and a copy of all evidence submitted will be placed in the grievance file. This file will be open to the hearing panel and all parties to the grievance until the grievance is closed. The hearing panel may make recommendations that: a.) do not support the grievant's contentions; b.) support the grievant's contentions and are within the respondent's authority to implement; or c.) support the grievant's contentions, but are not within the respondent's authority to implement. The hearing panel's actions for each of these findings are noted below.

a. Do Not Support the Grievant's Contentions

If the hearing panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the hearing panel shall submit its report to the grievant, respondent, faculty chair, and Chancellor. Within 20 calendar days the Chancellor shall in writing inform the grievant, respondent, faculty chair, and grievance committee's hearing panel of his/her the Chancellor's decision. The decision of the Chancellor is final and may not be appealed

b. Recommendations Support the Grievant's Contentions and are Within the Respondent's Authority

If the hearing panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the hearing panel shall submit its report to the grievant, respondent, and faculty chair. Within 20 calendar days of the recommendations, the respondent shall, with copies to the grievant and the faculty chair, communicate in writing to the ~~committee~~ hearing panel chair the respondent's response to the hearing panel recommendations. Within 15 calendar days of receipt of the respondent's response, the grievant will inform the hearing panel chair if the adjustments are satisfactory or not satisfactory. If the respondent's adjustments are not consistent with the recommendations of the hearing panel but are satisfactory to the grievant, the grievance will be closed. If the respondent's adjustments are not satisfactory to the grievant, the grievant may appeal to the Chancellor. The process for an appeal to the Chancellor is noted below.

c. Recommendations Support the Grievant's Contentions, but are not Within the Respondent's Authority to Implement.

If the hearing panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the hearing panel, these recommendations are not within the authority of the respondent to implement, the hearing panel shall submit its report to the grievant, respondent, and faculty chair. By memorandum, the hearing panel chair shall inform the Chancellor that, in the opinion of the hearing panel, its recommendations are not within the respondent's authority to implement and request the Chancellor to make the appropriate adjustments.

The hearing panel chair shall forward to the Chancellor a record of the hearing and copies of all documents submitted during the grievance process.

The Chancellor's decision is to be based solely on a thorough review of the information provided by the hearing panel. The Chancellor may, at the Chancellor's discretion, consult with the hearing panel ([The UNC Policy Manual 101.3.2.IV.g](#)). It is expected that the Chancellor will give deference to the advice of the faculty hearing panel, but the final campus-based decision is the Chancellor's. Within 30 calendar days of receipt of the hearing panel's request, the Chancellor will inform the grievant, respondent, hearing panel chair, and faculty chair of the Chancellor's decision. If the Chancellor does not support the hearing panel's recommendation, the Chancellor is to inform the grievant that the grievant may appeal to the Board of Trustees. This appeal process is described in

Section III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

E. Dissenting Chancellor's Report

Should the Chancellor disagree with the hearing panel's recommendations [from b.) or c.) above] based on its interpretation of Part XII, Section I of the *ECU Faculty Manual*, UNC Code or Policies, the Chancellor shall withhold the Chancellor's decision, and inform the hearing panel, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 30 calendar days. The hearing panel will then request the Faculty Governance Committee to begin the normal interpretation process as set forth in the procedures of the Faculty Governance Committee. It is expected that the Faculty Governance Committee will expedite this request. Upon completion of the interpretation process, the Faculty Grievance Committee will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section I (III.F.), with the grievant's rights to appeal intact.

F. Appeals to the Chancellor

An appeal to the Chancellor is to be made within 20 calendar days of the receipt of the respondent's response. By memorandum, the grievant shall inform the Chancellor of the grievant's appeal and include a detailed explanation of the reasons for the appeal. A copy of the appeal memorandum shall be sent to the hearing panel chair and faculty chair. Upon receipt of the grievant's appeal, the hearing panel chair shall forward the hearing panel's report along with all supporting documentation to the Chancellor.

The Chancellor's decision is to be based solely on a thorough review of the information provided by the hearing panel and may, at the Chancellor's discretion consult with the committee ([The UNC Policy Manual 101.3.2.IV.g](#)). It is expected that the Chancellor will give deference to the advice of the faculty hearing panel, but the final campus-based decision is the Chancellor's.

Within 30 calendar days of receipt of the hearing panel's recommendations, the Chancellor will inform the grievant, respondent, hearing panel chair and faculty chair of the Chancellor's decision. If the Chancellor does not support the hearing panel's recommendation, the Chancellor is to inform the grievant that the grievant may appeal to the Board of Trustees. This appeal process is described in subsection III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

V. Annual Report

A preliminary report will be submitted to the Faculty Senate Office on May 31 of the current year. At the second meeting of the Faculty Senate, the Grievance Committee chair shall report on grievances from August 31 of the preceding year until September 1 of the current year. Such reports shall protect the confidentiality of the grievance proceedings and parties. The following form and information will be used (example from spring 2013).

