

**East Carolina University
Faculty Manual**

**APPENDIX X
GRIEVANCE PROCEDURES FOR
COMPLAINTS OF SEXUAL OR
RACIAL HARASSMENT OR
DISCRIMINATION OR CONFLICTS OF
INTEREST BROUGHT AGAINST EAST
CAROLINA UNIVERSITY FACULTY
MEMBERS OR ADMINISTRATORS
HOLDING FACULTY STATUS**

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*East Carolina University's policies on non-discrimination in recruitment and hiring are contained in *Part VI, General Personnel Information* of the *ECU Faculty Manual*. The University of North Carolina Board of Governors resolution regarding potential favoritism between University employees is contained in *Part VI, General Personnel Information* of the *ECU Faculty Manual*.

I. Preamble

- A. Well-publicized 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 sexual, racial or ethnic harassment or discrimination, and conflicts of interest are not tolerated. Toward this end, all members of the University community should understand that sexual, racial, and ethnic harassment or discrimination, the creation of conflicts of interest, and the exploitation of professional relationships violates East Carolina University policy and will not be tolerated. When complaints of sexual harassment, discrimination, or conflict of interest have been substantiated, the Chancellor, or the Chancellor's designee, may take such disciplinary action as he or she deems appropriate, including discharge, suspension from employment, or reduction in rank, in a manner that is consistent with the policies and procedures stated in the *ECU Faculty Manual*, Appendix D, section VI.
- B. 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, discrimination or conflict of interest prohibited under the policies stated in the *ECU Faculty Manual, Part VII, Research Information, and Appendix V, Sexual Harassment, Discrimination, and Conflicts of Interest Policies*. 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, or harassment against a student or an employee for using these procedures responsibly interferes with free expression and openness, and violates East Carolina University policy. Accordingly, members of the University community are prohibited from acts of reprisal against individuals who bring charges or are involved as witnesses or otherwise try to responsibly use this policy. The University recognizes that the free and unfettered interchange of competing views is essential to the institution's educational mission, and that the peoples' right to express opinions is guaranteed by the United States Constitution.

II. Grievance Procedures

If a complaint is not resolved to the satisfaction of the complainant at Level One, the complainant may elect to proceed to a Level Two hearing.

- A. Reporting the Complaint to the Grievance Officer.
 1. East Carolina University students, faculty members, staff, and administrators or visitors who believe that they are victims of sexual, racial, or ethnic harassment or discrimination by East Carolina University Faculty members or administrators with faculty status should bring the matter to the attention of the University Grievance Officer.
 2. Students, faculty members, staff, or administrators wishing to make a complaint of a conflict of interest should bring this to the attention of the Grievance Officer.
 3. The Grievance Officer and an alternate will be appointed by the Chancellor. The alternate will receive a complaint if in the judgment of the Chancellor a conflict of interest might arise if the complaint is received by the Grievance Officer.
- B. Education and Information about the Policy and Procedures
 1. Any member of the university community or visitor who believes that she or he has been subject to sexual, racial, or ethnic harassment or discrimination by an East Carolina University faculty member, or by an administrator holding faculty status should discuss her or his situation with the University Grievance Officer.
 2. Any member of the university community wishing to make a complaint of a conflict of interest should bring this complaint to the attention of the University Grievance Officer.
 3. The Grievance Officer shall listen to and discuss the complaint with the complainants, will inform them of all available options, and will encourage the complainants to make personal records of all events relevant to the complaint.
 4. The Grievance Officer will be available to complainants and to witnesses to discuss their rights and procedural options, as well as the possible outcomes of these options.
 5. The Grievance Officer will attend the University's Level One and Level Two procedures if the complainants have decided to pursue such procedures.

III. Level One Grievance Procedures

- A. Level One procedures are initiated either:
 1. when complainants communicate complaints verbally and in person to the Grievance Officer, or
 2. when complainants submit written and signed complaints to the Grievance Officer.
- B. The Grievance Officer will provide a written description of a complaint, or a copy or a written and signed complaint to the accused parties (hereafter, the respondents) before beginning any investigation and not later than five (5) working days following the receipt of the complaint.

IV. Anonymous Complaints

- A. East Carolina University shall investigate anonymous unsigned complaints against faculty and administrators holding faculty status; however,
- B. such complaints shall not become a part of the faculty member's master personnel/evaluation file (see, in addition *ECU Faculty Manual*, Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina as pertains to the master personnel/evaluation file);
- C. nor shall such complaints become the basis for sanctions against the faculty member.

