

# East Carolina University **FACULTY MANUAL**

Prepared for the Faculty

**(Current as of 12-18-09)**

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## **TABLE OF CONTENTS**

Part I	Introduction
Part II	University Organization The Organization of the University of North Carolina Purpose, Objectives, and Strategic Plan of East Carolina University University Policy Academic Policy Administrative Policy Guidelines for Organizing into Code Units
Part III	Academic Freedom (formerly Appendix E)
Part IV	Academic Integrity (formerly Appendix N)
Part V	Academic Information Academic Procedures and Policies Academic Facilities Curriculum Development
Part VI	General Personnel Policies Employment Policies Welfare and Benefits Institutional Services Employment of Related Persons (formerly Appendix H) External Professional Activities of Faculty and Other Professional Staff (formerly Appendix Q) Equal Employment Opportunity/Affirmative Action Policy (formerly Appendix K) Other Personnel Policies Frequently Asked Questions about Faculty Personnel Records
Part VII	Research Information

Policy and Guidelines for External Funding (formerly Appendix O)  
Patent (formerly Appendix P)  
Copyright Policy  
Principles and Policy for the Protection of Human Subjects of  
Research (formerly Appendix R)  
Animal Care and Use in Research and Instruction (formerly  
Appendix S)  
Policy and Procedures on Ethics in Research and Creative  
Activities (formerly Appendix U)  
Policy on the Custody, Retention, Transfer and Access to Research  
Data and Records

- Part VIII Responsibilities of Administrative Officers  
Board of Trustees  
Chancellor  
    Executive Assistant to the Chancellor  
    Assistant to the Chancellor for Constituent Relations  
    University Attorney  
Equal Employment Opportunity Officer  
Director of Athletics  
Director of Planning and Institutional Research  
Faculty Senate  
Division of Academic Affairs  
Division of Business Affairs  
Division of Health Sciences  
Division of Institutional Advancement  
Division of Student Life
- Part IX Organization Chart for East Carolina University  
(formerly Appendix G)
- Part X Charter of the University of North Carolina Faculty Assembly  
(formerly Appendix B)
- Part XI The CODE, The Board of Governors of The University of North  
Carolina (formerly Appendix M)
- Part XII Personnel Action Dossier
- Appendix A Faculty Constitution and By-Laws of East Carolina University
- Appendix B Policy for the Cumulative Review of Permanently Tenured Faculty
- Appendix C Personnel Policies and Procedures for the Faculty of  
East Carolina University

- Appendix D Tenure and Promotion Policies and Procedures of East Carolina University
- Appendix F Graduate School Organization
- Appendix I East Carolina University Policy on Conflicts of Interest and Commitment
- Appendix J Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity Complaints
- Appendix L East Carolina University Code  
**Appendix L has been superseded by Board of Trustee Policy on 11-30-07.**
- Appendix U Policy on Improper Relationships Between Students and Faculty
- Appendix V Sexual Harassment, Discrimination, and Conflicts of Interest Policies
- Appendix W Racial and Ethnic Harassment Policies
- 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
- Appendix Y Grievance Policies and Procedures of East Carolina University

**Renamed Appendices**

- Appendix B Renamed Part X
- Appendix E Renamed Part III
- Appendix G Renamed Part IX
- Appendix H Renamed Part VI
- Appendix K Renamed Part VI
- Appendix M Renamed Part XI
- Appendix N Renamed Part IV
- Appendix O Renamed Part VII
- Appendix P Renamed Part VII
- Appendix Q Renamed Part VI
- Appendix R Renamed Part VII
- Appendix S Renamed Part VII
- Appendix T Renamed Part VI

## **PART I INTRODUCTION**

This manual has been designed to provide faculty members and administrators with a ready reference to established policies and procedures at East Carolina University. All faculty are to receive a copy of it upon initial employment at East Carolina University and updates/revisions as distributed. Faculty and administrators should ensure that all revisions are accurately inserted and outdated portions removed so that only current policies and information are contained in individual copies of the manual. The Faculty Senate office coordinates the publication, distribution, and maintenance of the manual and can be contacted for any questions about its contents or accuracy.

Requests for interpretation of the ECU Faculty Manual will be submitted to the Chair of the Faculty or the Vice Chancellor for Academic Affairs. The Chair of the Faculty and the Vice Chancellor for Academic Affairs will provide a joint conditional interpretation. In matters pertaining to their purview, the Vice Chancellor for Academic Affairs will consult with the Vice Chancellor for Health Sciences or the Vice Chancellor for Research. This conditional interpretation will be in effect until a permanent interpretation is adopted through normal procedures. The office of the Faculty Senate will maintain an index of such interpretations, identified in the appropriate section of the ECU Faculty Manual. (<http://www.ecu.edu/fsonline/interpretations.htm>). (Faculty Senate Resolution #99-8, March 1999)

East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

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## **PART II UNIVERSITY ORGANIZATION**

### **CONTENTS**

- I. The Organization of the University of North Carolina
- II. Vision, Mission, and Strategic Plan of East Carolina University
- III. University Policy
- IV. Academic Policy
- V. Administrative Policy

## VI. Guidelines for Organizing into Code Units

### I. **The Organization of the University of North Carolina**

In North Carolina, all the public educational institutions that grant baccalaureate degrees are part of The University of North Carolina. East Carolina University is one of sixteen constituent institutions of the multi-campus state university.

The University of North Carolina, chartered by the NC General Assembly in 1789, was the first public university in the United States to open its doors and the only one to graduate students in the eighteenth century. The first class was admitted in Chapel Hill in 1795. For the next 136 years, the only campus of The University of North Carolina was at Chapel Hill.

In 1877, the NC General Assembly began sponsoring additional institutions of higher education, diverse in origin and purpose. Five were historically black institutions, and another was founded to educate American Indians. Several were created to prepare teachers for the public schools. Others had a technological emphasis. One is a training school for performing artists.

In 1931, the NC General Assembly redefined The University of North Carolina to include three state-supported institutions: the campus at Chapel Hill (now the University of North Carolina at Chapel Hill), North Carolina State College (now North Carolina State University at Raleigh), and Woman's College (now the University of North Carolina at Greensboro). The new multi-campus University operated with one board of trustees and one president. By 1969, three additional campuses had joined the University through legislative action: the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington.

In 1971, the General Assembly passed legislation bringing into The University of North Carolina the state's ten remaining public senior institutions, each of which had until then been legally separate: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, The North Carolina School of the Arts, Pembroke State University, Western Carolina University, and Winston-Salem State University. This action created the current sixteen-campus University. (In 1985, the North Carolina School of Science and Mathematics, a residential high school for gifted students, was declared an affiliated school of The University.)

The University of North Carolina Board of Governors is the policy-making body legally charged with the general determination, control, supervision,

management, and governance of all affairs of the constituent institutions. It elects the president, who administers The University. The thirty-two voting members of the board of governors are elected by the General Assembly for four-year terms. Former board chairs and board members who are former governors of North Carolina may continue to serve for limited periods as emeritus nonvoting members. The president of The UNC Association of Student Governments, or that student's designee, is also a nonvoting member.

Each of the sixteen constituent institutions is headed by a chancellor, who is chosen by the board of governors on the president's nomination and is responsible to the president. Each institution has a board of trustees, consisting of eight members elected by the board of governors, four appointed by the governor, and the president of the student body, who serves ex-officio. (The NC School of the Arts has two additional ex-officio members.) Each board of trustees holds extensive powers over academic and other operations of its institution on delegation from the board of governors.

## **II. Vision, Mission, and Strategic Plan of East Carolina University**

### **A. Vision**

East Carolina University is a public, doctoral institution distinguished by excellence in teaching and research and is committed to serving the people of North Carolina and beyond.

### **B. Mission**

The university mission statements express the purpose and character of the university. The statements are the basis for all university strategic planning. They guide the actions of the university and direct the development of evaluation criteria.

East Carolina University, a constituent institution of the University of North Carolina, is a public, doctoral university committed to meeting the educational needs of North Carolina. It offers baccalaureate, masters, specialist, and doctoral degrees in the liberal arts, sciences, and professional fields, including medicine. East Carolina University is dedicated to educational excellence, responsible stewardship of the public trust, and academic freedom. The university values the contributions of a diverse community, supports shared governance, and guarantees equality of opportunity. East Carolina University's motto is "*Servire*," meaning "To Serve," and it seeks to meet that obligation through the following interrelated components of its mission.

#### *To Serve Through Education*

The educational mission of East Carolina University is to provide students with a rich, distinctive undergraduate and graduate educational experience. The university is committed to developing each learner's ability to discover,

evaluate, and communicate knowledge; to make informed decisions; and to recognize a decision's ethical dimensions. The university also is committed to imparting a sense of citizenship and personal responsibility, fostering lifelong learning, and nurturing an understanding of the interdependencies of people and their environments.

*To Serve Through Research and Creative Activity*

The research mission of East Carolina University is to advance knowledge, to encourage creative activity, to solve significant human problems, and to provide the foundation for professional practice through the support of basic and applied research. The university is committed to integrating research and creative activities in the educational experiences of students. It also is committed to enriching culture and being a leader in innovative research applications.

*To Serve Through Leadership and Partnership*

The service mission of East Carolina University, as an institution with a tradition of strong regional ties and public outreach, is to provide leadership and to engage in partnerships supporting public education, health care and human services, cultural activities, and regional development.

C. Strategic Planning Goals for 2000-2005

- Expand the educational opportunities provided on and off campus by 20 percent.
- Enrich the learning environment for students.
- Increase the productivity of faculty, staff, and students in research and creative activity.
- Extend external leadership and partnership roles in eastern North Carolina.
- Be a leader in the development and application of information technology in higher education.
- Improve the quality and efficiency of its services and operations.

Faculty are encouraged to review the University's long range goals and objectives by reading *Strategies for Distinction, University Directions 2000-2005*, available through the office of Planning and Institutional Research.

**III. University Policy**

The chancellor, as the administrative and executive head of East Carolina University, exercises the authority and responsibility assigned to him or her in Chapter Five of *The Code* of the University of North Carolina. Subject to the policies of the board of governors and the direction of the president of The University of North Carolina, the chancellor and the board of trustees establish policies for the institution. In establishing policies, the chancellor receives advice from the administrative staff, the Graduate Assembly, the Faculty Senate, administrative and academic committees, and the Student

Government Association. The chancellor delegates administrative responsibility to the five vice chancellors as described in Part VIII of the Faculty Manual. The planning, development, and administration of university policy are achieved by close interaction of the administrative organization and the faculty policy-making organization.

#### **IV. Academic Policy**

The Faculty Senate and the Graduate School Administrative Board may initiate suggestions for undergraduate and graduate academic policy, respectively. Academic policy recommendations from any source are referred to the Faculty Senate or to the Administrative Board of the Graduate School. These bodies also ratify, amend, or remand all matters of academic policy which have been recommended by standing or special university committees. The chancellor acts upon the recommendations of the Faculty Senate and the Graduate School Administrative Board.

The faculty organization of East Carolina University comprises the general faculty. The Faculty Senate is the legislative and advisory body that represents the general faculty and provides the means by which faculty are enabled to fulfill their function with respect to faculty welfare and academic and educational policies exclusive of graduate programs. The Faculty Senate acts upon reports and recommendations of its standing academic committees (and ad-hoc committees). Please refer to the *ECU Faculty Manual*, Appendix A, Faculty Constitution and By-Laws of East Carolina University for the detailed list of responsibilities and activities of the Faculty Senate.

The Administrative Board of the Graduate School represents the members of the graduate faculty as a legislative and advisory body in the matter of graduate academic and educational policies. It consists of three representatives from the College of Arts and Sciences, one representative from each school, and three ex-officio members. The dean of the Graduate School, who is responsible for the administration of the policies of the Graduate School, is chair of both the Administrative Board of the Graduate School and the graduate faculty. Please refer to the *ECU Faculty Manual*, Appendix F, Graduate School Organization for the detailed list of responsibilities and activities of the Administrative Board of the Graduate School.

#### **V. Administrative Policy**

Administrative policy, as distinct from academic policy, is determined by the chancellor in consultation with other administrative officers. Administrative committees are appointed by the chancellor and report to the chancellor or to his or her designee. They consist of committees, councils, and boards not responsible to the Faculty Senate because of their jurisdictions and functions; however, the chair of the faculty (or an appointed representative) serves as an ex-officio member on most of the administrative committees.

The following are the current administrative committees:

- Academic Integrity Board (Student Life)
- Administrative Computing
- Advisory Committee on Codes
- Affirmative Action Review and Advisory Committee
- Animal Care and Use Committee
- Athletic Committee
- Biological Safety Committee
- Citation Appeals Board
- Commencement Committee
- Committee on Canvassing and Soliciting
- Committee on Copyright
- Environmental Safety Committee
- Faculty and Staff Benefits Committee
- Family Weekend Committee
- Health Professions Advising Committee
- Homecoming Steering Committee
- Honorary Degrees, Awards, and Distinctions Committee (Board of Trustees)
- Infection Control Committee
- Information Resources Coordinating Council
- Living History Committee
- Natural Areas Committee
- Parking and Transportation Committee
- Patent and Intellectual Property Committee
- Radiation Safety Committee
- Research Ethics Oversight Committee
- Resident Status Appeals Committee
- Scholarship Committee
- Smart Classroom Technology Steering Committee
- Space Allocation Committee
- Status of Women
- University and Medical Center Institutional Review Board
- University Special Collections Committee

## **VI. Guidelines for Organizing into Code Units**

These guidelines are being provided to assist faculty who democratically decide to organize into self-governing autonomous units at the department, school or college level.

### General Instructions

Submit via the Faculty Senate office to the Faculty Governance Committee a proposal cover page and letter with the complete document on numbered lines as described in this process. In the evolution from department/s, and/or school/s,

and/or college/s to self-governing autonomous unit or units, the following sources should be consulted/are recommended:

- *ECU Faculty Manual*, Part II., Section VI. Guidelines for Organizing into Code Units
- *ECU Faculty Manual*, Appendix L., Section C. Development, Screening and Implementation of Unit Codes
- Unit Code Screening Committee's General Guidelines for Writing and Revising a Unit Code of Operation

### Process to Organize

Consistent with the amendment procedures of the Unit Code of the department/school, the faculty of a school/college may democratically decide to organize into self-governing autonomous units and to develop rules for the internal organization and operation of their departments. A cover page and letter should be submitted to the Faculty Governance Committee requesting approval to draft a code of unit operations. This proposal to organize should include:

- Cover page: include name of school/college, name of proposed unit, East Carolina University, and a flow chart for each stage of development with signatures and dates of approval, i.e.,
- Cover letter:
  1. A statement requesting approval to organize for the purpose of drafting a code of operation to become a self-governing autonomous unit.
  2. A rationale/s for requested reorganization
  3. A description of the democratic process used to decide to organize into self-governing autonomous units (who voted, when, and by what percentage).
  4. A school/college chart of organization clearly indicating:
    - a) The proposed autonomous departments by name and relationship/responsibility to other units and the School/College
    - b) The total number of permanently tenured and tenure-track faculty in the unit

### Criteria for Establishment of a Self-Governing Autonomous Unit at the Department Level

The driving force for forming self-governing departments within a school or college should be the degree programs and the curricula. Self-governing departments may be formed when they want the authority for the curriculum to reside at the department level rather than the school or college level. A self-governing unit must have a code of operation with rules for the internal organization and operation of the unit. The code will become operational when approved by the tenured faculty of the unit, submitted to the appropriate dean for advice, and approved by the Unit Code Screening Committee, the Faculty Senate and the Chancellor.

The self-governing autonomous unit will:

1. Have at least 7 full-time tenure-track or permanently tenured faculty members,
2. Be self governing in regard to all internal matters, including the authority and responsibility for at least one degree program,
3. Autonomously administer a financial budget, subject to the usual legal requirements,
4. Conduct the quadrennial evaluation of the chair/director.

The unit chair/director will be responsible for:

1. Faculty assignments, personnel and student files, and preparations of the annual report,
2. The annual evaluation of faculty members.

The following diagram illustrates acceptable models for the formation of self-governing units within colleges and schools.

[Link to Acceptable Models for Code Units in Reorganization Plan](#)

Faculty Senate Resolution #03-31, April 2003

Amended

Faculty Senate Resolution #03-50, November 2003

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**PART III**  
**ACADEMIC FREEDOM**  
(formerly Appendix E)

The East Carolina University faculty and administration believe that in writing or speaking each member of the faculty has the same rights and duties as any other citizen. They believe also that each faculty member in exercising his or her right of free speech must realize that in the minds of many people he or she occupies a representative position and that in consequence the reputation of the university lies partly in his or her hands. Therefore, it is his or her duty to safeguard the reputation of the university and of his or her colleagues with special care.

East Carolina University accepts the following statement of principles made in 1940 by the American Association of University Professors.

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but he or she should be careful not to introduce into his or her teaching controversial matter which has no relation to his or her subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he or she speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligations. As a person of learning and an educational officer, he or she should remember that the public may judge his or her profession and his or her institution by his or her utterances. Hence, he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not an institutional spokesperson.

East Carolina University also accepts the following statement concerning "Professors and Political Activity" made in 1969 by the American Association of University Professors:

The college or university faculty member is a citizen and, like other citizens, should be free to engage in political activities so far as he or she is able to do so consistently with his or her obligations as a teacher and scholar.

Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state legislature, or serving a limited term in a full-time position) may require that the professor seek a leave of absence from his or her college or university.

In recognition of the legitimacy and social importance of political activity by faculty members, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's work load or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.

A faculty member seeking leave should recognize that he or she has a primary obligation to his or her institution and to his or her growth as an educator and scholar; he or she should be mindful of the problem which a leave of absence can create for his or her administration, his or her

colleagues, and his or her students; and, he or she should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in his or her favor are made, such as a reduction of a work load, he or she should expect them to be limited to a reasonable period.

A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.

The policy set forth by the board of governors regarding political activities of university employees is summarized in *Part VI. General Personnel Information*.

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**PART IV**  
**ACADEMIC INTEGRITY**  
(formerly Appendix N)

**CONTENTS**

- I. Principle
- II. Academic Integrity Violations
  - A. Cheating
  - B. Plagiarism
  - C. Falsification
  - D. Attempts
- III. Student Observation of Suspected Violation
- IV. Organization and Procedures
  - A. Suspected Violation
  - B. Primary Interview
  - C. University Academic Integrity Board

**I. Principle**

Academic integrity is expected of every East Carolina University student. Academic honor is the responsibility of the students and faculty of East Carolina University.

**II. Academic Integrity Violations**

Academically violating the Honor Code consists of the following:

- A. Cheating - Unauthorized aid or assistance or the giving or receiving of unfair advantage on any form of academic work.

- B. Plagiarism - Copying the language, structure, ideas, and/or thoughts of another and adopting same as one's original work.
- C. Falsification - Statement of any untruth, either spoken or written, regarding any circumstances relative to academic work.
- D. Attempts - Attempting any act which if completed would constitute an academic integrity violation as defined herein.

### **III. Student Observation of Suspected Violation**

A student or group of students knowing of circumstances in which an academic violation of the Honor Code may have occurred or is likely to occur is encouraged to bring this knowledge to the attention of the responsible faculty member, or to the dean or department chairperson, or to the attention of a member of the University Academic Integrity Board.

### **IV. Organization and Procedures**

- A. The faculty member has original jurisdiction in all suspected violations. In cases where the faculty member believes a violation has occurred, the faculty member must summon the student to a primary interview in accordance with the procedure below.
- B. Primary Interview
  - 1. Notification

A student who is believed to have violated academically the Honor Code shall be informed of the charge by the faculty member who identified the violation. Subsequently, the student will be called to an interview with the faculty member concerned. The interview shall be set within three class days after the alleged violation has come to the attention of the faculty member.
  - 2. Composition

The student and the faculty member may each have a nonparticipating observer at the interview. The faculty observer shall be the chairperson of the department or dean, associate dean, or assistant dean of the college or school. The student may select a student or faculty member as he/she desires. The observer(s) is/are to observe the procedures impartially and to be prepared to testify in the event of an appeal from the judgment of the faculty member.
  - 3. Procedure
    - a. At the interview, the faculty member shall present evidence in support of the charge or charges against the student. The student shall be given an opportunity to respond and present evidence to rebut the charge or charges.
    - b. After hearing the student, the faculty member may either dismiss the charge or find it supported on the basis of the evidence. If supported, the faculty member may record a failing grade in the course or some portion thereof or take other appropriate action. He or she shall report the action taken to the associate dean of students and director of student services.

4. Referral to Academic Integrity Board
 

After completion of the primary interview and on the basis of the evidence presented, if the faculty member is of the opinion that a failing grade in the course(s) is inadequate disciplinary action, the faculty member may refer the entire case to the Academic Integrity Board for appropriate action. Such referral must be made within fourteen calendar days after the primary interview. In each case, a new hearing will be conducted by the Academic Integrity Board without regard to the findings made or any disciplinary action taken during the primary interview.
  5. Appeals
    - a. The student may appeal the decision of the primary interview to the Academic Integrity Board if:
      - (i.) the student believes the penalty too severe considering the offense or
      - (ii.) the student contests the decision of the faculty member on the basis of the evidence presented.
    - b. The appeal must be submitted to the office of the Associate Dean of Students and Director of Student Services within five class days after notification of the decision by the faculty member.
- C. University Academic Integrity Board
1. Composition
    - a. Four faculty members and four alternates elected for three-year staggered terms by the Faculty Senate.
    - b. Three students and four alternates nominated by the SGA Executive Council and elected by the SGA Legislature. These students shall serve for a year and may be reelected for one additional year.
    - c. A quorum shall consist of four faculty members and three students.
    - d. The chairperson, elected for a one-year term, shall be a faculty member of the board, elected by members of the entire board and may be re-elected.
    - e. The associate dean of students and director of student services shall serve as administrative officer of the board.
  2. Original Jurisdiction
 

The Academic Integrity Board shall have original jurisdiction over academic violations of the Honor Code if the faculty member elects to refer the case after the primary interview.
  3. Appellate Jurisdiction
 

The Academic Integrity Board shall have appellate jurisdiction in cases appealed by the student pursuant to the provisions of IV.B.5., above.
  4. Procedures
    - a. The associate dean of students and director of student services on behalf of the chairperson, shall notify the parties involved of a meeting of the Academic Integrity Board within ten class days after an appeal by a student. The faculty member, the student,

witnesses, and the independent nonparticipating observer(s), shall be provided not less than seven days notification of the date, time, and place of the meeting. If a grade for the student in the course must be submitted, the faculty member shall record a grade of incomplete, pending a decision by the board.

- b. Those present at the hearing shall be:
    - 1) the student, who has the right to be accompanied by witnesses;
    - 2) the faculty member, who has the right to be accompanied by witnesses;
    - 3) independent nonparticipating observer(s) if present at the primary interview;
    - 4) any other person called by the chairperson; and
    - 5) the student attorney general and the student public defender.
  - c. Should the student or the faculty member fail to appear without prior approval of the administrative officer, the Academic Integrity Board shall proceed with an absentia hearing.
  - d. The Academic Integrity Board will follow the hearing procedures established for the University Honor Board.
  - e. A majority of the board shall decide the issue. The chairperson shall vote only in the case of a tie.
  - f. The associate dean of students and director of student services shall serve as administrative officer for maintaining accurate and complete records of the proceedings.
  - g. The administrative officer of the Academic Integrity Board shall, on behalf of the chairperson, notify each party of the decision of the board.
5. Actions by the Board
- a. Evidence insufficient to sustain charge or charges  
When this action is taken, in order to protect both the student and the faculty member, continuation in the class(es) and other related issues must be resolved by the dean or department chairperson in consultation with the student and the faculty member.
  - b. Evidence sufficient to support the charge or charges  
The board may impose one or more of the following sanctions:
    - 1) sustain the decision of the faculty member or recommend to the faculty member that the student receive a failing grade for the course(s) or some portion thereof;
    - 2) impose probation for a period of time not to exceed one year;
    - 3) impose suspension or dismissal from the university;
    - 4) require a period of counseling with a member of the university staff or a counseling professional of the student's choice. It will be the responsibility of the student to provide evidence to the board of having fulfilled this requirement; and/or
    - 5) take any other action commensurate with the findings. See *Student Government Association Handbook*.

6. An appeal of a decision of the Academic Integrity Board may be submitted to the vice chancellor for student life. The vice chancellor for student life and the vice chancellor for academic affairs shall jointly review the decision and take appropriate action.
7. Annual Reports  
The Academic Integrity Board shall submit a summary report of its proceedings to the Faculty Senate, the SGA Legislature, the vice chancellor for student life, and the vice chancellor for academic affairs.

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**Approved: 26 April 1983 East Carolina University Chancellor**  
**Amended: 18 January 1985 East Carolina University Chancellor**

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## **PART V ACADEMIC INFORMATION**

### **CONTENTS**

- I. Academic Procedures and Policies
  - A. Access to Student Educational Records
  - B. Application for Graduation
  - C. Certification
  - D. Class Roll Verification
  - E. Coursepacks
  - F. Desk Copies
  - G. Faculty Absence
  - H. Faculty Load
  - I. Faculty Marshals
  - J. Grade Appeal Policy (Revised 11-09)
  - K. Office Hours
  - L. Ordering Textbooks and Collateral Materials
  - M. Orientation of Courses
  - N. Posting Grades
  - O. Privacy of Student Educational Records
  - P. Re-examination
  - Q. Release of Directory Information
  - R. Reporting of Grades
  - S. Reporting Removal of Incompletes
  - T. Resale of Complimentary Textbooks
  - U. Senior Summary Sheet
  - V. Student Advising
  - W. Student Attendance Regulations
  - X. Student Conduct
  - Y. Disruptive Academic Behavior
  - Z. Supervising Tests

- AA. Tests and Examinations
- BB. Used Books
- CC. Mace Bearer

## II. Academic Facilities

- A. Auditoriums
- B. Computing and Information Systems
- C. Emergency Action Plan
- D. Facilities Services
- E. Health Sciences Library
- F. Joyner Library
- G. University Property

## III. Curriculum Development

### I. **Academic Procedures and Policies**

#### A. Access to Student Educational Records

In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the university that students have the following rights in regard to official educational records maintained by the university:

1. Each student has the right to inspect and review any and all official educational records, files, and data maintained by the university and directly related to the student.
2. The university will comply with the request from a student to review his or her records within a reasonable time but in any event not more than forty-five days after the request is made. Any inquiry pertaining to student records should be directed to the Office of the Registrar.
3. A student who believes that his or her educational records contain inaccuracies or misleading information or that his or her right of privacy is violated on the basis of information contained in such records has the right to a hearing to challenge such information and to have it removed from his or her record or to include in the record his or her own statement of explanation. Any complaint pertaining to student records should be made directly to the office of the University Attorney.
4. The university will not release any information from student records to anyone except those agencies noted below in item 5. without the prior written consent of the student. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.
5. Information from the student's records may be released without the written consent of the student in the following situations:
  - a. in compliance with a court order or subpoena provided the student is notified of all such orders or subpoenas in advance of compliance by the university

- b. a request from the staff or faculty of the university who have a legitimate educational interest in the information or administrative duties which require the maintenance of records
- c. requests from other departments or educational agencies who have legitimate educational interest in the information
- d. requests from officials of other colleges or universities at which the student intends to enroll provided the student is furnished with a copy, if he or she so desires, so that he or she may have an opportunity to challenge the contents of the record
- e. requests from authorized representatives of the US comptroller general or the administrative head of a federal educational agency, in connection with an order or evaluation of federally supported educational programs
- f. requests in connection with a student's application for receipt of financial aid
- 9. requests from parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954
- h. requests from appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. A student has the right to file a complaint at any time with the US Department of Education. However, it is expected that the student normally would exhaust the administrative remedies for relief available to him or her according to the university grievance procedures before filing such a complaint. See Privacy of Student Educational Records, Part V.I.O. for more information.

**B. Application for Graduation**

Advisers should remind students that application to graduate must be made on a form provided by the university registrar not later than two semesters before the completion of the requirements for an undergraduate degree or one semester for a graduate degree. The graduation fee must accompany the application.

**C. Certification**

Current certification requirements for teachers and administrative personnel applicable in the State of North Carolina may be found in the School of Education. In order to assist students in pursuing their various programs, faculty members are requested to become acquainted with these requirements. If there are any questions regarding their interpretation, faculty members are urged to consult with the dean of the School of Education and the director of teacher education. For other regulations governing student programs, see the undergraduate and graduate catalogs.

**D. Class Roll Verification**

Twice each semester—once near the beginning of the term (prior to census day) and once near the mid-point of the term—the registrar contacts each instructor in order to verify student enrollment in that

instructor's classes. At the beginning of the term, the purpose of the verification is to ensure the accuracy of the lists of properly registered students. At the mid-point of the term, the purpose of the verification is to identify any students who are no longer attending class. In the event that a faculty member teaches a course in which attendance is not regularly taken, he or she should note any students who have ceased participating and submitting work. Specific instructions for responding to the registrar will accompany the requests for class enrollment verification and should be followed carefully. Due to the significant impact students' enrollment status can have on their financial aid eligibility, the amount of financial aid the university is allowed to disburse, and the amount of financial aid the university is required to return, timely faculty response to class enrollment verification requests is essential. (FS Resolution 09-07, March 2009)

E. Coursepacks

In a cooperative arrangement the Dowdy Student Stores and ECU Rapid Copy Center provides a faculty publishing service for supplemental course materials. The store provides quality academic course materials that are sold alongside the textbooks for the course. The coursepack department of the store will obtain copyright permission, process orders, and calculate and collect royalties. This service is provided at no charge to your department. A complimentary desk copy is available upon request to each instructor of their coursepacket.

F. Desk Copies

Providing desk or complimentary copies of textbooks is a service extended by most publishers to instructors using their books in the classroom. Instructors are urged to obtain their desk copies directly from the publishers by writing or calling them stating that they intend to adopt their book as a text and requesting that they send a desk copy. The Dowdy Student Stores does not furnish free desk copies but will assist the instructor by providing desk copies on an emergency loan basis. The desk copy will be charged to the departmental desk copy account for a period of up to 60 days, during which time the book is to be replaced with a completely new, unmarked, salable copy. If the book is not replaced within this period of time, the charge becomes permanent and is paid for out of the department's budget. Forms necessary to obtain a desk copy from the store are available in each unit office. For complete details concerning this procedure, instructors should confer with the unit administrator.

G. Faculty Absence

Any faculty member who contemplates being absent from regular campus duties is expected to make arrangements in advance with his or her unit administrator. The unit administrator then makes arrangements for this absence as well as substitute arrangements with the appropriate vice chancellor. A petition to travel form must be completed and submitted to the office of the appropriate vice chancellor at least two weeks in advance for in-state trips, at least three weeks in advance for out-of-state trips, and at least four weeks for out-of-country trips. In the event of an absence

caused by an emergency or illness, a faculty member is advised to inform the dean or chairperson at his or her earliest convenience.

#### H. Faculty Load

The standard teaching load for undergraduate courses is twelve semester hours per semester and nine semester hours per semester for graduate courses. Faculty members who are to be granted released time from teaching shall be informed in writing by the unit administrator of the purpose of the reduced teaching assignment. After soliciting faculty teaching preferences and prior to making final faculty assignments and at least two weeks prior to the beginning of each semester, the unit administrator shall apprise each unit faculty member, in writing, of teaching duties and responsibilities. If changes in a faculty member's assignment become necessary, the faculty member shall be notified of such changes prior to the effective date of the amended assignment. See *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*. If a unit can absorb his or her teaching responsibilities, a faculty member may receive 100 percent released time for research upon the recommendation of the personnel committee or an elected standing committee, the unit administrator, and the next higher administrator, and upon the approval of the appropriate vice chancellor.

The summer session, consisting of two summer terms, provides course work equivalent to that of the academic year. No faculty member can be guaranteed a teaching assignment in the summer session; tentative appointments are made pending enrollment statistics. No faculty member on a nine-month contract will be assigned to more than one summer term in a session except when all faculty in the unit have had an opportunity to teach one term, in case of curriculum necessity, or in case of unit administrators not hired on a twelve-month basis.

#### I. Faculty Marshals

Faculty Marshals are ten faculty and two alternates appointed from the full-time, tenured, senior faculty to serve at graduations and other such ceremonial occasions as requested by the chancellor. Those appointed should be individuals readily recognized as outstanding members of the academic community. The Chief Faculty Marshal shall be the faculty marshal in the second or later year of appointment as a faculty marshal and who is of greatest faculty seniority among the faculty marshals. This seniority determination is made each year by the Assistant Vice Chancellor for Human Resources. The Chief Faculty Marshal shall serve as ex-officio on the Administrative Commencement Committee. A Faculty Marshal's appointment is a one-term, four year appointment beginning August 1. The Chair of the Faculty will make recommendations in May of each year to the Chancellor, who will appoint the individuals no later than July 31. (Faculty Senate Resolution #94-45, December, 1994)

## J. Grade Appeal Policy

### Overview and Purpose

The goal of this grade appeal policy is to establish a clear, fair process by which undergraduate students can contest a course grade that they believe has been awarded in a manner inconsistent with university policies or that has resulted from calculation errors on the part of the instructor.

Recognizing, however, that the evaluation of student performance is based upon the professional judgment of instructors, and notwithstanding the exceptions noted at the end of this policy, appeals will not be considered unless based upon one or more of the following factors:

- An error was made in grade computation.
- Standards different from those established in written department, school or college policies, if specific policies exist, were used in assigning the grade.
- The instructor departed substantially from his or her previously articulated, written standards, without notifying students, in determining the grade.

Only the final course grade may be appealed. The grade assigned by the instructor is assumed to be correct and the student appealing the grade must justify the need for a change of the grade assigned.