Faculty	Tenured, Probationary, or Fixed Term Appointment	Tenured
Step 1	Meet with Respondent	YES
Step 2	Petition for Redress	YES
Step 3	(45 days) Mediation and/or (20 days) Chancellor Review	NO
Step 4	(45 days) Request for Hearing	35 days; YES

Step 5	The Hearing	YES
Hearing Panel Report Terminated	In favor of	Grievant
Appealed to Chancellor		NO
Chancellor's Decision	(20 days) in favor of	YES
		60 days;
		Respondent
Number of days	After Step 1 until the last completed event	160

VI. Application

ECU Faculty Manual Part XII, Section I supersedes other grievance provisions except those contained in *The Code* and other regulations of the University of North Carolina and in other provisions of the East Carolina University Faculty Manual for grievances filed on or after the date of approval of this *ECU Faculty Manual* Part XII, Section I by the East Carolina University Board of Trustees.

VII. Grievance Committee By-Laws and Procedures

The Faculty Grievance Committee may draft bylaws and detailed procedures that are consistent with the procedures stated above, subject to approval by the Faculty Senate and the Chancellor.

FOOTNOTES.

¹A grievant must be a current faculty member of East Carolina University. A grievance may be initiated by multiple grievants. If a faculty member's employment ends during the grievance process, the grievant may request the Chancellor to allow the grievance to continue. Such a request must be made prior to the end of employment. Copies of such a request must be provided to the grievance committee chair, and the Chancellor is to respond to such a request, with a copy to the committee chair, within 20 calendar days.

²A named respondent must be a current employee of East Carolina University. If the named respondent is a former administrator, the person who presently occupies the administrative position will be named as the substitute respondent and the former administrator as the named respondent (if still an employee of ECU). A grievant may name multiple respondents. A faculty member or a departmental or unit committee and/or its chairperson may be named as a respondent. "The respondent" is used in the singular form, even where it may stand for more than one person.

³The committee may waive the time requirement if, in the committee's opinion, there are extenuating circumstances despite due diligence.

⁴If a grievant does not complete Step One, any information collected by the committee chair will be destroyed. If the grievant completes Step One, all information collected by the committee chair in the administration of the grievance will, at the conclusion of the grievance, be placed in the grievance file.

⁵A list of potential [counselors](#) is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor, have extensive experience in faculty governance as evidenced by service on university governance/appellate committees, and not be associated with the grievance in any way. The parties to the grievance may choose eligible ECU current or retired faculty members as their counselors or they may choose to serve as their own counselors.

⁶The committee may be asked by either party to the grievance to evaluate the basis for such privilege and to evaluate the value of such information to the grievance. If the privileged information bears on the grievance, the committee is required to resolve the issue of privilege. If such information bears on the grievance but cannot be obtained, the committee shall decide whether continuing the grievance/granting a hearing would be unfair to the grievant/respondent. If such a decision is made, the committee shall state its reason(s) and terminate the grievance process; thus, ending the administrative hearing process at East Carolina University.

⁷ Procedural advice is limited to the nature of the committee, its charge, the options open to the party to the grievance, and the current membership of the committee. With copies to the opposing party, procedural questions may be emailed to the committee chair, whereas all non-procedural communications should be delivered in print to the Faculty Senate Office. The parties to the grievance may request that non-email communications from the committee chair be available for their retrieval from the Faculty Senate Office. Otherwise, the parties agree that all communications from the committee chair, including e-mail, will be sent to their university addresses.

⁸Once all parties to the grievance have accepted mediation, the grievant shall not take the grievant's grievances to administrative levels higher than that of the respondent. To do so is inconsistent with the mediation process and will result in the termination of the grievance procedures under Part XII, Section I, ending administrative review of the grievance.

⁹To avoid the appearance of a conflict-of-interest all mediation will be performed by third-party groups/organizations/individuals who have no ties to East Carolina University. A list of such providers will be developed and maintained by the faculty chair. The provider must provide evidence to the faculty chair that the provider's mediator(s) are certified by the North Carolina Administrative Office of the Courts.

¹⁰Procedures for the origination of purchase orders and payment for services of the mediator will be developed and administered by the faculty chair.

¹¹Scheduling a committee hearing during the summer months is complicated by the absence of some faculty and teaching schedules of remaining faculty. If the committee on its first effort cannot schedule a hearing during the summer, a fall hearing date will be scheduled during the committee's fall organizational meeting.

¹²If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for health reasons or due to a personal emergency, the committee chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for reasons other than health or personal emergency, the committee chair shall determine by telephone or e-mail whether it is the general agreement of the committee to postpone the hearing for one week from the scheduled date.

¹³Such information and documents are not limited to written materials but may include sound recordings, video recordings, photographs as well as other forms of information or documentation.

¹⁴The department or unit to which a party to a grievance is assigned is responsible for providing access to copy services during the grievance process. These services shall be at no cost to the grievant or respondent.

¹⁵The parties to the grievance may request that non-email communications from the committee chair be available for their retrieval from the Faculty Senate Office. Otherwise, the parties agree that all communications from the committee chair, including e-mail, will be sent to their university addresses.