V. Level One Procedures for Complaints of Harassment or Discrimination

- A. Investigation of Complaints of Alleged Harassment or Discrimination
1. The Grievance Officer, upon receiving a complaint, shall determine whether evidence exists to sustain the complaint. In making this determination, the Grievance Officer may conduct an investigation; however, every effort will be made to preserve the confidentiality of both complainant and respondent.
 2. During the investigation of a complaint the chancellor or appropriate vice chancellor may take interim measures, such as transferring a student to another class and other action, up to and including suspension with pay to prevent misconduct or retaliation.
 3. During Level One procedures, if the complainants so request, the complainants' names shall be deleted from the copy of the complaints provided to the respondents and every effort will be made to keep the complainants' identify confidential.
 4. If the respondents wish to reply to the complainants, the Grievance Officer will communicate this reply to the complainants.
 5. This procedure allowing for a dialogue between complainants and respondents will continue until the matter is resolved to the satisfaction of the complainant and the respondent, or either party wishes to terminate dialogue.
- B. Termination of Level One Procedures for Complaints for Harassment or Discrimination
1. When Level One procedures are terminated without being resolved to the satisfaction of complainants, complainants have the option of initiating Level Two procedures.
 2. If the complainants are unsatisfied after attempting to resolve the grievance thorough Level One procedures, the complainants may submit a written, signed statement of their grievances to the Grievance officer, and may initiate Level Two grievance procedures.
- C. Records
1. The Grievance Officer will keep a record of the initial and of any subsequent discussions between the complainants and the Grievance Officer, and of discussions between the Grievance Officer and respondents. This record will include:
 - a. the complainants' description of the alleged events, including times, places, and dates, if possible.
 - b. the complainants' description of the alleged effects of these events, if any,
 - c. names of witnesses, if any,
 - d. the names of the individuals alleged to have subjected the complainants to harassment and/or discrimination, and
 - e. the replies of the respondents, if any, and
 - f. any and all information gained in the investigation.
 2. Complainants and respondents may review a copy of this record from which the complainants' names and personally identifiable information have been deleted. Complainants and respondents may append to this record a written response to each of the factual claims of the record. In any case where a written response is appended to the record, this will be noted in the record itself.
- D. Procedures To Be Followed Upon the Imposition of Sanctions
1. The Chancellor or (the Chancellor's designee) may respond to substantiated claims by the impositions of serious sanctions, including discharge, suspension, reduction 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, failure to accept a copy of the report of the investigation, etc.) will not preclude the University from imposing appropriate sanctions.
 - a. The respondent was provided with a written statement of the complaint brought against him or her signed either by the complainant of the University Grievance Officer.
 - b. The complainant was thoroughly investigated by the Grievance Officer.
 - c. 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.
 - d. The reply of the respondent to the complaint obtained during the investigation of the complaint by the Grievance Officer is noted in the Grievance Officers report of his or her findings.
 - e. The identity of the complaint is stated in the Grievance Officers' written report of the findings of his or her investigation.
 - f. The respondent was provided with a written copy of the report of the findings of the Grievance Officer's investigation.
 2. Written Report and Conclusions
After the Grievance Officer assures that the conditions listed in part V.D(1) are met, he or she will submit a report of findings with the written complaint and the respondent's reply, if any, to the appropriate Vice Chancellor, who may, if the findings indicate misconduct, initiate the disciplinary process or take disciplinary action in accordance with University procedures.
- E. Appeal of a Level One Finding
1. When the disciplinary actions taken, if any, do not include reduction in rank, suspension, or dismissal, the respondents may request a hearing before the Faculty Grievance Committee, in accordance with the procedures specified in the *ECU Faculty Manual*, Appendix D.
 2. When the disciplinary actions taken, if any, include reduction in rank, suspension, or dismissal, the Chancellor or the Chancellor's designee shall send the faculty member by registered mail, return receipt requested, a written statement of the disciplinary actions taken. The statement shall include notice of the faculty member's right, upon

request, to both written specification of the reasons for the intended action and to a hearing before the Due Process Committee, in accordance with the procedures specified in the *ECU Faculty Manual*, Appendix D.