### Appeals Procedure

1. Formal grade appeals must be initiated by the student by the end of the twenty-first calendar day of the semester (not including summer sessions) following the award of the grade.
2. The first step to resolve differences between an instructor and student concerning a grade should be a discussion with the instructor. If the instructor of record will not be available within one semester (not including summer sessions), the department chair or designee may act in lieu of the instructor of record for the purpose of grade appeals.
3. If the instructor and student cannot resolve the appeal, and the student wishes to pursue the matter further, he or she must present to the chair of the department or designee in which the course is offered, a written appeal that includes the following:
  - A statement addressing how the appeal meets one or more of the three criteria necessary for a formal appeal.
  - A description of the outcome of the informal discussion process.
  - Any relevant documents the student would like to be reviewed as part of the appeal process.
  - A copy of the course syllabus and assignment descriptions.

The department chair or designee may request additional materials from the student. After receiving a copy of the appeal materials from the department chair or designee, the instructor has fourteen calendar days to respond in writing to the appeal. The department chair or designee will discuss this response with the faculty member and will

- provide the student with written notification of the outcome of this step within seven calendar days after receiving the instructor's response.
4. If there is no mutually agreed upon resolution between the student and the instructor, and the student wishes to pursue the matter further, he or she has seven calendar days to submit his or her written appeal to the college dean or designee. The college dean or designee will review the appeal, provide copies of all appeal materials to the instructor, and discuss the appeal with both the instructor and the student. The instructor has seven days to review the written appeal the student has presented to the Dean and, if desired, prepare an additional written response. The college dean or designee will provide the student with written notification of the result of this step within fourteen calendar days after receipt of the appeal from the student.
  5. If step 4 does not lead to a mutually agreeable resolution between the student and the instructor, and the student wishes to pursue the matter further, then a Grade Appeal Committee shall be formed by the college dean within ten calendar days. This committee shall include three faculty members from the college: one selected by the student, one selected by the instructor of record, and one appointed by the college dean. A majority shall prevail in the committee. The Committee shall elect its own chair. The function of the Grade Appeal Committee shall be to evaluate the appeal in terms of the stated grounds for the appeal. The Committee's decision may be to keep the assigned grade or to raise the assigned grade. The Committee shall provide a written justification to the college dean for its decision, including minority opinions when they exist, no later than twenty-one calendar days after the Committee's formation. The college dean shall inform the student and the instructor of the Committee's decision and provide both parties with copies of the Committee report.
  6. In the case of a change of grade, if the instructor of record does not implement the change of grade decided upon by the Committee within ten calendar days after learning of the Committee's decision, the dean shall implement the change of grade as determined by the Committee on the student's official transcript through the change of grade procedure. This shall be the last step in the deliberation of the formal grade appeal.
  7. The college dean shall forward a written record of the results of all grade appeals to the appropriate Vice Chancellor within fourteen calendar days. College deans shall also provide an annual summary to the Faculty Senate of the number of cases heard and the aggregate result of the process.

#### Exceptions to the Grade Appeal Policy

The Grade Appeal Policy shall constitute the sole internal administrative remedy for a change in grade, except when the grade being disputed resulted from an alleged academic integrity violation or when a grade

dispute involves an Office of Equal Opportunity and Equity discrimination complaint. If a grade dispute arises from an issue that is covered under the university's Academic Integrity Policy, the process for resolution that has been established for appealing academic integrity violations must be followed. If a grade dispute arises from an issue that is covered under the university's Equal Opportunity and Equity policies, the process for resolution that the Office of Equal Opportunity and Equity has established must be completed prior to the use of the University's grade appeal process. **(Faculty Senate Resolution #09-38, November 2009)**

K. Office Hours

In addition to teaching, each member of the faculty must maintain office hours five hours during a work week to be available to advisees and to campus and distance education students who wish to consult with him or her. It is strongly recommended that the adviser be available daily either on campus or online at least one hour each day. The office hour availability schedule is to be posted on the faculty member's office door and/or online course website, and included in the syllabus so that students may make arrangements for individual consultations. Each unit administrator is to have a complete schedule of the office hours of all faculty of the school or department. Except during assigned instructional hours, faculty members must be available to students during registration, early registration (except when assigned to registration duties elsewhere) and drop-add periods. **(FS Resolution 09-24, June 2009)**

L. Ordering Textbooks and Collateral Material

The university-owned Dowdy Student Stores, located in the Wright Building, has available the books and supplies that are needed by the students to obtain their education. All items, including textbooks and supplies, that the students are expected to purchase should be requisitioned each semester on forms provided by store. These forms are sent to the departments approximately two weeks prior to the dates listed below. In order to allow ample time for the ordering and receiving process, the manager of the store requests that all requisitions be turned in by the following dates:

Fall Semester Requisitions Preceding March 17

Spring Semester Requisitions Preceding October 19

Summer Session Requisitions Preceding February 20

Book requisitions received on these dates allow the store time to prepare buy-back lists used in purchasing from the students any book that they no longer need. This helps the students to keep the total costs of textbooks down as much as possible.

Deans and department chairpersons distribute these requisitions and collect the completed forms from the instructors involved in book and supply ordering. The entire group of requisition forms from the school or department is forwarded, as soon as possible, to Dowdy Student Stores. A textbook requisition form should be completed for each course giving all

the information needed to order the books and materials. When no textbook is required for a course, the form should be filled out to this effect. The information should be typed on the forms, if possible, and the designated copy retained in each departmental office for future reference.

Careful and accurate estimates of student enrollments should be furnished to the textbook manager of Dowdy Student Stores in order to avoid overstocking of books and supplies which may become obsolete and result in financial loss to the university. Members of the faculty should acquaint themselves with certain information concerning textbook and supply orders at the time the order forms are distributed to them.

1. Dates that publishers furnish for the availability of new books are almost invariably over-optimistic, and instructors should order an edition only after it has been published rather than on the strength of the publisher's promised date of publication.
2. Unless there is some compelling reason for using an old edition, instructors should use the newest edition available.
3. Only textbooks that are requisitioned for the following term will be bought back at 50 percent of the new retail price for resale purposes, provided the store is not already overstocked.
4. Supplies that the students will be required to purchase should be requisitioned on the supplies requisition form provided by Dowdy Student Stores.

#### M. Orientation of Courses

At the opening of each semester, faculty members should provide the following information during the initial class meetings:

- The prerequisites of the course, if any, and the required class standing, that is, freshman, sophomore, etc. Students not eligible for the course should be sent to the office of the Registrar immediately.
- The content of the course
- The objectives of the course and the value to be derived from the course
- The complete requirements of the course, such as textbooks, other materials required, number and nature of reports to be submitted, outside reading, notebook requirements, types of quizzes to be used, and class attendance regulations
- The weight of the various requirements of the course in determining the final grade
- Smoking is prohibited in all ECU classrooms

The first meeting of each class should consume the full time allotted by the schedule.

Faculty members are expected to have in their possession a syllabus for each course they teach. It is the responsibility of each dean and

chairperson to have syllabi for all courses taught in the college, school, or department.

N. Posting Grades

As soon as they are determined at the end of each semester or summer term, grades are posted electronically. Students may secure their grades via the automated voice response system using their pin number, and via the OneStop (<https://onestop1.ecu.edu/onestop/>) using their exchange userid and password. In compliance with the Family Educational Rights and Privacy Act, faculty are not allowed to post grades by Social Security Number, any sequential part thereof, or any other personally identifiable characteristic. Upon receipt of a written request to the Office of the Registrar, a report of grades is sent to the student at his or her permanent home address. Questions about final examination grades should be directed to the instructor who determined the grade.

(Faculty Senate Resolution #00-2, February 2000 and #02-32, October 2002)

O. Privacy of Student Educational Records

The university policy for the administration of student educational records is in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 (P.L. 93-380). Personally identifiable information contained in student educational records will not be disclosed to persons outside the university without the prior written consent of the student. Under this policy, the student also has a right of access to student educational records maintained by the university or any department or unit within the university. A copy of the university policy dealing with the privacy of student educational records is maintained in each professional school and academic department within the university. Each member of the faculty should be thoroughly familiar with this policy and comply with its provisions. See also Access to Student Educational Records, Part V.A.

P. Re-examinations

Only those graduating seniors in the last semester, who are passing a course at the time an examination is given, and who fail the examination will be given one re-examination on the course. No other re-examinations are to be given.

A grade change resulting from a re-examination must be on file in the registrar's office one week after the original scheduled examination.

Q. Release of Directory Information

It is the policy of the university to make routinely available certain directory information on its students. This policy is for the convenience of students, parents, other members of the university community, and the general public. In compliance with the Family Educational Rights and Privacy Act (P.L. 93-380), the university will continue this policy of releasing directory information, such information being defined by the act as some or all of the following categories: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic

- teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institute attended by the student. If any student does not wish any or all of this directory information released without his or her prior consent, then the student must notify the Office of the Registrar in writing within seven days after registration day of the current term of enrollment.
- R. Reporting of Grades  
Grades must be submitted electronically not later than forty-eight hours after each final examination is given. A change in grade, other than "I", for any reason, must be made within one year from the date the original grade was received. Forms for change of grade are available in school or departmental offices. (Faculty Senate Resolution #03-47, November 2003.)
- S. Reporting Removal of Incompletes  
A grade of I must be removed during the next semester (not counting summer session) the student is enrolled in the university, or it automatically becomes a failure. The instructor will set a time for the removal of the incomplete, in no case later than three weeks prior to the end of the semester. Instructors must submit the proper removal of incomplete form to the registrar's office at least two weeks prior to the end of the semester. If the student does not return to school, the I must be removed within one year or it automatically becomes an F. An incomplete may not be removed by repeating the course. If a student enrolls in a course in which he or she has an incomplete, the I will automatically become an F. No student will be allowed to graduate with an Incomplete on his or her record. Certain sequence courses, particularly 6995, 6996, Thesis, normally require the completion of the entire sequence before any grade other than I may be given for the earlier component.
- T. Resale of Complimentary Textbooks  
East Carolina University has an established policy against the resale of complimentary copies of textbooks and encourages faculty to ask book buyers who come on campus to show their permit to solicit required by university regulations. Faculty are encouraged to dispose of complimentary copies of textbooks by giving them to students or returning them to the publisher. (Faculty Senate Resolution #88-53, December 1988.)
- U. Senior Summary Sheet  
Advisers shall confer with first-semester seniors concerning their remaining requirements for graduation. At this time the senior summary sheet is filled out in triplicate, one copy to be sent to the registrar for immediate verification, one to be kept by the student, and the third to be retained by the student's major department or school. The senior summary sheet will note the appropriate undergraduate catalog edition carrying the requirements to be met, the degree sought, the intended date of completion of all requirements, and the requirements unfulfilled to date.

Remaining requirements will be listed specifically as provided in the appropriate catalog.

#### V. Student Advising

To assist students in their academic programs, the university has established in each college, school, and department a system of student advising wherein the student is assigned to a faculty member who serves as his or her adviser. The adviser helps to plan the student's academic program, particularly during registration periods; keeps a record of progress; and is available throughout the year for additional counseling. In advising students, faculty members should make themselves thoroughly familiar with official announcements, posted on official bulletin boards at key locations on campus, and with academic regulations described in the undergraduate and graduate catalogs. Advisers should make every attempt to give effective guidance to students in academic matters and to refer students to those qualified to help them in other matters; but, the final responsibility for meeting all academic requirements for a selected program rests with the student. The student may obtain additional help from the chairperson of the major department or the dean of the college or school. Further counseling needs are met through the services of the Counseling Center, Career Services, the Testing Center, the Speech and Hearing Clinic, the Student Health Services, and Handicapped Student Services. Personal counseling is also offered by residence counselors

#### W. Student Attendance Regulations

Students are expected to attend punctually all lecture and laboratory sessions in the courses for which they are registered, beginning with the first session following registration in the course, except as provided below. Each instructor shall determine the class attendance policy that is felt to be best for the particular course. In determining the number of unexcused absences which will be accepted, the instructor should consider carefully the nature of the course, the maturity level of the students enrolled, and the consequent degree of flexibility which the instructor's policy will include. This policy, along with the instructor's requirements for announced quiz attendance, should be presented to the class, preferably in writing, at the beginning of the term and will govern attendance in the class. It is the intent of the university that students missing classes due to the observance of religious holidays be given ample opportunity to make up work. Instructors are expected to recognize and honor official university excuses, i.e., excuse students without penalty for absences because of participation in authorized university activities. If required by the instructor, verification of these authorized absences may be obtained by the student by contacting the office of the Dean of Students.

No faculty member should urge a student to take part in an extracurricular activity at the expense of the student's class work nor expect the student to appear at any rehearsal if he or she has a class at that period. No class absences will be excused for rehearsals. Only absences for performances

and necessary travel to and from performances are excused. Verification of student illness may be obtained by calling the Student Health Service. Official written excuses are not issued for personal illness, except in the case of a final examination when a grade of incomplete is recommended. Student teachers assigned to schools within the immediate vicinity of the campus will report to the Student Health Service when they are ill. The Student Health Service, upon request from the office of Student Teaching and Field Experiences, will provide verification of their visits and indicate whether the severity of the illness warrants an absence from student teaching. Student teachers missing one or more days will return to the Student Health Service for a medical clearance before returning to public school classrooms.

X. Student Conduct

At times it may seem appropriate for an instructor to refer problems of student conduct in class to other agencies for assistance. Conduct such as verbal or physical harassment should be reported to the dean of students. Destructive or unruly behavior in class should be reported to the dean of students. Appropriate disciplinary action will be taken against a student who participates in any illegal activity which results in the disruption of any normal curricular or extracurricular functions of the university. Cheating or plagiarism will be dealt with according to the procedures outlined in *Part IV, Academic Integrity*.

Y. Disruptive Academic Behavior

East Carolina University is committed to providing each student with a rich, distinctive educational experience. To this end, students who do not follow reasonable standards of behavior in the classroom or other academic setting may be removed from the course by the instructor following appropriate notice. Students removed from a course under this policy will receive a grade of "drop" according to university policy and are eligible for tuition refund as specified in the current tuition refund policy.

Disruptive academic behavior is any behavior likely to substantially or repeatedly interfere with the normal conduct of instructional activities, including meetings with instructors outside of class. Examples of such behavior include, but are not limited to, making loud or distracting noises; using cell phones and other electronic devices without prior approval; repeatedly speaking without being recognized; frequently arriving late to class; and making threats or personal insults. A verbal expression of a disagreement with the instructor or other students on an academic subject matter discussed within the course, during times when the instructor permits discussion, is not in itself disruptive academic behavior.

The course instructor has original purview over his/her class and may deny a student who is unduly disruptive the right to attend the class. A student who does not follow reasonable standards of academic decorum should receive a private verbal warning from the faculty member. The

instructor should describe the behavior of concern to the student, explain that it is inappropriate, and ask the student to stop the behavior. If the behavior continues, the instructor should give the student a written warning indicating that the student will be removed from the course if the behavior does not cease. If the behavior persists, the instructor should discuss the situation with his/her department chair. If it is decided to remove the student from the course then the instructor should schedule a meeting with his/her department chair and the student to inform the student that s/he is being removed from the course. This decision must be communicated in writing to the student with a copy promptly forwarded to the Office of Student Rights and Responsibilities. The department chair must promptly communicate the decision in writing to the Office of the Registrar so that the student's schedule will be adjusted accordingly.

If the behavior is threatening in nature or is likely to result in immediate harm, the faculty member should contact the East Carolina University Police Department for assistance.

The student may appeal the decision of the instructor and department chair to the academic dean of the college in which the course is located. The appeal must be received by the dean, in writing, within three working days of the date of the decision to remove the student from the course. The dean or dean's designee will review the appeal and the documentation, will discuss the appeal with the faculty member and, after discussion with the student and instructor, can affirm, reverse or modify the decision made by the instructor and department chair. The student, instructor and department chair will be notified of the appeal decision no later than three working days after receiving the appeal. The dean will provide written notification of the appeal decision to the Office of Student Rights and Responsibilities, and also, if the original decision is overturned, to the Registrar's Office. If the decision is made that the student is to return to the course then the student will be allowed to immediately return to the classroom without academic penalty and the chair will work with the student and instructor to facilitate the completion of any missed work. The dean's decision is final.

This policy does not restrict the instructor's prerogative to ask a disruptive student to leave an individual class session where appropriate or to refer the student to the Office of Student Rights and Responsibilities for violation of the Student Code of Conduct. (Faculty Senate Resolution #07-13, June 2007)

#### Z. Supervising Tests

Each student is expected to uphold the honor code of the university. The honor code, "You are on your honor not to cheat, steal or lie," does not imply that a student must report violations committed by another student. It is, therefore, the responsibility of each faculty member to make sure that

each test or examination is adequately supervised. See *Part IV, Academic Integrity*.

AA. Tests and Examinations

Where practical, some indication should be given to the student of his or her standing in the course prior to the last day to drop a course without grades; the drop period is limited to the first thirty days of classes of a regular semester and the first ten days of classes of a summer term. While it is understood that the objectives of courses differ among disciplines and that the relevant procedures used to measure those objectives differ, instructors, particularly those of 1000- and 2000-level courses, should provide their students with some form of graded response (e.g., essay questions, term papers, etc.) prior to the last day to drop. (Faculty Senate Resolution #95-18, April, 1995)

An instructor should not administer make-up quizzes or allow credit to those students who miss announced or scheduled intermediate tests and quizzes. Students who are absent from intermediate tests and quizzes with an excuse acceptable to the instructor or an official university excuse from the dean of students will be given a make-up test or an excuse from taking the test at the discretion of the instructor. Students should not be permitted to continue a test or an examination after the end of the class period. Final examinations are held at the close of each term. There will be no departure from the printed schedule of examinations. Changes for individual emergencies of a serious nature will be made only with the approval of the instructor, the chair of the department or dean of the school involved, and the dean of undergraduate studies. The department chair or school dean will, if a serious emergency is believed to exist, forward a written request to the dean of undergraduate studies setting forth the nature of the emergency. A student who is absent from an examination without excuse will be given a grade of F. An incomplete (I) will be given in the case of a student absent from the final examination who has presented a satisfactory excuse to the instructor or an official university excuse from the dean of students.

BB. Used Books

At the beginning of each semester, Dowdy Student Stores try to have on hand as many used books as possible since this is the best means available to help students keep the cost of their textbooks down. The store will pay 50 percent of the new price provided the store is not already overstocked on readopted texts. The used book will be sold at 75 percent of the new price. If that book is resold to the store, 50 percent of the new price will be paid again.

CC. Mace Bearer

The mace bearer is a faculty member who leads University ceremonial events such as graduation and Founder's Day processions. The eligibility

requirements to be appointed East Carolina University's mace bearer include:

- Senior faculty member in terms of years of service,
- Holds a full-time faculty position with East Carolina University, and
- Is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties.

The Associate Vice Chancellor for Human Resources prepares a list of the most senior faculty members in terms of years of service to the University and notifies the Chancellor and Chair of the Faculty. The Chancellor makes the appointment. If there is more than one qualified individual, the responsibility of the position should rotate among them.

(This policy will take effect at such time that the current Mace Bearer no longer qualifies under the rules in effect at this time or May 2007, whichever comes first.) (Faculty Senate Resolution #05-22, April 2005)

## **II. Academic Facilities**

### **A. Auditoriums**

Reservations for the use of Wright Auditorium for programs at any time are to be made with the university central reservations office. Other auditoriums located throughout the University are scheduled through the academic unit located closest to the auditorium or through the office of the Registrar. Jenkins Auditorium is scheduled through the office of the Dean of the School of Art. The central reservations office in Mendenhall Student Center coordinates the use of facilities for on-campus meetings, conferences, programs, etc., and provides information about those activities. Meetings, conferences, programs, and events, with the exception of academic scheduling and labs, athletic department events, intramural department programs, and Regional Development Institute activities, planned to be held on campus or sponsored by any organization, department, or school of the university must be reserved through the central reservations office.

Faculty, staff, and student organizations may use university facilities subject to scheduling procedures coordinated by the central reservations office. All university facilities are available free of charge for university-sponsored (i.e., academic or administrative department or group, registered student club or organization, faculty or staff organization) activities, events, or programs except when an admission or special fee is charged, or a contribution is requested as a condition of attendance. Charges for over-time labor or special labor (i.e., university technicians) will be made when exceptional set-ups such as moving and setting up the bandwagon or removing and replacing furnishings in a room are necessary.

Non-university organizations may use university facilities when space is available and such usage does not interfere with university activities. The sponsoring organization is responsible for costs related to conducting the event on campus as determined by the university. A deposit with the central reservations office is required in advance of usage by the organization. The use of university facilities is governed by the *ECU Use of University Facilities Policy*.

B. Computing and Information Systems

The Computing and Information Systems Center serves as an instructional consulting facility in direct support of computer-related course work in a number of academic disciplines, including major and minor programs in computer science offered by the Department of Mathematics. The academic computing department maintains or supports numerous open computer labs with various instructional software items, furnishes a faculty support lab for research or instruction assistance, provides technical support to faculty and graduate research users, and offers many classes to familiarize faculty with popular software packages. In addition, network links are available to Bitnet, Internet, and the North Carolina Supercomputer Center in the Research Triangle. The Computing and Information Systems Center is currently located in the Austin Building.

C. Emergency Action Plan

Once notified of an emergency, the appropriate vice chancellor will inform the unit heads who will notify department chairs. The department chairs are responsible for notifying their faculty who will inform students in the classroom buildings of the specific emergency and what actions should be taken. If the emergency is one that requires people to stay away from the campus, the appropriate vice chancellor will notify all faculty off campus not to come on campus until the emergency is over.

D. Facilities Services

Requests for repairs, maintenance, renovations, or housekeeping can be made by calling Facilities Services, or using the on-line workorder system. Details concerning renovations and other non routine facilities activities can be found in the *ECU Business Manual*. Modifications, renovations, connections to utilities and other changes to real property, including land use changes, require the prior written approval of Facilities Services.

Faculty have the responsibility of familiarizing themselves with all fire fighting equipment available in their area of operations and to knowing how and when to use it. Furthermore, faculty should familiarize themselves with the evacuation plan for their unit in the event of a fire.

E. Laupus Health Sciences Library

The William E. Laupus, M.D. Health Sciences Library, located in the Laupus, Allied Health, and Nursing Building (LAHN) on the university's west campus, serves as the primary information center for the university's instructional, research, and patient care programs in the health sciences.

It also serves as the comprehensive information resource center for health care professionals who practice in northeastern North Carolina.

The library provides a full range of information services. Please see the library's Website at <http://www.ecu.edu/cs-dhs/laupuslibrary/>. Library hours are posted at <http://www.ecu.edu/cs-dhs/laupuslibrary/hours.cfm> and are available by calling 252.744.2222.

The Laupus Library circulation policy states that books are loaned to faculty until the last day of classes of the semester in which they are borrowed unless requested by another user; they may be renewed. Faculty may borrow journals for three-day loan one month after they have been received. Nonprint media are available for one-week loan. New books are displayed for one week before they are available for loan. Faculty members are encouraged to recommend materials for purchase by contacting their liaison librarian or at <http://www.ecu.edu/cs-dhs/laupuslibrary/purchaserequest.cfm>.

Faculty members are invited to place materials which appear on recommended reading lists on reserve through Laupus Library. Requests for materials to be placed on reserve should be submitted prior to making assignments. Articles or parts of books may be put on e-reserve for students to access electronically. Books on reserve are listed by course and by author. Materials on reserve for a course will be placed on reserve each semester that the course is taught. The library should be notified promptly when reading lists are revised. (revised 12-14-06)

F. J.Y. Joyner Library

Joyner Library is the main campus library of the university. The Music Library, the only branch library of Joyner, is located in the Fletcher Music Center. Library hours are posted at: <http://www.ecu.edu/cs-lib/hours.cfm> and are available by calling 252.328.4285. The library is open extended hours during exam periods.

Joyner Library provides a welcoming environment for students and faculty, with spaces for group study as well as quiet contemplation and research. A coffee shop, a lovely interior courtyard, the popular reading collection, and an extensive video and DVD collection are some of the features that draw students and faculty to the building, even when they do not need to conduct research or check out books.

The library houses more than a million books, microforms, journals, and other research materials, while thousands of journals and books are available online to the ECU community. Joyner Library offers excellent reference, interlibrary loan, reserves, and circulation services. Faculty can request course-integrated library instruction sessions for students in their classes. Librarians also provide online reference help, subject guides,

and class web pages specifically designed for online and distance learning courses.

All ECU faculty, staff and students, regardless of location, have access to the library's subscription-based electronic resources. These resources include fulltext journal collections, fulltext multi-disciplinary databases, subject-specific databases, electronic books, and fulltext databases for art, business, statistics and other subjects. Access is provided through the library's website at [www.lib.ecu.edu](http://www.lib.ecu.edu). Off-campus access is verified by PirateID and password. In addition, the online [Joyner Library catalog](#) can be searched from any location.

The following services and collections may be of special interest to faculty:

#### 1. Circulation

The Circulation Department is located across from the main entrance lobby area of Joyner Library. The Circulation Department is open at anytime that Joyner Library is open, including semester breaks and holidays. The Circulation Department is responsible for the circulation of most materials, including all books within the general stacks, bound journals (which can be checked out overnight by ECU faculty), government document materials, and curriculum materials. ECU faculty, staff, and students must have their One Card to checkout materials. Faculty must provide written permission on university letterhead for another person to borrow materials on their card. Circulation policies, including loan periods, are available at <http://www.ecu.edu/cs-lib/accesssrv/circulation/circpolicy.cfm>.

#### 2. Reserves

Forms for requesting that library-owned materials be placed on reserve are available at the Circulation Desk and [online](#). Faculty-owned copies of materials also may be placed on reserve. Faculty are encouraged to use the library's electronic reserve program. For more information, see the Reserve Collection Policy at: <http://www.ecu.edu/cs-lib/accesssrv/circulation/reservepolicy.cfm>.

#### 3. Collection Development

To ensure cooperative collection development and to facilitate communication between the library and the departments and colleges, Joyner Library uses a system of library representatives and subject liaisons. Each college or arts and sciences department designates a library representative whose responsibility it is to coordinate book and media orders from colleagues, review books received on the approval plan, recommend journals for purchase or licensing, keep the department informed about library matters, and alert the library to department activities which will affect the library. Subject liaisons are library faculty who act as liaisons with the schools and departments through their representatives, select materials in a variety of formats for purchase or licensing, assist with collection assessment and accreditation efforts, and keep the

department informed about library matters. Subject liaisons make a special effort to meet with new faculty at the beginning of each semester so that they can orient the faculty member to the library and learn about that person's research and teaching interests. A current list of library representatives and subject liaisons is available at:

[http://www.ecu.edu/cs-lib/techsrv/cdv/subject\\_liaisons.cfm](http://www.ecu.edu/cs-lib/techsrv/cdv/subject_liaisons.cfm).

#### 4. Government Documents & Microforms

Joyner Library is a selective depository for U.S. government publications. It provides access to government documents in many formats, including print, CD-ROM, microform and web. The [Government Documents](#) collection also includes web guides, international documents and more than 100,000 maps.

#### 5. Interlibrary Loan

Interlibrary Loan (ILL) brings the world's libraries to ECU students, faculty, and staff. Through numerous agreements, Joyner Library and thousands of libraries world-wide have agreed to loan certain materials to each other, when those materials are not locally available. The ILL service is free to faculty, staff and students in the Division of Academic Affairs.

Document Delivery services ensure that Joyner Library's materials are also available to Distance Education students and faculty who do not live close to ECU. Visit the [ILL webpage](#) to view policies, schedule a training/consultation session, or place ILL requests via the online ILLiad system. *Please note: most requests require at least one or two weeks to fulfill; some requests, especially for dissertations/theses and audio/visual, rare, and fragile materials, are sometimes not able to be filled. A variety of laws, codes, and contractual agreements, including copyright, govern ILL transactions.*

#### 6. Reference & Instructional Services

[Reference Services](#) offers personal assistance to members of the ECU community (both on-campus and distance learners) who need help with their research and course assignments. Assistance is provided at the reference desk, by telephone and instant messaging, and via the [Ask a Librarian](#) email service. Members of the Reference staff help users identify relevant print and online sources, learn to use these sources, formulate search strategies, find statistical data, and much more. The Reference Services collection includes high-quality print and online reference materials and databases. Members of the Reference Services Department teach several hundred library instruction sessions each year. These course-integrated sessions are customized to address the students' class assignments. The [Instructional Services webpage](#) includes an online request form used to schedule a library instruction session, tips for creating effective library assignments, and other aids. Special [online](#) assistance is available for faculty teaching distance learners.

#### 7. [Teaching Resources Center](#)

The Teaching Resources Center (TRC) serves as a resource for students enrolled in the teacher education program at East Carolina University and for educators in eastern North Carolina. The TRC service desk provides directional assistance and is supported by educational reference librarians. The following resources are available in the center: NC adopted K-12 textbooks, supplementary K-12 textbooks, textbook correlations, Kraus Curriculum Development Library, bibliographies, guides, audiovisual materials, online resources, K-12 reference materials, easy books, big books, juvenile/young adult fiction, nonfiction and biographies. A unique and special service located in the TRC is the Enhancing Teachers' Classrooms (ETC) room. Designed to assist in creating and producing quality lesson units, the room houses a laminator, two Ellison die cut centers with several hundred die cuts, an artwaxer, a light box, several paper cutters, a Badge-A-Minit button maker and cutter, office supplies and computer workstations with educational software installations and resources. Additionally, the Ronnie Barnes African American Resource Center and the Joyner Library's video/DVD collection are housed in the TRC. The mission of the Teaching Resources Center is to facilitate teaching and learning initiatives by providing resources and services to educators at all levels.

#### 8. [Verona Joyner Langford North Carolina Collection](#)

This department collects, preserves, provides access to and actively promotes the use of resources pertaining to the state. Holdings include books, broadsides, clipping and vertical files, maps, microforms, periodicals and state documents, for which the library is a full depository. The collection emphasizes the history of eastern North Carolina. Of particular importance among the department's holdings is the Snow L. and B. W. C. Roberts Collection of North Carolina Literature, which includes more than 1,200 works of fiction set in North Carolina and dating from 1720 to the present.

#### 9. Music Library

A department of J.Y. Joyner Library and its only branch, the [Music Library](#) is located on the first floor of the A.J. Fletcher Music Center. This gem in the musical crown of eastern North Carolina is the largest music collection east of Raleigh. As such, it has grown from its original purpose of serving the educational mission of East Carolina University's School of Music to serving the needs of music lovers, performers, and educators from all parts of the eastern North Carolina region. The Music Library is home to Joyner's entire audio recording collection as well as the music-related portion of its video recording collection. In addition to these media collections the library owns collections of music scores, books, journals, microforms, and computer software dealing with every musical style and genre from classical to rock to reggae—nearly 80,000 items in all. A staff of two faculty librarians and three library assistants (all musically trained) provides a variety of services including music reference assistance,

bibliographic instruction, interlibrary loan, and audio dubbing. A thirteen station technology lab with PCs and playback equipment for CDs, DVDs, DAT, LPs, videocassettes, mini-discs, CD-ROMs, laser discs, and audiocassettes is available for use by library patrons. The library also provides study space and card-operated photocopiers, printers, and microform reader/printers.

#### 10. Special Collections

The Special Collections Department is a major historical research facility containing a wide variety of archival, manuscript, and published materials with a focus on the history of Eastern North Carolina. The Department provides the most extensive repository for historical research materials east of Raleigh and it ranks among the five largest such collections in North Carolina. It houses rare published and unpublished materials in a variety of formats and subject areas as described below. The Department is a closed stacks non-circulating facility. It provides access to its collections through its elegant and spacious Search Room. While collection materials may not be removed from the Search Room, photocopy, photographic, and digital reproduction services are provided at cost. The University Special Collections Committee consisting of faculty from a number of different departments provides direction, advice and support to the Special Collections Department. Reference staff members are on duty during hours of operation to assist researchers. The collection is open to students, faculty, staff, and the general public. However, all researchers must register, provide current and valid photographic identification, and agree to abide by collection rules to obtain access to collections. The Special Collections Department Search Room is located on the 4<sup>th</sup> floor of Joyner library. For more information and for access to online finding aids researchers should visit the Special Collections Department web page at <http://www.ecu.edu/lib/spccoll/>

##### a. East Carolina Manuscript Collection

The East Carolina Manuscript Collection acquires personal papers, collections and organizational records related primarily to the history of North Carolina, especially the East Carolina region, military, naval, and maritime history, coastal studies, the tobacco industry, and the history of missionary activities throughout the world. The collection is considered one of the leading repositories in the nation for modern naval and maritime history. Among the types of materials contained in these collections are diaries, letters, financial and legal documents, photographs, slides, architectural drawings, and other research material for the period between 1600 and 2005. The collection contains 1061 collections of unpublished manuscript materials and a further 817 additions to these collections. The collection also houses 263 oral history interviews and transcripts, and extensive collections of microfilms, family genealogies, church histories and published reference works. Altogether, the collection contains approximately 3,000,000 individual items and nearly 5,000 cubic feet of material. The library's [Eastern North Carolina Digital History Exhibits](#) make

many of these unique documents and photographs accessible to users via the Internet. Guides to the East Carolina Manuscript Collection are available online at: <http://digital.lib.ecu.edu/special/ead/>

b. University Archives

The university archives contains the vital records of East Carolina University, including catalogs, self-studies, correspondence, board of trustees minutes, annual reports, photographs, and university publications. The archives office is located on the 4<sup>th</sup> floor of Joyner Library.

c. Rare Book Collection

Created only in 1992, the Rare Book Collection has concentrated on acquiring works on maritime history, voyages of exploration, and pre-1865 publications regarding slavery. Currently, the Collection numbers around 1000 volumes and is growing rapidly. It provides some exceptionally rare resources dating from the sixteenth century to the present. Among its most noteworthy holdings is, "A General History of the Pyrates, from the First Rise and Settlement in the Island of Providence, to the Present Time" by Charles Johnson. First published in 1724, it contains the first references to Captain Edward Teach, better known as Blackbeard.