¹⁶In no event shall a non-conferal decision of early permanent tenure be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) discrimination prohibited under policies adopted by the ECU Board of Trustees i.e., discrimination based on the faculty member's age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status, or (c) personal malice ([The UNC Policy Manual 101.3.1.II.B](#)).

¹⁷"Material procedural irregularity" means a departure from prescribed procedures and established university policies that is of such significance as to cast reasonable doubt upon the integrity of the original decision. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures, which were in effect when the initial decision was made and communicated. The Grievance Committee shall ask the Chancellor to certify what procedures were then in effect if that question is a matter of dispute. ([Faculty Senate Resolution #03-49](#)).

Amended

Faculty Senate Resolution #12-17, February 2012

Faculty Senate Resolution #14-32, April 2014

PART XII - FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION II

Harassment and Discrimination Policies and Procedures of East Carolina University *(Text moved from former Appendix V)*

CONTENTS

- I. Rationale
 - II. Policy on Harassment and Discrimination
 - III. Grievances Against East Carolina University Students
 - IV. Grievances Against East Carolina University Staff
 - V. Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status
 - VI. Education of Students, Staff, and Faculty
 - VII. Disciplinary Action
-

* East Carolina University's Office of Equity and Diversity policies on non-discrimination in recruitment and hiring are contained in Part XI, General Faculty Employment Guidelines and Benefits of the ECU Faculty Manual.

I. Rationale

Well publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of harassment or discrimination are discouraged. Toward this end, all members of the university community should understand that harassment, discrimination, and improperly executed or exploited supervisory relationships violate the university's policy and will not be tolerated. Members of the university community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a university employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or a student for using these policies responsibly interferes with free expression and openness and violates this policy. Accordingly, members of the university community are prohibited

from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use these policies responsibly.

II. Policy on Harassment and Discrimination

It is the responsibility of members of the university community to strive to create an environment free of harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees. It is against the policies of East Carolina University for its employees or students to create a hostile and/or discriminatory University or work-place environment for an individual or group because of the individual's age, color, creed, disability, gender, genetic information, national origin, political affiliation, race/ethnicity, religion, sexual orientation, or veteran's status. For a list of definitions of each protected class, see: <http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm>

III. Grievances Against East Carolina University Students

Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the *Student Handbook*.

IV. Grievances Against East Carolina University Staff

Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures stated in Policy Statement 7: Employee Relations of the Human Resources section of the *ECU Business Manual*, see http://www.ecu.edu/business_manual/Human_Resources_Policy7B.htm

V. Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status

Complaints brought against East Carolina University faculty members or administrators holding faculty status by East Carolina University students, faculty, staff, administrators or visitors ordinarily are governed by the grievance procedures stated in Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status in the ECU Faculty Manual.

VI. Education of Students, Staff, and Faculty

The East Carolina University Office of Equality and Diversity ("OED") will develop educational materials to be distributed to students, staff, and faculty. These materials will publicize the policies and procedures and help create a proper academic atmosphere that is free of harassment and discrimination. Each year the OED office will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the University Attorney before they are distributed.

VII. Disciplinary Action

See Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status in the ECU Faculty Manual for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.

(FS Resolution #12-44, March 2012)

PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION III

Policy on Improper Relationships Between Students and Faculty

(Text moved from former Appendix U)

CONTENTS

- I. Prohibited Conduct
 - II. Definition of Terms
 - III. Corrective Action
-

East Carolina University does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) When the employee is responsible for evaluating or supervising the affected student. (2) When the student is a minor, as defined by North Carolina law. The following policies shall apply to all faculty and students of the University.

- I. Prohibited Conduct
 - A. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.
 - B. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.
- II. Definition of Terms
 - A. "Amorous relationship." An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.
 - B. "Related by blood, law or marriage" means:
 - 1. Parent and child
 - 2. Brother and sister
 - 3. Grandparent and grandchild

4. Aunt and/or uncle and niece and/or nephew
5. First cousins
6. Step-parent and step-child
7. Husband and wife
8. Parents-in-law and children-in-law
9. Brothers-in-law and sisters-in-law
10. Guardian and ward

C. "Evaluate or supervise" means

1. To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or
2. To oversee, manage or direct one's academic or other institutionally prescribed activities.

III. Corrective Action

Violations of the provisions of Section A shall be addressed in accordance with remedial measures prescribed by the University; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting misconduct charges against members of the class of employment of which the affected employee is a member.