VI. Level One Procedures for Complaints of Conflict of Interest

The Grievance Officer, upon receiving a complaint of a conflict of interest involving a faculty member and a student, shall determine whether evidence exists that either sustains the charge that the accused faculty member and student are in violation of the University's Conflict of Interest Policy or sustains the charge's denial. The Grievance Officer shall meet with the faculty member and student and shall discuss the complaint and the evidence, if any, for or against the complaint. If the Grievance Officer concludes that there are good reasons to believe that the accused faculty member and student are in violation of the University's policy, and the student is enrolled in a class being taught by the faculty member, the faculty member will be given the choice of either having the student withdrawn from the course or appealing the Grievance Officer's conclusion before the Faculty Grievance Committee. If the Grievance Officer concludes that there are good reasons to believe that the accused faculty member and student are in violation of the University's policy, and the student is not in the faculty member's class, but is being supervised by the faculty member, the faculty member will be given the choice of either having the student assigned to another supervisor, or appealing the Grievance Officer's conclusion before the Faculty Grievance Committee.

The Grievance Officer, upon receiving a complaint of a conflict of interest involving two faculty members, or involving a faculty member and an SPA or EPA non-faculty staff member who is being supervised by the faculty member, shall determine whether evidence exists that sustains either the charge that the accused parties are in violation of the University's Conflict of Interest Policy or its denial. The Grievance Officer shall meet with the parties and shall discuss the complaint and the evidence, if any, for or against the complaint. If the Grievance Officer concludes that there are good reasons to believe that the accused parties are in violation of the University's policy, the Grievance Officer shall prepare a report stating this conclusion and the reasons supporting it. Either or both of the accused parties may append a written response to this report. In cases where a written response is made, this shall be noted in the Grievance Officer's report. The Grievance Officer shall provide a copy of the report to both of the accused parties.

Within ten working days an accused faculty member may, in accordance with the policies and procedures stated in the *ECU Faculty Manual Appendix D, Tenure and Promotion Policies and Procedures of ECU* request an appeal before the Faculty Grievance Committee of the findings stated in the Grievance Officer's report. If a request for an appeal before the Faculty Grievance Committee is made, the Grievance Officer shall withhold her or his report from the Chancellor until completion of the appeal process. Upon completion of an appeal before the Faculty Grievance Committee, and regardless of the Committee's recommendations, the Grievance Officer may at her or his discretion forward the original report to the Chancellor. A faculty member who appeals the report's findings to the Faculty Grievance Committee thereafter may, in accordance with the policies and procedures stated in the *ECU Faculty Manual, Appendix D*, appeal to the Due Process Committee her or his discharge or suspension from employment, or reduction in rank by the Chancellor. Any other disciplinary actions taken by the Chancellor against a faculty member who previously appealed the Grievance Officer's findings before the Faculty Grievance Committee may be appealed to the East Carolina University Board of Trustees.

If no request for an appeal before the Faculty Grievance Committee of the findings stated in the Grievance Officer's report is made within ten working days of the receipt of the Grievance Officer's report by the accused parties, the Grievance Officer shall forward her or his report to the Chancellor. In this case, in accordance with the policies and procedures stated in the *ECU Faculty Manual, Appendix D*, within ten working days of the Chancellor's notifying a faculty member that she or he will be discharged or suspended from employment, or reduced in rank, the faculty member may request an appeal before the Due Process Committee. Any other disciplinary actions taken by the Chancellor may be appealed to the Faculty Grievance Committee, in accordance with the policies and procedures stated in the *ECU Faculty Manual, Appendix D*.

VII. Level Two Grievance Procedures

Level Two grievance procedures are initiated at the request of complainants and require that complainants submit written complaints to the Grievance Officer. Written complaints of harassment, discrimination, or conflicts of interest submitted to the Grievance Officer by the complainants will contain (at least) the following: (a) the complainants' description of the alleged events, including times, dates, places, and witnesses, if possible; (b) the complainants' description of the effects, if any, of the alleged events; (c) the names of the individuals alleged to have subjected the complainants to harassment or discrimination, or alleged to be in violation of the University's conflict of interest policy . (d) the names of the

*A conflict-of-interest complaint involving an SPA staff or EPA nonfaculty member and a faculty member who is being supervised by the SPA staff or EPA nonfaculty member are governed by the grievance procedures stated in the *East Carolina University Business Manual*.

complainants; (e) the signatures of the complainants; and (f) the signature of the Grievance Officer, with the date of receipt of the complaint.