Access to the Rare Book Collection is also available through the Joyner Library online catalog.

d. Hoover Collection on International Communism

The Hoover Collection contains an extraordinary accumulation of material relating to the history of communism and radical movements throughout the world. Begun through a legacy from Dr. J. C. Peele of Kinston, N.C., in 1968, the collection today contains monographs, serials, pamphlets, leaflets, manuscripts and a variety of ephemeral materials relating to communist individuals and organizations. These materials date from the 1920s to the present. In recent years, the collection has broadened and strengthened its holdings with the addition of a wealth of literature on radicals and radicalism. Presently the collection contains more than 5,000 titles, many of which are unavailable elsewhere. Access to Hoover Collection printed materials is also available through the Joyner Library online catalog. Access to the Hoover Collection manuscript materials is also available through the East Carolina Manuscript Collection Guides at: <http://digital.lib.ecu.edu/special/ead/>.

e. Map Collection

The Special Collections Department also includes an impressive and growing collection of early maps. Established in 2000, the 33 map collections now contain 94 individual maps dating from 1590 to the present. Although composed primarily of maps of the Carolina region and the Eastern Seaboard, it also contains maps of Jerusalem, Africa, Asia, the Pacific Islands, the former Soviet Union, and the Persian Gulf Region. The maps range from geographical and topographical surveys to military planning maps to city zoning and railway maps. The map collection also includes two very rare cartographic treasures: the Edward Moseley Map of 1733 and the Henry Mouzon, Jr. Map of 1775. The Moseley map, a

detailed survey of the North Carolina coastal plain, is one of only three original prints known to exist and the only known original print in the United States. The Mouzon map features significant extensions of previous surveys of North and South Carolina and was used extensively during the Revolutionary War. Access to the Map Collection is also available through the East Carolina Manuscript Collection Guides at: <http://digital.lib.ecu.edu/special/ead/>.

f. Schlobin Collection on Science Fiction and Fantasy

Established in 2004 by Professor Roger C. Schlobin to honor his parents, James H. and Virginia C. Schlobin, this collection acquires both published and unpublished science fiction and fantasy literature and materials related to the study of these genres. The collection reflects the current popularity of Science Fiction, Fantasy and Horror Literature as witnessed by the Harry Potter / J. K. Rowling phenomena. The Schlobin collection presently consists of approximately 2000 printed volumes and 2.411 cubic feet of manuscript materials. It grows through gifts, purchases and by transfers from the existing Joyner Library Fantasy Literature collection. The collection aims to attract general readers as well as bibliographic specialists. Access to the Schlobin Collection printed materials is available through the Joyner Library online catalog. Access to the Schlobin Collection manuscript materials is also available through the East Carolina Manuscript Collection Guides at: <http://digital.lib.ecu.edu/special/ead/>. (Revised 5-25-06)

G. University Property

Faculty members and other employees are not permitted to hold classes, workshops, or other such projects in university buildings or to use university equipment for private gain. All classes or instructional projects involving any collection of money are to be handled through the business office. See *Part VI, General Personnel Information*.

Faculty members concerned about the physical appearance of their classrooms should report housekeeping laxness to the unit head. Faculty members should assist security personnel by exercising concern for university facilities. Outside door keys are available to faculty members to allow convenient access to work areas during the hours buildings are locked. The responsibility for proper use of a key rests with the person to whom it is assigned. A faculty ID card must be presented to security personnel upon request. Faculty members may obtain a key to the door of the building in which their offices are located by presenting a properly signed request form, available from the unit head, a deposit, and a valid faculty ID to Public Safety. All keys must be returned at the termination of employment. Faculty members must not use outside door keys to admit others and must make certain that the door is locked when they leave. Office keys are obtained from the university physical plant office. A request must be forwarded to Facilities Services indicating the building

name, the office number, and the individual to whom the key is to be issued.

No property or equipment in the custody of or belonging to East Carolina University is to be removed from the campus unless it is in direct conjunction with a university-sponsored function or program and at a predetermined and approved location. No property or equipment is to be taken home or to any other unapproved location for personal or official use. Written approval for such removal for official use, in the form of a completed Equipment Sign Out form, must be on file in the department or unit having custody of the item(s) and a copy of the form sent to the University Property office.

Inventoried furniture and/or equipment should not be moved permanently from one location (building, department, room) to another until such moves have been reported on an Equipment/Furniture Removal Request form. This form should also be used when an item on inventory is stolen or becomes obsolete due to wear or age. Upon completion of the request form, Materials Management will notify the moving crew requesting that the move be made. The moving crew will not move inventoried furniture or equipment unless they receive the completed removal request. Equipment/furniture removal request forms may be obtained from the Central Storeroom.

### III. Curriculum Development ([Link to pending revisions, 09-05](#))

Curriculum development is a faculty responsibility. Curriculum development in the academic affairs division is under the authority of the chancellor and the provost. Curriculum development in the health sciences division comes under the authority of the chancellor and the vice chancellor for health sciences. Actions that require the approval of the University of North Carolina Office of the President (OP) and the University of North Carolina Board of Governors (BOG) are indicated below.

#### A. Who May Initiate Curriculum Change?

Curriculum changes include planning and establishing new programs, changing a program's name, moving programs, discontinuing programs, developing new courses and revising courses and degree requirements. These changes may be initiated, prepared and presented for review to all relevant ECU campus bodies by:

1. The curriculum committee or faculty of the department or school that will house the program.
2. The department chairperson, school director or college dean of the department, school or college that will house the program.
3. The provost or the vice-chancellor of health sciences.
4. The chancellor.

B. Steps to follow, in order, in seeking campus approval to plan or establish new programs, change a program's name, move programs or discontinue programs:

Obtain approval from the following:

1. Curriculum committee of the department or school in which a program will be or is housed (for proposals to create new programs or to rename or discontinue existing programs) or curriculum committees of the departments or schools in which a program is housed and to which it may be moved (for proposals to move programs). Interdisciplinary programs will obtain approval of curriculum committees in each of the units that will or do support the program (for proposals to create new programs or to rename or discontinue existing programs) or the curriculum committees of the units that support the program and that may support the program (for proposals to move the program).
2. Voting faculty of the department or school in which a program will be or is housed (for proposals to create new programs or to rename or discontinue existing programs) or voting faculty of the departments or schools in which a program is housed and to which it may be moved (for proposals to move programs) and the code unit voting faculty of the department(s) or school(s), if not identical with the department voting faculty.
3. Chairperson or director of the department or school in which a program will be or is housed (for proposals to create new programs or to rename or discontinue existing programs) or chairpersons or directors of the departments or schools in which a program is housed and to which it may be moved (for proposals to move programs).
4. Curriculum committee of the college in which a program will be or is housed (for proposals to create new programs or to rename or discontinue existing programs) or curriculum committees of the colleges in which a program is housed and to which it may be moved (for proposals to move programs).
5. Dean of the college in which a program will be or is housed (for proposals to create new programs or to rename or discontinue existing programs) or deans of the colleges in which a program is housed and to which it may be moved (for proposals to move programs).
6. Provost or the vice-chancellor for health sciences, as appropriate.
7. Academic Council.
8. Educational Policies and Planning Committee:
  - (a) for a Notice of Intent to Plan, a Request for Authorization to Plan a Degree Program or a Request for Authorization to Establish a Degree

Program the Educational Policies and Planning Committee makes a recommend to the chancellor and reports its recommendation to the Faculty Senate.

- (b) for a request to change the name of a program, move a program or discontinue a program, the Educational Policies and Planning Committee reports its recommendation to the Faculty Senate. The Faculty Senate reports its recommendation to the Chancellor.

#### 9. Chancellor.

The chancellor shall, at his or her discretion, communicate to the OP his or her intention or request with respect to instructional program developments and changes whose implementation requires authorization by the OP and BOG.

Final approval of the Certificate of Advanced Studies rests with the chancellor, after he or she receives notification of approval of the program by the State Board of Education. The chancellor of the institution then notifies the OP senior vice president for academic affairs of the approval of the Certificate of Advanced Studies.

#### C. Program Development.

Program development is governed by policies and procedures of the OP. These policies and procedures are stated in OP Administrative Memorandum 406. Memorandum 406 can be found at the OP web site at [http://intranet.northcarolina.edu/docs/aa/reports/plan\\_intent/Mem406.pdf](http://intranet.northcarolina.edu/docs/aa/reports/plan_intent/Mem406.pdf).

To assist institutions preparing to plan new programs, OP Division of Academic Affairs provides a link to the CIP taxonomy (an up-to-date Academic Program Inventory for UNC institutions at <http://www.northcarolina.edu/content.php/aa/index.htm>). Institutions planning a new degree program will be expected to contact other institutions awarding the proposed degree during the planning process regarding their experience with program productivity (applicants, majors, job market, placement, etc.).

#### C-1. Kinds of Programs:

##### Degree Programs:

A degree program is a program of study in a discipline specialty that leads to a degree in that distinct specialty area at a particular level of instruction. All degree programs are categorized individually in the University's academic program inventory at the six-digit CIP code level. As a general rule, in order to be considered for degree program status, a course of study should require coursework in the proposed program area of at least: 27 semester hours at the undergraduate level; half the total hours required at the master's level; 21 semester hours at the doctoral level. Anything less than this within an existing degree program should be designated a concentration, a decision that can be made at the campus level.

Although in general a discipline specialty is represented by a four-digit CIP, the level of disaggregation in some of the CIP codes is such that consultation through Academic Affairs with the appropriate staff person in the OP is recommended before submitting any request for a new degree program if there are any questions about its classification or categorization.

#### Certificate of Advanced Study Programs (C.A.S.):

These programs usually require one year of study beyond the master's degree and provide a higher level of licensure for public school teachers and administrators. The basic licensure requirements for public school teachers and administrators are defined by the State Board of Education. It is the policy of the Board of Governors to use the designation "Certificate of Advanced Study" with respect to all sixth-year programs established for public school personnel and to authorize no Ed.S. (Specialist in Education) degree programs beyond those now in existence.

#### Other Certificates:

These other certificates combine specific degree-credit courses at the graduate or undergraduate level to provide professional development for practitioners.

#### Teacher Licensure Areas (T.L.A.)

These are specific course clusters in approved teacher licensure areas which meet licensure requirements of the State Board of Education but do not lead to the conferral of a particular degree or a Certificate of Advanced Study. These may be at the entry level or advanced level of teacher licensure. When an institution receives authorization to offer a T.L.A. from the State Board of Education, the senior vice president for Academic Affairs should be notified. A current inventory of teacher licensure programs approved by the State Board of Education is available from the North Carolina Department of Public Instruction.

#### C-2. The Review Required for Creating Different Kinds of Programs:

Kinds of programs addressed herein: Minors and Concentrations, Certificates of Advanced Study and Other Certificate Programs, Baccalaureates and Master's degrees, Doctoral degrees and First Professional degrees in law, education, dentistry, medicine, pharmacy, and veterinary medicine. For the procedure to be followed by the body seeking to plan or establish one or more of the kinds of programs covered herein see the appropriate sub-section below and Section III.B, above.

For Strategic Planning, a letter of intent to plan a new program should be submitted to the provost or to the vice chancellor for health sciences, as appropriate, prior to preparing a Notice of Intent to Plan or a Request for Authorization to Plan a new program.

- (i) Minors and concentrations:
  - (a) Campus approval is not required in order to plan.
  - (b) Campus review of the material presented in a proposal to establish a minor or concentration that states the requirements of and justification for the minor or concentration (see the steps listed in III.B, above).
  - (c) The authority to establish new minors and concentrations is delegated to the ECU chancellor by the OP.
  
- (ii) Certificates of Advanced Studies or other certificate programs:
  - (a) Campus review and approval of the material presented in a Notice of Intent to Plan document (see Section C-3, below) is required prior to beginning to plan. To initiate campus review, follow the steps listed in Section III.B, above. Upon approval by the chancellor, a Notice of Intent to Plan is submitted to the OP. (See Administrative Memorandum 406, Appendix A.)
  - (b) Notification of intent to plan may be sent to the OP Division of Academic Affairs at any time but must be sent at least six months prior to the date of establishment.
  - (c) Authorization to establish new Certificates of Advanced Study is delegated to the chancellor, who should notify the OP senior vice president for Academic Affairs when the program has been approved by the State Board of Education and the date of program implementation established. The chancellor should also notify the senior vice president when other certificates (e.g., the combination of specific degree-credit courses to provide professional development for practitioners) are established, providing the title of the certificate and the title and level of courses included in the certificate.
  
- (iii) Baccalaureate and Master's programs:
  - (a) Campus review and approval of the material presented in a Notice of Intent to Plan document (see Section C-3, below) is required prior to beginning to plan. To initiate campus review, follow the steps listed in Section III.B, above. Upon approval by the chancellor, a Notice of Intent to Plan is submitted to the OP. (See Administrative Memorandum 406, Appendix A.)
  - (b) Notification of intent to plan may be sent to the OP Division of Academic Affairs at any time but must be sent at least six months prior to the proposed date of establishment. Following submission of the Notice of Intent to Plan to the OP, East Carolina University has one year to complete planning and to submit a request to the OP for authorization to establish the program. The Board of Governors receives semi-annual reports on programs being planned.
  - (c) Campus review and campus, OP and BOG approval of the material presented in a Request for Authorization to Establish a New Degree Program document is required prior to establishing a new baccalaureate or master's program (see Section C-4, below, and OP

Administrative Memorandum 406, Appendix C.). To initiate review, follow the steps listed in Section III.B, above. A request to establish a master's or C.A.S. program also will be submitted to the Graduate Curriculum Committee and the Graduate School Administrative Board for approval. The Graduate Administrative Board may require an external review as part of its approval process.

- (d) Upon approval by the chancellor, the chancellor notifies the OP senior vice president. The BOG has final statutory responsibility to authorize changes in the academic programs of the constituent institutions.
- (iv) Doctoral and First Professional programs:
- (a) Campus review and approval of the material presented in a Request for Authorization to Plan document is required prior to beginning to plan (see Section C-3, below and OP Administrative Memorandum 406, Appendix B). To initiate campus review, follow the steps listed in Section III.B, above. With the approval of the chancellor, a Request for Authorization to Plan may be submitted to the OP.
  - (b) Requests for authorization to plan may be submitted annually to the OP by a fixed date established by the OP senior vice president for Academic Affairs. Upon approval by the chancellor, the OP senior vice president receives the plan and the Board of Governors decides whether to grant authorization to plan. Following authorization to plan, East Carolina University will have two years to complete its planning and to submit a request to establish the proposed program. If the request to establish is not completed within this period, the campus may request a one-year extension. If the institution fails to submit a proposal within its allotted time, it must wait three years before resubmitting a request to plan that program. Similarly, if the request to plan is denied, the institution may not resubmit this request for three years. The Board of Governors receives semi-annual reports on programs being planned.
  - (c) Campus review and campus, OP and BOG approval of the material presented in a Request for Authorization to Establish a New Degree Program document is required prior establishing a new program (see Section C-4, below, and OP Administrative Memorandum 406, Appendix B.). To initiate review, follow the steps listed in Section III.B, above. A request to establish a doctoral or first professional program will be submitted to the Graduate Curriculum Committee and the Graduate School Administrative Board for approval. The Graduate Administrative Board may require an external review as part of its approval process.
  - (d) Upon approval by the chancellor, the chancellor notifies the senior vice president in the OP. The BOG has final statutory responsibility to authorize changes in the academic programs of the constituent institutions.

(v) **New Degree Program Classified with the Same Six-Digit CIP Code as a Currently Authorized Program at the Same Level:**

Requests for authorization to establish a new degree program that would be properly classified with the same six-digit CIP code as a currently authorized program at the same level, provided it will require no additional resources, may be made at any time by letter from the chancellor to the OP senior vice president for Academic Affairs. The review process is the same as listed in C-2(iv) immediately above. (See Section C-4, below, and OP Administrative Memorandum 406, Appendix D.)

Upon receipt of the notification of intent to plan or request for authorization to plan, the OP division of academic affairs will 1) acknowledge receipt of the notification; 2) provide any additional information not yet posted regarding location of similar programs; and 3) add this program-planning activity to a list that will be maintained by Academic Affairs and made accessible to all UNC institutions. All UNC institutions are expected to consult this list periodically to remain informed about programs being planned by other UNC institutions.

Authorization from the OP to plan a new degree program does not constitute a commitment on the part of the Board of Governors to approve a subsequent request to establish the program. Such authorization constitutes clearance for the institution to document and further justify the need and demand for the proposed program. After an institution receives authorization to establish a new degree program from the OP, it must submit two progress reports to the OP senior vice president. The first such report will cover the first one to two years of implementation, and the second report will cover the first three to four years of operation of the program. Both reports will include information on the extent to which an institution has met projected enrollments and degrees conferred and, if start-up funds were provided, will report on the readiness of the program to continue once start-up funds are discontinued (generally, at the end of the third year). These reports will be submitted as a part of the institution's biennial long-range planning submission.

C-3. The Notice of Intent to Plan and the Request for Authorization to Plan: To request permission to plan a new program, a document entitled "Notice of Intent to Plan" is prepared for undergraduate, master's, C.A.S. and other certificate programs (see OP Memorandum 406 Appendix A). A document entitled Request for Authorization to Plan is prepared for doctoral and first professional degree programs (see OP Memorandum 406 Appendix B). The appropriate document is submitted to the curriculum committee of the department in which the program will be housed. See section III.B, above, for a list of the steps to be followed when seeking campus approval of a request for permission to plan or a request for authorization to plan a new program. The

Notice of Intent to Plan or Request for Authorization to Plan shall describe the proposed degree program and how it fits into the institution's mission and strategic plan. This document shall present a justification for the program's duplication of other programs if similar programs already exist in the UNC system.

A Notice of Intent to Plan or Request for Authorization to Plan document shall include all information requested by the OP as well as evidence that the planned degree activity is a priority in the unit's strategic/operational plan, the relevant school and college strategic plan, the appropriate division strategic plan (academic affairs or health sciences), and the ECU strategic plan. In addition, preliminary budget projections must indicate that the proposed program will generate at least enough student credit hours to support itself or explain how it will generate additional non-enrollment based resources to cover the balance needed to support the program. Finally, the document shall include evidence that the administrators of other academic and administrative units that may be affected by the implementation of the new program have been consulted. These administrators include, but are not limited to, department chairs, school directors and college deans, the library director(s) (Joyner and/or Laupus), the director of information technology and computing services, and the director of planning and institutional research. If the request is for a post-baccalaureate program, additional information may be required by the Graduate School Administrative Board.

C-4. The Request for Authorization to Establish:

After the Notification of Intent to Plan has been filed with the OP or when the OP grants a Request for Authorization to Plan, the provost will advise the group responsible for the Notice of Intent to Plan or for the Request for Authorization to Plan to create a proposal requesting authorization to establish the new degree program (excepting minors, concentrations and C.A.S. programs, none of which requires OP approval). The proposal shall address the following concerns: program description, program justification, projected enrollment, degree requirements, faculty required to deliver the program, library resources required, facility resources required, and budget resources required to deliver the program. Budget projections must indicate that the proposed program will generate enough student credit hours to support itself or explain how it will generate additional non-enrollment based resources to support itself.

In general, the OP expects that funding to support new degree programs will be provided through a combination of internal reallocations, enrollment increase funds, and external grants. Where appropriate (i.e., in cases where there is convincing evidence of potential for program success if initial support is provided) and when central funds are available, start-up funds may be provided, generally for no more than three years, with the expectation that the program will ultimately be self-sustaining and the start-up funds will be returned and recycled for the use of other UNC programs. In cases where the allocation of start-up funds is

appropriate but they are not immediately available, recommendation from the OP of approval of the program may be delayed until such funds are available.

The persons responsible for creating the proposal requesting permission to establish a new program shall consult with the administrators of other academic and administrative units that may be affected by the implementation of the new program. These administrators include, but are not limited to, department chairs, school directors and college deans, the library director(s) (Joyner and/or Laupus), the director of information technology and computing services, and the director of planning and institutional research. A record of the outcome of said consultations will be included in the proposal.

If the request is for a post-baccalaureate program, additional information may be required by the Graduate School Administrative Board. In addition to submitting the proposal to establish a new degree program for approval, the proposed degree requirements and any new and/or revised courses must be submitted to the appropriate curriculum committees for approval.

Requests for authorization to establish a new degree program that would be properly classified with the same six-digit CIP code as a currently authorized program at the same level, provided it will require no additional resources, may be made at any time by letter from the chancellor to the senior vice president for Academic Affairs. (This category of program is comparable to what was formerly called a "track." To avoid the confusion that prevailed in the past over this designation, that term will no longer be used. However, programs with the characteristics of a track [e.g., a common "core" of courses shared with the other program in that CIP code, but differentiating by as much as 27 s.h. (baccalaureate) or 50 percent (graduate)] may be authorized by the senior vice president.) A copy of the curriculum of the current degree program should be submitted along with the curriculum of the proposed new degree program. It should be consistent with the guidelines for the number of semester hours in the program area (OP Administrative memorandum 406, Appendix C, Section 3). The format for requesting authorization to establish a new degree program in the same area as a previously authorized degree program is included in Appendix D of Administrative memorandum 406.

#### D. Changes to Existing Programs.

D-1. Request for authorization to change the name or title of an existing program.

- (i) The campus review of a request to change a name or title of a degree program follows the steps in Section III.B, above.

- (ii) Upon approval by the chancellor, the chancellor notifies the senior vice president in the OP. The BOG has final authority to authorize a change in the name or title of a degree program.

#### D-2. Moving an Academic Degree or Certificate Program

- (i) The review of a request to move a program follows the steps in Section III.B, above.
- (ii) After the request for authorization to move a degree program goes through the campus review procedures and is approved by the chancellor, the chancellor notifies the OP senior vice president.

#### D-3. Discontinuation of an Academic Degree or Certificate Program

Recommendations to discontinue initiated on campus (see III.A, above) follow the procedures in (a), below. Recommendations to discontinue a program identified by the BOG as failing to meet its productivity criteria follow the procedures in (b) below.

##### (a) Discontinuation recommendation initiated on campus:

- (i) The review of a request to discontinue a degree program follows the steps in Section III.B, above.
- (ii) After the request for authorization to discontinue a degree program goes through the campus review procedures and is approved by the chancellor, the chancellor notifies the senior vice president in the Office of the President.
- (iii) Requests for authorization to discontinue a degree program may be made by letter from the chancellor to the OP senior vice president at any time, giving the effective date of discontinuation and explaining the reason for the request. The senior vice president will request the concurrence of the Committee on Educational Planning, Policies, and Programs and (through it) the approval of the Board of Governors. Students enrolled in discontinued degree programs must be allowed to complete their courses of study within a reasonable period of time. Notice of discontinuation of C.A.S. programs or other certificates may be submitted to the senior vice president for Academic Affairs at any time. The party initiating the request to discontinue a program will prepare a statement of justification.

##### **(b) Discontinuation recommendation resulting from BOG low productivity review:**

###### (1) Review Criteria:

As part of its preparations for revision of the UNC BOG, Plan the Office of the President conducts a review of academic program productivity. This review is conducted in the spring of odd-numbered years. The Guidelines and Criteria used by the OP to identify programs with low productivity are as follows:

- (i) Bachelor's degree programs: the number of degrees awarded in the last two years is 19 or fewer -- unless upper division enrollment in the

most recent years exceeds 25, or degrees awarded in the most recent year exceeds 10.

- (ii) Terminal master's degrees: the number of degrees awarded in the last two years is 15 or fewer -- unless enrollment in the most recent years exceeds 9. Ed.S. and CAS programs: the number of certificates awarded in the last two years is 15 or fewer -- unless enrollment in the most recent year exceeds 9.
- (iii) Doctoral degree programs: the number of degrees awarded in the last two years is 5 or fewer -- unless enrollment in the most recent year exceeds 18, or the number of degrees awarded in the most recent year exceeds 2.

(2) Review Procedures:

- (i) Notification of the programs to be reviewed usually occurs in February of odd-numbered years with the full campus response being due to OP in mid-May.
- (ii) Once the campus is notified that a program needs be reviewed at the system level, the administrator of the unit housing the program is asked to prepare a response to the low productivity notification.
- (iii) The faculty associated with the program shall be consulted by the unit administrator in preparing the response.
- (iv) The response is forwarded to the provost or to the vice chancellor for health sciences, as appropriate.
- (v) If a decision is made by the provost or to the vice chancellor for health sciences to discontinue a program, the response and the justification for the decision is forwarded to the Educational Policies and Planning Committee.
- (vi) The Educational Policies and Planning Committee makes a recommendation to the chancellor and reports its recommendation to the Faculty Senate.
- (vii) The chancellor shall communicate to the OP his or her recommendation with regard to any program whose discontinuation requires OP and BOG authorization.

**E. Development of New Courses and Revision of Courses and Degree Program Requirements**

Recommendations for new courses, course revisions, changes in degree requirements, new and revised degree concentrations/options, academic concentrations, changes in admission requirements to degree programs, creation, deletion or revisions to minors and honors courses and programs may originate in the various departments, schools and colleges, within interdepartmental committees, or at the dean or provost level.

Undergraduate programs and courses (numbered 4999 and below) require approval by the following: code unit curriculum committee and voting faculty, the college or school curriculum committee (if the college or school is not the code

unit and has a curriculum committee), the University Curriculum Committee, the Faculty Senate, the provost or the vice-chancellor for health sciences, as appropriate, and the chancellor. If general education credit is requested for a course outside a currently approved general education prefix area, a recommendation from the Academic Standards Committee is required prior to submission of the request to the University Curriculum Committee. The Council on Teacher Education should approve new or revised teacher education degrees or courses prior to their submission to the college or school curriculum committee.

Graduate programs and courses (numbered 5000 and above) require review by the following: code unit graduate curriculum committee, the Graduate Curriculum Committee, the Graduate Administrative Board, the provost or the vice-chancellor for health sciences, as appropriate, and the chancellor. (Faculty Senate Resolution #03-29, April 2003)

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## **PART VI GENERAL PERSONNEL POLICIES CONTENTS**

- I. Employment Policies
  - A. Appointment
  - B. Collection of Money
  - C. Employee Involvement in Political Candidacy and Office Holding
  - D. Leaves of Absence
  - E. Orientation of New Faculty
  - F. Promotion
  - G. Resignation and Re-appointment
  - H. Phased Retirement
  - I. Retirement
  - J. Salary Policies
  - K. Tenure
  - L. Travel and Expense Allowances
  
- II. Welfare and Benefits
  - A. Hospitalization Insurance
  - B. Disability Income Plans
  - C. Mandatory Enrollment in Group Life Program
  - D. Group Insurance Plans
  - E. Social Security
  - F. Deferred Compensation Plan
  - G. Supplemental Retirement Income Plan of NC (401K)
  - H. Tax Deferred Annuity
  - I. US Savings Bonds
  - J. Unemployment Compensation Benefits
  - K. Vacation and Sick Leave
  - L. Workers' Compensation

- M. Flex Reimbursement Accounts
- III. Institutional Services Available to Faculty
- A. Academic Apparel
  - B. Admission to Athletic Events
  - C. Cardiovascular Disease Risk Factor Identification/Reduction Program
  - D. Central Ticket Office
  - E. Computing and Information Systems Center
  - F. Continuing Education
  - G. Credit Union
  - H. Dining Services
  - I. Grants, Contract, and Cooperative Agreements
  - J. Housing
  - K. Mendenhall Student Center
  - L. Police Department
  - M. Post Office and Campus Mail Service
  - N. Radiation Safety
  - O. Recreational Services
  - P. Supplies, Equipment, and Contractual Services
  - Q. Telephone Service
  - R. Tuition Privileges for Faculty
- IV. Employment of Related Persons (Formerly *Appendix H*)
- V. External Professional Activities of Faculty and Other Professional Staff (Formerly *Appendix Q*)
- VI. Equal Employment Opportunity/Affirmative Action Policy (Formerly *Appendix K*)
- VII. Other Policies
- A. Substance Abuse Policy (Formerly *Appendix T*)
  - B. Weapons Policy
  - C. Serious Illness and Disability Leave for Faculty Policy
- VIII. Frequently Asked Questions about Faculty Personnel Records
- I. Employment Policies
- It is a policy of the university throughout the campus and all its branches, divisions, departments, facilities, and activities that firm and positive steps be taken by all supervisory and management personnel to prevent any discriminatory employment practices; and that affirmative action will be taken to ensure that applicants for employment will be considered and employed based on actual job requirements; and that all personnel matters pertaining to employment, placement, training, upgrading, promotion, demotion, transfer,

layoff, termination, and salary administration will be conducted in a nondiscriminatory way without regard to race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold a professorial rank, including those on special faculty appointment. Adjunct members of the faculty do not receive benefits normally associated with full-time employment, nor does such service count toward the attainment of a tenured position. Teaching fellows are not formal members of the university faculty.

A. Appointment

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*. (Faculty Senate Resolution #03-13, March 2003)

B. Collection of Money

No individual or department of the university may collect any money without being authorized to do so by the business office, and reports of all such collections, when authorized, shall be made on forms provided by the business office. All money collected shall be turned in to the business office promptly for deposit. All disbursements are to be made by check drawn by the business office. The foregoing regulation by the board of trustees applies to university funds and does not apply to civic and charitable fund campaigns. Collections of funds for special instructional materials, such as magazines, should be made by a designated student and not a faculty member.

C. Employee Involvement In Political Candidacy and Officeholding

Policies adopted by the Board of Governors in 1976 and conforming policies adopted by the Board of Trustees in 1994 establish processes for resolving, in advance, questions about possible conflicts between a University employee's satisfactory performance of employment responsibilities and his involvement in political candidacy and officeholding. All University employees except those subject to the State Personnel Act are covered by the policies. An employee who intends to become a candidate for election or appointment to or to hold any public office is responsible for knowing the terms of and complying with the requirements of these policies. A copy of the full text of the policies along with instructions and forms to be used to comply with the policies may be obtained from the University Attorney. The instructions include deadlines which must be followed. Any petitions required by these instructions should be submitted as early as possible, but no later than the following:

<u>For affected academic</u>	<u>Completed petition to be</u>
<u>Completed Petition</u>	
<u>periods beginning:</u>	<u>received by Chancellor:</u>
<u>to be received by board:</u>	



conflict between officeholding and University employment. An employee who intends to occupy such an office must follow prescribed procedures for resolving questions about conflicts in advance of assuming the office.

#### D. Leaves of Absence

A faculty member may take a leave of absence for one or more semesters (normally not more than two academic years or more often than once in three years.) The leave can be with salary or without salary, depending on the type of leave and the advance approval for the leave of absence.

A faculty member who is requesting a professional leave of absence for one semester (or appropriate period of time for the School of Medicine) or more should forward a written request to the unit administrator. The request should include the reason(s) for the request and the dates the faculty member is requesting leave. The unit administrator will forward the request to the Personnel Committee, which will make a recommendation to the unit administrator. The unit administrator will make a recommendation and will forward both recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate vice chancellor. After reviewing the recommendations, the vice chancellor will make a decision and will notify in writing the faculty member, the unit administrator, and the administrator's immediate supervisor. (This does not include request for leave subject to the Family Medical Leave Act. For a copy of that procedure, please contact the Department of Human Resources.) **(Faculty Senate Resolution #00-30, November 2000)**

There are generally 3 types of leaves of absence.

1. Professional leave. This type of leave is granted to give a permanently tenured faculty member opportunities for research, advanced study and/or professional growth. For probationary-term faculty members, this type of leave allows faculty members to accept competitive awards in programs such as the Board of Governors Doctoral Assignment Fellowship, Fulbright Fellowship, or Fogarty Fellowship programs, allowing research or advanced study opportunities.
2. Personal leave. Faculty members may request personal leave for purposes such as illness, childbirth, and/or child care.
3. Public service leave. A faculty member may run for political office, serve in appointed or elected public office, or serve in an appointed professional office and use this type of leave.

Policies governing this type of leave are explained in the ECU Faculty Manual, Part VI., Section 1., Employee Involvement in Political Candidacy

and Officeholding. A leave of absence for the purpose of holding public office may not exceed two years. Any requests for leave of absence must be made in writing, in accordance with unit codes and with ECU Faculty Manual, Appendix D. Tenure and Promotion Policies and Procedures of ECU. Requests must accompany the personnel recommendation form. Leaves of absence are subject to Appendix D., Section II.C.3. Extensions of the Probationary Term. For faculty members who do not have tenure, a period of leave might not count as a part of the probationary period. The tenure decision might be postponed for a period as specified in Appendix D., Section II.C.3. Since leaves are often granted under circumstances that place an ethical obligation on the recipient of such leaves to return, the faculty member on leave should observe the same rules regarding adequate notice of resignation as found in Appendix D, II.A.5., Notice of Resignation. The returning faculty member's pay will begin in the semester in which he or she returns from leave. The contract between the faculty member on leave and the university will be renewed. Raises and promotions awarded during the period of leave will be placed into effect at the time that the faculty member returns from leave. While on leave, the faculty member will have the opportunity to maintain group life, health, and total disability insurance consistent with the policies of the university. It should be noted that if the health insurance is not continued while on leave of absence, the employee and dependents will be subject to a preexisting clause for any medical condition, whether diagnosed or not, for one year upon their re-enrollment in the plan. (Faculty Senate Resolution #98-5, February 1998) The University also has a Serious Illness and Disability Leave for Faculty policy that is detailed in Section VII.C. of this document.