(Faculty Senate Resolution #11-91, November 1, 2011)

PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION IV

Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

(Text moved from former Appendix X)

CONTENTS

- I. Preamble
 - II. Grievance Procedures
 - III. Post Level Two Grievance Procedures
 - IV. Grievance Board Procedural Flowchart
 - V. Annual Report
-

I. Preamble

- A. Federal and state laws and/or university policies protect individuals from harassment or discrimination based on age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status. For a list of definitions of each protected class see <http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm>

The formal procedures enumerated in this section assure individuals who believe that they are the victims of unlawful or prohibited harassment, discrimination, or improper relationships that their grievances will be dealt with fairly and effectively. "Improper relationships" in the context of this Appendix refers to an improperly executed or exploited supervisory relationship by engaging in a consensual amorous relationship with students or other University employees whom the employee is or will be supervising or evaluating, or by engaging in any sexual activity with any enrolled student of the institution, who is minor, other than his or her spouse as prohibited by University policies. Unless a victim of illegal harassment or discrimination, a person reporting an alleged amorous relationship who is not a party to this relationship lacks standing to seek an appeal under these grievance procedures.

The *East Carolina University Faculty Manual* (Part XII, Section II) elaborates on policies related to harassment and discrimination in the *Harassment and Discrimination Policies and Procedures of East Carolina University*. The University Policy on Improper Relationships Between Students and

Faculty addresses [policy 300.4.1](#) of the Board of Governors of the University of North Carolina concerning improper relationships between students and employees.

- B. Unlawful or prohibited harassment, discrimination, or improper relationships violates East Carolina University's policies and will not be tolerated. Members of the University community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of unlawful or prohibited harassment, discrimination or improper relationships prohibited under the policies stated in the *ECU Faculty Manual*. East Carolina University will take every step to resolve grievances promptly and confidentially.
- C. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or student for using the applicable policies responsibly interferes with free expression and openness and violates University policy. Accordingly, members of the University community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use University policies responsibly.
- D. When complaints of harassment, discrimination, or improper relationships have been substantiated, the Chancellor, or the Chancellor's designee, may take such disciplinary action as he or she deems appropriate, including discharge from employment, suspension, or reduction in rank in a manner that is consistent with the policies and procedures stated in the *ECU Faculty Manual*.
- E. East Carolina University shall investigate anonymous unsigned complaints against faculty and administrators holding faculty status to the extent justified by the content and context of the complaint.

II. Grievance Procedures

A. Optional Initiation of Grievance Procedures

Complainant may skip these optional grievance procedures by going directly to II.B. Level One Grievance Procedures. At any time during the optional grievance procedures the complainant or respondent may elect to take the matter to the East Carolina University Office of Equity and Diversity (OED).

1. Discussion with the Department Chairperson

- a. The complainant should make an appointment with the Chairperson or, if the Chairperson is alleged to have engaged in the misconduct, with the Dean. In such a case, skip II.A.1 and go directly to II.A.2. The complainant may request that a conference with the Chairperson be held without the respondent (hereafter, "the respondent" is used in the singular form, even where it may stand for more than one person). At the time of making the appointment, the complainant should state expressly the need to discuss a complaint related to the respondent's employment status. The Chairperson must consult the OED to determine if the complaint alleges conduct so severe as to require immediate reporting to other authorities.
- b. The initial complaint may be made to the Chairperson (or, as provided in II. A.1.a), to the Dean) in writing as a matter of record if the complainant so desires. However, this is not necessary to initiate a complaint by these optional grievance procedures.
- c. The Chairperson (or, as provided in II.A.1.a, the Dean) will set an appointment date with the involved parties as soon as possible after receiving the request; but, in any event, within 7 calendar days after the request, the complaint will be discussed with the involved parties. Either party may request that the meeting with the Chairperson be held without the

other party present. The Chairperson should freely discuss the nature of the complaint in a relaxed and informal manner, making every effort to take the corrective action necessary in resolving the grievance to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Chairperson within 7 calendar days subsequent to the conference.

2. Discussion with the Dean

- a. If the complaint is not resolved to the satisfaction of all parties in conference with the Chairperson, the complaint should be taken to the appropriate Dean for further evaluation and consideration. Within 7 calendar days after receipt of the decision of the Chairperson, either party should forward that decision (and the initial complaint, if it was made in writing) to the Dean. Either party may request that a conference with the Dean be held without the other party present. The Dean will respond to the request for an appointment and discuss the complaint with both parties within 7 calendar days after receipt of such request.
- b. The Dean's conference should be conducted in a relaxed and informal manner with the involved parties. The Dean should invite the Chairperson to participate in this conference if doing so is deemed desirable or appropriate, or if the presence of the Chairperson is requested by either party. The Dean should make every effort to take the corrective action necessary in resolving the complaint to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Dean within 7 calendar days subsequent to the conference.

3. Appeal to the East Carolina University Office of Equity and Diversity (“OED”).

If the complaint is not resolved to the satisfaction of either party, the dissatisfied party has the right to appeal the decision to the OED. The appeal should be made within 21 calendar days subsequent to the decision of the Dean and must follow the Level One Grievance Procedures specified below in II.B.