Within ten working days of receiving written and signed grievances, the Grievance Officer will supply the respondents with copies of the complaints brought against them. When the identity of the complainants has been made known to the respondents, every effort will be made to protect all parties and witnesses from retaliatory action by the respondents.

1. If no previous attempt at a Level One resolution of the grievance has been made, within ten working days of providing the respondents with a copy of the complaints against them, the Grievance Officer will request the complainants to initiate a Level One resolution of the grievance. If the complainants do not agree then the Grievance Officer will proceed with the Level Two grievance procedure. If a Level One resolution of the grievance is attempted and complainants remain unsatisfied after fifteen working days from submitting their written grievance, they will indicate this in writing to the Grievance Officer. Within ten working days after receiving such notification from complainants, the Grievance Officer will submit the notification and the complainants' original written grievance to the Chair of the Grievance Board.
2. If a Level One resolution was attempted prior to the submission of a written grievance by the complainants, within ten working days of receiving written notification from complainants that they are unsatisfied with attempts to affect a Level One resolution of their complaints, the Grievance Officer will submit the grievance to the Chair of the Grievance Board.

Communications pertaining to sexual, racial or ethnic harassment or discrimination, or conflict of interest cases are maintained by the Chair of the Grievance Board. Such communications include, when appropriate, the following: copies of all written communications, the time, date, names of participants, witnesses, the contents of any interaction or meetings held with regard to a Level Two harassment, discrimination, or conflict of interest case, a summary of the course of action, and the findings of the Committee. Any of the above records or communications maintained by the Chair of Grievance Board are confidential and can not be released unless such release is compelled by law.

A. Composition of the Grievance Board

The Grievance Board (hereafter, "the Board") ordinarily shall be composed of seven faculty members and five alternates each of whom is a permanently tenured voting faculty member holding no administrative title.* The University encourages sexual and ethnic diversity on the Board. The initial election of members and alternates to the Board shall take place at the Faculty Senate meeting immediately after this provision is adopted. The Committee on Committees will nominate a slate of candidates to the Faculty Senate. Members of the Faculty Senate may nominate candidates from the floor of the Faculty Senate. At the initial election, the Faculty Senate will elect three members and two alternates to one-year terms, two members and two alternates to two-year terms, and two members and one alternate to a three year term. When these and successive terms expire, members and alternates on the Board shall be elected for two-year terms. Elections will be held yearly at the second regular meeting of the Faculty Senate. Members of the Board whose terms have expired are ineligible for membership on the Board for a period of three years after the expiration of their terms. Members leaving the Board between elections will be replaced by alternates. If at anytime between elections the number of alternates falls below two due to alternates replacing members who have resigned from the Board, the Committee on Committees will nominate candidates for the alternate positions. Members of the Faculty Senate may nominate candidates from the floor of the Faculty Senate. The Senate will elect new alternates at the first regular Faculty Senate meeting subsequent to the number of alternates falling below two.

The members of the Board shall elect annually a chair, a vice-chair, and a secretary. The business of the committee shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*, except as described below. The quorum for the Board of seven members during any hearing shall consist of seven members. Should fewer than seven Board members be present at the beginning of a hearing, the Board shall elect a replacement from the alternates. This alternate shall serve for the duration of the hearing.

When the Board is convened to consider a grievance those Board members who hold an appointment in the complainants' or respondents' academic unit, those who reasonably expect to be called to provide evidence during the hearing, and those who have a conflict of interest are disqualified from participation in the hearing. In addition, both complainants and respondents may disqualify one member of the Board without cause. If any members of the Board are disqualified, the remaining members will elect replacements from the alternates. If no further alternates are available the Chair of the Faculty will select additional alternates to allow the Board to conduct its business.

B. Purposes of Hearing

*Hereinafter, 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.

The purposes of a hearing are (i) to render findings of facts and recommendations as to whether evidence presented to the Board during the hearing sustains the complainants' allegations against the respondents, (ii) to communicate in the Board's report to the Chancellor (a) the Board's finding and the reasons that support this finding, and (b) the Board's recommendations regarding resolution of the complaint. Given the avenues of appeal provided to faculty members in the *ECU Faculty Manual, Appendix D*, and in the *UNC Code*, actions by the University based upon the findings of the Grievance Board are final only when the Chancellor renders her or his opinion, and the respondents fail to challenge either the Board's findings or the Chancellor's concurrence or actions based on the Board's findings in the manner provided in the *ECU Faculty Manual, Appendix D*.