E. Orientation of New Faculty

During the opening week of school, new faculty attend an announced meeting for the purpose of acquainting them with the chancellor and key administrative personnel and their responsibilities and with the relationship between faculty and administration. After this meeting, orientation of new faculty is continued throughout the year by deans and chairpersons who assist the faculty in becoming acquainted with the practices and procedures of the university. Orientation of new faculty who are appointed on a part-time basis will take place within their respective departments and will include receipt of and discussion of the departmental part-time faculty information sheet, as well as access to the complete *ECU Faculty Manual*.

F. Promotion

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*.

G. Resignation and Re-appointment

See *Appendix D, Tenure and Promotion Policies and Procedures of ECU*.

H. Phased Retirement [September 2007 Update](#)

Participation in East Carolina University's Phased Retirement Program is available to tenured faculty who meet University of North Carolina Program eligibility criteria. Information on the Program, including policies, guidelines, and applicable forms are available on the office of academic affairs personnel forms web page and from the offices of the academic deans, the provost/vice chancellor for academic and student affairs, and the vice chancellor for health sciences. (FS Resolution #07-34, December 2007)

I. Retirement

1. Insurance

All full-time employees of the university with a permanent appointment must participate in the North Carolina Teachers' and State Employees' Retirement System with the exception that employees who hold faculty rank are eligible to choose between the North Carolina Teachers' and State Employees' Retirement System (TSERS) or the Optional Retirement Program (ORP). When first employed or when given a permanent appointment, all employees should contact the department of Human Resources to be enrolled in the retirement system. Once the eligible employee has made a choice and enrolled in the system he or she selects, the decision will be irrevocable. It is not possible to change from one program to the other during employment in an eligible position. All members of TSERS or ORP will contribute 6 percent of their earnings, including summer session salaries. All retirement contributions to either TSERS or to ORP are tax sheltered from federal and state withholding taxes. For those who teach a regular nine-month school term and who are active members of TSERS, one year of creditable service is allowed for retirement purposes. The employee in TSERS should apply for retirement benefits at least thirty days but not more than ninety days prior to the effective date. Arrangements for retirement should be made at the university department of Human Resources. For those in ORP, individual guidance from the ORP representatives is always available. A few months before retirement age, the employee will receive information and specific figures for options in regard to retirement benefits from ORP. (FS Resolution #07-26, December 2007)

Employees who retire under either the optional retirement program (ORP) or the North Carolina Teachers' and State Employees' Retirement System and who are eligible to receive benefits through the NC Comprehensive Health Benefit Plan must complete an application in the university department of Human Resources for transfer of health benefit coverage from the active employee group to the retiree group. Transfer is required for continuation of health insurance benefits upon retirement. Any premium due for coverage of dependents may be deducted from the monthly retirement benefit check for those who are

members of the North Carolina Teachers' and State Employees' Retirement System.

Additional information about the two retirement systems is given below:

a. TSERS

The university is required to contribute 10.83 percent of all employee salaries that are subject to retirement deductions. A part of this percentage is for accrued liability incurred by the retirement system's pension fund, death benefit trust fund, and retirees' health care benefits. Some of the key points for eligibility for certain benefits are as follows:

- 1) Monthly payments at retirement are based on salary, age, and years of credit
- 2) Unreduced retirement benefit at age sixty-five with five years of credit, or at age sixty with twenty-five years of credit, or at any age with thirty years of credit; reduced benefit after age fifty and twenty years of credit, or at age sixty with five years of credit
- 3) A right to a reduced benefit at age sixty after five years of credit, regardless of whether the employee is working
- 4) In the event of the employee's death, the beneficiary will receive a refund of the employee contributions with interest. If the employee dies in active service (while being paid salary or within 180 days after salary payments cease) after completing twenty years of service credit regardless of age or reaching age sixty with five years of service credit, the principal beneficiary named to receive a refund of contributions and interest (provided only one person is named) may choose to receive a monthly benefit for life instead of a refund of contributions with interest. This is known as the survivor's alternate benefit. If two or more persons or an estate is named as beneficiary, the survivor's alternate benefit does not apply.
- 5) If an employee dies while still in active service (while being paid salary), after one year as a contributing member, the beneficiary will receive a single lump sum payment known as the death benefit. This payment equals the highest twelve months salary in a row during the twenty-four months before death.
- 6) Coverage in the NC Disability Income Plan as described in the state retirement book. Employees should maintain a current record of designation of beneficiary with the TSERS. Any changes regarding the designated beneficiary may be made at the university department of Human Resources. In the event that the employee terminates his or her services

with the university without qualifying for retirement benefits, he or she may withdraw the portion of accumulated retirement contributions or may leave the accumulated contributions on deposit with TSERS. After a refund has been made, the employee forfeits all credit for years of service earned during past employment.

b. Optional Retirement Program (ORP)

The university will contribute 6.66 percent on all earnings paid the employee. Both the employee's contribution and the university's portion will be placed on deposit with ORP account. Funds will be distributed as requested by the employee at the time he or she is enrolled. Some of the key points of the Optional Retirement Program are as follows:

- 1) Premiums are invested in fixed common stock funds and variable accounts as decided by the employee.
- 2) Ownership of an ORP account is immediate for the employee's funds but require a five-year vesting period for the University contributions. The annuities do not provide use for collateral on a loan. If an employee leaves the University before completing the five-year vesting period and is employed with another University or college that does not offer participation with one of the current Optional Retirement Program carriers for ECU, the following options would be available:
  - a. The employee could repurchase his/her investment.
  - b. The employee could elect a 12-month delay option. If re-employed within 12 months from date of separation at ECU with a University or college that offers participation with one of the ORP carriers, all funds contributed to the ORP carrier during employment with ECU would be vested immediately.
  - c. The employee could leave his funds in the ORP account and ECU would receive reimbursement for its contribution.

If an employee leaves the University before completing the five-year vesting period and is employed by a University or college that will allow him/her to participate with a like ORP carrier at ECU, all funds are immediately vested.

- 3) ORP contracts do not contain a disability benefits provision. A disabled participant may wish to start annuity income payments with the amount of income depending upon the same factors that determine the amount of income if benefits began under normal circumstances.
- 4) In the event of death of the employee, the full current value of ORP contract, including the portion bought by the

employers, is paid as an income to the designated beneficiary. There is no additional death benefit provision under ORP.

- 5) There are several options provided by ORP to the employee at retirement time.
- 6) Employees enrolled in ORP are provided coverage under the NC Disability Income Plan as outlined in the state retirement handbook. Participation is based upon the same factors as if the employee enrolled in TSERS.

## 2. Privileges for Retired Faculty

- a. The following privileges are awarded to retired faculty:
  - 1) Use of campus addresses that include a post box and electronic mail account for a period of at least one year, subject to availability. After the initial one year period, electronic mail accounts will be deactivated if they are not used for a 90-day period. If the retiree does not request activation of the account within 90 days of deactivation, the University will remove the account from the email system. (University Administrative Policy #1.902)
  - 2) Right to be included in the University catalogues and directories.
  - 3) Continuance of eligibility to take one course per semester without fees, subject to class availability.  
(Prior to age 65, retired faculty are not eligible to participate in the system-wide tuition waiver program. As stated in the university catalogs, "persons 65 years of age or older who meet the requirements for in the in-state rate of tuition and the university requirements for admission can have their tuition and fees waived provided space is available in the requested course{s}").
  - 4) Access to library services under the same conditions as active faculty, subject to space availability.
  - 5) Continuance of eligibility to purchase tickets to inter-collegiate athletic, cultural, and entertainment events under the same conditions as active faculty.
  - 6) Access to the University Employee Assistance Program and Provider Directory when such services are available (Faculty Senate Resolution #05-51)
  - (7) University identification card upon request.
  - 8) Fully retired faculty may request a free B parking permit and may also park in spaces designated "Retired Faculty." Faculty in phased retirement and retired faculty who are re-employed by the university may request a free B parking permit and may upgrade the B permit to an A permit (by paying the price difference between an A and a B permit) while bypassing the wait-list, but may not park in spaces

designated "Retired Faculty. (Faculty Senate Resolution #07-15, June 2007)

- b. Upon the recommendation of the unit personnel committee, unit head, appropriate dean, and appropriate vice chancellor, the chancellor may grant the faculty retiree emeritus status (as defined in Appendix C.) which includes the items listed above under Section I.I.2.a. and, in addition, the following privileges:
  - 1) Access to recreational facilities under the same conditions as active faculty.
  - 2) Continuance of eligibility to march, wearing appropriate regalia, in University commencement exercised and other University formal processions, as active faculty.(FS Resolution #07-26, December 2007)

J. Salary Policies

Faculty annual salaries are paid semimonthly. New employees receive the first check on the last work day of September. Checks are distributed to each department by special messenger in the morning on the 15th. and last day of each calendar month. When the 15th. or last day of a month falls on a nonwork day for the business office, distribution of checks will be made on the last work day prior to that day. Arrangements may also be made with the payroll office to have checks deposited in a local bank to the faculty's account. Salaries for summer term teaching are paid at the close of each term. Federal income tax is withheld on the basis of information furnished to the payroll office on US Treasury Department Form W-4. It is the responsibility of the employee to furnish the payroll office with a revised Form W-4 if the number of withholding exemptions is changed due to deaths, births, or other reasons. Since withholding exemptions are applied to the regular salary of the individual, the withholding tax on supplemental salaries for summer term, extension teaching, etc., must be calculated without benefit of exemptions. In January of each year, each employee will receive from the payroll office receipts, US Treasury Department Form W-2 and NC Department of Revenue Form NC-2 for income taxes withheld for the previous calendar year.

State income tax is withheld on the basis of information furnished to the payroll office on North Carolina Department of Revenue Form NC-4. It is the responsibility of the employee to furnish the payroll office with a revised Form NC-4 if the number of withholding exemptions is changed due to deaths, birth, or other reasons. If supplemental wages such as bonuses, commissions, or overtime pay are paid at the same time as regular wages, the income tax to be withheld is determined as if the aggregate of the supplemental and regular wages were in a single wage payment for the regular payroll period.

For a full-time member of the faculty or EPA professional staff, the salary

approved by the Board of Governors is the full compensation to be expected during the period of employment. No additional payments may be made for university duties that are generally related to the position to which the individual is appointed. The period of appointment includes all formal holidays and interludes during which no classes are scheduled.

Regardless of the salary source, total compensation paid during the period of appointment cannot exceed the salary amount authorized in the current academic salary increase document, except for extraordinary situations that must be approved in advance by the appropriate vice chancellor

**Total Compensation:** An individual's total annual salary compensation from all university sources may not exceed 133% of the annual nine-month base salary or 100% for a twelve-month employee during the twelve-month contract period without prior authorization from the appropriate vice chancellor.

Bonus amounts awarded to EPA or CSS employees as part of the Clinical Faculty Compensation Plan or Management Flexibility Act are not be included in the calculation of total annual salary compensation in the determination of the above amounts.

**Less Than Full-time Employees:** Upon appropriate approvals, individuals with appointments of less than full-time during an academic year or fiscal year can increase their commitment up to full-time with additional compensation. However, in no event may the effort of an individual exceed full-time commitment unless specifically approved in advance; additional compensation must be proportional to the base salary rate and not exceed full-time equivalency unless specifically approved in advance.

**Research/Creative Activity:** It is expected that such other proposed duties or tasks may require reduction in other planned responsibilities of the faculty or professional staff member. For example, arrangements may be made for reassigned time or research contract "buyouts" if faculty members are to conduct sponsored program activities during the regular academic year. Sponsored program activity does not normally constitute extraordinary or exceptional projects for consideration for supplemental payment.

**Overloads:** Effective August 1, 2002, overload stipends for any purpose should normally be limited to one per academic year and only after the appropriate dean has granted prior approval and notified their appropriate vice chancellor. Pay rates for non-distance education overloads will be equated to the annual nine-month salary rate; i.e., pay per credit hour for overloads may not exceed the per credit hour nine-month rate based on a twelve credit hour per semester full-time basis.

As per Administrative Memorandum 407, a second overload stipend for distance education purposes may be granted during an academic year, but only after prior approval from the appropriate vice chancellor. Units must ensure that overloads are necessary and should reduce reassignments for non-instructional purposes if at all possible prior to authorizing an overload stipend. It is preferable that overloads be kept to a minimum and be granted no more than once per academic year. Pay rates for distance education overloads may not exceed the published rates for summer school.

Summer Overloads: No overloads will be permitted during summer school sessions except in extraordinary circumstances and with prior approval. Compensation from any and all salary sources for summer employment may be arranged not to exceed three-ninths of the previous year's nine-month annual salary base rate. The pay rate from summer school funds and distance education summer school courses will be based on a percentage of the nine-month rate up to a published annual maximum per session. The specific rates may be obtained through the office of the Provost.

Work for ECU Outside the Home Unit: Prior approval to teach or perform other duties outside the faculty member's home unit is required from all involved administrative levels.

Salary Conversion Rate for Faculty Holding Twelve-month Appointments: The salary of a faculty member holding a twelve-month appointment will be converted back to a nine-month faculty salary at the rate of 9/11ths of his/her twelve-month base salary. Exceptions to this pattern may occur based on individual based negotiations depending on the level of the position, experience, and other factors. The approval of the Chancellor is required for such conversions to occur.

External Activities for Pay: The policies covering Faculty and Professional Staff income derived from external activities for pay are governed by Part VI. of the *ECU Faculty Manual*. Individuals are expected to comply with these policies that include seeking prior administrative permission to the commencement of the activity and the filing of annual conflict of interest statements at the end of the academic year. The External Activities for Pay forms and the Conflict of Interest Forms are available at [www.aa.ecmedu/forms](http://www.aa.ecmedu/forms). (Faculty Senate Resolution #03-14, March 2003)

K. Tenure

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*.

L. Travel and Expense Allowances

1. Statutory Provisions Governing Travel and Expense Allowances  
Under no circumstances may duplicate reimbursement be made for that portion of an employee's expenses paid or reimbursed by a nonstate source. All travel is contingent upon the availability of funds in the proper budget subheads. Travel on official business by employees of East Carolina University shall be reimbursed at rates as set forth by legislation.
  - a. For transportation by privately owned automobile, the employee will receive actual cost of road, bridge, and ferry tolls paid and a set amount per mile if a state car is not available and this is the cheapest method of transportation.
  - b. For transportation by airline, bus, railroad, actual tourist class fare will be allowed. Receipt for charges must be attached to reimbursement form.
  - c. The use of a rental automobile will be authorized only when it is the most economical method of travel or it is the only feasible method of available transportation. Approval for rental must be obtained in advance. Receipt is required for reimbursement.
  - d. Except as otherwise provided by specific law, each state officer and employee authorized to receive reimbursement from the state treasury for travel and other expenses incurred incident to the performance of official duties shall be reimbursed for such expenses only as described in the *ECU Business Manual*.
  - e. The state regularly allows reimbursement for registration fees. However, the state will consider requests for reimbursement over the maximum limit set. Requests, accompanied by a copy of brochures, fee schedules, or other material listing the costs included in the fee, should be made on the petition to travel and submitted according to the designated deadlines.
2. State Policies Regarding Travel  
All travel must have written authorization. Full documentation and explanation are required for all travel out of state and out of country. All reimbursement requests shall be filed for approval and payment made with thirty days after the end of the travel period for which reimbursement is being requested.
  - a. Private Cars  
State employees may use their private cars at a set reimbursement rate per mile if a state car is not available and air coach is more expensive or not feasible and such use is to the state's advantage. Reimbursement is limited to direct road map mileage between the stops on the employees' itinerary. State employees on state business may use their private cars for personal convenience at a set reimbursement rate or air coach rate, whichever is less, with subsistence expense being reimbursable only for the period required for airplane travel. Mileage rates include

all charges incurred of any nature except tolls. Receipts for tolls are required for reimbursement.

Reimbursement may not be made for commuting between an employee's home and his or her duty station. Any designation of an employee's home as his or her "duty station" by a unit head shall require prior approval by the office of State Budget and Management on an annual basis, no later than the second week of December each year. The state auditor shall in the routine audit of a department determine compliance with this provision. Generally, reimbursement of expense for airport parking is limited to 48 hours with receipt required for any charges. Reimbursement can be claimed for two round trips to the airport or one round trip and parking. However, the reimbursable parking charge cannot exceed the cost of the second round trip.

b. Taxis and Limousines

The actual cost of taxi and limousine fares is reimbursable when required for travel on state business. Taxi fares are not reimbursable for inter-city transportation, except in emergencies when no less expensive mode of transportation will be available within a reasonable period.

c. Rental Cars

Use of a rental automobile will be authorized only when it is the most economical method of available travel or it is the only feasible method of transportation.

II. Welfare and Benefits

A. Hospitalization Insurance

Hospitalization insurance is provided for full-time or half-time permanent employees through a statewide self-insured program known as the State of North Carolina Comprehensive Health Benefit Plan and HMO's as approved for the service area. The university will contribute a set amount governed by the State Legislature for employee's premium for those who have a three-quarters or above permanent appointment. If the cost for individual coverage is higher than what the State Legislature has approved for payment, the employee will pay the difference. However, half-time permanent employees must pay their entire premium through payroll deduction if they wish to be covered. All eligible employees may also insure their dependents by payment of premium through payroll deduction. The employee may enroll or make changes in coverage by visiting the department of Human Resources. The new employee may gain coverage on the first of the month following the date he or she begins work or on the first of any succeeding month. The only exception would be an employee starting in August with a nine-month contract. This employee will receive his/her first paycheck in September and therefore coverage would be effective the first of October. The employee may start coverage September 1st but must pay the full cost. If an employee enrolls

when first eligible for coverage, there is no waiting period for basic coverage. The only exception would be if the employee was being rehired within 12 months of separation as a state employee and did not continue health insurance coverage. If the employee terminates employment with the last workday occurring during the first half of the month, hospitalization coverage will cease at the end of that same month. If the employee works as many as half or more of the workdays of a month that termination of employment occurs, hospitalization coverage may be extended through the following month.

B. Disability Income Plans

1. North Carolina Plan

a. Short-term Benefits

A participant is not entitled to receive any benefits from the plan for a period of sixty continuous calendar days from the onset of disability. The benefits are payable after the conclusion of the waiting period for a period of 365 calendar days provided the participant meets the following requirements:

- 1) at least one year of contributing membership service in the retirement system earned within thirty-six calendar months preceding the disability,
- 2) be found to be mentally or physically disabled for the further performance of the usual occupation, and
- 3) disability must have been continuous and incurred at the time of active employment. The monthly short-term benefit will equal 50 percent of 1/12th of the annual base rate of compensation last payable prior to the beginning of the short-term benefit period. The monthly benefit will be reduced by any monthly payments received for workers' compensation (excluding permanent partial workers' compensation awards).

b. Long-term Benefits

Payable after the conclusion of short-term disability period or after salary continuation payments cease, whichever is later, for as long as the participant is permanently disabled, but not after the participant becomes eligible for an unreduced service retirement, provided he or she meets the following requirements:

- 1) have at least one year of contributing membership service in the retirement system earned within ninety-six calendar months preceding the disability, prior to the end of the short-term disability period.
- 2) make application to receive long-term benefits within 180 days after the conclusion of the short-term disability period or after salary continuation payments cease, whichever is later,
- 3) be certified by the medical board to be mentally or physically disabled for the further performance of usual occupation,
- 4) disability must have been continuous, likely to be permanent, and incurred at the time of active employment, and

5) not eligible to receive an unreduced retirement benefit from the Teachers' and State Employees' Retirement System.

During the first thirty-six months of the long-term disability period, the monthly long-term benefit will equal 65 percent of 1/12th of the annual base rate of compensation that was last payable prior to the beginning of the short-term benefit period. The monthly benefit will be reduced by any monthly payments received for workers' compensation (excluding permanent partial workers' compensation awards) and by any primary social security benefits the participant may be receiving; however, the benefit payable will be no less than ten dollars a month. Employees apply for benefits through the university department of Human Resources. When the employee terminates employment with the university or state, membership in the plan automatically terminates.

2. TIAA Group Long-Term Disability Insurance Plan

The TIAA Group Long-Term Disability Insurance Plan is offered only to employees with academic rank who are members of the optional retirement program. The employee may subscribe voluntarily and make payment of the premium through payroll deduction. The computation of premium will be based upon total monthly compensation used for deduction of ORP retirement contributions to include summer school pay. Highlights of the plan are:

- a. Pays a regular income when disabled and cannot work after a 90 day waiting period.
- b. Replaces up to 66 2/3% of your monthly wage base, to a maximum of \$10,000 per month.
- c. Protects retirement by providing a contribution equal to monthly contributions to the ORP carrier for investment.
- d. Reflects occupation in determining if disabled, as well as paying benefits if working but unable to earn full wage base as a result of disability.
- e. Pays benefits for as long as disability continues up to the age 65 or even longer if disabled after age 60.
- f. Pays a benefit to dependent if participant dies after receiving disability benefits.
- g. Allows conversion to an individual policy if participant terminates employment.

3. Liberty Mutual Disability Insurance

Available to members of the Teachers' and State Employees' Retirement System. This is a long and short-term disability insurance plan. This is designed to fill in the gaps of the State's disability plan- for the first year of employment (since there is no coverage available under the State's plan); as a supplement during the State's short-term period before and after five years of service; and, in the event your salary exceeds the covered maximum salary limit under the State's short-term and long-term benefit periods.

Liberty's long term disability insurance is designed to supplement the State's benefit up to a level of 66 2/3 percent of salary to a maximum benefit of \$10,000 per month (reduced by payments from other sources).

C. Mandatory Enrollment in Group Life Program

All new permanent employees employed at least 75% are required to enroll in the ECU Group Life Program which is based on age and salary at full cost to the employee. Preexisting conditions are waived upon initial enrollment. An employee may request cancellation of the policy and receive a refund of all premiums for his or her individual coverage if requested within 60 days of the effective date of coverage. The policy may be canceled after that date but no refund of premiums will be granted.

D. Group Insurance Plans

University employees who hold a permanent appointment on a 50% basis or above may subscribe to various types of group insurance by voluntary payment of premiums through payroll deduction. The university department of Human Resources is responsible for coordinating insurance plans offered to university employees as underwritten by these companies. Anyone interested in any of these plans should contact the university department of Human Resources for more information. The various group plans are life insurance (such as level term, decreasing term, permanent cash value, accidental death and dismemberment), disability income insurance, dental insurance, cancer coverage insurance, and intensive care insurance.

E. Social Security

All university employees, with the exception of students, are subject to the provisions of the Federal Social Security Act that requires a percentage contribution subject to the current Social Security law. This is a separate contribution from the state retirement that cannot be withdrawn. The amount paid by the employee will be matched by the university. All state-owned agencies and institutions are considered one employer under the Social Security law; therefore, if the employee receives earnings from more than one agency or institution within the calendar year, it should be brought to the attention of the university payroll department. Social Security benefits may be claimed at the age of 62; however, these benefits will be lower than the benefits received at age 65, which is the age at which maximum benefits may be claimed. Retirement benefits under the Social Security law will be based on average earnings beginning with 1937, or beginning with 1951, whichever will allow the higher benefit. There is also provided a broad program of health insurance called Medicare for people 65 years of age and over. One part of Medicare is hospital insurance, which helps pay for hospital care and certain follow-up services. The other part is voluntary medical insurance, which helps pay physician's fees and other medical bills. More detailed information may be obtained from the local Social Security administration office.

- F. **Deferred Compensation Plan**  
The NC State Legislature approved in 1971 the establishment of a deferred compensation for state employees whereby a portion of earnings could be deferred by investment in the plan that would result in a deferment of federal and state taxes. If any employee is interested in the plan, he or she should contact the department of Human Resources for additional information.
- G. **Supplemental Retirement Income Plan of NC (401K)**  
The State of North Carolina sponsors this plan through legislation enacted by the General Assembly, which has given responsibility for the plan to the Department of the State Treasurer and a board of trustees. A portion of an employee's earnings may be deferred by investment in the plan that would result in a deferment of federal and state taxes. This plan is similar to the benefit available under Internal Revenue Code 403(b). Any employee interested in the plan should contact the department of Human Resources for additional information.
- H. **Tax Deferred Annuity**  
Section 403(b) of the United States Internal Revenue Code provides that the employees of East Carolina University may contractually reduce their current compensation for the purchase of an annuity. This enables an employee to make tax-deferred monthly contributions of a fixed amount to a company of their choice. These contributions may be made through payroll deduction and are exempt from the state and federal withholding taxes until the annuity benefits are paid. Employees interested in the annuity plan should contact the department of Human Resources.
- I. **US Savings Bonds**  
Government bonds may be purchased through the payroll savings plan by employees who are paid bimonthly. Applications may be acquired from the university department of Human Resources.
- J. **Unemployment Compensation Benefits**  
All university employees except student help are insured against loss of work when it occurs due to lack of work. The department of Human Resources will issue to the employee, upon termination of employment, a separation notice that may be used to file a claim at the North Carolina Employment Security Commission for any benefits due under the law. Unemployment insurance is for unemployed workers who are qualified, ready, and willing to work, and who are actively trying to find work. It is not for persons who are unwilling or unable to work, or for those who are on vacation or those who are ill.
- K. **Vacation and Sick Leave**  
Personnel with professorial rank who have twelve-month employment contracts may earn leave as authorized by the vice chancellors and chancellor but under a different leave policy from that provided for SPA employees. Teaching faculty who have a nine-month employment contract do not earn any vacation or sick leave. All full-time permanent SPA employees who work one-half or more of the regularly scheduled

workdays in any month shall earn vacation and sick leave. Part-time, permanent SPA employees who are employed on a continuing basis for a fixed number of hours each week in a permanent budgeted position for as much as half-time shall earn vacation and sick leave on a pro-rata basis if work is performed for one-half or more of the scheduled workdays in a month. Some administrative personnel who are exempt from the State Personnel Act (EPA) may also earn vacation and sick leave under the same leave policy as applied to SPA employees. This is limited to certain full-time administrative and professional personnel, such as the chancellor, vice chancellors, deans, and their associates. The amount of leave that may be earned each month and the conditions for its use are described in the *ECU Business Manual*

L. Workers' Compensation

All university employees, including paid student help, are covered by workers' compensation that provides for certain benefits in the event there is an on-the-job accident, causing injury. If and when an on-the-job accident causing injury should occur, it should be reported immediately to the university safety and health office. Responsibility for claiming compensation is on the injured employee. Any claim filed by the employee must be made through the university health and safety office with the North Carolina Industrial Commission within two years from date of injury; otherwise, the claim will be barred by law. The university is considered a self-insured employer and will be responsible for all claims as approved by the NC Industrial Commission. The employee should not pay for drugs and treatment received or charge it against personal hospitalization insurance coverage. Although the university will pay for prescribed drugs, physician's fees, and hospital charges as approved, there will be a waiting period of seven calendar days from date of injury before any weekly worker's compensation can begin for loss of work. Faculty members are required to report to the administration any hazards to safety and any accidents or other unusual occurrences or emergencies that may be of general concern.

M. Flex Reimbursement Accounts

Employees may set aside money before taxes (Federal, State, and FICA) from their salary to be used for medical and dependent care expenses. This is a reimbursement account for use by employees.

III. Institutional Services Available to Faculty

A. Academic Apparel

Faculty members have the following options for ordering academic apparel:

1. A quality, tailor-made outfit may be purchased through the Student Store. Samples of materials and information concerning the styles of academic apparel are available. The cost of an outfit depends on the type of materials selected.
2. Academic apparel may also be rented through the Student Store. If an order is placed with the Student Store, faculty members are

responsible for the rental fee whether or not the gown is picked up.

The rental fee is based on the degree held by the faculty member.

B. Admission to Athletic Events

Football and basketball season tickets are offered to faculty at a reduced price. Single game tickets are the same as charged to the public.

C. Cardiovascular Disease Risk Factor Identification/Reduction Program

The Human Performance Laboratory in the School of Health and Human Performance offers a wellness service program known as the Cardiovascular Disease Risk Factor Identification/Reduction Program. All known risk factors for cardiovascular disease are assessed and strategies for lifestyle changes to reduce these risk factors are individually developed. Tests may include a complete blood profile, resting ECG, strength testing, body fat assessment by hydrostatic weighing, flexibility, complete medical history, blood pressure, physical exam, pulmonary function test, treadmill stress test, and exercise prescription. Faculty may contact the School of Health and Human Performance for further information.

D. Central Ticket Office

The Central Ticket office, located in the Mendenhall Student Center, makes tickets available for most programs and activities at the university. Examples of tickets available in the central ticket office are performing arts series, popular entertainment, lectures, special concerts, travel-adventure film series, and the Magic Kingdom Club. A limited number of tickets are available at reduced rates to faculty for most activities. Tickets may be obtained by presenting a validated ECU ID card at the Central Ticket office.

E. Computing and Information Systems

The Computing and Information Systems Center provides facilities for support of faculty research activities, including analytical and other software, and technical consultation, assistance, and documentation.

F. Continuing Education

The Division of Continuing Education and Summer School organizes extension courses in almost all professional and academic areas. The Division of Continuing Education and Summer School also renders assistance to the public schools through educational workshops, educational clinics in special fields, speakers for special occasions, assistance in educational surveys and curriculum studies, and consultation on special problems.

G. Credit Union

University employees maintain a credit union, organized under the regulations stipulated by the State of North Carolina. Membership is open to all full-time and all part-time permanent employees. Insurance arrangements permit members to acquire, based on savings, life insurance at no cost to the member. Borrowers may negotiate low interest rate signature loans and secured loans.

H. Dining Services

Faculty are invited to eat at any of the restaurants on campus. A declining balance card is offered to faculty. This card is a pre-paid account that can be used as cash in any of the dining locations. For more information faculty may call Dining Services.

I. Grants, Contracts, and Cooperative Agreements

The office of Sponsored Programs is the university office with responsibility for pre-award activities involved in the submission of proposals to external sponsors for support of projects in research, creative activity, training, and public service. The staff will provide information, assistance, review, and endorsement. The office of Sponsored Programs serves as the clearinghouse for information on public and private funding opportunities. Staff members welcome requests for assistance in locating funding sources and developing proposals and budgets. They will review proposals for completeness and compliance with university and sponsor administrative requirements. In addition, they will provide guidance for development of contractual agreements for activities such as clinical drug trials. All proposals for grants, contracts, and cooperative agreements prepared by faculty to request outside funds must be reviewed and signed in the office of Sponsored Programs before submission to sponsors. See *Part VII, Research Information*.

J. Housing

The off-campus housing office provides publications to aid those searching for rental housing in Greenville. The office also has information available regarding local banks, child care centers, hotels/motels, and restaurants.

K. Mendenhall Student Center

Mendenhall Student Center is the social, cultural, recreational, and service center of the campus and is designed to serve the entire university. Along with other specific services, the student center is used as the "reception hall" of the campus, frequented not only by students but also by guests, faculty, staff, and numerous groups on campus for special events. There are limitations necessary when allowing children to use the student center facilities unless accompanied by their parents. The Center's hours are:

Monday through Thursday	8:00 A.M. - 11:00 P.M.
Friday	8:00 A.M. - 12:00 Midnight
Saturday	12:00 Noon - 12:00 Midnight
Sunday	1:00 P.M. - 11:00 P.M.

L. Police Department

The ECU Police Department consists of two divisions: Police Services and Medical School Security. The Police division is a full-service law enforcement agency providing services such as uniformed patrol, (bicycle, vehicle, foot), criminal investigations, traffic enforcement and other services. The Medical School Security division handles security at the Brody Medical Complex. Crime prevention specialists are available to give lectures concerning campus safety.

M. Post Office and Campus Mail Service

United States mail is handled by the main US Post Office and the East Carolina University Station Post Office located on East Tenth Street. Faculty members may receive their mail with that of their respective department, school, or college. Faculty members who desire individual boxes may apply for them at the post office. Intra-campus mail is handled by the Campus Mail Service. Each department, college, or school has a box at this post office to which intra-campus mail is delivered, and faculty members may receive their individual intra-campus mail in their respective unit. Intra-campus mail is free of postage.

N. Radiation Safety

Many radiation sources are used at East Carolina University as effective tools for teaching, research, medical diagnosis, and therapy. The Administrative Radiation Safety Committee establishes the university radiation safety policy. This committee reviews each proposal to use radioactive material as well as each proposal to install and operate radiation-producing electronic equipment. In conjunction with the office of Radiation and Biological Safety, the committee is responsible for all ionizing radiation sources (such as radio-active material and x-ray equipment) and many nonionizing radiation sources (such as lasers, microwave units, and RF systems). Permission to use radiation sources is granted by license and registration with the radiation protection division of the State of NC. Consultation and service necessary to ensure radiation protection and adherence to the regulations are provided by the office of Radiation and Biological Safety. Any faculty member who wants to use radiation sources on the campus of ECU must undergo a review by the office of Radiation and Biological Safety and gain approval by the Administrative Radiation Safety Committee. For further information consult the university radiation safety manual and contact the office of Radiation and Biological Safety.

O. Recreational Services

Faculty are invited to participate in all programs and services offered through the department of Recreational Services. The Student Recreation Center offers enhanced opportunities to motivate faculty, their spouses and family members to pursue healthy recreational lifestyles. This facility, adjacent to Mendenhall Student Center, provides a campus home for the adventure program, physical fitness opportunities, intramural sports, club sports, and special events. Memberships to the Student Recreation Center are available on an annual, semester, or summer session basis, with a payroll deduction option, and may be purchased at the main office in the facility. Dependent passes are sold on a day-to-day basis. A valid ECU ID/membership card is required for entry into the facility. For more information, please call the department of Recreational Services.