B. Level One Grievance Procedures

1. Reporting the Complaint to the East Carolina University Office of Equity and Diversity

- a. To initiate the process, the complainant may contact the OED office or submit a grievance reporting form, available at <http://www.ecu.edu/cs-acad/edc/SubmitAGrievance.cfm>. If this is an appeal from the Dean’s decision as specified under II.A.3, the party making such an appeal is known as the complainant in this process.
- b. Complaints concerning harassment, discrimination, or improper relationships submitted in writing to ECU’s EEO Officer, who is Vice Provost for Equity and Diversity, should contain at least the following: (a) the complainant's description of the alleged event(s), including times, dates, places, and witnesses, if possible; (b) the complainant’s description of the effects, if any, of the alleged event(s); (c) the names of the individuals alleged to have subjected the complainant to harassment or discrimination, or alleged to be involved in a prohibited improper relationship; and (d) the identification and contact information for the complainant. The EEO Officer, or the Officer’s designee, is referenced hereafter, as “the Grievance Officer”.
- c. The Grievance Officer shall immediately acknowledge receipt of the complaint and, within 14 calendar days from the submission of the complaint, shall schedule a meeting with the complainant to listen to and discuss the complaint. Any of the deadlines set at Level One

Grievance, as enumerated in this II.B, may be extended by the Grievance Officer to accommodate delays not reasonably avoidable. Written notice of the new deadline and the reason for the extension shall be provided to the parties and to the Provost. Such extensions must be allowable under applicable law and shall not unduly delay the investigative process.

- d. The Grievance Officer will be available to the complainant, the respondent (hereafter, “the respondent” is used in the singular form, even where it may stand for more than one person), and to possible witnesses to discuss their rights and procedural options, as well as the possible outcomes of these options.
- e. The Grievance Officer shall determine whether evidence exists to sustain the complaint. In making this determination, the Grievance Officer may conduct an investigation. The confidentiality of both the complainant and the respondent will be preserved to the extent required by law.
- f. If the complainant wishes to proceed or the Grievance Officer determines it necessary to proceed with an investigation, the Grievance Officer will provide a written description of the complaint, or a copy of the written complaint, to the respondent at the beginning of the investigation and not later than 14 calendar days following the complainant’s or Grievance Officer’s decision to proceed with an investigation.
- g. The respondent shall have an opportunity to meet with the Grievance Officer and provide a response to the allegations, both verbally and in writing.
- h. During the investigation of a complaint the Chancellor or appropriate Vice Chancellor may take interim measures, up to and including suspension with pay, to prevent misconduct or retaliation.

2. Record

- a. The Grievance Officer will keep a record of the initial and any subsequent discussions between the complainant and the Grievance Officer, and of discussions between the Grievance Officer and respondent. This investigation record will include:
 - i) the documentation referenced in II.B.1.b;
 - ii) the reply of the respondent, if any;
 - iii) and any and all information collected in and relating to the investigation. To the extent allowed by applicable law, the portion of the investigation record referenced in II.B.2.a. (i) and (ii) shall be provided by the Grievance Officer to all parties with all due speed, preferably within 14 calendar days of its compilation.
- b. Within 14 calendar days of receiving a copy of the portion of the investigation record referenced in II.B.2.a. (i) and (ii), the complainant and the respondent may append to this record a written response to each of the factual claims therein. In any case where a written response is appended to the record, this will be noted in the investigation record itself.

3. Written Report and Conclusions

Within 21 calendar days after the procedures listed under II.B.1. are met and the investigation record as specified under II.B.2. is completed, the Grievance Officer will submit this record and the Grievance Officer’s report of findings and conclusions to the appropriate Vice Chancellor. All parties, including the complainant, respondent, and supervisors, are notified regarding the results of the investigation at the same time to include a report of the Grievance Officer’s findings and conclusions, subject to any legally required redactions;

however, if there are multiple respondents and/or multiple complainants, each party will receive only such information as is directly related to his or her case.

4. The Vice Chancellor shall issue a letter to all parties that may or may not initiate the disciplinary process or take disciplinary action in accordance with University procedures. Each complainant and respondent may obtain by request to the Grievance Officer a copy of the investigation records, redacted to the extent required by law.
5. Procedures To Be Followed Upon the Imposition of Sanctions
 - a. The Chancellor or the Chancellor's designee may respond to substantiated claims by the imposition of serious sanctions ([The UNC Code, Section 603](#)) lists serious sanctions as discharge from employment, suspension, or demotion in rank) or lesser sanctions, provided that the conditions specified below are met prior to the imposition of sanctions. However, failure of the respondent to cooperate with the investigation (failure to respond to the allegations, or to accept a copy of the report of the investigation, etc.) will not preclude the University from imposing appropriate sanctions if all of the following have occurred:
 - i. The respondent was provided with a written statement or description of the complaint brought against the respondent, signed either by the complainant or the Grievance Officer;
 - ii. The complaint was thoroughly investigated by the Grievance Officer;
 - iii. The reply of the respondent to the complaint was solicited in person and in writing by the Grievance Officer during the investigation of the complaint by the Grievance Officer;
 - iv. The reply of the respondent to the complaint obtained during the investigation of the complaint by the Grievance Officer is noted in the Grievance Officer's report of findings and conclusions; and
 - v. The respondent was provided with the Grievance Officer's written report of the findings and conclusions.
 - b. When the disciplinary actions, if any, do not include a serious sanction, either party may, within 28 calendar days from the Vice Chancellor's issuance of a letter responding to the Grievance Officer's report, request an appeal to the Grievance Board in accordance with the Level Two Procedures as specified below in II.C.
 - c. When the disciplinary actions include a serious sanction they may -- pursuant to the *ECU Faculty Manual* -- be sequentially appealed to the Due Process Committee and the East Carolina University Board of Trustees. Alleging that one or more specified provisions of *The UNC Code* have been violated, the Board of Trustees decision may be further appealed to the Board of Governors. [The UNC Code, Section 603\(3\)](#) warns that if, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.
6. Options beyond Level One Grievance
When Level One procedures are terminated without being resolved to the satisfaction of either party, both the complainant and respondent have the option of initiating a Level Two Grievance (see II.C). However, if the disciplinary actions include a serious sanction and the