C. Conduct of Hearing

It is important to note at the outset that in cases where the Grievance Board's findings constitute part or all of the basis for a faculty member's being reduced in rank, suspended, or terminated from employment, the faculty member holding the protection of permanent tenure can require a hearing before the Due Process Committee. A hearing before the Due Process Committee affords faculty members the right to be represented by attorneys who participate in the hearing procedure.

Similarly, in cases where the Grievance Board's findings are part or all of the basis for the Chancellor's taking disciplinary actions against a faculty member that do not include reduction in rank, suspension, or termination of employment, the faculty member has the right to a hearing before the Faculty Grievance Committee.

The hearing before the Grievance Board shall be conducted in private. Attendance at the hearing is limited to: members of the Board; the complainants and one person who may advise the complainants but shall not take an active part in the proceedings; the respondents and one person who may advise the respondents but shall not take an active part in the proceedings. Witnesses shall not be present throughout the hearing, but will be available at a convenient location, and will be called to appear before the Board at times specified by the Board. Any witnesses willing to testify who were made known to the Board either by the complainants or by the respondents will be allowed to testify before the Board.

In conducting its hearing the Board may call witnesses. The Board may seek the assistance of the University attorney in obtaining statements from persons who will not be present at the hearing. Such statements will be submitted to the Board for consideration during the hearing. In making its determination, the Board shall consider only such evidence as is considered during the hearing. The Board may use its own judgment in deciding the admissibility and/or relevance of any testimony of any person before the Board, and the admissibility and/or relevance of any evidence whatsoever.

D. Hearing Procedure

Within ten working days of receiving a complaint from the Grievance Officer, the Board chair shall notify respondents by registered mail, return receipt requested of the time and place the Board will convene, and shall provide respondents with a copy of the complaint against them. The Board shall initiate a hearing no later than thirty working days after the date notification was received by respondents. Complainants or respondents may request in writing a thirty day postponement of the Hearing. The postponement shall be granted if a majority of the Board agrees that exceptional circumstances justify postponement. Having set a date, time and place for the hearing, the Board shall within twenty-five working days before the hearing notify the complainants, respondents, known witnesses and Grievance Officer of the time, date, and place of the hearing.

Fifteen working days prior to the Board's convening, complainants and respondents shall identify in writing individuals who may provide evidence to the Board, and shall provide the Board with any written or other material they wish entered as evidence. Ten working days prior to the hearing, the Board shall provide respondents with a copy of the list of witnesses for the complainants, and with a copy of any depositions or other written material, and/or a description of any other evidence the complainants have submitted to the Board. Seven working days prior to the hearing, the Board shall provide the complainants with a copy of the list of witnesses for the respondents, and with a copy of any depositions or other written material, and/or a description of any other evidence that respondents have submitted to the Board. At any time prior to the presentation of closing statements by complainants and respondents, complainants and respondents may request in writing that the Board allow new witnesses to testify, or new evidence be submitted to the Board. Such requests shall be granted if they are deemed relevant by a majority of the Board. When the Board votes to accept new witnesses or evidence, the names of these witnesses and/or copies or descriptions of evidence shall be supplied to the complainants or respondents as soon as possible.

The hearing shall begin with an opening statement by the Chair of the Board. This statement shall identify the purpose of the hearing, the contents of the complaint, the identity of complainants, respondents, and witnesses to be called, and the procedures to be followed during the hearing. The Board shall specifically note that only testimony and other information clearly bearing on the grievance at hand shall be admissible as evidence. It shall 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 office of the appropriate Vice Chancellor shall provide financial support to the Board.

the grievance. However, at any time during a hearing the Board 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 Board. It shall also be the chair's responsibility to maintain control of the Hearing so that an orderly exchange of information can be accomplished. For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37, October 2003)