P. Supplies, Equipment, and Contractual Services

The university department of Materials Management has the responsibility for making all purchase contracts for the university (rental or purchase of real property excepted). This authority covers all supplies, materials,

equipment, and contractual services as required by the university and any of its schools, departments, agencies, or divisions. Purchases are initiated by submittal of a purchase requisition to the department of Materials Management by departmental chairpersons, deans, or agency heads through their respective vice chancellors. See *ECU Business Manual*.

Q. Telephone Service

The university switchboard is open each school day from 8:00 A.M. - 5:00 P.M. primarily for information and for reporting interruptions in service. All necessary long distance telephone calls should be made through the DAIN system to take advantage of the more favorable rates. It is not permissible to charge personal calls to a university telephone and then reimburse the university for the cost. If it should be necessary to place a personal long distance call from a university telephone, the call should be made collect or charged to the individual's home phone or to a credit card. If these methods of charging are not possible, the call should be made from a nonuniversity phone.

R. Tuition Privileges for Faculty

Subject to the University of North Carolina Board of Governors' policy, full-time faculty who are eligible for membership in a state-supported retirement plan will be allowed free tuition for one course per school term for classes attended outside of the required work hours. See *ECU Business Manual*.

IV. Employment of Related Persons (Formerly *Appendix H*)

A. Basic Principles

Consistent with the principle that university employees and prospective employees shall be evaluated on the basis of individual merit, without reference to considerations of race, sex, religion or national origin, or any other factors not

involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to institutional personnel who are not subject to the State Personnel Act:

1. Related persons shall not serve concurrently within the institution in any case where one such related person would occupy a position having responsibility for the direct supervision of the other related person.
2. With respect to proposed employment decisions which would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.
3. With respect to the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), neither related person shall be permitted,

either individually or as a member of a faculty, or as a member of a committee of a faculty, to participate in the evaluation of the other related person.

B. Definition of "Related Persons"

The following relationships are sufficiently immediate to invoke the prohibitions against concurrent service of related persons:

- 1) Parent and child; 2) Brothers and sisters; 3) Grandparent and grandchild; 4) Aunt and/or uncle and niece and/or nephew; 5) First cousins; 6) Step-parent and step-child; 7) Step-brothers and step-sisters; 8) Husband and wife;
- 9) Parents-in-law and children-in-law; 10) Brothers-in-law and sisters-in-law; 11) Guardian and ward; 12) Persons engaged in amorous relationships; an amorous relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g. dating or engaged to be married) that may or may not have been consummated sexually.

C. Effective Date

The provisions of this policy shall be applicable prospectively only, with reference to appointments made after the adoption date of the policy.

D. Employees Subject to the State Personnel Act

With respect to university employees who are subject to the State Personnel Act (SPA), applicable restrictions concerning the concurrent service of related persons shall be those adopted by the state personnel board.

E. Each chancellor shall report annually to the board of trustees, at the regular meeting falling closest to the date of commencement, concerning all specific cases during the preceding year in which the terms of this policy were applied.

(Administrative Memorandum #360, 18 March 1996, UNC Board of Governors)

V. External Professional Activities of Faculty and Other Professional Staff (Formerly *Appendix Q*)

A. University Policy

The University of North Carolina and its constituent institutions seek to appoint and to retain, as faculty and other professional staff members, individuals of exceptional competence in their respective fields of professional endeavor.

Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their university employment, including secondary employment consisting of paid consultation with or other service to various public and private entities 35. Through such practical, compensated applications of their professional qualifications, university employees enhance their own capabilities in teaching and research. Thus, participation of faculty and other professional staff members in external professional activities for pay, typically in the form of consulting, is an important characteristic of

academic employment that often leads to significant societal benefits, including economic development through technology transfer. However, such external professional activities for pay are to be undertaken only if they do not:

1. create a conflict of commitment by interfering with the obligation of the individual to carry out all primary university duties in a timely and effective manner; or
2. create a conflict of interest vis-à-vis the individual's status as an employee of the university; or
3. involve any inappropriate use or exploitation of university resources; or
4. make any use of the name of The University of North Carolina or any of its constituent institutions for any purpose other than professional identification; or
5. claim, explicitly or implicitly, any university or institutional responsibility for the conduct or outcome of such activities.

#### B. Definitions

1. "External professional activities for pay" means any activity that:
  - a. is not included within one's university employment responsibilities;
  - b. is performed for any entity, public or private, other than the university employer;
  - c. is undertaken for compensation; and
  - d. is based upon the professional knowledge, experience, and abilities of the faculty or other professional staff member.

Activities for pay not involving such professional knowledge, experience, and abilities are not subject to the advance disclosure and approval requirements of section C. of this policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary university duties, conflicts of interest, inappropriate uses of the university name, or claims of university responsibility for the activity.

2. "University employment responsibilities" include both "primary duties and "secondary duties." Primary duties consist of assigned teaching, scholarship, and all other institutional service requirements. Secondary duties consist of Professional affiliations and activities traditionally undertaken by faculty and other professional staff members outside of the immediate university employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books, and service to accreditation bodies. Such integral manifestations of one's membership in a profession are encouraged, as extensions of university employment, so long as they do not conflict or interfere with

the timely and effective performance of the individual's primary university duties.

3. "Faculty or other professional staff member" means any person who is employed full-time by The University of North Carolina or a constituent institution or other agency or unit of The University of North Carolina and who is not subject to the State Personnel Act.
  4. "Department" means an academic department, a professional school without formally established departments, or any other administrative unit designated by the chancellor of an institution or by the president for the office of General Administration, for the purposes of implementing this policy.
  5. "Inappropriate use or exploitation of university resources" means using any services, facilities, equipment, supplies, or personnel which members of the general public may not freely use. A person engaged in external professional activities for pay may use, in that connection, his or her office and publicly accessible facilities such as university libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during university employment time to advance the supervisor's external professional activities for pay.
  6. "Conflict of interest" relates to situations in which financial or other personal considerations may compromise, may have the potential for compromising, or may have the appearance of compromising an employee's objectivity in meeting university duties or responsibilities, including research activities.
- C. Procedures Governing External Professional Activity for Pay
1. A faculty or other professional staff member who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent,"), which shall be filed with the head of the department in which the individual is employed. A separate "Notice of Intent" shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten calendar days before the date the proposed external professional activity for pay is to begin.
  2. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of twelve-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of nine-month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at

least ten days before engaging in such activity in the succeeding relevant year.

3. Except as set out in paragraph d., below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the faculty or other professional staff member, the unit head determines that the proposed activity is not consistent with this policy statement of the board of governors, the faculty or other professional staff member shall be notified of that determination within ten calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the unit head, the faculty or other professional staff member shall not proceed with the proposed activity but may appeal that decision to the next higher administrator and then to the chancellor (or, in the General Administration, to the president). A decision on any such appeal shall be given to the faculty or other professional staff member within ten calendar days of the date on which the appeal is received. The decision of the chancellor (or of the president) shall be final. Appeals shall be made in writing on the "Notice of Intent" form
4. If question 8., question 9.a., or question 9.b. on the "Notice of Intent" is answered in the affirmative, the procedure set out in paragraph 3.c., above, shall be modified as follows: The decision of the unit head to approve the activity shall be reviewed promptly and approved or disapproved within ten days of receipt by the next higher administrator, and appeal of a disapproval by that officer shall be to the chancellor (or, in the General Administration, to the president).
5. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by unit heads to the chancellor (or, in the General Administration, to the president) each July. The chancellors shall provide annual summary reports to the president by September 1 of each year.
6. University employees not complying with these procedures will be subject to disciplinary action. Unit heads are held responsible for proper reporting.

#### D. Special Provisions

1. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with state policies governing dual employment and compensation, unless an exception to those state policies is expressly authorized by the chancellor or the president.
2. The procedures in section 5 shall not be required of faculty and other professional staff members serving on academic year contracts if the external professional activity for pay is wholly performed and completed between the day following spring commencement and the first day of registration for the fall semester, provided that the activity does not conflict with this policy statement of the board of governors

and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session

E. Effective Date

This policy statement shall become effective on 1 July 1993.

F. Sample Form for Notice of Intent to Engage in External Professional Activities for Pay

Date: (Name) - Intends to engage in external professional activity for pay under the following Conditions

1. Name and address of contracting organization:
2. Nature of proposed activity:
3. Beginning date and anticipated duration of activity:
4. On average, how many hours per week will be devoted to this activity?
  - a. For twelve-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30:
  - b. For nine-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30
    - 1) Second summer session (post July 1)
    - 2) Fall semester
    - 3) Spring semester
    - 4) First summer session (pre July 1)
5. Total number of hours to be devoted to activity:
6. Identify any classes, meetings, or other university duties that will be missed because of involvement in the proposed activity (respond separately for each applicable component part of the academic calendar if nine-month employee) and state what arrangements have been made to cover any such duties:

Duties Missed	Arrangements to Cover
---------------	-----------------------
7. Use of university resources in connection with proposed activity:
  - a. Will the activity entail the use of any university resources?  Yes  No
  - b. If yes, describe what resources will be used.
8. To your knowledge, does the contracting organization above provide funding which directly supports any of your university duties or activities?  Yes  No
9. To be completed if the contracting organization is a private firm:
  - a. Do you or any member of your immediate family own an equity interest in the contracting organization?  
 Yes  No
  - b. Do you hold an office in the contracting organization?  Yes  No
10. Performance of the above described activity is consistent with the board of governors policy on external professional activities. (Signatures Follow)

G. Sample Form for Activity During Past Fiscal Year

Provide the following information for each external professional activity for pay in which you engaged during the last fiscal year preceding the date of filing of this "Notice of Intent"

1. Contracting organization:
2. Beginning and ending date of activity (if completed):
3. Average hours per week devoted to this activity.
4. Total number of hours devoted to this activity:
5. Nature of professional activity:
6. Date Notice of Intent was filed:

H. Sample Form for Administrative Action on Notice of Intent

1. Reviewed; activity determined to be consistent with university policy. Date: \_\_\_\_\_ Unit Head: \_\_\_\_\_  
Other action (as required): \_\_\_\_\_  
Date: \_\_\_\_\_ Dean or Other Administrative Officer\* \_\_\_\_\_  
\*Approval by dean or next higher administrator is required if question 8., 9.a., or 9.b. is answered in the affirmative.

2. Reviewed; activity determined not to be consistent with university policy  
Date: \_\_\_\_\_ Unit Head: \_\_\_\_\_  
Action on appeal (if any): \_\_\_\_\_  
Date: \_\_\_\_\_ Action Taken: \_\_\_\_\_  
Dean or Next Higher Administrator: \_\_\_\_\_  
Date: \_\_\_\_\_ Action Taken: \_\_\_\_\_  
Chancellor: \_\_\_\_\_

Any administrative action approving a "Notice of Intent" shall be effective only for the remaining balance of the fiscal year (in the case of twelve-month employees) or for the balance of the academic year (for nine-month employees).

VI. Equal Employment Opportunity/Affirmative Action Policy  
(Formerly *Appendix K*)

East Carolina University is committed to equal opportunity for all members of the university community. In addition, it will take affirmative action to increase recruitment and hiring of black and female faculty and staff. The following is the Equal Employment Opportunity Policy as it appears in the East Carolina University Affirmative Action Plan (1983-1986). East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

East Carolina University's policy on nondiscrimination and its affirmative action program are consistent with, and pursuant to, the guidelines set forth in Executive Order 11246 with its implementing regulations. The East Carolina University Affirmative Action Program implements guidelines set forth under Titles VI and VII of the Civil Rights Act; Title IX of the Education Amendments

of 1972; Sections 799A and 845 of the Public Health Service Act; the Equal Pay Act; Sections 503 and 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1976; and the Vietnam Veterans Readjustment Assistance Act of 1974 as amended. Appropriate equal opportunity clauses are included in purchase agreements as required.

The university's policy is consistent with North Carolina General Statutes 126-16: "All state...agencies...of North Carolina shall give equal opportunity for employment, without regard to race, religion, color, creed, national origin, sex, age, or physical disability to all persons qualified, except where specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. This section with respect to equal opportunity as to age shall be limited to individuals who are at least 40 years of age but less than 70 years of age." It is also consistent with *The Code of The University of North Carolina*, Section 103: "Admission to, employment by, and promotion in The University of North Carolina and all of its constituent institutions shall be on the basis of merit, and there shall be no discrimination on the basis of race, color, creed, religion, sex or national origin...."

In addition, East Carolina University prohibits sexual harassment of students, faculty, or staff members. Sexual harassment is defined as deliberate, unsolicited, unwelcomed verbal and/or physical conduct of a sexual nature or with sexual implications. The definition does not include personal compliments welcomed by the recipient or relationships which are freely entered into by both parties. East Carolina University is committed to providing and promoting an atmosphere in which employees realize their maximum potential in the workplace and students can engage fully in the learning process. Accordingly, sexual harassment by and of both employees and students is prohibited by this policy.

East Carolina University, as part of its continuing affirmative action efforts, endorses the following:

1. It is illegal and against the policies of East Carolina University for any employee to sexually harass another employee by:
  - a. making unwelcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment, or
  - b. making submissions to or rejections of such conduct the basis for employment decisions affecting the employee, or
  - c. creating an intimidating, hostile, or offensive working environment by such conduct.
2. It is against the policies of East Carolina University for any employee to sexually harass a student by:

- a. making unwelcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of a student's grade, progress, or recommendation or
- b. creating an intimidating, hostile, or offensive learning environment by such conduct.

Sexual harassment shall hereinafter be deemed a form of discrimination based on sex as prohibited by Section 703 of Title VII of the Civil Rights Act, by North Carolina General Statute 126-16 (employees), and by Title IX of the Education Amendments Act of 1972 (students).

A. Responsibilities

Responsibility for implementation of these policies rests with the chancellor. The vice chancellors, the dean of the College of Arts and Sciences, deans of professional schools, department chairpersons, and principal administrative directors are delegated responsibility for implementing these policies. They will assure that decisions involving recruitment, selection, appointment, and promotion of faculty and staff at all levels are made in a nondiscriminatory manner and in accordance with the goals of the Affirmative Action Plan.

The chancellor has also appointed the director of Equal Opportunity Programs to coordinate all aspects of the Affirmative Action Plan, initiate programs to assist in reaching the goals of the Affirmative Action Plan, maintain a record system, identify problem areas, and assist faculty and staff and students to resolve problems. This individual is assisted by the associate director of Equal Opportunity Programs.

B. Grievances

Any student of East Carolina University who has a complaint of discrimination should follow the procedure outlined in the *Student Government Association Documents*. Current, former, or prospective faculty or staff who have complaints should follow the procedure outlined in the Affirmative Action Plan and in the grievance procedure set forth in *Appendix J, Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity Complaints*. Copies of the complete Affirmative Action Plan are available in Joyner Library, Health Sciences Library, office of Equal Opportunity Programs, department of Human Resources, and the office of each vice chancellor.

**(Approved: 30 June 1983, East Carolina University Chancellor)**

VII. Other Personnel Policies

A. Substance Abuse Policy (Formerly *Appendix T*)

East Carolina University is dedicated to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. The highest standards of personal and professional conduct must be maintained by faculty, staff,

and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited.

Accordingly, the East Carolina University Board of Trustees adopts the following policy, consistent with The UNC Board of Governors' Policy on Illegal Drugs. The policy is intended to accomplish the following:

- prevent substance abuse through a strong educational effort;
- encourage and facilitate the use of counseling services and rehabilitation programs by those members of the academic community who require their assistance in stopping substance abuse; and
- discipline appropriately those members of the academic community who engage in illegal drug or alcohol related behaviors.

1. Educational Efforts to Prevent Substance Abuse

In keeping with its primary mission of education, East Carolina University will conduct a strong educational program aimed at preventing substance abuse and illegal drug or alcohol use. Educational efforts shall be directed toward all members of the academic community and will include information about the incompatibility of the use or sale of illegal substances with the goals of East Carolina University; the health hazards associated with illegal drug or alcohol use; the incompatibility of substance abuse with the maximum achievement of educational, career, and other personal goals; and the potential legal consequences of involvement with illegal drugs or alcohol.

2. Counseling and Rehabilitation Services to Prevent Substance Abuse

Those faculty, staff, or students who seek assistance with a substance abuse related problem shall be provided with information about drug counseling and rehabilitation services available through East Carolina University and also through community organizations. Those who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

3. Disciplinary Actions to Prevent Substance Abuse

Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the university.

It is expected that East Carolina University students, faculty members, administrators, and other employees who use or possess alcoholic beverages will do so as legally prescribed by the laws of the State of

North Carolina, within the regulations of East Carolina University, and in a manner which does not disrupt the lives of others. A person whose conduct is outside these parameters will be subject to the judicial rules and procedures of the university.

It is not "double jeopardy" for both the civil authorities and the university to proceed against and punish a person for the same specified conduct. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the university.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by *Appendix D, Tenure and Promotion Policies and Procedures of ECU*, by board of governors' policies applicable to the employees exempt from the State Personnel Act, by the East Carolina University Student Judicial System, and by regulations of the State Personnel Commission.

The penalties to be imposed by the university may range from written warnings with probationary status to expulsions from enrollment and discharges from employment. <sup>1</sup>However, the following minimum penalties shall be imposed for the particular offenses described.

a. Trafficking in Illegal Drugs

- (1) For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
- (2) For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, (including but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled

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<sup>1</sup>State personnel policy provides that employees subject to the State Personnel Act may not be suspended from employment for punitive reasons for more than three days. Whenever this policy mandates "suspension" of an employee subject to the State Personnel Act as a minimum penalty, that employee must instead be terminated in accordance with the state personnel policy.

and any faculty member, administrator, or other employee shall be discharged.

b. Illegal Possession of Drugs

- (1) For a first offense involving the illegal possession of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.
- (2) For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.
- (3) For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, or other employees.

c. Possession and Use of Alcohol

- (1) For offenses involving the illegal possession, use, sale, and/or distribution of alcohol in violation of NC General Statutes 18B-300 & 12B-301 & 302; 18B-1006(a); or Greenville Ordinance No. 812-1-2, a student will be subjected to a progressive penalty system based on the type of infraction and the circumstances involved. Penalties may be warning, probation, fine, volunteer community service, and/or removal from the residence system or the university.
- (2) In certain circumstances, involvement in an alcohol education and/or counseling program may be offered to a student in lieu of being referred to the Honor Board with a recommendation for suspension. Specifically, a student given this option will be required to participate in a program of assessment, education, and counseling; pay a fee of sixty dollars, and be placed on university probation. A student may participate in this program only once in lieu of disciplinary action.
- (3) University employees subject to the State Personnel Act may be disciplined in accordance with the rules and regulations for

personal misconduct, i.e., final written warning, which may include a three day suspension without pay, or dismissal. When a student, faculty member, administrator, or other employee has been charged by the university with a violation of policies concerning illegal drugs or alcohol, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or, in the chancellor's absence, the chancellor's designee concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community, provided, that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

In the case of employees, anyone convicted of a criminal drug statute violation occurring in the work place shall notify the university no later than five days after such a conviction. The university will commence disciplinary action against such an individual within thirty days of notice of the conviction.

4. Responsibilities Under This Policy

Authority to implement the policy shall reside in the chancellor. The chancellor shall designate a coordinator of drug and alcohol education who shall, acting under the authority of the chancellor, be responsible for overseeing all actions and programs relating to this policy. All employees and students shall be responsible for abiding by the provisions of this policy. In the case of employees, adherence with the provisions of the policy shall be a condition of employment. The chancellor will render an annual report to the board of trustees on the effectiveness of this policy.

5. Dissemination of This Policy

A copy of this policy shall be given annually to each employee and to all new employees at the beginning of their employment. Each student shall receive a copy and new students shall be given a copy during orientation. The policy shall be printed in appropriate student documents and posted on official bulletin boards of the university.

**(Approved: October 5, 1990, East Carolina University  
Board of Trustees)**

B. Weapons Policy

The possession and/or use of a weapon on any university owned or controlled property is incompatible with the academic mission and programs of the university. In addition, any threat to commit bodily harm, either by the use of a weapon or physical force is also inappropriate in an academic community. All university constituents, including students, faculty, staff, and visitors should respect the institutional mission and help to insure that a safe and secure environment, which is conducive to

learning, is present at all times. Therefore, each constituent should respect and obey the following rules and regulations pertaining to weapons on university property. This policy does not apply to an individual's legal right to possess or own a weapon off campus. Any member of the university community who violates North Carolina General Statute 14-269.2 pertaining to weapons on campus is subject both to prosecution and punishment in accordance with state criminal law and criminal procedures and to disciplinary proceedings by the university.

G.S. 14-269.2 makes it unlawful and in some circumstances, felonious conduct "for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property." The statute makes it a misdemeanor "for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp pointed or edged instrument except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and maintenance, on educational property.

The statute does not apply to:

1. A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority; and
2. Armed forces personnel, officers and soldiers of the militia and national guard, law enforcement personnel, and any private police employed by an educational institution. when acting in the discharge of the official duties.

The Director of Public Safety is responsible for authorizing weapons on campus which meets either of these two criteria.

It is not "double jeopardy" for both the criminal law enforcement authorities and the university to proceed against and punish a person for the same specified conduct. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interest of the university. A resident student should also understand that he/she may be removed from his/her residence hall for violating the housing contract regulation pertaining to the possession or use of a weapon in the residence halls. See *ECU Housing and Dining Agreement*.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty

members, administrators, and other employees. These safeguards are found in the *East Carolina University Faculty Manual*, the Board of Governors' policies applicable to employees exempt from the State Personnel Act, the policies and procedures of the East Carolina University Student Judicial System, and by the regulations of the State Personnel System. The penalties to be imposed by the university may range from written warnings to expulsions from enrollment and discharges from employment. All mitigating and aggravating circumstances associated with an incident involving weapons, including threatening to use a weapon, will be taken into account when considering an appropriate penalty. However, the following penalties shall be established for the particular offenses described.

1. Persons who possess or use a gun, rifle, pistol, or other firearm of any kind, or powerful explosive will be suspended for a period of not less than one year (student), or discharged (faculty member, administrator, or other employee). For a second offense, the student will be expelled.
2. Persons who possess or use a BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for the preparation of food, instruction, and maintenance will be suspended from enrollment for a minimum period of at least one semester or its equivalent (student), or discharged (faculty member, administrator, or other employee). For a second offense, any student will be expelled.

In certain instances, established penalties may be reduced due to mitigating circumstances e.g. the weapon has not been removed from a motor vehicle and if it has not been brandished, exhibited or displayed in any careless, angry or reckless manner. The established penalty however, may not be reduced if the violation involves use of a weapon in a manner where bodily harm or injury occurs or where the weapon was involved in another violation of university regulations. In cases where the penalty is reduced, the person should expect some penalty which may include probation, counseling, community service, or loss of certain privileges. A subsequent violation of this policy will result in a progressively more severe penalty which includes suspension or expulsion of students and discharge of a faculty member, administrator or other employee.

**(Approved: July 6, 1995, East Carolina University Board of Trustees)**

#### C. Serious Illness and Disability Leave for Faculty Policy

The purpose of this policy is to provide permanent faculty who do not currently earn sick leave with paid leave for cases of a serious health condition, maternity leave, or parental leave as defined under the Family and Medical Leave Act (FMLA). The purpose of this policy is also to coordinate

leaves granted under federal and state acts such as the FMLA [29 U.S.C. § 2601, et seq.], the North Carolina Family Illness Act (NCFIA) [SB1115, Section 28.3B], and the UNC Policy on Serious Illness and Disability Leave for Faculty [UNC Policy 300.2.11(G)]. All three policies cover the same serious health conditions, maternity leave or parental leave. This policy supplements the FMLA and NCFIA to provide for a period of paid leave rather than such leave being unpaid.

This policy does not apply to brief absences of 14 calendar days or less that are usually accommodated informally. This policy is intended to apply to short-term and intermediate-term disability of up to one year. Exceptional cases may be considered by the University.

All eligible East Carolina University faculty members with a medically verifiable serious health condition as defined below are covered under this policy. The review by university administrators focuses exclusively on verifying the documentation of the condition.

Granting or denial of a request for a leave under this policy shall be made without regard to the faculty member's race, color, national origin, religion, gender, age, sexual orientation, political affiliation, disability, or personal malice.

#### I. Definitions

For purposes of this policy a brief absence is defined as fourteen (14) calendar days or less.

The following definitions are applicable to the Family and Medical Leave Act (FMLA), the North Carolina Family Illness Act (NCFIA) and ECU's Policy on Serious Illness and Disability Leave for faculty:

A serious health condition is defined as (a) an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider; (b) any period of incapacity requiring an absence from work of more than fourteen calendar days that also involves continuing treatment by a health care provider; or (c) continuing treatment by a health care provider for conditions so serious that, if not treated, would likely result in an absence of more than ten workdays. Prenatal care is also included. The period of actual physical disability associated with childbirth is considered a serious health condition and must be taken as family/medical leave, whether as paid or unpaid leave.

Immediate Family - spouse, parents, children (including step relationships), or other legal dependents who require the faculty member's care.

Parent - a biological or adoptive parent or an individual who stood *in loco parentis* (a person who is in the position or place of a parent) to an employee when the employee was a child.

Child - a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Child would include: (a) biological, (b) adopted, (c) foster, (d) step-child, (e) legal ward, and (f) child of an employee standing *in loco parentis* as defined above.

Immediate Supervisor - Normally, the immediate supervisor is the individual who is the head of the code unit. However, in code units that describe department structures, the immediate supervisor is the department head/chair.

FMLA provides for a period of up to 12 weeks of unpaid leave for a serious health condition, maternity leave, or parental leave. NCFIA provides for up to 52 weeks of unpaid leave in a five-year period in cases of serious illness of a child, spouse, or parent.

Applicable vice chancellor - The applicable vice chancellor is the Provost/Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences, whoever is appropriate for the particular faculty member.

Start Date - The period of paid leave under this policy begins with the first day of the absence from University contractual duties resulting from such illness or disability. If a leave begins as a brief illness, then results in a more serious condition that warrants use of the Serious Illness Leave policy, the period of paid leave under this policy will revert back to the first day of absence.

## II. Eligibility

This policy applies to persons holding regular full-time faculty appointments who are eligible for participation in either the North Carolina Teachers and State Employees Retirement System or the Optional Retirement Program, and who are not eligible to earn sick leave under any other state or institutional leave policy. If a faculty member has been in a previous leave-earning position and has an accumulated sick leave balance, the faculty member must exhaust any previous sick leave balance prior to requesting coverage under this policy. Part-time permanent faculty holding appointments of at least 75% are also covered under this policy.

## III. Benefit

(A) In all cases, leave granted under this policy shall be in increments that are appropriate to the facts and circumstances surrounding the illness or

disability, the academic calendar, the needs of the unit, and the responsibilities of the faculty member. Leave taken under this Serious Illness policy shall run concurrently with FMLA leave and/or with the statutory provisions of the North Carolina Family Illness Act. Any leave under this policy will count as part of the 52 week allowable total under the NCFIA and/or as part of the 12 week allowable total under the FMLA.

(B) A faculty member who has a medically verifiable illness or disability, with proper medical documentation, as defined under FMLA, or whose immediate family member has a medically documented, verifiable illness, may elect to request a paid leave of absence for up to 15 calendar weeks in accordance with Section V. Such a request must be reviewed by the immediate supervisor and the dean with notification of the action taken submitted to the appropriate vice chancellor and the Office of Human Resources.

(C) If the illness or disability requires an absence from faculty duties in excess of the 15 calendar weeks, the faculty member may elect to petition for an extension of paid leave (see (E) below) or for a leave of absence without pay under procedures described in the *Faculty Manual* or under University policies implementing the FMLA or under statutory regulations of the NCFIA.

(D) The faculty member should consult with the Office of Human Resources regarding existing benefits through the Disability Income Plan or through other disability programs that may be offered to University employees on an optional basis.

(E) A faculty member who provides the appropriate additional medical documentation and whose illness or disability, or that of the family member, extends beyond the 15 weeks provided for under this Policy, may elect to submit a written request to the immediate supervisor for an extension of leave with pay up to a maximum of one year (determined by counting forward 12 months from the date the leave begins) at the discretion of the University. More than one serious illness or disability leave may be granted in a 12-month period, but the total maximum allowable paid leave for all such serious illnesses may not exceed one year in length. Such requests must be reviewed by the appropriate dean, vice chancellor, and the Associate Vice Chancellor for Human Resources. Additional leave with pay in excess of the limits may be granted in exceptional cases at the discretion of the university.

(F) Additional leave requires leave of absence without pay.

(G) The immediate supervisor may require such medical documentation or certifications, second or third medical opinions (at the university's expense) or other documentation of the need for leave, probable length of absence from normal duties, ability to return to work, or intent to return to work as it may deem necessary.

(H) When the request is to care for a member of the faculty member's immediate family, the University will also require satisfactory evidence that the faculty member will exercise primary responsibility for the care of those who would qualify the faculty member for leave under this policy.

(I) Leave offered under this policy is *not* allowable as terminal leave payment when the faculty member leaves the employment of the University. Unused leave shall not accumulate nor be carried forward from one academic year or calendar year to the next. It may not be used to extend years of creditable state service for retirement benefits. However, it may be exhausted prior to participation in the Disability Income Plan of North Carolina that is provided to eligible state employees.

(J) It is the intent of this Policy that faculty members receive the benefits defined herein during the period(s) in which they have a contractual commitment to the University.

#### IV. Use of Leave

The period of leave provided under this policy may be used for medically verifiable sickness or injury as defined under the FMLA. Use of such leave includes the birth of a child and to care for the newborn child after birth or for temporary disability connected with childbearing and recovery, which prevents the faculty member from performing usual duties. Leave also may be used for the placement of or to care for a child placed with the employee for adoption or foster care, and/or for a serious health condition of the employee that prevents the employee from performing the essential functions of his/her job. In accordance with ECU's policy on leave granted under the Family and Medical Leave Act, a faculty member may seek leave needed as a consequence of a medically verifiable illness/disability of a member of the immediate family, as defined in Section I. of this policy.

A faculty member who anticipates the need for a temporary leave shall notify his or her immediate supervisor in writing as soon as possible.

If the faculty member's request is for the purpose of caring for an immediate family member, the immediate supervisor may request medical verification of the illness or disability of that person and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

When the request is for the care of the faculty member's family member or dependent, the immediate supervisor may base the recommendation on other factors, including the needs of the unit, timing within the academic year, effect on students, ability of the unit to compensate for the absence, etc.

Female faculty shall not be penalized because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. Disabilities resulting from pregnancy shall be treated the same as any other temporary disability. The type and nature of the faculty member's duties during pregnancy shall be determined by the faculty member's immediate supervisor in consultation with the faculty member and upon advice she receives from her physician.

#### V. Administration of Benefit

It is the responsibility of the faculty member to request the use of leave provided by this policy as soon as possible upon learning of the need for the leave. This request will be made to the faculty member's immediate supervisor. The request for leave shall include an estimate of the amount of time the faculty member is expected to be on leave. The faculty member will notify his or her immediate supervisor if the estimate materially changes.

Such requests must be in writing, but there may be instances where the employee is unable to make the request by completing the necessary forms at the Office of Human Resources web site or via a letter. All conditions covered by this serious illness and disability leave policy cannot be anticipated. The policy provided herein is expected to be appropriate in most situations. However, in unusual cases, the faculty member or other responsible party may be unable to provide the necessary notification. In those rare instances where the employee or a member of the employee's family is unable to make the necessary request, it is the responsibility of the immediate supervisor to consult with a Human Resources benefits counselor for direction.

The immediate supervisor will review the request and forward the documentation to the dean. The dean is responsible for reviewing the documentation and consulting with the Office of Human Resources. The dean will provide written notification of the decision to the immediate supervisor, who will then advise the faculty member. The dean will provide a copy of the notice to the appropriate vice chancellor and to the Office of Human Resources. If leave is denied, the written notification will include the grounds for denial.

In the case of a request for leave beyond the initial 15 week period, the request must also be reviewed by the appropriate vice chancellor and the Associate Vice Chancellor for Human Resources. The person responsible for notifying the faculty member is the Associate Vice Chancellor for Human Resources. If leave is denied, the written notification will include the grounds for denial.

The immediate supervisor is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the unit are at the discretion of the immediate supervisor with the approval of the dean and are subject to departmental and institutional needs and resources. In recommending approval of a leave, the immediate supervisor will develop a written plan to cover the responsibilities of the faculty member for the duration of the leave. Funding of substitute personnel is the responsibility of the appropriate vice chancellor.

Nothing in this policy shall prohibit other faculty members from "covering" for the faculty member on leave but only so long as the faculty member on leave complies with this leave policy.

#### VI. Appeals

A decision not to grant a request for leave under this policy may be appealed to the appropriate vice chancellor. The vice chancellor's decision may be appealed to the chancellor. Appeals of a negative decision must be made by the faculty member to the next higher level within ten (10) business days of receipt of the negative decision. The vice chancellor and chancellor must respond to an appeal within ten (10) business days of receipt of the appeal.

#### VII. Confidentiality

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records in accordance with North Carolina law.

#### VIII. Record-Keeping

Because this policy provides an important financial benefit, accurate records on all requests for leave, whether or not the request is granted, must be maintained. The immediate supervisor shall be responsible for forwarding all records pertaining to the use of this policy to the Office of Human Resources. The Office of Human Resources will maintain the official records concerning requests for leave under this Policy, and may, from time to time, be required to make general reports on its use to other University administrators and to the Faculty Senate.