respondent wishes to appeal it, such an appeal must be made to the Due Process Committee instead of the Grievance Board.

(FS Resolution #14-19, March 2014)

C. Level Two Grievance Procedures

1. If either party disagrees with the findings and conclusions in the report of the Grievance Officer, either party may, within 28 calendar days from the Vice Chancellor's issuance of a letter responding to the Grievance Officer's report, notify the Grievance Officer, in writing, to request a Grievance Board hearing.
2. The possible appeal routes depend on the disciplinary actions stated in the Vice Chancellor's letter to the Grievance Officer:
 - a. If serious sanctions are imposed an appeal may be made by the original respondent within 14 calendar days, only to the Due Process Committee and not to the Grievance Board.
 - b. If they do not include a serious sanction, within 28 calendar days of the disciplinary action taken, either party may notify the Grievance Officer, in writing, to request a Grievance Board hearing.
3. The person (complainant or original respondent) who initiates the Level Two hearing hereafter is known as the grievant and the other party is known as the respondent.
4. Within 7 calendar days after receiving such a request, the Grievance Officer will submit the request, the record, the Grievance Officer's report of findings and conclusions, and the original written complaint to the Chair of the Grievance Board (hereafter, "the Chair"). The Grievance Officer will simultaneously send a copy of these materials to the respondent. Some material may be redacted where required by law.
5. Communications pertaining to the grievance are maintained by the Chair. Such communications include, when appropriate, the following: copies of all written communications (including emails); the contents of any interaction or meetings held with regard to Level Two Grievance proceedings; a summary of the course of action; and the findings of the Grievance Board's hearing panel. The communications and records are confidential and cannot be released unless such release is compelled by law. After the report of the Grievance Board's hearing panel is submitted to the Chancellor, all these materials are transferred to the Office of Faculty Senate, where they shall remain as confidential and will not be released, unless permitted by law.
6. **Composition of the Grievance Board**
The Grievance Board shall be composed of 5 regular members and 7 alternate members, each of whom is a permanently tenured voting faculty member holding no administrative title (the term "administrative title" refers to appointment as department chair in a professional school, unit administrator, dean, assistant or associate dean, vice chancellor, assistant or associate vice chancellor, chancellor, assistant or associate chancellor, assistant or associate provost). The University encourages diversity on the Grievance Board. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the ECU Faculty Senate.

The members of the Grievance Board shall elect annually a chair, a vice-chair, and a secretary. The business of the Grievance Board shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*, except as described below.

Composition of the Grievance Board for a particular hearing panel (hereafter, "the Panel") After receiving the Grievance Officer's notification about the Level Two grievance, within 7 calendar days, the Chair will determine the availability of the regular members and alternates. If any of the Board's 5 regular members are unavailable or need to recuse themselves, an alternate will be selected to serve on the hearing Panel in their place. An additional alternate will be chosen to attend all sessions of the hearing and to replace a hearing Panel member, should that member be unable to attend the entire hearing. The ranking of the available alternates for selection will be determined by their years of service to the University. If there are fewer than 6 Grievance Board members available to serve on the hearing Panel, then the Chair of the Faculty will select a sufficient number of additional alternates to constitute a complete Panel of 6 members.

Those Grievance Board members who hold an appointment in the grievant's or respondent's academic unit, those who reasonably expect to be called to provide evidence during the hearing, and those who have conflicting interests shall recuse themselves or be disqualified from participation in the hearing by a majority vote of the remaining members.

Within 3 calendar days from the formation of the Panel, the Chair will send the grievant and respondent a list of the 6 members of the Panel. From that list, both the grievant and respondent may disqualify 1 member without cause from serving on their Panel. The grievant or the respondent wishing to exercise this option must notify the Chair, within 3 calendar days, of the name of the member to be disqualified. The Chair will select additional Panel members to constitute a complete Panel of 6 members.