Following the opening statement by the Board Chair, the Board shall then call upon both parties to present their opening statements, beginning with the complainants. After both parties have presented their opening statements, the Board shall allow each party, beginning with the complainants, to submit evidence to the Board. The Board shall call witnesses, beginning with witnesses for the complainants. When a witness has presented her or his statement, if any, the Board may question the witness. After the Board has exhausted its initial questions for the witness, the complainants, and then the respondents may further question the witness. After this questioning, the Board may ask further questions of the witness. When neither the complainants, respondents, nor the Board has further questions for a witness, that witness shall be excused. If deemed appropriate by a majority of the Board, dismissed witnesses may be recalled. After all witness have been dismissed, members of the Board may direct questions to complainants and respondents. Complainants and respondents may present rebuttal to any and all depositions, written documents and other evidence submitted to the Board. When all witness have been dismissed, and the Board has no further questions for either complainants or respondents, and neither party has any further questions for one another or for the Board, or the Chair or Board determines that the two parties should discontinue questioning one another, each party shall be allowed to present a closing statement, beginning with the complainants. After both parties have made closing statements, the Board shall dismiss both parties. At this time either the Board shall begin its deliberations on whether it sustains or does not sustain the grievance brought before it, or will adjourn for no more than two working days, at which time it will meet to determine whether it sustains or does not sustain the grievance.

In reaching its decisions the Board shall consider only the testimony and other materials entered or presented as evidence during the hearing. The complainants shall have the burden of proof by the greater weight of the evidence that sexual, racial, or ethnic harassment or discrimination, or a conflict of interest as defined in university policies has occurred.

Determination by the Board that sustains the grievance of sexual, racial, or ethnic harassment or discrimination, or conflict of interest brought before the Board requires a four-sevenths vote by members of the Board. (The exact vote of the Board will be reported to the Chancellor along with the Board's summary stating the basis for its determination.)

E. Disciplinary Action

Within ten working days of the Board's reaching a determination to sustain or not to sustain a grievance of sexual, racial, or ethnic harassment or discrimination, or conflict of interest against East Carolina University faculty members, or administrators with faculty status, the Board's determination and a summary of the basis for its decision will be communicated in writing to the complainants, the respondents, the Grievance Officer, the relevant unit administrator, the University attorney, and the Chancellor. The Board shall provide the faculty member and the chancellor with a copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37, October 2003)

Within thirty working days of receiving the Board's report, the Chancellor shall notify the complainants, respondents, Grievance Officer, relevant unit administrator, and University attorney of the Chancellor's concurrence or nonconcurrence with the findings of the Board, and of the disciplinary action, if any, being taken against the respondents.

F. Appeal of a Level Two Grievance Finding

If the Board does not sustain the complainants' grievance, and the Chancellor concurs with the Board's findings, the Chancellor's decision shall be final, except that the decision may be appealed pursuant to Section 501 (C) (4) of the *UNC Code*.

If the Board sustains the complainants grievance, and the Chancellor does not concur with the Board, the complainants may appeal the Chancellor's decision pursuant to Section 501 (C) (4) of the *UNC Code*.

If the Chancellor sustains the complainants' grievance:

1. when the disciplinary actions taken by the Chancellor, if any, do not include reduction in rank, suspension, or dismissal, the respondents may request a hearing before the Faculty Grievance Committee, in accordance with the procedures specified in the *ECU Faculty Manual, Appendix D*.
2. when the disciplinary actions taken by the Chancellor, if any, include reduction in rank, suspension, or dismissal, the Chancellor or his or her delegate shall send the faculty member by register mail, return receipt requested, a written statement of the disciplinary actions taken by the Chancellor. The statement shall include notice of the faculty members right, upon request, to both written specification of the reasons for the intended action and to a hearing before the Due Process Board, in accordance with the procedures specified in the *ECU Faculty Manual, Appendix D*.

VIII. Annual Report

Each July the Grievance Board shall publish an annual report detailing statistics about the complaints received and processed in the previous year. The statistics include but are not limited to:

1. The total number of complaints received.
2. A summary of the types and frequency of complaints.
3. A breakdown of the number of complaints resolved at Level One vs. Level Two.
4. Disciplinary actions taken by the University.

The annual report is available on request at the Faculty Senate office, and is distributed to every member of the faculty and administration. Personally identifying information regarding complainants and respondents will not be disclosed.

**Approved: Faculty Senate Resolution #92-1
14 February 1992
East Carolina University Chancellor**

**Amended: Faculty Senate Resolution #96-16, April 1996
Faculty Senate Resolution #97-21, July 1997
Faculty Senate Resolution #03-37, October 2003**