#### IX. Coordination with Other Policies

ECU's *Faculty Manual* indicates that leaves from all employment obligations which are granted to probationary-term faculty may include extension of the length of the probationary term. It is the responsibility of the faculty member

to review the pertinent sections and determine the impact such leave would have on their probationary term.

A permanently tenured faculty member granted leave under this policy may have his or her five-year cumulative review delayed by a period agreed upon by the faculty member, the faculty member's immediate supervisor, the dean, and the appropriate vice chancellor.

The terms of this policy pertain only to a leave for a specified period because of illness or disability. This policy has no effect on provisions for other types of leave as described in the *Faculty Manual*.

The leave provided for under this policy shall have no effect on the faculty member's other employment benefits.

#### X. Effective Date

This policy shall become effective immediately upon approval by the Board of Trustees of East Carolina University and shall supersede any previous authority granting leave for faculty, if any.

**(Approved: May 6, 2005, East Carolina University Board of Trustees)**

#### VIII. Frequently Asked Questions About Faculty Personnel Records

##### 1. What is the definition of a "personnel file?"

North Carolina law defines a personnel file as any information gathered by East Carolina University that relates to an individual's application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment, wherever located and in whatever form. Records related to grievances and appeals of non-reappointment and non-conferral of tenure are personnel records. The Personnel Action Dossier ("PAD") is an evaluative document and is a personnel record. Like other personnel records, the PAD is University Property and is retained by the University.

##### 2. Where can I find the state laws that pertain to personnel records?

You will find the statutes that relate to personnel records for state employees in the General Statutes of North Carolina in Chapter 126. The General Statutes are located in Joyner Library and in the University Attorney's Office.

You can also access the statutes on the Internet at:

[www.ncga.state.nc.us/Statutes/Statutes.html](http://www.ncga.state.nc.us/Statutes/Statutes.html) or  
[www.alllaw.com/state\\_law\\_search/north\\_carolina/](http://www.alllaw.com/state_law_search/north_carolina/)

**PLEASE NOTE THAT THE STATUTES REPORTED ON THE INTERNET MAY NOT BE ACCURATE AND MAY NOT BE UPDATED IN A TIMELY MANNER TO REFLECT THE LATEST SUPPLEMENTS.**

Section 126-5 of the General Statutes of North Carolina makes the provisions of Chapter 126 applicable to all State employees and ECU faculty. Sections 126-22 et seq. in Article 7 (The Privacy of State Employee Personnel Records) defines personnel records (**126-22**), determines who has access to personnel records (**126-23**), provides for the confidentiality of personnel records (**126-24**), and provides remedies for employees objecting to material in the personnel file (**126-25**), among other things.

3. What does “wherever located and in whatever form” mean?

It means that your personnel records may be located in different offices on campus. Documents that meet the statutory definition will be considered personnel records.

4. Where is my personnel file located?

Faculty will have a primary personnel file located in his/her Code Unit Administrator’s Office. In addition, there may be other files containing personnel records that are located in approved University offices. The Department of Human Resources will have only documents about faculty employment that reflect basic employment and benefits information. Please consult the Personnel File Checklist that has been attached to the inside cover of your primary personnel file to confirm the offices where your personnel records are located. **(Faculty Senate Resolution #02-04, January 2002)**

5. Are there other files that may contain information about me?

Records related to your employment may be found in the offices identified in FAQ # 4 and FAQ #5. However, if you have filed a grievance, an appeal of non-reappointment or non-conferral of tenure; or a complaint was filed by you or against you with the ECU EEO Office alleging sexual harassment, discrimination based on age, race, religion, or disability, or a violation of the amorous relations policy; or you are subject to a disciplinary action, records from your personnel file may be included in an appeal hearing file or investigative file prepared by the EEO Office or by the University Attorney’s Office.

Please note that those personnel records in the EEO Office or the University Attorney’s Office remain confidential, but the documents collected and/or created in those offices would be part of an investigative/preparation file and would not be considered part of your personnel file. Disclosure of documents in those files would be subject to the applicable University policies and state laws.

Additionally, the University would formally notify you in accordance with the relevant policy, if a complaint or grievance was filed against you, and would follow the procedures prescribed for due process. In most cases, personnel documents maintained in those files would be duplicates of documents in your primary personnel file.

If you have any questions about University policies that are referenced above, you may wish to review these sections of the *ECU Faculty Manual*:

Appendix D.	Procedures for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure
Appendix I.	East Carolina University Policy on Conflicts of Interest and Commitment
Appendix J.	Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity Complaints
Appendix U.	Policy on Improper Relationships Between Students and Faculty
Appendix V.	Sexual Harassment, Discrimination, and Conflicts of Interest Policies
Appendix W.	Racial and Ethnic Harassment Policies
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
Appendix Y.	Grievance Policies and Procedures of East Carolina University

6. Is there any truth to rumor about the existence of secret files?

No. Personnel files should only be kept in University offices and should always be accessible to you during regular business hours with reasonable advance notice. Administrators shall not keep secret files and shall not include anonymous material in personnel files, except student opinion surveys. See Frequently Asked Question #4 for the file locations. **(Faculty Senate Resolution #02-04, January 2002)**

7. When can I review my personnel file?

Although your personnel file is about you, it is University property. You have complete access to your personnel records during regular business hours with advance notice to the custodian of the records. Advance notice is required so that your file can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, can be removed. Additionally, the custodian of records will need to make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies, if necessary. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements.

Please note that documents can not be added to or removed from the personnel file at this time. The University reserves the right to limit the number of copies and to make only one complete copy of the PAD.

8. Is any information in my personnel file considered public information?

Yes. State law requires that the University permit the public to have access to the following information about your personnel records: name, age, date of

original state employment, current position or title, current salary, date and amount of most recent salary change, date of most recent status change (promotion, resignation, termination, etc.), and current office assignment.

9. What information is considered confidential personnel information?

As stated above in FAQ #8, Section 126- 23 of the General Statutes of North Carolina provides that certain records to be kept by State agencies are open to inspection. Those records include a record of each State employee showing the following information with respect to each such employee: name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned.

All other information contained in the personnel file is confidential and shall not be open for inspection and examination except to the following persons:

- 1) The employee, applicant for employment, former employee, or his/her properly authorized agent, who may examine his/her own personnel file in its entirety except for (i) letters of reference solicited prior to the employment, or (ii) information concerning a medical disability, mental, or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee;
- 2) The supervisor of the employee;
- 3) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
- 4) A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file;
- 5) An official of an agency of the federal government, State government or any political subdivision thereof.

10. Is there any information in my personnel file that I do not have access to?

As mentioned in FAQ # 9, reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to the faculty member.

11. Does anyone, other than me, have access to my confidential personnel records?

Yes. Anyone that you properly authorize (in a written release) may have access to your records. Your supervisor(s), members of the General Assembly, anyone with a proper court order, and officials of federal and state agencies may also inspect and examine your personnel records. In accordance with Appendix D of the *ECU Faculty Manual*, the Personnel Action Dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure in consultation with the unit administrator and the Unit Personnel Committee. The

Code Unit Administrator and the Unit Personnel Committee have access to your personnel records.

12. What can I do if I consider material in my personnel file to be inaccurate or misleading?

Section 126-25 of the General Statutes of North Carolina states that an employee, former employee, or applicant for employment who objects to material in his/her file may place in his/her file a statement relating to the material he/she considers to be inaccurate or misleading. Statements relating to the objectionable material should be submitted to the Code Unit Administrator. Removal of the offensive material may be sought in accordance with Appendix Y of the *ECU Faculty Manual*; however, informal resolution of disputes about the inaccuracy or misleading nature of material in your personnel file is encouraged before resorting to Appendix Y procedures.

13. How long does the University keep my personnel file?

Personnel records are kept in accordance with the Record Retention and Disposition Schedule approved by the University Archivist, the Director of the Division of Archives and History, the Chancellor, and the Secretary of Cultural Resources. Although it depends on the type of document, most personnel records are stored, and transferred to the State Records Center to be microfilmed for permanent security storage in the Archives vault.

14. If I have other questions about my personnel file, where should I look or whom should I contact for more information?

For more specific information, you may refer to the General Statutes of North Carolina, Appendix C, and Appendix D ("PAD") of the *ECU Faculty Manual*, contact the Faculty Senate Office at 328-6537, or contact the University Attorney's Office at 328-6940.

#### FACULTY PERSONNEL FILE CHECKLIST (Division of Academic Affairs)

Your primary personnel file is located in the office of your Code Unit Administrator, Dr./Dean \_\_\_\_\_, and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies, if you request same. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements. Multiple copies of the same document may be limited.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) you are concerned about. Removal of offensive materials may be sought in accordance with the procedures in Appendix Y of the *ECU Faculty Manual*.

Location of Records Related to Employment:

- Code Unit Administrator's Office
- Dean's Office
- Academic Department Chair's Office in Professional Schools
- Vice Chancellor for Academic Affairs' Office
- Department of Human Resources

Other Files Containing Personnel Records May be Located:

- Equal Employment Opportunity/Affirmative Action Office
- University Attorney's Office
- Faculty Senate Office

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records related to a medical condition or disability should be maintained in a separate envelope. Questions about your personnel records should be directed to the Faculty Senate office or the University Attorney's office.

#### FACULTY PERSONNEL FILE CHECKLIST (Division of Health Sciences)

Your primary personnel file is located in the office of your Code Unit Administrator, Dr./Dean \_\_\_\_\_, and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies, if you request them. A reasonable number of copies will be provided at no cost to the faculty member. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements. \_\_\_\_\_ will serve as the custodian of personnel records for the Brody School of Medicine and the Office of the Vice Chancellor for Health Sciences.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) which concern(s) you. Removal of inaccurate or misleading materials may be sought in accordance with the procedures in Appendix Y of the *ECU Faculty Manual*.

Location of Records Related to Employment:

- Code Unit Administrator's Office
- Dean's Office
- Academic Department Chair's Office
- Center Administrator's Office (ex. Center for Advancement of Health)
- Department Section Head's Office
- Vice Chancellor for Health Sciences' Office
- Department of Human Resources

Other Files Containing Personnel Records May be Located:

- Equal Employment Opportunity/Affirmative Action Office
- University Attorney's Office
- Faculty Senate Office

Additional Records for Physician Faculty - located at Brody SOM and Pitt County Memorial Hospital:

- Medical Faculty Practice Plan Benefits Office
- Managed Care Office
- ECU Physicians Credentialing Office
- PCMH Credentials Verification Office (Medical Staff Support)

This notifies you that certain Brody School of Medicine or other ECU offices (including, but not limited to, University Attorney, Equal Employment Opportunity, Compliance, BSOM Risk Management, CME, etc.) may maintain records (including, but not limited to, attendance records for mandatory training sessions, orientation, and CME programs; routine audits of medical records and billing documentation; Quality Assurance; malpractice; etc.) related to your employment and which may constitute personnel records. Should you wish to verify whether such offices maintain records related to your employment, you may contact the specific office for further information regarding your records and/or \_\_\_\_\_ within the Office of the Vice Chancellor for Health Sciences.

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records governed by General Statute, if any, would be maintained in a separate envelope. Questions about

your personnel records should be directed to the Faculty senate office or to the University Attorney's office.

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Approved: Faculty Senate Resolution #00-13  
April 5, 2000  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #02-04, January 2002  
Faculty Senate Resolution #02-13, March 2002  
Faculty Senate Resolution #03-13, March 2003  
Faculty Senate Resolution #03-14, March 2003

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## **PART VII RESEARCH INFORMATION**

### **CONTENTS**

- I. Policy and Guidelines for External Funding (Formerly Appendix O)
  - A. Introduction
  - B. Policy Statement
  - C. Exceptions
  - D. Definitions
  - E. Clearance Procedures for Contracts, Grants, and Cooperative Agreements
  - F. Clearance Procedures for Soliciting Gifts
  - G. Acceptance of Gifts
  - H. Recording, Acknowledgment, and Disposition of Gifts
  - I. Maintenance of Prospect and Resource Files
  - J. Preparation of Fund-Raising Literature
  - K. Scheduling of Fund-Raising Activity
  - L. Budget Information for Fund-Raising Projects
  - M. Involvement of Volunteers in Fund-Raising Efforts
  - N. Public Statements Regarding Gifts
  - O. Special Projects By Non-university Related Organizations
  
- II. Patent Procedures
  - A. General
  - B. Responsibilities of University Personnel
  - C. Publication and Public Use
  - D. Requests for Waiver of University Rights by the Disclosing Party
  - E. Revenue Sharing
  - F. Administration

- III. Copyright Policy
  - A. Introduction
  - B. Scope and Coverage
  - C. Definitions
  - D. Use of Copyrighted Works
  - E. Copyright Ownership
  - F. Administration
  - G. Dispute Resolution
  
- IV. Principles and Policy for the Protection of Human Subjects of Research (Formerly Appendix R)
  - A. Statement of Ethical Principles
  - B. Institutional Policy
  - C. Implementation of Policy
  
- V. Animal Care and Use in Research and Instruction (Formerly Appendix S)
  - A. Policy
  - B. Responsibilities
  
- VI. Policy and Procedures on Ethics in Research and Creative Activities (Formerly Appendix U)
  - A. Policy
  - B. Procedures for Reporting, Investigating, and Determining Penalties for Unethical Activities
  
- VII. Policy on the Custody, Retention, Transfer and Access to Research Data and Records
  - I. POLICY AND GUIDELINES FOR EXTERNAL FUNDING (FORMERLY APPENDIX O)
    - A. INTRODUCTION
 

As a constituent institution of The University of North Carolina, East Carolina University receives its basic financial support from appropriations by the North Carolina General Assembly and from tuition and fees paid by students. However, to achieve and maintain a higher level of excellence than is possible with those funds, it is necessary to seek grants and contracts from governmental and other sources and to obtain gifts from alumni, friends, corporate entities, and foundations.
    - B. POLICY STATEMENT
 

The basic principle affirmed in this policy statement is that East Carolina University's external funding policy shall be centrally coordinated but structured to accommodate individualized and decentralized fund-raising activities. While all members of the university community are encouraged to participate in the process of identifying and qualifying prospective funding sources, the vice chancellor for institutional advancement is responsible for the coordination of all fund raising activities at the

university which are direct gift solicitation. Therefore, with the exceptions noted below, no formal request for external funding shall be made by any university employee in the name of or for the benefit of the university without prior clearance through the Office of Institutional Advancement or the Office of Sponsored Programs.

C. Exceptions

The East Carolina University Educational Foundation (Pirate Club) and the East Carolina University Medical Foundation shall be exempt from the policies and reporting procedures stated in this document where private gifts which clearly entail no contractual obligations by ECU of direct benefit to the contributor are involved. (See "Definitions" for clarification of the term "gift" as used in this policy statement.) Any uncertainty in this regard shall be resolved by discussion with the vice chancellor for institutional advancement. In order that each university fund-raising program may achieve maximum results, it is anticipated that all foundations will communicate with each other and coordinate their activities.

D. Definitions

Terms used in this policy statement are defined below.

1. Gift

A gift is an item of value, ownership of which is voluntarily transferred from one party to East Carolina University or one of its foundations without direct compensation to the first party. Gifts may be in the form of cash or in kind (e.g., art objects, equipment, securities, real estate, services, insurance, etc.). Gifts may be solicited (given in response to a request from ECU) or unsolicited (given at the donor's own initiative). Gifts may also be classified as unrestricted (i.e., use or disposition of the gift is at the discretion of the university) or restricted (i.e., use is limited to certain activities, departments, beneficiaries, etc.).

Examples of restricted gifts are sums of money which are used to finance building projects, create scholarship funds, or establish individual scholarships and items of equipment which are designated for use only in certain activities or by specific departments or schools. Where cash or property-in-kind is given in response to a proposal for a specific project, the transaction should be considered as a gift when the donor is an individual or a for-profit commercial enterprise, and as a grant when the donor is a governmental agency or private nonprofit foundation or organization. Gifts or grants of cash or property-in-kind from foundations (corporate foundations) which remain under the financial or other control of a for-profit corporation should be treated as gifts. A proposed "gift" by a for-profit commercial enterprise which is contingent upon ECU or one of its units conducting specified research or providing other specified services which redound to the direct benefit of the commercial enterprise should not be considered as a gift, but should be considered and treated as a contract to be coordinated with the office of Sponsored Programs as outlined below. Occasionally,

it may seem advantageous to combine an agreement to conduct specified research or provide other specified services on behalf of a commercial enterprise with an understanding that the commercial enterprise will make a gift of cash or equipment to the university which may be restricted to use by a specific school, department, or even individual. Such arrangements are fraught with legal and ethical problems and should be thoroughly discussed with the office of Institutional Advancement before any commitments are made.

## 2. Contract

In general, a contract is given for a project where the funding agency has already identified the need, determined the type of activity required to meet this need, identified the expected outcomes for the project, selected an acceptable cost range, and estimated the time required to complete the project. Often, the funding agency merely chooses the best among several candidates to carry out the project and may exert fairly strict management control over the contract recipient. Contracts are typically awarded by the federal government in response to requests for proposals (RFP's), by state and local government agencies, and by for-profit commercial entities (single owner companies, partnerships, and corporations). Unsolicited proposals, i.e., proposals submitted on the initiative of the would-be principal investigator or project director rather than in response to an RFP, may also result in a contract. In most cases, progress reports, a final report, and a financial report are required by the sponsor, and the project is in most cases subject to audit. From the sponsor's point of view, contracts are typically entered into to produce a specific product (often simply a report or service) which is of direct benefit to the sponsor. Typical contracts with commercial firms entered into by the university in recent years include environmental impact studies, clinical drug studies, field testing of psychological questionnaires, and internship agreements for psychology and allied health students. Typical contracts with government agencies include the conduct of specific research and/or development for various federal government departments, the provision of health and educational services for a number of state government departments, and the provision of student interns to various local government units.

## 3. Grant

A grant is typically awarded for projects where most or all of the factors outlined above have not yet been determined. Grants are frequently awarded for experimental projects or for projects where the idea and purpose of the award have been suggested by the grantee. In general, grants are characterized by greater latitude in shifting funds among budget categories, more flexibility in the timetable necessary for completing various elements of the project, and more freedom in the methods used to accomplish the intended outcome. Grants are typically awarded by the federal government and by private nonprofit

foundations and organizations. In most cases, a final report and a financial report are required, and the project is often subject to audit. In the case of small grants (usually with a specified limit of typically \$10,000-15,000), reporting requirements are often reduced or eliminated entirely. Outcomes of the project are typically not of direct benefit to the sponsor of a grant.

4. Cooperative Agreement

A cooperative agreement shares some of the attributes of both the traditional relationships, but is more like a contract than a grant. The funding agency retains an interest in procedures, timetables, etc. and works cooperatively with the awardee so as to share responsibility for achievement, changes in methods, delays, etc.

A cooperative agreement is most likely to be used by certain agencies of the federal government.

E. Clearance Procedures for Contracts, Grants, and Cooperative Agreements

All proposals to governmental, private nonprofit, or corporate agencies or organizations for a contract, grant, or cooperative agreement to support research (including clinical research), instruction, public service, or other activities to be conducted by any faculty or staff member or other person associated with the university shall be coordinated in advance of submission with the Office of Sponsored Programs and submitted in accordance with the policy and procedure statements set forth in the *ECU BUSINESS MANUAL*.

This policy applies irrespective of which ECU office or ECU-affiliated agency may ultimately administer the funded grant, contract, or cooperative agreement. It does not apply to preliminary or informal inquiries, whether oral or written, to determine whether a potential sponsor may be interested in considering a proposal for a certain project. However, the policy does come into effect when such inquiries result in encouragement from the potential sponsor to submit a letter or a written proposal or when the inquiries proceed to a point where commitments or funding levels are discussed. The importance of following the procedures referred to above whenever university personnel, facilities, equipment, or supplies are to be employed cannot be overemphasized.

F. Clearance Procedures for Soliciting Gifts

Faculty or staff members who wish to undertake any type of fund-raising project shall contact their department or unit head, dean, or vice chancellor, as appropriate, concerning the appropriateness of the proposed project and its adherence to department, division, and university priorities. At the same time, they are encouraged to contact the Office of Institutional Advancement to discuss the idea and its possibility for funding. Once a project has been approved through the originator's division, the originator shall send a memorandum to the Office of

Institutional Advancement containing, as a minimum, the following information:

1. the purpose for which the solicitation will be made,
2. the amount of money or type of gift to be requested,
3. the name(s) of any known prospect(s) (individual, corporate, or foundation) suggested for solicitation,
4. the approximate date recommended for solicitation, if appropriate, and
5. a statement to the effect that the project has been approved by the originator's division

In evaluating the proposed solicitation, the Office of Institutional Advancement will attempt to identify potential sponsors in addition to the prospect(s) suggested by the originator of the project. The Office of Institutional Advancement will consider each prospect's university affiliations, other interests, past giving record, past and present solicitation activity, and specific project interest, if known.

Clearance through the Office of Institutional Advancement of the solicitation will be given in writing outlining the level of involvement by the Office of Institutional Advancement and the individual or department submitting the request. For example, the entire solicitation project might be conducted by the Office of Institutional Advancement; or a particular faculty member or dean and a support group, such as the Friends of the Library, may be authorized to conduct the project; or a combined effort with joint solicitation calls by members of the Office of Institutional Advancement, key faculty members, and/or volunteers may be endorsed.

Postponement by the Office of Institutional Advancement of the project will also be given in writing with the reason(s) for the decision. The vice chancellor for institutional advancement will be available to discuss the postponement, the relative priority of the project, and rescheduling the solicitation with the sponsor and his or her vice chancellor.

G. Acceptance of Gifts

Acceptance of a gift--whether in cash or in kind--imposes a legal obligation to comply with the terms established by the donor. Therefore, it is necessary that the nature and extent of this obligation be clearly understood. For this reason, the terms of each restricted gift will be reviewed to ensure that they do not hamper the usefulness or desirability of the gift to ECU. If a gift is deemed unacceptable because of the restrictions the donor has placed on its use, the donor will be requested to remove or modify the restrictions, as appropriate. A gift will be refused or returned when it

1. is determined to be for a purpose inappropriate or not in the best interest of ECU or

2. would obligate ECU to undertake responsibilities, financial or otherwise, which it may not be able or willing to meet for the period required by the terms of the gift.

Gifts-in-kind will be reviewed with special care to assure that acceptance will not involve excessive financial commitments or other obligations disproportionate to the usefulness or value of the gift. Consideration will be given to such factors as the cost of maintenance, cataloging, delivery, insurance, display, and space requirements for exhibition or storage.

When gifts-in-kind are given to ECU with the intent of the donor to receive a tax deduction, it shall be the responsibility of the donor (not ECU) to obtain an appraisal establishing the value of the gift for tax purposes. ECU shall not become involved in the appraisal process, as such involvement could result in the appraisal's accuracy and objectivity being challenged by the Internal Revenue Service.

#### H. Recording, Acknowledgment, and Disposition of Gifts

It shall be the responsibility of the Office of Institutional Advancement gift records office to officially record and receipt all gifts, including cash, pledges, securities, trusts, insurance policies, real estate, and other gifts-in-kind to East Carolina University or any agency thereof. Therefore, all gifts shall be processed through the gift records office, where they will be entered on the central donor file and a receipt issued before any gift is deposited in any university account, transferred to any unit's property record, or otherwise disposed of. Gifts-in-kind will become the property of East Carolina University or one of its foundations, as appropriate, and will be handled, inventoried, and/or disposed of in accordance with applicable policies and procedures.

Official acknowledgment of gifts to the university shall be coordinated through the Office of Institutional Advancement. The chancellor will acknowledge all major gifts. Other principals in a particular gift transaction are also encouraged to express their personal gratitude or the appreciation of their department or school and are requested to forward a copy of their letter to the Office of Institutional Advancement for the central donor file.

#### I. Maintenance of Prospect and Resource Files

It shall be the responsibility of the Office of Institutional Advancement to establish and maintain prospect and resource files for the purpose of providing timely and relevant information about prospective individual donors, private foundations, and corporations. To assist in the fulfillment of this responsibility, each solicitation or cultivation contact (where specific information is gained that will be of use in future solicitation at tempts) with a prospect or donor by any representative or agent of the university shall be reported to the Office of Institutional Advancement on a call report form, which identifies the purpose of the contact, the major points of

discussion, and the recommended action(s) to maximize the benefit of the contact. Call report forms will be made available by the Office of Institutional Advancement.

J. Preparation of Fund-Raising Literature

All literature, including brochures, booklets, and letters, used to attract private funds to ECU shall be coordinated through the Office of Institutional Advancement in order to ensure that the most accurate information appropriate to a particular fund-raising effort is reflected.

K. Scheduling of Fund-Raising Activities

It shall be the responsibility of the Office of Institutional Advancement to establish and maintain a master calendar which incorporates the schedule of all mailings, solicitations, and other fund-raising activities to ensure the potential for maximum success for each.

L. Budget Formulation for Fund-Raising Projects

The formulation of budgets which are to be spent for private fundraising projects in the name of the university shall be the joint responsibility of the vice chancellor for institutional advancement and the appropriate individual or group representing the project.

M. Involvement of Volunteers in Fund-Raising Efforts

Whenever volunteers are to be involved in fund-raising efforts, it shall be the responsibility of the Office of Institutional Advancement to assist in the selection and recruitment of the volunteers and to assist in their training in order for them to be more effective in soliciting funds.

N. Public Statements Regarding Gifts

It shall be the responsibility of the ECU News Bureau, in conjunction with the Office of Institutional Advancement, to initiate the preparation of all public statements concerning gifts to the university or to any of its units. Project sponsors and other appropriate individuals will be asked to supply pertinent information and will be involved in coordinating the public announcement.

O. Special Projects by Non-university Related Organizations

The university neither encourages nor endorses the use of the East Carolina University name by non-university related organizations to solicit funds, even though a portion of the funds to be raised may come to the university. To avoid embarrassment and possible legal problems, it is emphasized that any individual or organization not directly affiliated with the university should coordinate with the vice chancellor for institutional advancement in advance any plans for fund-raising activities involving the name of the university.

**Approved: 17 February 1984**  
**East Carolina University Board of Trustees**

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## II. Patent Procedures of East Carolina University

### A. General

1. As defined by the patent and copyright policies of the Board of Governors,<sup>\*</sup> to which these procedures are expressly subject, East Carolina University has an interest in all inventions of University personnel (Disclosing Party) that are conceived or first actually reduced to practice as a part of or as a result of University research, activities within the scope of the Disclosing Party's employment by the University, or activities involving the use of University time, facilities, staff, materials, University information not available to the public, or funds administered by the University.
2. The University may also have an interest in inventions under the terms of contracts, grants, or other agreements. Faculty, staff, and students whose inventions are made on their own time and without University facilities, materials, or resources and which inventions are, therefore, their exclusive property as specified by the patent and copyright policies may avail themselves of the opportunity to submit the invention to the University for consideration of possible patenting and/or commercial exploitation and management under terms to be agreed between the Disclosing Party and the University.
3. The provisions of the patent procedures are subject to any applicable laws, regulations, or specific provisions of the grants or contracts, which govern the rights in inventions made in connection with sponsored research.
4. Under the terms of certain contracts and agreements between the University and various agencies of government, private and public corporations, and private interests, the University is or may be required to assign or license all patent rights to the contracting party. The University retains the right to enter into such agreements whenever such action is considered to be in the best interest of the University or the public. Ordinarily the University will not agree to assign rights in future inventions to private corporations or businesses.

### B. Responsibilities of University Personnel

1. University personnel who, either alone or in association with others, make and/or conceive an invention within the scope of their University employment, in which the University has or may have an interest, shall disclose such inventions in a timely manner on forms provided for this purpose by the Office of Technology Transfer <http://www.research2.ecu.edu/ott/inventors/inventors1default.htm>. The Office of Technology Transfer will promptly acknowledge its receipt of completed disclosure forms and will distribute such forms as soon as practicable to the University Patent/Intellectual Property Committee (Committee) for consideration. The Committee will strive to preserve the right to timely publication by faculty.

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<sup>\*</sup> *University of North Carolina Patent and Copyright Policies*, adopted by the board of governors on June 10, 1983.

The Committee will review each written disclosure promptly. The Disclosing Party or his or her representative shall be allowed to examine all written materials submitted to the Committee in connection with his or her disclosure and to make a written and, where practical, oral presentation to the Committee. The Committee will decide on the proper disposition of the invention to secure the interest of the University, the Disclosing Party, the sponsor, if any, and the public. The Committee's decision may include, but is not limited to, one or a combination of the following:

- a. to submit the disclosure for review by a patent or invention management firm;
- b. to make inquiries of potential licensees that may have an interest in the invention, including the financing of a patent application, where applicable;
- c. to study the practicality of applying for a patent with available University resources;
- d. in proper cases, to release its rights to the Disclosing Party subject to an agreement to protect the interests of the University, the sponsor if any, and the public, including an obligation to pay to the University a percentage of future royalties; and
- e. to dedicate the invention to the public.

The Committee will strive to review and consider the merits of each disclosure as soon as practicable given the circumstances surrounding the disclosure, but not longer than within three months from the time of disclosure to the University. The Disclosing Party will be notified in writing of the decision of the Committee on (1) the equities involved including financial participation, (2) whether the University plans to file a patent application, or (3) whether the University will accept assignment of the invention for patenting, licensing and/or commercial handling as applicable. If the University chooses neither to file a patent application or otherwise make available commercially nor to dedicate to the public an invention in which it asserts its rights, the invention, at the Committee's discretion, may be released in writing to the Disclosing Party, with the permission of the sponsor, if any.

If, after the University has filed a patent application, it decides to abandon the patent, the Disclosing Party will be promptly notified in writing, and all rights at the Committee's discretion may be released by written agreement to the Disclosing Party, with the permission of the sponsor, if any.

In those cases in which the University has obtained a patent without obligation to sponsors and, if no arrangement has been made for commercial development within a reasonable period from the date of the issuance of the patent, the Disclosing Party may request in writing a release of the University's patent rights. The Committee will promptly

either grant the request or will advise the Disclosing Party of the University's plans for the development of the invention.

As to any invention in which the University has an interest, the Disclosing Party, upon request, shall execute promptly all contracts, assignments, waivers, or other legal documents necessary to vest in the University or its assignees any or all rights to the invention, including complete assignment of any patents or patent applications relating to the invention.

2. University personnel may not :
  - a. sign patent agreements with outside persons or organizations which may abrogate the University's rights and interests as stated in the patent policy or as provided in any grant or contract funding the invention or
  - b. without prior authorization use the name of the University or any of its units in connection with any invention in which the University has an interest.

C. Publication and Public Use

The University strongly encourages scholarly publication of the results of faculty and student research. Though the patent and copyright policies do not limit the right to publish, except for short periods of time necessary to protect patent rights, publication or public use of an invention constitutes a statutory bar to the granting of a United States patent for the invention unless a patent application is filed within one year of the date of first publication or public use. Publication or public use also can be an immediate bar to patent ability in many foreign countries.

In order to preserve rights in unpatented inventions, it shall be the duty of the Disclosing Party, or of his or her supervisor, if the Disclosing Party is not available to report immediately to the Office of Technology Transfer any publication, submission of manuscript for publication, sale, public use, or plans for sale or public use, of an invention. All disclosures of a University invention or unpublished research data supporting an invention to non-University individuals or organizations shall be preceded first by execution of a confidentiality agreement and/or materials transfer agreement through the Office of Technology Transfer. In all instances a written record shall be maintained containing the date and extent a disclosure was made, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

After disclosure to the Committee, the Disclosing Party shall promptly notify the Office of Technology Transfer of the acceptance for publication of any manuscript describing the invention or of any sale or public use made or planned by the Disclosing Party.

D. Requests for Waiver of University Rights by the Disclosing Party

If the Disclosing Party believes that the invention was made outside the general scope of his or her University duties and does not choose to assign the rights of the invention to the University, the Disclosing Party shall, in the invention disclosure, request that the Committee determine the respective rights of the University and the Disclosing Party in the invention and shall also include in the disclosure information on the following points:

1. the circumstances under which the invention was made and developed;
2. the employee's official duties at the time of the making of the invention;
3. whether he or she requests waiver or release of any University claims or acknowledgment that the University has no claim;
4. whether he or she wishes a patent application to be prosecuted by the University, if it should be determined that an assignment of the invention to the University is not required under the patent and copyright policies; and
5. the extent to which he or she would be willing voluntarily to assign domestic and foreign rights in the invention to the University if it should be determined that an assignment of the invention to the University is not required under the patent and copyright policies.

E. Revenue Sharing

1. The University shall share revenue, which it receives from patents or inventions with the Disclosing Party. As noted in the section above, specific provisions of grants or contracts may govern rights and revenue distribution regarding inventions made in connection with sponsored research; consequently, revenues the University receives from such inventions may be exclusive of payments of revenue to sponsors or contractors. Moreover, the University may contract with outside persons or organizations for the obtaining, managing, and defending of patents, and any revenue contractually committed to such persons or organizations may be deducted before revenues accrue to the University, unless a license agreement otherwise specifies reimbursement of such expenses by the licensee.
2. The Office of Technology Transfer shall strive to require the licensee to pay for all past, present, and future patent expenses, in addition to negotiate fees and/or royalties for each invention. All remaining revenues after payment of these expenses (net income) (per the preceding paragraph) shall be distributed to the disclosing party in a manner consistent with the University License Income Distribution Policy, which can be found at <http://www.research2.ecu.edu/ott/inventors/incomedistrib.htm> but in an amount no less than a distribution of 50 percent of the first \$100,000 net and 25 percent net thereafter. Applicable laws, regulations or provisions of grants or contracts may, however, require that a lesser share be paid to the Disclosing Party. In no event shall the share payable to the Disclosing Party in the aggregate by the University be less than 15 percent of gross revenues received by the University.