7. Purposes of Hearing

The purposes of a hearing are: (i) to render findings of facts and recommendations as to whether evidence presented to the Panel during the hearing sustains by its preponderance the allegations of harassment, discrimination or improper relationships; (ii) to communicate in the Panel's report to the Chancellor the Panel's finding and the reasons that support this finding, and the Panel's recommendations regarding resolution of the complaint. Avenues of appeal are provided to faculty members in the *ECU Faculty Manual* and in *The UNC Code*. The findings of the Panel are final only when the Chancellor renders her or his opinion, and the respondent fails to challenge either the Panel's findings or the Chancellor's concurrence or actions based on Panel's findings.

8. Conduct of Hearing

- a. The hearing before the Panel shall be conducted in private.
- b. Attendance throughout the entire hearing is limited to members of the Panel, the grievant, 1 person (who may advise the grievant), the respondent and 1 person (who may advise the respondent). Neither of the advising persons shall have speaking privileges.
- c. With the assistance of the University Attorney, the Panel may call witnesses.
- d. Witnesses will be available at a convenient location, and will be called to appear before the Panel at times specified by the Chair.

- e. In making its determination, the Panel shall consider only such evidence as is entered or presented during the hearing. The Panel may use its own judgment in deciding the admissibility and/or relevance of any testimony of any person before the Panel, and the admissibility and/or relevance of any evidence whatsoever.

9. Hearing Procedure

- a. The Panel will initiate a hearing no later than 42 calendar days after the date that the respondent was notified that a hearing will occur.
- b. The Chair will notify all parties of the time, date, and place of the hearing at least 28 calendar days prior to its start. Within 14 calendar days of this notification, either party may request, in writing, postponement of the hearing with up to a 35 calendar days extension. Such a request will be granted if a majority of the Panel agrees that exceptional circumstances justify postponement.
- c. Within 21 calendar days prior to the start of the hearing, the grievant and the respondent shall identify, in writing, to the Chair individuals who may provide evidence to the Panel and provide the Chair with any written or other material they wish to be entered as documentary evidence.
 - i) Fourteen (14) calendar days prior to the hearing, the Chair will provide the respondent with a copy of the list of witnesses for the grievant, and with a copy of any depositions or other written material, and/or a description of any other evidence that grievant had submitted to the Panel.
 - ii) Fourteen (14) calendar days prior to the hearing, the Chair will provide the grievant with a copy of the list of witnesses for the respondent, and with a copy of any depositions or other written material and/or a description of any other evidence that respondent had submitted to the Panel.
 - iii) At any time prior to the grievant's closing statement, either party may request that the Panel allow new witnesses or new evidence to be presented. If they are deemed relevant, such requests will be granted by a majority of the Panel if the need for new witnesses was not reasonably foreseen or new evidence was previously unavailable.
 - iv) When the Panel votes to accept new witnesses or evidence, the names of these witnesses and/or copies or descriptions of evidence will be supplied to the grievant or the respondent as soon as possible.
- d. The hearing will begin with an opening statement by the Chair, who shall state the purpose of the hearing, the contents of the complaint, and the identities of grievant, respondent, and witnesses to be called. The Chair will ask members to introduce themselves and state for the record that they do not hold an administrative title. The Chair will list the procedures to be followed during the hearing, and will specifically note that only testimony and other information bearing on the grievance at hand will be admissible as evidence. It will be the Chair's responsibility to reject immediately, stop the presentation or introduction of, or question the relevance of information having no clear bearing on the grievance. However, at any time during a hearing the Panel may, by a majority vote, override the Chair's decision regarding admissibility and/or relevance of testimony, written evidence, or other material presented to the Panel. It will also be the Chair's responsibility to maintain control of the hearing so that an orderly exchange of information can be accomplished. The Chair has the authority to decide minor procedural questions not otherwise covered elsewhere. When deciding minor procedural questions, the Chair shall serve the interests of

both parties equally. As for any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.

- e. Following the opening statement by the Chair, the grievant will present the complaint by submitting documentary evidence and questioning the grievant's witnesses. The grievant may be a witness. The respondent may cross examine grievant's witnesses, and the grievant may follow with further questions limited to the matter raised on the cross examination. The Panel members may question the grievant's witnesses and, after their dismissal and the conclusion of the grievant's presentation, may question the grievant. Then the respondent may reply to the complaint by submitting documentary evidence and questioning the respondent's witnesses. The respondent may be a witness. The grievant may cross examine respondent's witnesses and the respondent may follow with further questions limited to the matter raised on the cross examination. The Panel members may question the respondent's witnesses and, after their dismissal and the conclusion of the respondent's presentation, may question the respondent.
- f. After these presentations by the grievant and the respondent, the parties may question each other, and may present rebuttal to any and all depositions, written documents, and other evidence submitted to the Panel. The Panel members may question them further. If deemed appropriate by a majority of the Panel, dismissed witnesses may be recalled if available.
- g. When neither party has any further questions, or the Chair determines that the parties should discontinue questioning one another, and once the Panel has no further questions, each party has the option to make a closing summary statement. The grievant proceeds first and each statement shall not exceed 10 minutes in duration.