3. To the extent practicable and consistent with State and University budget policies, the remaining revenue received by the University from an invention will be dedicated to research purposes, including research in the Disclosing Party's department or unit, if approved by the Chancellor upon recommendation of the Committee.

F. Administration

1. The University recognizes that the evaluation of inventions and discoveries and the administration, development, and processing of patents and licensable inventions involve substantial time and expense and require talents and experience that may not be available within the University, therefore the University may contract with non-University third party experts in technology licensing.
2. The Committee shall be represented by at least one representative from each academic school or college. Administrative oversight shall be provided by the Vice Chancellor for Research and Graduate Studies. The Committee shall review and recommend to the Chancellor or his or her delegate changes in these procedures, decide upon appropriate disposition of invention disclosures, resolve questions of invention ownership, recommend to the chancellor the expenditure of license revenues, and make such recommendations as are deemed appropriate to encourage disclosures and assure prompt and effective handling, evaluation, and prosecution of invention opportunities and to protect the interests of the University and the public."

**Established by UNC Board of Governors, March 1984**

**Amended: May 2006  
Faculty Senate Resolution #06-15  
ECU Board of Trustees**

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III. COPYRIGHT POLICY

A. Introduction

East Carolina University (hereinafter referred to as "the University") has among its primary purposes teaching, research, and the expansion and dissemination of knowledge. Products of these endeavors include development and use of copyrightable materials. The creation of copyrightable materials in the form of literary, dramatic, and other intellectual works by the University community is encouraged as a measure of productivity and commitment to the dissemination of knowledge and creative activity for public benefit. It is the policy of this University that its faculty, staff, and students carry out their scholarly work in an open and free atmosphere that encourages publication without constraint, consistent with applicable laws and University policy. The Copyright Policy contained herein is consistent with the Copyright Use and Ownership Policy of the University of North Carolina, enacted by the Board of Governors on November 10, 2000.

## B. Scope and Coverage

This Policy applies to the faculty, staff, and students of the University. Compliance with the terms of this Policy is a condition of employment for University faculty and staff, and of enrollment for University students. This Policy is supplemental to the Copyright Use and Ownership Policy of the University of North Carolina, and is subject to any applicable laws and regulations and to specific provisions in grants or contracts that govern rights in copyrighted works created in connection with sponsored research.

## C. Definitions

**Assign:** The transfer of one or more of the ownership rights in a work from the copyright owner to another person or organization.

**Author or Creator:** Someone who originates or contributes copyrightable expression such as poetry, prose, computer programming, artwork, musical notation, recorded music, animations, video footage, web pages, architectural drawing, and photographs.

**Copyright License:** Written permission to use copyrighted material that is usually limited to a period of time and/or for a particular use.

**Directed Works:** Works that are specifically funded or created at the direction of the University, and which may or may not include exceptional use of University resources.

**Derivative Works:** Works based upon and substantially similar to a pre-existing work, that would infringe the pre-existing work without a license from the author of the pre-existing work.

**EPA Non-Faculty Employee:** Employees designated as exempt from the North Carolina State Personnel Act who hold an approved administrative or non-teaching position.

**Exceptional Use of University Resources:** Resources/Support provided by the University for the creation of a work that is of a degree or nature not routinely made available to University employees. An example of exceptional use would be the use of support staff for graphics design, or computer programming, that is not normally provided to University employees. Ordinary use of computers, FAX machines, laboratory space, libraries, office space or equipment, secretarial services at routine levels, telephones, and other informational resources, such as the virtual reality system or other special computing equipment, shall not be considered exceptional use of University resources. Whether an individual work has been created through exceptional University resources shall be determined initially by the chair or director of the department in which the creator has principally been involved or from which he or she has received resources to fund the work, taking into account the nature and amount of resources

customarily made available to faculty or staff in that department. At the time that exceptional resources are approved, the unit administrator of that particular area of research shall inform that faculty member.

**Faculty:** Employees designated as exempt from the North Carolina State Personnel Act (EPA Employee) who hold one of the professorial ranks of instructor, assistant professor, associate professor, or professor, or whose title is lecturer, visiting professor, adjunct professor, research associate professor, post doctoral fellow or the like.

**Fair Use:** A use of copyrighted material for purposes of criticism, comment, news reporting, teaching, scholarship, or research, which is not an infringement of a copyright. Fair Use is further discussed in Section IV of this document.

**Publication:** The public distribution of copies of a work or the original work by sale or other transfer of ownership, including rental, lease or loan.

**Royalty:** A payment made to the owner of a copyrightable work for use of the work.

**SPA Staff:** Employees designated by the North Carolina State Personnel Act who generally perform a support role for the University.

**Shop Right:** A non-exclusive, non-transferable, royalty-free right to use a copyrightable work for educational or research purposes.

**Sponsored Work:** Funds supplied under a contract, grant, or other arrangement between the University and a third party, including a sponsored research agreement.

**Student:** Any individual currently enrolled in the University or its extension programs in undergraduate, graduate or other academic classes.

Teaching, research and graduate assistants are included for the purposes of this Copyright Policy.

**Student Works:** Papers, computer programs, theses, dissertations, artistic and musical works, and other creative works made by students.

**Traditional or Non-Directed Works:** Pedagogical, scholarly, literary, or aesthetic (artistic) works originated by faculty or EPA non-faculty employees who maintain creative control over the work.

**Works for Hire:** A work prepared by an employee within the scope of his or her employment or a work specifically commissioned where the contractual

agreement clearly specifies the work shall be considered a work made for hire.

#### D. Use of Copyrighted Works

##### 1. Appropriate Use of Copyrighted Works

The Copyright Act of 1976, as amended (Title 17, U.S. Code), generally protects certain rights and privileges of the copyright owner to exclude others from the right to reproduce and publicly distribute, display or perform a work, as well as revise or prepare a derivative work based upon a copyrighted work, without obtaining permission. As an institution devoted to the creation, discovery and dissemination of knowledge, the University supports the responsible, good faith exercise of full fair use rights contained in the Copyright Act.

##### 2. Fair Use

The “fair use doctrine” of the Copyright Act allows certain statutory exemptions applicable to academia, recognizing the fundamental non-profit mission of universities to advance and disseminate knowledge for public benefit.

###### a. Elements of Fair Use

Individuals from the University community who wish to make fair use of a copyright work must consider in advance four statutory factors:

###### i. Purpose and Character of the Use

The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.

###### ii. Nature of the Work

The characteristics of the work being used, including whether it has been previously published and whether it is factual or fictional.

###### iii. Amount of Work to be Used

The amount, substantiality and qualitative nature of the portion used in relation to the entire copyrighted work.

###### iv. Effect on the Market

The effect of the use on the potential market for or value of the work.

###### b. Procedure for Making Fair Use Determinations

The University Copyright Committee, together with the Office of the University Attorney, shall issue and, as necessary, revise guidelines to assist University faculty, EPA non-faculty employees, SPA staff employees, and students in making fair use evaluations. The Chancellor shall also maintain copyright and fair use resources at the ECU libraries. The Copyright Management Officer shall advise faculty, EPA-non-faculty employees, SPA employees and students regarding fair use determinations pursuant to Section VI.B. hereinafter.

## E. Copyright Ownership

Ownership of copyright in copyrighted works shall depend on the category of the work in question and its creator.

### 1. Works by Faculty and EPA Non-Faculty Employees

The ownership of traditional or non-directed works shall remain with the creator except in the following circumstances:

#### a. Directed Works

Ownership of directed works shall remain with the University and the creator shall retain a shop right for use of the work. Upon written agreement between the University and the creator, the University may release or transfer its rights in the work to the creator provided, however, the University maintains a shop right to use of the work. Expense reimbursement and income sharing with the University shall be considered.

#### b. Works Involving Exceptional Use of Institutional Resources

Ownership shall remain with the University except, upon written agreement between the University and the creator, the University may release or transfer its rights in the work to the creator provided, however, the University maintains a shop right for use of the work. Expense reimbursement and income sharing with the University shall be considered.

#### c. Sponsored Works Requiring the University's Ownership

Ownership shall be decided in accordance with the terms of the sponsored programs agreement with the University:

i. Institutional Ownership: In the case of institutional ownership, provided there is no conflict with a sponsored agreement, the University may:

- 1) Release or transfer its right to the creator under an agreement with the creator;
- 2) Negotiate with the creator for joint ownership of the work;
- 3) Require a shop right for the University's use of the work;
- 4) Require expense reimbursement upon commercialization of the work; and/or
- 5) Require income sharing upon commercialization of the work.

ii. Ownership Not Addressed in Agreement: Provided the sponsored agreement does not expressly require copyright ownership by the University or a third party, ownership shall remain with the creator subject to disclosure to the University provided, however, the University shall, if practical, be assigned a shop right for use of the work.

### 2. Works by SPA Staff

Works for hire made by SPA staff, working within the scope of their employment, shall be owned by the University except the University may enter into a written agreement in advance to transfer copyright ownership to the SPA staff employee.

3. Works by Independent Contractors

Works developed by independent contractors shall be owned in accordance with the contract under which the work was created. The University unit entering into arrangements for work to be produced by an independent contractor shall insure that the written contract specifies institutional ownership. Any exceptions shall be approved by the appropriate Vice Chancellor or designee.

4. Works by Students

Students may produce works while carrying out activities related to their enrollment at the institution or while employed by the institution. Examples of student works are papers, computer programs, theses, dissertations, artistic works, and musical works. Copyright ownership of student works shall remain with the student except in the following circumstances:

a. Sponsored or Externally Contracted Works

Ownership shall be in accordance with Section V.A.3. of this Copyright Policy, Sponsored Works Requiring the University's Ownership, hereinabove.

b. Works for Hire

Student works created in the course of employment with the University shall be considered Works for Hire and shall be owned by the University.

c. Derivative Works

The sale or commercial use of derivative works without the express written permission of the author may violate the copyright rights of the author. Commercial exploitation of these materials (which may include faculty lectures, notes from faculty lectures, syllabi, and other course materials) without express written permission of the instructor may result in disciplinary action in accordance with University policies.

5. Joint Ownership

Copyright holders, including faculty, EPA non-faculty employees, SPA staff employees and students may enter into written joint ownership agreements with one another at their discretion, with the approval of the Chancellor or his designee.

F. Administration

1. University Committee on Copyrights

The University Committee on Copyrights is hereby established and shall have the responsibilities as the Chancellor may specify, including but not limited to the following:

- a. Monitor trends in such areas as institutional copyright use policies, changes in copyright ownership models, and guidelines for fair use information;
- b. Identify areas in which policy and guideline development or revisions are required, and make recommendations to the Chancellor;
- c. Cooperating with the administration to propose University policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works;
- d. Assist in identifying educational needs of the faculty and others related to compliance with copyright policies and guidelines, and advising on appropriate ways to address those needs; and
- e. Under procedures specified herein, hearing and recommending resolution of disputes involving copyright ownership.

The committee shall consist of 13 members: representatives of the student body, EPA-non-teaching employees, SPA employees, the libraries, the Office of the University Attorney, the Office of Technology Transfer, the Copyright Management Officer, the Vice Chancellor for Research and Graduate Studies or designee who shall chair the Copyright Committee, and five faculty members who will be elected by the Faculty Senate. Student representatives shall serve for one-year renewable terms. Other representatives shall serve for three-year renewable terms.

## 2. Copyright Management Officer

The position of Copyright Management Officer is hereby established to advise faculty, EPA-non-faculty employees, SPA employees, and students who have fair use and copyright permission questions related to University business or student works. The Copyright Management Officer's duties shall also include the following:

- a. Assist in identifying educational needs of the campus community related to compliance with copyright policies and guidelines, and advising on appropriate ways to address those needs;
- b. Serve as a member of the University Committee on Copyrights.

## 3. Works Subject to Both Copyright and Patent Protection

Works subject to protection under both patent law and copyright law shall be reviewed by the Office of Technology Transfer and the University Committee on Intellectual Property/Patents. If the University elects to retain title to its patent rights, the inventor/creator shall assign copyright and patent rights to the University. The inventor/creator shall be compensated in accordance with University policy.

4. Disclosure to the University Committee on Intellectual Property/Patents Whenever faculty, EPA non-faculty employees, SPA staff or students of the University create copyrightable material which is or may be owned by the University or a third party and which may also have commercial application, a disclosure of the existence of the material should be made, in writing, to the University Committee on Intellectual Property/Patents. The written disclosure should be made as soon as practical prior to or after creation of the work.

#### G. Dispute Resolution

##### 1. Jurisdiction

Any University faculty, EPA non-faculty employee, SPA staff employee, or student may seek resolution of a dispute regarding fair use or copyright ownership of a work governed by this Copyright Policy, including a dispute over whether use of University resources is an exceptional use, by filing a written request with the Chair of the University Committee on Copyrights, who shall appoint a 5-member panel to hear the dispute with 3 panel members being selected from the elected faculty members of the committee. Review of all matters related to copyright shall fall under the exclusive jurisdiction of the University Committee on Copyrights, subject to the normal appeal processes.

##### 2. Conduct of the Hearing

In its discretion, the panel may elect to conduct a hearing into the matters or may make a recommendation based upon the written record, provided that all parties to the dispute are given an opportunity to present evidence and arguments in support of their respective positions. The panel will make every effort to mediate these matters prior to any hearing. Each party shall provide the other party with a copy of any written materials submitted to the panel simultaneously with submission of such materials to the panel. Any hearing will be conducted following procedures set forth in writing by the panel or promulgated by the University Committee on Copyrights. No party shall have the right to be represented by counsel before the panel, but any party may be accompanied at a panel hearing by an advisor of his or her choosing, who shall not participate in the hearing.

##### 3. Disposition

Each panel shall report its written findings, conclusions and recommendations for disposition of the matter to the appropriate Vice Chancellor(s) on behalf of the Chancellor, within forty-five days of appointment of the panel by the Chair of the University Committee on Copyrights. The Chair of the Committee may extend the time period of such report by not more than thirty days for good and reasonable cause. Copies of such findings, conclusions, and recommendations shall be provided to all parties. Upon receipt of such findings, conclusions, and recommendations, the appropriate Vice Chancellor(s) shall issue a

written decision in the matter. The decision shall be final, subject to appeal rights under The Code of the University of North Carolina.

**Approved: Faculty Senate Resolution #02-18, April 2002**  
**ECU Chancellor, May 8, 2002**  
**Office of the President, August 6, 2002**

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IV. PRINCIPLES AND POLICY FOR THE PROTECTION OF HUMAN SUBJECTS OF RESEARCH (FORMERLY APPENDIX R)

- A. Statement of Ethical Principles
- B. Institutional Policy
- C. Implementation of Policy

East Carolina University acknowledges and accepts its responsibilities for protecting the rights and welfare of individuals who act as subjects for research conducted by its faculty and staff. The protection of human research subjects was dealt with in a president's (chancellor's) policy memorandum dated May 22, 1970. This earlier memorandum is hereby amplified and superseded.

A. STATEMENT OF ETHICAL PRINCIPLES

1. East Carolina University has adopted as a guiding statement of ethical principles the three comprehensive principles and three applied requirements as set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research dated April 18, 1979, and entitled The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research. Respect for persons, beneficence, and justice are the three basic principles; consent, favorable risk/benefit assessment, and selection of subjects, are the three requirements.
2. In addition, East Carolina University, through its University and Medical Center Institutional Review Board (UMCIRB), has adopted as further guiding principles the following existing code:
  - World Medical Association Declaration of Helsinki: Recommendations guiding Medical Doctors in Biomedical Research Involving Human Subjects, and subsequent revisions
3. In addition, East Carolina University acknowledges and accepts the requirements set forth in Title 45, Part 46 of the Code of Federal Regulations (45 CFR 46) for all applicable DHHS-funded research and, except for the requirements for reporting information to DHHS, and all other human research regardless of source of funding.

B. Institutional Policy

It is the policy of East Carolina University that all activities involving human subjects of research at/or sponsored by the university or its faculty and staff shall be submitted, reviewed, and approved by an appropriately established institutional review board -the UMCIRB. The UMCIRB has the sole authority to adjudicate as to the need for exemption from review, as defined by 45 CFR

46.101(b). These categories for exemption are summarized in the Standard Operating Procedure Manual which is published by the UMCIRB.

East Carolina University has established and maintains in accordance with 45 CFR 46 a university-wide IRB entitled the University and Medical Center Institutional Review Board. This committee (UMCIRB) works in two different functional ways:

1. as a policy-recommending or "policy-making" and appellate body subservient to the chancellor for the protection of the rights of human subjects or research conducted at or sponsored by the university and
2. as a research-review body for human research projects in order to apply determined policies towards the protection of human subjects of research.

The UMCIRB serves presently as the IRB with the responsibility and authority to review all human research activities at/or sponsored by the university which are regulated by 45 CFR 46 or by the FDA or are sponsored by extramural agencies and also all other activities involving human subjects of research at/or sponsored by the university.

East Carolina University requires all principal investigators and their research teams to comply fully with the appropriate federal regulations, institutional policies, and the UMCIRB Standard Operating Procedure Manual.

#### C. IMPLEMENTATION OF POLICY

IN ALL ACTIVITIES INCLUDING HUMAN RESEARCH SUBJECTS, THE CHAIRPERSON OF THE PERTINENT DEPARTMENT OR HEAD OF THE academic unit is responsible for ensuring that the principal investigator's research activities are performed according to the institutional statement of principles that includes existing ethical codes and the UMCIRB Standard Operating Procedures as guidelines for protecting the rights and welfare of human research subjects. The IRB shall have the authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to subjects according to 45 CFR 46.113. The IRB will provide a report to the investigator, institutional officials, and sponsoring agency. Principal investigators of research studies involving human research subjects must submit a complete protocol, current UMCIRB processing form, informed consent document, and any other study related materials. The appropriate forms, instructions and details related to submission can be obtained through the UMCIRB office. A copy of all research study materials including signed informed consent and study related correspondence must be maintained by the principal investigator for at least 3 years or longer if required by the research sponsoring agency.

Investigators are responsible for reporting the progress of UMCIRB-approved research to the Office of the UMCIRB, through the use of a renewal or continuation Internal Processing Form, no less often than once per year as set forth in 45 CFR 46.109. In addition, research investigators are responsible for reporting promptly to their department chair and to the UMCIRB office, any significant injuries to human subjects or any unanticipated problems which involve risks to the research subjects or others.

**Approved: 27 September 1984**  
**East Carolina University Chancellor**

**Amended: 27 June 2001**  
**East Carolina University Chancellor**

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V. ANIMAL CARE AND USE IN RESEARCH AND INSTRUCTION  
(FORMERLY APPENDIX S)

A. POLICY

It is the policy of East Carolina University that animals used in research and teaching will receive humane care at all times. Experiments (teaching or research) involving live, vertebrate animals must be performed by or under the immediate supervision of a qualified biological, behavioral, or medical scientist. Experimentation shall be conducted so as to avoid all unnecessary suffering and injury to the animals. The scientist in charge of the experiment must be prepared to terminate it when continuation may result in unnecessary injury or suffering to the animals.

Procedures involving animals should be designed and performed with due consideration of their relevance to human or animal health, the advancement of biological knowledge, or the good of society. The animals selected for a procedure should be of an appropriate species and quality and the minimum number required to obtain scientifically valid results. Statistical analysis, mathematical models, or in vitro biological systems will be used when appropriate to complement animal experiments and to reduce numbers of animals used.

Proper care of animals, including the avoidance or minimization of discomfort, distress, or pain, is a moral imperative. Lacking evidence to the contrary, investigators should consider that procedures that cause pain in human beings cause pain in other animals. Procedures with animals that may cause more than momentary or slight pain or distress should be performed with appropriate sedation, analgesia, or anesthesia. Surgical or other painful procedures shall not be performed on unanesthetized animals paralyzed by chemical agents. Animals that would otherwise suffer severe or chronic pain or distress that cannot be relieved should be painlessly killed at the end of the experiment or, if appropriate, during the experiment.

The living conditions of animals kept for biomedical purposes should contribute to their health and comfort. The housing, care, and feeding of all animals used for these purposes will be supervised by the university veterinarian. Investigators and other personnel shall be appropriately qualified and experienced for conducting procedures with living animals. Adequate arrangements shall be made for their in-service training, including the proper and humane care and use of laboratory animals.

If it is deemed necessary to waive one of the foregoing principles, the decision should be made with due regard by the scientist to the value of the research and only after review and approval by the Animal Care and Use Committee. Such waivers will not be made where the primary purpose is teaching or demonstration.

#### B. RESPONSIBILITIES

The faculty member conducting or supervising the conduct of animal experimentation is ultimately responsible for the humane care and use of the animals involved. The faculty member and the appropriate department chairperson will regularly determine if animal use is adequately justified and humane care consistently provided.

Animal husbandry, disease control, appropriate use of anesthesia, administration of medication for relief of pain and distress, and euthanasia will be conducted as recommended by the university veterinarian. Animal care programs throughout the university will be supervised by the university veterinarian as the representative of the administration.

The university Animal Care and Use Committee will monitor care and use of vertebrate animals at ECU and in off-campus ECU programs. The committee will regularly evaluate animal care practices, facilities, laboratories, research procedures, and teaching practices where animals are involved. The National Institute of Health *GUIDE FOR THE CARE AND USE OF LABORATORY ANIMALS* is accepted as the standard for optimum animal care and will be used, with USDA regulations, by the committee in the evaluation. The committee, additionally, will review proposals and protocols for all teaching and research projects intending to use vertebrate animals. Proposals and protocols will describe, in detail, methods to be used for animal care and assurance of humane treatment during experimentation. Committee approval is essential prior to initiation of the investigation or demonstration. The vice chancellor for health sciences and dean of the School of Medicine and the vice chancellor for academic affairs will have administrative oversight for vertebrate animal care and use programs. The chairperson of the Animal Care and Use Committee and the university veterinarian will report to the two vice chancellors regarding their respective responsibilities.

In summary, it is the responsibility of the faculty conducting animal studies, the veterinarian providing animal care supervision, and the committee monitoring the program to assure humane treatment of animals. Assurance is required by the public and by the granting agencies that animals will be used responsibly and with every consideration given for elimination of distress and discomfort. The university is committed to providing such responsible use and considerate care for animal subjects of teaching and research activities.

**Approved:                    21 October 1984**  
**East Carolina University Chancellor**

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VI. Policy and Procedures on Ethics in Research and Creative Activities  
(Formerly Appendix U)

A. Policy

Faculty, staff, post doctoral fellows and students of East Carolina University have the responsibility to seek honestly and to promulgate ethically the truth in all phases of work. This responsibility governs not only the production and dissemination of research and creative activities, but also all applications for funding, reports to funding agencies, and teaching and publication of teaching materials.

East Carolina University subscribes to the following principles in its research and creative activities:

1. Honesty and truth must underlie all professional relationships of faculty, staff, post doctoral fellows and students with those in their profession, the academic community, and the public.
2. Fabrication and falsification of information that a researcher claims is based on experimentation or observation are unethical.
3. Intentionally selecting data or the treatment of data to present views known by the researcher to be false is unethical.
4. Plagiarism, defined here as dissemination under one's own name of the tangible products of another person's work without due credit to that person, is not acceptable.
5. Other practices that seriously deviate from those that are commonly accepted within the scientific or academic community for proposing, conducting, or reporting research are not acceptable.
6. Publication of essentially the same article in more than one journal of a study without citing the duplication is unethical, as is any equivalent duplicity.
7. Faculty and staff members must be fully conversant with and able to defend their part in any work disseminated with their permission under their names and should be generally conversant with the said work as a

- whole. The guidelines of the International Committee of Medical Journal Editors are, in part, that "authorship should be based only on substantial contributions to (a) the conception and design, or analysis and interpretation of data; (b) drafting the article or revising it critically for important intellectual content; and on (c) final approval of the version to be published. Conditions (a), (b) and (c) must all be met. Participation solely in the acquisition of funding or the collection of data does not justify authorship. General supervision of the research group is also not sufficient for authorship.
8. Faculty and staff members must list co-authors of a work, disseminated in any form, but only with those persons' expressed consent. The unwarranted inclusion of co-authors who have not been substantially involved in the work is unethical and may lead to violations of item 7., above.
  9. Students completing theses or taking research courses for credit should not be relegated to purely routine work without training or participating in the design of the project or the analysis of the data. Therefore, the involvement of unpaid student assistants in research must be structured to enhance students' education and creative activities. Graduate students must be authors on publications that contain substantial parts of their thesis and/or dissertation. The chair and/or members of graduate student's thesis or dissertation committee should encourage the student to prepare a manuscript(s) for publication based on his or her thesis or dissertation research. If a student prepares a manuscript for publication based on a thesis or dissertation, he or she should be the first author on the resulting publication. Service on a thesis and/or dissertation committee does not in itself entitle a faculty member to co-authorship of a manuscript or an abstract unless the provisions of this section (Section V.A.7 above) are met.
  10. When it is appropriate for students to participate as subjects in research, faculty and staff must assure potential subjects that participation is absolutely voluntary, that participation as a research subject shall not be a course requirement, that participation shall have educational value, that students shall be told at the beginning of the course if there are to be opportunities for extra credit, that alternative opportunities for extra credit shall be available for students not wishing to participate as subjects in research, and that students may withdraw from participation for extra credit at any time without penalty. (*See Part VII, Section I, Principles and Policy for the Protection of Human Subjects of Research* above.)
  11. In all cases of research involving human beings or animals, faculty and staff members must be familiar with and adhere to special regulations and issues of ethics and humane treatment associated with research on these subjects. (*See Part VII, Section II, Animal Care and Use in Research and Instruction* above.)
  12. Faculty and staff members must comply with all regulations and laws affecting research and publication (including fiscal management, the use

of hazardous materials and patents, licensing, technology transfer), whether these be derived from the grantor, the local community, the university, or the state or federal government. Violation of copyright laws or the use of materials, developed by others, for personal profit is unethical. All members of the university community have a personal responsibility for implementing this policy in their research and creative activities.

#### B. Procedures for Reporting, Investigating, and Determining Penalties for Unethical Activities

The university shall investigate substantive allegations of fraudulent or unethical research and creative activities with all practical dispatch, with fairness, and with consideration for the rights of the accused and the accuser. The university is obligated to notify all parties affected by such acts, where proven, at appropriate times.

##### 1. Definitions

- a. Allegation - means any written or oral statement or other indication of possible academic or scientific misconduct made to an institutional official.
- b. Claimant - person or organization alleging that academic misconduct has occurred. An individual claimant is also commonly referred to as a "whistleblower", a term preferred by the federal government.
- c. Conflict of Interest - faculty selected for service on a panel or a committee must be free from conflict of interest due to associations with either a claimant, if an individual, or a respondent. Examples of such associations include, but are not limited to, collaborations, co-authorships or manuscripts, and co-investigation on any grants or contracts.
- d. Deciding Officer - means the institutional official who makes final determinations on allegations of academic misconduct and any responsive institutional action. This individual is the Chancellor.
- e. Inquiry - assessment of supporting materials and information from witnesses and respondent by a faculty panel to determine whether an academic investigation is warranted. This may be known as an "allegation assessment" or an "informal inquiry" in some government documents.
- f. Investigation - formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person(s) and the seriousness of the misconduct. The investigation is conducted by a committee of faculty to include at least one member from outside the unit and when deemed necessary by the Vice Chancellor for Research (VCR), from outside the university. Hearings and testimony are to be recorded.
- g. Research Integrity Officer - means the institutional official responsible for assessing allegations of academic misconduct and

determining when such allegations warrant inquiries and for overseeing inquiries and investigations. This individual is the VCR.

h. Research record - means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of academic misconduct. A research record included, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

i. Respondent - means the person against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

j. Retaliation - means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of scientific misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

## 2. Procedures

- a. Principle of Procedure--Every effort will be made to protect the privacy and reputations of those whose allegations of misconduct are made in good faith and of those against whom allegations of misconduct are not confirmed.
- b. Policies and Regulations--Federal and State policies pertaining to the institution's responsibilities for responding to allegations of academic misconduct are on file in the office of Sponsored Research and are available for review.
- c. Initiation by an Allegation--If a member of the faculty or other employee of ECU is suspected of Academic Misconduct, as defined in Policy and Procedures on Ethics in Research and Creative Activities, that person will be reported to the unit's senior administrator unless there is a potential conflict of interest. (Policy and procedures regarding students are described in the *ECU Faculty Manual, Part IV, Academic Integrity*) Either documentation or the location of documentation and information pertaining to the allegation will be provided. If claimant brings the allegation to the respondent's supervisor and if the supervisor is neither a chair nor a dean, the supervisor will bring the information to the chair or dean

for that unit if considered to be substantive. Thus, if discussions between a supervisor and a claimant suggest that the allegation(s) is(are) serious, and neither frivolous nor malicious, the allegations and supporting information will be presented in a timely manner to the chair or dean, not the respondent.

- d. Determination of Procedure-The chair or dean must determine whether the allegations may be dealt with informally or require proceeding with the formal steps for making an Inquiry because the allegations are neither frivolous nor malicious and are deemed substantive. The chair or dean will determine whether and what form of misconduct is alleged to have occurred, what parties are involved or may be affected by the allegations (i.e., co-authors, collaborators, funding agencies, etc.) and what documentation is needed to pursue the allegation. The chair or dean shall notify the VCR of their course of action (i.e., informal solution or recommendation for an Inquiry) regarding all allegations. If the evidence suggests that an Inquiry is warranted, the VCR will be notified immediately. Only the Vice Chancellor for Research has the authority to convene an Inquiry panel or an Investigation Committee. If human or animal subjects are involved, the chair or dean may ask the Administrative University and Medical Center Institutional Review Board or the Animal Care and Use Committee, respectively, to conduct an audit.
- e. If the allegations meet any of the following conditions, the office of Research Integrity of the Department of Health and Human Services or any other appropriate federal agency, should be notified immediately:
  1. there is an immediate health hazard involved;
  2. there is an immediate need to protect Federal funds or equipment;
  3. it is probably that the alleged incident is going to be reported publicly;
  4. the allegation involves a public health sensitive issue such as a clinical trial;
  5. there is reasonable indication of a possible Federal criminal violation.
- f. If the allegation is not judged to be frivolous, interim administrative actions will be taken, as appropriate, to protect any Federal funds and the public health, and to ensure that the purpose of any Federal financial assistance is carried out. Such actions may include but not be limited to freezing grant or contract accounts, suspending clinical trials or appointing an interim project director.
- g. Protecting the whistleblower - The VCR will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The VCR will ensure that these persons will not

be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action. Employees should immediately report any alleged or apparent retaliation to the VCR. Also the institution will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the whistleblower requests anonymity, the institution will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The whistleblower will be advised that if the matter is referred to an Investigation Committee and the whistleblower's testimony is required, anonymity may no longer be guaranteed.

- h. Protecting the Respondent - Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation. Institutional employees accused of academic or scientific misconduct may, at their own expense, consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal advisor to interviews or meetings on the case.
- i. The Inquiry-
  - (1) The VCR will present to the respondent, in writing, the allegations and a copy to respondent's supervisor or chair. If it is necessary to secure notes, data books, computer data, specimens, drafts of manuscripts, grants, contracts or other materials, these will be collected at the time the letter of notice is given to the respondent. Either the VCR or his/her designee will be responsible for securing these items. All materials will be cataloged, receipts provided to respondent, and secured in a locked storage container appropriate for the materials. The Inquiry will be completed within 60 calendar days from the date of delivery of the letter of notice. If the inquiry cannot be completed in 60 days and Federal funds are involved, then the VCR will submit to the appropriate agency a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes any other necessary steps to be taken.
  - (2) The Inquiry Panel shall consist of three faculty without administrative appointment and conflict of interest. At least one person shall be from outside the department of the respondent. If respondent is a member of the School of Medicine, the Associate Dean for Research will be consulted by the VCR prior to selecting faculty for an Inquiry panel. All will have sufficient

expertise to review the materials and interview witnesses and respondent. The VCR will present the allegations to the panel, review ECU policy and procedures, any special requirements for an affected awarding agency, and establish a time line for conducting the inquiry. The panel will decide for itself which materials to review, which individuals to interview and their order. The Inquiry panel will not receive unsolicited input from faculty or staff except through the VCR. Questions regarding the Inquiry will be referred to the VCR. Refusal to answer questions or otherwise cooperate with an Inquiry or an Academic Investigation may be used as evidence against the respondent. If the panel finds substantiation of any one allegation, this will be reported immediately to the VCR in writing. It is neither necessary nor desired to proceed through a list of allegations once substantiation of one allegation is established by the Inquiry panel. The function of the Inquiry Panel ends with its written report.

- (3) The written inquiry report will be prepared by the panel which consists of the name and title of the panel members; the allegations; the PHS support; a summary of the inquiry process used; a list of the records reviewed, summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's determination as to whether an investigation is recommended.
- (4) The VCR will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the whistleblower, if he or she is identifiable, with portions of the draft inquiry report that address the claimant's role and opinions in the investigation. Within 14 calendar days of their receipt of the draft report, the claimant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the claimant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may review the reports as appropriate. If respondent is from the School of Medicine, a copy of the report will be given to the Associate Dean for Research, also. If review of the materials and interviews fail to confirm the allegations, a description of the inquiry process and the finding will be reported in writing to the VCR. The VCR will inform all affected parties of the finding, including respondent, claimant, respondent's chair, dean and any other parties informed of the inquiry. The VCR will expunge any reference to the allegations from respondent's personnel file.
- (5) If the Vice Chancellor for Research, in consultation with the Vice Chancellor for Academic Affairs or Vice Chancellor for Health

Sciences, decide that an investigation should be conducted, the VCR will notify the appropriate federal or non-federal agency and will provide them with a copy of the final inquiry report and the institution's policies and procedures for conducting investigations.