10. Post Hearing Procedure

- a. After the hearing, the Panel shall meet in executive session and begin its deliberations, or adjourn for no more than 2 calendar days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the grievance brought before it.
- b. In reaching its decisions, the Panel shall consider only the testimony and other materials entered or presented as evidence during the hearing. The burden is on the grievant to establish his or her case by a preponderance of the evidence.
- c. Determination by the Panel that sustains the grievance requires a majority vote by members of the Panel. The decision will be reported to the Chancellor and the parties.
- d. Within 21 calendar days of the Panel's reaching a determination to sustain or not to sustain the allegations of harassment, discrimination or improper relationships, the Panel's determination and a summary of the basis for its decision will be communicated in writing to the Chancellor, the grievant, the respondent, the Grievance Officer, the relevant unit administrator, and the University Attorney. The Faculty Senate Office will provide the Chancellor and the parties with a copy of the court reporter's transcript of the hearing as soon as the transcript is produced.

III. Post Level Two Grievance Procedures

- A. Within 42 calendar days of receiving the Panel's report and the court reporter's transcript, the Chancellor shall notify the grievant, respondent, Grievance Officer, relevant unit administrator, University Attorney, and the Panel of the Chancellor's concurrence or non-concurrence with the findings of the Panel, and of the disciplinary action, if any, against the original respondent.
- B. The disciplinary actions by the Chancellor may or may not include discharge from employment, suspension, or demotion in rank.
 - 1. When the disciplinary actions, if any, do not include a serious sanction, and if the Chancellor either declines to accept a Grievance Board recommendation that is favorable to the original respondent or concurs with the Board's recommendation that is unfavorable to the original respondent, within 14 calendar days the original respondent may appeal the Chancellor's decision to the East Carolina University Board of Trustees. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.
 - 2. When the disciplinary actions include a serious sanction the original respondent, in accordance with the procedures specified in the *ECU Faculty Manual*, has 14 calendar days to appeal to the Due Process Committee. The Chancellor's decision following the findings of the Due Process Committee may be appealed within 14 calendar days to the Board of Trustees. Alleging that one or more specified provisions of *The UNC Code* have been violated, the original respondent may, within 14 calendar days, appeal the decision of the Board of Trustees to the Board of Governors.

IV. Grievance Board Procedural Flowchart (next page)

V. Annual Report

Each May the Grievance Board shall submit to the Faculty Senate Office an annual report detailing statistics about the complaints received and processed from May 1 – April 30 of previous year.

- A. The outcome of the complaint(s) at Level One will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the OED and resolved.
- B. The outcome of the complaint(s) at Level Two will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the Grievance Board and resolved.
- C. The types of disciplinary actions (such as discharge from employment, suspension, or demotion in rank, or lesser sanctions) if any, taken by the University and when (month/year) the complaint was submitted and, if known, resolved.

The annual report will be available on request at the Faculty Senate Office. Personally identifying information regarding the complainants and the respondents shall not be disclosed.

(FS Resolution #12-42, March 2012)

(FS Resolution #14-19, March 2014)

GRIEVANCE BOARD PROCEDURAL FLOW (March 2012)

Optional initiation of grievance by complainant

Complainant opts to skip 'optional' process

NOTE: either party may opt out at any time in the optional steps

Discussion with Department Chair

☹ Complainant or Respondent not happy ☹

7 days * ↓

Discussion with the Dean

☹ Complainant or Respondent not happy ☹

21 days ↓

(Level One) EDC Office

If either party disagrees with the findings and conclusions in the report of the EDC Grievance Officer:

If the Vice Chancellor has initiated the disciplinary process:

☹ Complainant or Respondent not happy ☹

28 days ↓

Disciplinary actions do NOT include serious sanctions

28 days ↓

Disciplinary actions include serious sanctions

(14 days**) ↓

Due Process Committee

(14 days**) ↓

Board of Trustees

(14 days**) ↓

Board of Governors

(Level Two) Grievance Board

The person (complainant or respondent) who initiates the Level Two hearing is hereafter known as the **grievant** and the other party is the **respondent**. The Grievance Board renders findings of facts and recommendations as to whether evidence presented during the hearing sustains by its preponderance the grievant's allegations. GB sends its report and recommendations to the Chancellor.

GB agrees with EDC findings ↓

GB does NOT agree with EDC findings ↓

Chancellor

If original respondent is disciplined

Disciplinary actions do NOT include serious sanctions
 ↓ (14 days)
 Board of Trustees (may not be further appealed to Board of Governors)

Disciplinary actions include serious sanctions
 ↓ (14 days**)
 Due Process Committee (14 days**)
 ↓ (14 days**)
 Board of Trustees
 ↓ (14 days**)
 Board of Governors

*Note: Number of days reflects the number of calendar days within which appeals have to be made.

** Important Note: If, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, then the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

10/24/13

editorially revised Section II.C. Level Two Grievance Procedures, subsection 9.c.i to state "respondent" not "grievant" is provided with copy of list.