- (6) If Federal funds are involved and the inquiry is terminated prior to completion of all the steps required by the appropriate agency, the VCR will notify that agency of the planned termination and the reasons therefore.
  - (7) A detailed documentation of the inquiry, regardless of its outcome, will be kept in the VCR's office for at least five years following completion of the report and will provide copies of this report to any authorized sponsoring agency upon written request of that agency.
- j. Additional Procedures if Externally Funded Activities are Involved--  
The Vice Chancellor for Research will be responsible for informing the funding agency that an Inquiry involving one of their grants or contracts is being initiated. When the findings of the Inquiry Panel are given to the VCR, the appropriate information will be relayed to the funding agency. Since different Federal and State agencies have different regulations which change over time, it is imperative that the VCR assure that the Inquiry and any subsequent investigation meet the funding agency's requirements.
- k. The Investigation--A determination that substantive evidence exists supporting allegations of academic misconduct necessitates a formal Academic Investigation to begin within 30 calendar days of the Inquiry Panel's written report. All appropriate sponsors will be notified immediately that an investigation will be performed. The investigation will be completed and a report submitted to the appropriate sponsoring organization within 120 calendar days of the committee's formation. If the investigation cannot be completed in 120 days and Federal funds are involved, then the VCR will submit to the appropriate agency a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes any other necessary steps taken to date. That the respondent voluntarily leaves or admits guilt does not automatically terminate the process.
- (1)The Investigation Committee shall consist of five faculty without administrative appointment and conflict of interest, including not more than 2 members from respondent's department and at least 1 member from outside the unit (College or School) or the university, all of whom shall have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses and conduct the investigation . If the allegations pertain to a project funded by an external source, one committee member must be from outside the university. If

respondent is from the School of Medicine, the Associate Dean for Research will be consulted prior to selection of the committee. The VCR is responsible for charging the panel, including: review of all allegations, this appendix and related university documents that may have a bearing on the investigation, results of the Inquiry Panel and what documentation is available and setting a schedule to complete the investigation within 120 calendar days. If external funds supported the project, then the VCR will communicate progress on the investigation to the funding agency. Documents and specimens will remain secured. All participants have to bear in mind that when external funding, human subjects or animal subjects are involved there is the potential for criminal charges being filed and a "chain of evidence" will be maintained: anyone wishing to remove materials from storage must obtain the permission of the VCR and must sign for each item removed.

(2) The Investigation Committee, with advice from the VCR, will decide on the order of presentation of materials and witnesses and schedule one or more hearings. All documentary evidence presented to the committee by the VCR will be made available to respondent at least 10 working days before the hearing. Legal advice shall be provided by the university for the committee. The hearings shall be closed to the public. The respondent shall have the right to be present during presentation of the evidence to the committee. The respondent shall also have the right to an advisor, to present the testimony of witnesses and other evidence, to confront and cross examine witnesses. The respondent's advisor does not have any right to cross examine witnesses. The Chair of the committee has the discretion at any time to allow respondent's advisor to have an active role in the hearing, either by directly questioning witnesses or by submitting questions in writing through the Chair, or to restrict the advisor to advising the respondent, only. An audio recording of all hearings will be made and minutes prepared to be included with the committee's report: both the chair of the committee and respondent will sign the minutes in order to indicate that the minutes accurately represent the proceedings during the hearing. The committee needs to determine whether clear and convincing evidence exists that academic misconduct, as defined by the Policy on Ethics in Research and Creative Activities, has occurred. (Note: this is a more stringent standard than "preponderance of the evidence," but less stringent than "beyond any reasonable doubt.") When the committee has made its determination, a written report will be given to the VCR that describes both the process and the findings of the investigation.

(3) Federal funds are involved and the investigation is terminated prior to completion of all steps required by the

appropriate agency, the VCR will notify the agency of the planned termination and the reasons therefore.

(4) Upon initiation of an investigation, interim administrative action will be taken, as appropriate, to protect any Federal funds and the public health, and to insure that the purpose of any Federal financial assistance are carried out. Such action may include but not be limited to freezing grant or contract accounts, suspending clinical trials or appointing an interim project director.

I. Completion of the Investigation--When the Investigation Committee has completed its investigation, it will prepare a draft report; and this report, along with minutes of all hearings and tape recordings of the hearings and recommendations will be given to the VCR. If respondent is from the School of Medicine, a copy of the draft report will be given to the Associate Dean for Research.

(1) The report must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report should include the actual text or an accurate summary of the views of any individual(s) interviewed.

(2) The VCR will provide the claimant, if he or she is identifiable, with those portions of the draft investigation report that address the claimant's role and opinions in the investigation. The report should be modified, as appropriate, based on the claimant's comments.

(3) The draft report will also be given to the respondent for comment and review. If the respondent elects to provide a rebuttal, he or she must do so within 10 calendar days. The respondent may rebut orally or in writing, and these responses will become part of the permanent record.

(4) The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

(5) In distributing the draft report, or portions thereof, to the respondent and claimant, the VCR will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the VCR may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

(6) If the committee finds clear and convincing evidence of academic misconduct in violation of the principles set forth in this policy, the committee may include recommendations for sanctions.

(7) If the respondent provides a rebuttal to the evidence for the VCR, the VCR may submit this information to the committee and may request additional deliberations or recommendations from the committee. After deliberation, or if no timely response is received,

the committee shall issue its final written report to the VCR. If the VCR disagrees with one or more aspects of the report, the VCR may submit a separate report, but may not modify the committee's report without explicit permission by the majority of committee members. In addition to the findings of the committee, the VCR's report will include recommendations with respect to notification of any journals or other publications with already published or pending publications which are deemed relevant, collaborating institutions or individuals, awarding agencies, and any other individuals or agencies judged to "need to know" in order to avoid further consequences of potentially misleading or fraudulent information. These reports and any rebuttal provided by respondent will be given to the Chancellor. If respondent is from the School of Medicine, copies of these reports and any rebuttal will be given to the Associate Dean for Research.

(8) If the committee finds insufficient evidence of fraudulent or unethical behavior in violation of the principles set forth in this policy, the chair of the committee shall notify the VCR who shall immediately notify all individuals and groups involved that the charges have been dismissed; and every attempt will be made to clear the public and private record of the respondent including letters to be sent to all awarding agencies, journals or others who had been informed that a formal inquiry process had been initiated.

(9) Investigative offices of Federal agencies will be notified promptly:

(a) if at any time during the investigation there is

reasonable indication of possible criminal violations,

(b) if there are any developments which disclose facts that may affect present or potential funding for the respondent, and

(c) of the final outcome of the investigation.

(10) The detailed documentation to substantiate the findings of the investigation will be maintained for at least five years after the final report is delivered to the VCR or Federal agencies. The report to Federal or other external awarding agencies will include a description of the process used to arrive at the findings within the report.

m. Prohibition of Expenditure of Funds-If there are any developments during any time of the investigation which disclose facts which suggest that specific funds from awarding agencies are not being expended in an appropriate fashion, a recommendation by the committee to the VCR may be forwarded to the appropriate vice chancellor that the university prohibit further expenditures of these funds pending final outcome of the Academic Investigation.

n. Action by the Appropriate Vice Chancellor-

(1) The appropriate vice chancellor, after consultation with respondent's dean and VCR, shall determine what disposition to make

of the case. The determination shall be transmitted to the respondent promptly. If the vice chancellor determines that the case has not been proven, the vice chancellor may either ask the VCR to provide more information or dispose of the case as in Section V.B.2.i.2. above with the VCR to notify all affected parties that the charges have been dropped. If the vice chancellor chooses this latter action, a written rationale for disposing of the case must be provided by the vice chancellor for the VCR and members of the Investigation Committee.

(2) If the appropriate vice chancellor concurs with the reports by the Investigation Committee and the VCR that misconduct has occurred and determines that a sanction will be imposed, the vice chancellor will consult with the VCR and respondent's dean regarding recommendations for censure, suspension from employment, reduction in rank, removal of tenure, or dismissal and will proceed in accordance with the *ECU Faculty Manual*. Whether or not sanctions are imposed on the respondent, the vice chancellor may prescribe corrective action responsive to the alleged misconduct and take other appropriate action including the recommended notifications of journals, funding agencies and other affected parties by the VCR. The VCR shall notify respondent's dean of sanctions or other actions imposed.

(3) Respondent may appeal imposition of sanctions through the appropriate appellate committee as described in the *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*.

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**Approved: Faculty Senate Resolution #94-02  
8 February 1994  
East Carolina University Chancellor**

**Amended: Faculty Senate Resolution #95-16  
18 April 1995  
East Carolina University Chancellor**

**Amended: Faculty Senate Resolution #98-19  
21 April 1998  
East Carolina University Chancellor**

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VII. Policy on the Custody, Retention, Transfer and Access to Research Data and Records

PURPOSE

The preparation and retention, of accurate and appropriate records are essential components of a credible research endeavor. East Carolina University, its faculty, its staff, and its students have a common interest and a shared responsibility to assure that research data and records are recorded appropriately, archived for a reasonable length of time, and available for review

by scholars and others under appropriate circumstances. Original research records are also essential to protect intellectual property rights, to answer ongoing questions regarding the management of a research program, and to address questions that may arise regarding the propriety of research conduct and methods. This policy defines the nature of research data and its associated records. It also describes the importance of good data and record keeping for obtaining and defending intellectual property rights, and the procedures to be used for the custody, retention, access, and transfer of research data and records.

This policy shall apply to all faculty, staff, and students of East Carolina University who are involved in the design, conduct, and/or reporting of research at or under the auspices of East Carolina University, regardless of source of funding.

#### DEFINITION OF RESEARCH DATA AND RECORDS

Research data and records refers to recorded information, regardless of its form or the media on which it may be recorded, which is necessary for the reconstruction and evaluation of the reported results of a research project. Research data and records include more than just primary data (e.g., raw numbers generated by a measuring instrument; audiotapes or transcripts of survey interviews). They also include documentation or citation of a) the experimental methods for data collection, and b) the methods used for data processing and interpretation. In practice, they include, but are not limited to, the material contained in laboratory notebooks or other media such as computer disks and machine printouts. The term does not include the intellectual property generated by a research project; administrative information, such as financial data; or the tangible products of research, e.g., tissue banks, specialized tools or chemicals produced by the project. (Ownership and disposition of intellectual property or the tangible products of research are covered by other ECU policies.)

#### INTELLECTUAL PROPERTY ISSUES INVOLVING RESEARCH DATA AND RECORDS

Retention of maximum intellectual property rights places additional importance on the preparation and retention of research data and records. Documented research records are important in determining priority of research data, such as identifying who first conceived an invention or in defending against patent infringement. In order to protect the rights of investigators and the University to the intellectual property generated by their research programs, university technology transfer managers recommend specific record keeping and retention practices such as the use of bound laboratory notebooks. Maintaining good data records is recommended for all university laboratories, but is essential for any patentable or licensable research activity. Responsible faculty should be aware of and follow, as closely as possible, the record-keeping recommendations described in Addendum B. Section II of the OPERATIONAL PROCEDURES FOR IMPLEMENTATION OF FACULTY MANUAL PART VII, SECTION II

<http://www.research2.ecu.edu/ott/operating.html>. The data management approaches above will also help defend an investigator and his/her work if there is an allegation of misconduct regarding this research

#### CUSTODY OF RESEARCH DATA AND RECORDS

By tradition, and for practical reasons, custody of original research data and records shall be with the senior investigator of a project, usually a faculty member. This senior investigator (the responsible investigator) shall insure the integrity, preservation and security of the original research data and records. Expenses of data and record preservation and security are allowable costs to sponsored programs. As an aid to scholars and other appropriate individuals who may wish to review the research data and records, they should be appropriately organized and labeled to allow the identification of specific information within the records by someone who was not involved with the original project.

In situations where the Vice Chancellor for Research, Economic Development and Community Engagement (the designated ECU Integrity Officer) has received an allegation of research misconduct pursuant to ECU policy (Faculty Manual Part VII Section VI) or when patent litigation is imminent, the University may take immediate and preemptory custody of the original research data and records relating to the allegation or the patent. In this circumstance the University shall provide needed copies of data and records to the investigator that will allow active research projects to continue.

In multi-institutional studies, contractual agreements often stipulate that the home institution of the primary study director shall have custody of original primary data from all participating institutions. In situations where ECU is not the site of the home institution and will need to transfer the original data to the institution of the study director, ECU shall retain a true copy of all data and records generated for the multi-institutional study.

Senior members of research teams have obligations to discuss the responsibilities of data management and retention with other members of the research team and to directly oversee the data and record management of the technicians, post-doctoral fellow, students, and others working under their direct supervision.

#### ACCESS TO RESEARCH DATA AND RECORDS

The University has the right of access to and to make copies of the data and records for all research performed at the University or under University auspices provided such access to the records shall be for reasonable cause, at reasonable times and after reasonable notice (except in cases of misconduct allegations, see below). For example, the University Medical Center Institutional Review Board and the Brody School of Medicine Compliance Office acting for the University may review records and study data of projects that use human subjects to assure compliance with human subjects protection regulations. In cases involving an

allegation of research misconduct, the University through the Vice Chancellor for Research, Economic Development, and Community Engagement may request immediate, preemptory access and custody of original research records. When such records contain confidential information about human participants in research, the Vice Chancellor shall institute appropriate procedures to assure that participant confidentiality is maintained while the research records are in his custody.

Extramural sponsors providing support for East Carolina University or appropriate governmental officials also have the right to review the data and records resulting from that extramural support. In addition, investigators, co-investigators, students, visiting researchers, and students who are or were an integral part of a research project team have the right to review all records and data which are part of that project, or which support publications for which they are named authors. Similarly, investigators, co-investigators, students, visiting researchers, and students have a right to a copy of data that they personally generated or substantially analyzed unless prohibited by law, regulation, or contractual agreements. The responsible investigator in addition has the right to distribute to other scholars or individuals copies of any part the research records in his custody per the general practices of his/her field of study unless prohibited by law, regulation, or contractual agreements.

#### RETENTION OF RESEARCH DATA AND RECORDS

Research data and records, including the primary experimental results, should be retained for a sufficient period to allow evaluation and repetition by others of published results emanating from those data. In general, three years from the first publication date of the research results is specified as the minimum period of retention for research published in peer-reviewed journals. For sponsored research that is not published, the minimum retention period is three years from the date of the issuance of the final report to the research sponsor, unless the sponsor specifies a longer retention period. However, if an investigation, legal action or an official inquiry concerning a research project is underway, all data and records related to the project must be retained and made accessible until all issues are resolved. In addition, the records should be kept for as long as may be required to protect any patents or other intellectual property resulting from this work. If a research project is not funded with external or designated internal funds (e.g., an internal university grant), the above retention policy shall apply to these research data and records only when the project results in a publication; its data is used to support a grant or contract application; or it involves the use of animal or human subjects.

#### TRANSFER OF RESEARCH DATA AND RECORDS THAT SUPPORT UNIVERSITY PATENTS OR WERE FUNDED BY FEDERAL GRANTS & CONTRACTS

Pursuant to federal regulations (OMB Circular A-110, section 53) and the need of the University to protect its patent rights, original research data and records that

support university patents or were funded by federal grants and contracts must remain in the custody of the University for the required retention period as discussed above. In the event the responsible investigator transfers to another institution or leaves the University for any reason, the responsible investigator shall transfer custody of these original research data and records to the University. Exceptions to this policy are discussed at the end of this section. The responsible investigator, however, may make a copy of the data and research records at University expense for his/her personal use at a new institution unless prohibited by law, regulations or contractual agreements. Before his/her departure, the responsible investigator shall transfer custody of the original research data and records to his/her department chair or supervisor as required by this policy. These records shall be retained in the University Archives of Joyner Library pursuant to the retention paragraph above. These data and records shall be organized in a format to permit reasonable identification of specific experiments and data by individuals not involved with the original research.

These research data and records shall be used by the University only for patent litigation, misconduct inquiries and investigations, or for other purposes required by federal regulations for US government funded research.

Exceptions:

- 1) Currently Active Federal Grants and Contracts: If the responsible federal agency allows the transfer of an active grant or contract to the new institution of the principle investigator, and the new institution accepts the administrative responsibility for the federal award, the original research data and records may be transferred to the new institution upon the request of that institution. The University, however, shall retain a true copy, made at University expense, of all research records produced while the research project was active and under ECU jurisdiction.
- 2) Faculty Request for Transfer of Original Records: Per OMB Circular A-110 section 53c, a faculty member may request authorization from the responsible federal agency to substitute true copies of the research data and records in the University Archives in place of the originals. If so authorized, the investigator may then transfer his/her original data and records to the new institution.
- 3) Multi-Institutional Federal Grants and Contracts: If such federal awards designate a specific institution as the depository of original data and records for a multi-institutional project, the University shall comply with this requirement. However, the University shall retain a true copy of the original records produced at University expense.

#### TRANSFER OF OTHER RESEARCH DATA AND RECORDS

In the event the responsible investigator transfers to another institution or leaves the University for any reason, the responsible investigator shall provide a true copy at University expense of his/her research data and records that have been retained less than three years in the investigator's possession per the retention

paragraph above. Before his/her departure, the responsible investigator shall provide these true copies of the research data and records to his/her department chair or supervisor. These data and records shall be organized in a format to permit reasonable identification of specific experiments by individuals not involved with the original research. These research data and records shall be used by the University only for misconduct inquires and investigations,

#### RESOLUTION OF DISPUTES INVOLVING RESEARCH DATA AND RECORDS

The Vice Chancellor for Research, Economic Development, and Community Engagement or his designee shall arbitrate all disputes involving research data ownership, retention, and access. Whenever possible, the Vice Chancellor or his designee shall first attempt to mediate a resolution to the dispute acceptable to all parties. When the dispute involves faculty from the School of Medicine or the College of Arts and Sciences, the Vice Chancellor or his designee shall consult with the designated Associate Deans for Research in those units.

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**Approved: Faculty Senate Resolution #03-04  
University Chancellor, February 19, 2003**

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### Part VIII RESPONSIBILITIES OF ADMINISTRATIVE OFFICERS

#### CONTENTS

- I. Board of Trustees
- II. Chancellor
  - A. Executive Assistant to the Chancellor
  - B. Assistant to the Chancellor for Constituent Relations
  - C. University Attorney
  - D. Equal Employment Opportunity Officer
  - E. Director of Athletics
  - F. Director of Planning and Institutional Research
  - G. Faculty Senate
- III. Division of Academic Affairs
  - A. Vice Chancellor for Academic Affairs
  - B. Unit Administrators
  - C. Dean of the Office of Undergraduate Studies
  - D. Director of Academic Library Services
  - E. Director of Admissions
  - F. Director of BB&T Center for Leadership Development
  - G. Director of Cooperative Education
  - H. Director of the Division of Continuing Education and Summer School
  - I. Director of the Honors Program

- J. Director of International Programs
- K. Registrar
- L. Administrative Council
- M. Leadership Forum
- IV. Division of Administration and Finance
  - A. Vice Chancellor for Administration and Finance
  - B. Comptroller
  - C. Director of Computing and Information Systems
  - D. Director of Environmental Health and Safety
  - E. Director of Human Resources
  - F. Director/ Chief of Police
  - G. Director of Systems Coordination
- V. Division of Health Sciences
  - A. Vice Chancellor for Health Sciences
  - B. Unit Administrators
  - C. Director of Health Sciences Library
- VI. Division of Institutional Advancement
  - A. Vice Chancellor for Institutional Advancement
  - B. Assistant to the Vice Chancellor for University Relations and Alumni Affairs
  - C. Director of Institutional Advancement
  - D. Director of Small Business & Technology Development Center
  - E. Director of the Center for Applied Technology
  - F. Director of the Regional Development Institute
- VII. Division of Student Life
  - A. Vice Chancellor for Student Life
  - B. Assistant Vice Chancellor and Director of Intercultural Student Affairs
  - C. Assistant Vice Chancellor and Director of Research, Assessment, and Testing
  - D. Dean of Students
  - E. Dean of Student Development
  - F. Assistant Dean of Student Development
  - G. Director of Career Services
  - H. Director of the Center for Counseling and Student Development
  - I. Director of Dining Services
  - J. Director of Disability Support Services
  - K. Director of Health Promotion and Well -Being
  - L. Director of Ledonia Wright African-American Cultural Center
  - M. Director of Orientation and the First Year Experience
  - N. Director of Recreational Services
  - O. Director of Resident Life
  - P. Director of Student Financial Aid
  - Q. Director of the Student Health Services
  - R. Director of University Housing Services
  - S. Director of University Unions

- VIII. Division of Research
  - A. Vice Chancellor for Research
  - B. Dean of the Graduate School
  - C. Director of the Center on Aging
  - D. Director of the Institute for Coastal and Marine Resources
  - E. Director of the Office of Sponsored Programs
  - F. Director of the Office of Technology Transfer

I. Board of Trustees

East Carolina University has its own board of trustees, consisting of thirteen members chosen as follows: eight elected by the board of governors, four appointed by the governor, and the president of the Student Government Association of East Carolina University. The board of trustees elects from its membership a chairperson, vice chairperson, and secretary. The principal powers of the board of trustees are delegated to it by the board of governors.

II. Chancellor

The board of governors elects the chancellor, who is the chief administrative and executive officer of East Carolina University. The chancellor is charged with the responsibility of putting into effect the policies and regulations of the board of governors through the president and the board of trustees. All personnel of the university are responsible either directly or indirectly to the chancellor.

Assisting the chancellor in directing the affairs of the university are the vice chancellors for academic affairs, for administration and finance, for health sciences, for institutional advancement, for research, and for student life; the director of athletics; the equal employment opportunity officer; the university attorney; the director of planning and institutional research; and the executive assistant to the chancellor. The responsibilities of these officers and those reporting to them are described below.

A. Executive Assistant to the Chancellor

The executive assistant to the chancellor provides assistance in all facets of administration, governance, and communication. In assisting the chancellor in articulating the goals and policies of the university, this officer serves as assistant secretary to the East Carolina University Board of Trustees and supervises the office of News and Communications Services and the office of University Publications.

B. Assistant to the Chancellor for Constituent Relations

The assistant to the chancellor for constituent relations has as a primary responsibility the establishing of strong relationships with constituencies external to the university, including the General Assembly, state and local governments, community agencies, and regional groups with interest in or impact on ECU. In assisting the chancellor in this important endeavor, this officer will also act as liaison and staff for the East Carolina University Board of Visitors.

C. University Attorney

The office of the university attorney serves as liaison between the university and the office of the Attorney General and the General Administration of The University of North Carolina on legal matters including coordination with the office of the Attorney General on legal advisory opinions prepared by him or her. This office is the central repository for university file copies of documents pertaining to active,

pending, or prospective lawsuits against the university. Upon request, the office of the university attorney furnishes legal advice and prepares written legal opinions for the chancellor, vice chancellors, academic deans, department chairpersons, and other administrative officials. In addition, the office prepares legal documents such as release forms, employment contracts, and other legal instruments as required by officials of the administration. The office supervises and periodically reviews hearing and disciplinary procedures administered by the various divisions and departments within the university. The office is responsible for maintaining a legal reference library on North Carolina coast constitutional and statutory provisions with respect to higher education and current subscriptions to specialized legal periodicals and journals dealing with legal problems of higher education generally. The office of the university attorney is assigned to and reports directly to the Chancellor.

Faculty, administrators, and committees may contact the ECU University Attorney's office at any time to obtain information regarding grievance procedures. Aggrieved administrators are entitled to legal counsel from the University Attorney's office, which acts on behalf of the University in such matters. Faculty bringing grievances against other faculty or administrators must seek outside counsel. To ask the University or UNC system to provide substantive advice is to ask same to assist in grieving against themselves. In the case of aggrieved administrators seeking advice, at such time that it becomes apparent that a grievance is pending in which the university attorney or his or her assistant may be involved as legal counsel to that administrator, the attorneys will refrain from discussion of the case in order to ensure that the chancellor can be advised freely in deciding the case. If the university attorneys perceive a potential conflict of interest in advising an administrator, faculty member, or committees, questions will be deferred to UNC system attorneys, or to the state attorney general's office.

D. Equal Employment Opportunity Officer

The equal employment opportunity officer, in consultation with the chief administrative officials of the university, takes appropriate measures to ensure the university's compliance with federal and state legal requirements respecting equal opportunity and affirmative action. See *Appendix J, Informal Faculty Grievance Procedures* for grievances involving sex discrimination and other equal employment opportunity complaints, and *Part VI, Equal Opportunity/Affirmative Action policy of East Carolina University*.

E. Director of Athletics

Athletic goals of the university are established by the chancellor in coordination with the director of athletics. The director is administratively responsible to the chancellor for all facets of the department's operation. The University

Administrative Athletic Committee makes recommendations to the chancellor concerning the implementation and administration of policies and procedures pertaining to intercollegiate athletics at East Carolina University. Primary functions are oversight responsibility in the areas of academic integrity, compliance with NCAA rules and regulations, and the overall development of student athletes. The committee charge includes, but is not restricted to budget, conference matters, fund raising, and public relations. The committee, chaired by the NCAA Faculty Athletics Representative, consists of eight faculty members, one student member, and the following ex-officio: chair of the faculty, president of the alumni association, president of the Pirate Club, chancellor, director of athletics, assistant director of athletics for student development, and the president of the Student Government Association.

F. Director of Planning and Institutional Research

The director of planning and institutional research serves as staff to the chancellor and is responsible for facilitating and coordinating the development, implementation and evaluation of the ongoing strategic plan that covers all functions and major resources of the university. The director is also responsible for directing the institutional research function, which includes the design, development, and use of various data bases and management support systems necessary for institutional analysis, planning, budgeting, and internal and external reporting. All of the above activities are carried out via cooperation and coordination with faculty governance and the divisional vice chancellors.

G. Faculty Senate

The Faculty Senate is comprised of representatives from all academic faculty units on campus. It provides the means by which the faculty fulfill its function with respect to academic and educational policies and other affairs of the University. The office of the Faculty Senate oversees the *East Carolina University Faculty Manual*. See *Appendix A, Faculty Constitution and By-Laws of ECU*.

III. Division of Academic Affairs

A. Vice Chancellor for Academic Affairs

The vice chancellor for academic affairs is responsible to the chancellor of the university for policy and operations relating to all academic aspects of the university, except those of the Division of Health Sciences. The vice chancellor also coordinates the activities of the academic and support units described below. The vice chancellor administers policies of class attendance and academic discipline, approves departmental requisitions for purchase of instructional supplies and equipment, and assigns all classrooms and office space allocated for instructional purposes. In addition, the academic affairs officer is responsible for the editing and publication of the university undergraduate and graduate catalogs, and similar official bulletins. Those officers reporting to the Vice Chancellor for Academic Affairs are listed in *Part IX, Organization Chart for East Carolina*

*University.* Some of the responsibilities of those officers are described below.

B. Unit Administrators

The dean of the College of Arts and Sciences, deans of the professional schools within the academic division, and the department chairs in the College of Arts and Sciences are responsible for instruction and research within their areas. They are appointed by the chancellor and are responsible to the vice chancellor for academic affairs. The chairpersons of departments within the College of Arts and Sciences and the professional schools report to their respective deans and use the ECU Faculty Manual and the unit's code procedures. The unit administrators preside at faculty meetings, can appoint ad hoc committees, assist with the orientation of new faculty members, act on requests for travel funds, and lead the faculty in promoting professional growth and good public relations. The duties of the dean of the College of Arts and Sciences, deans of the professional schools within the academic division, and departmental chairs in the College of Arts and Sciences are described in the following paragraphs. (In some units, the elected faculty chair can preside at faculty meetings.) (Faculty Senate Resolution #98-6, February 1998)

1. Budget and Equipment

The unit administrator recommends the college, school, or department operating budget and supervises expenditures of allocated funds. The dean or chairperson is responsible for maintaining a current inventory of and caring for departmental equipment, for reporting to the business office breakage and needed repairs, and for approving requisitions for book purchases for the library.

2. Curriculum and Instruction

The unit administrator works with the faculty in planning and recommending changes in and additions to the curriculum; visits classes and counsels with the faculty to evaluate the quality of instruction; prepares teaching schedules, is responsible for all classes being met, and arranges for substitute instructors in case of emergencies; recommends the use of classroom, laboratory, and office areas; keeps records of personnel and files of course syllabi; and makes an annual report of the college, school, or department to the appropriate superior.

3. Personnel

The unit administrator reviews recommendations of the appropriate unit committees on faculty appointment, reappointments, tenure, and promotion in relation to the provisions noted in *Appendix C, Personnel Policies and Procedures for the Faculty of ECU* and *Appendix D, Tenure and Promotion Policies and Procedures of ECU*.

The unit head concurs or does not concur and forwards the recommendations to the next higher administrator.

C. Dean of the Office of Undergraduate Studies

The dean of the office of Undergraduate Studies reports to the vice chancellor for Academic Affairs and is responsible for the functioning of the General College, the University College, the Office of Cooperative Education, the transfer course permission approval program, the Academic Transition Program, the general education assessment program, and other academic support programs as designated by the vice chancellor for academic affairs. The dean is responsible for the administration of undergraduate academic regulations as presented in Section 5 of the undergraduate catalog. Additionally, the dean serves as associate director, new student academic orientation. The dean is assisted in the administration of the office of Undergraduate Studies by the assistant dean for the General College, the associate director for student academic support services, the associate director of the University College, and the director of cooperative education.

D. Director of Academic Library Services

The director of the Academic Services is responsible for providing library services in support of academic programs. The director is advised by the Faculty Senate Academic Libraries Committee and the Academic Library Services faculty and cooperates with the various schools and departments through appropriate deans and chairpersons. The Director is responsible for administrative direction and fiscal control of Joyner Library and the Music Library in the Fletcher Music Center, which is an integral part of Joyner Library; for collection development; and for library property and buildings. The director recommends the appointment of all library personnel and fixes titles, duties, and compensation of all library staff members within approved budgetary limits. The library staff consists of library faculty and support personnel. The director is assisted in the conduct of duties by the advice of the Faculty Senate Academic Libraries Committee.

E. Director of Admissions

The admissions office, administered by a director, aided by a professional and a clerical staff, is charged with responsibility for all undergraduate admissions throughout the university. In this capacity, the director serves as an advocate for retention and monitors the effects of a variety of university retention efforts. Additionally, the director develops an admissions strategy which, when coordinated with the results of retention efforts, will generate an undergraduate enrollment consistent with the enrollment goal of the university. The office processes applications for admission to the freshman class and applications of students desiring to transfer from other colleges and universities as well as applications for readmission. The office is also responsible for developing and implementing the marketing strategies used to attract these student populations. The director is assisted in the conduct of duties by the advice of the Faculty Senate Academic Admissions and Recruitment Committee. The director of admissions is also responsible for editing and producing

- admissions publications. (Admission to graduate programs is the responsibility of the Graduate School.)
- F. Director of the BB&T Center for Leadership Development  
The director of the BB&T Center for Leadership Development is responsible for planning, promoting, and administering leadership development activities relevant to a broad coalition of interests in the professional and managerial fields. Specifically, the director is charged with positioning the center in the forefront among those interested in strengthening and focusing on leadership as an important dimension in society worthy of instruction and research.
- G. Director of Cooperative Education  
The director of cooperative education is responsible for the coordination of activities related to the placement of both graduate and undergraduate students in alternating periods of career-related employment. This responsibility involves working with both public and private agencies throughout the United States to develop appropriate employment opportunities, communicating with faculty to identify qualified students, and counseling and supervising students throughout the recruitment, selection, and evaluation process.
- H. Director of the Division of Continuing Education and Summer School  
The director of the Division of Continuing Education and Summer School is responsible for off-campus classes and for specialized non-credit vocational, professional, and cultural courses wherever offered. The division provides this instruction on the campuses of four community colleges and at various locations throughout eastern North Carolina. The director, aided by an associate director, an assistant director, several coordinators, and a business officer, works with deans and chairpersons of academic departments in determining suitable courses to be offered through continuing education, the location of courses, and the assignment of teaching staff. The director oversees the editing and publication of various bulletins describing the educational opportunities made available by East Carolina University through the Division of Continuing Education. The director also administers the summer school program. The director is assisted in the conduct of duties by the advice of the Faculty Senate Academic Continuing Education Committee.
- I. Director of the Honors Program  
The director of the honors program coordinates the freshman/sophomore level, university-wide program offered to superior students. The director is in charge of planning the curriculum, soliciting the faculty, recruiting qualified students to participate, and implementing the policies outlined by the Faculty Senate Academic Honors Program Committee.
- J. Director of International Programs  
The director of international programs is responsible for administering university international programs and activities and for promoting all aspects of internationalizing the university. In carrying out this responsibility, the director works with the International Programs Faculty

- Advisory Council in establishing a strategic plan and identifying the foci for international activities most beneficial to the university, seeks to acquire external funding for international activities, develops affiliations with international universities and other agencies, develops and promotes university study-abroad programs, and identifies highly qualified appointees to the Thomas W. Rivers Endowed Chair in International Studies. Two coordinators report to the director: the International Student Exchange Program (ISEP) coordinator, who is responsible for publicizing, recruiting for, and administering ISEP; and the study-abroad/National Student Exchange coordinator, who is responsible for publicizing, recruiting for, and administering the NSE and ECU study abroad and exchange programs.
- K. Registrar  
The registrar, aided by the associate registrar, supervisory personnel, and a clerical staff, supervises the central records office, plans and executes registration of students each semester and summer session, assigns classroom space for classes and meetings, issues grades at the end of each semester and summer session, issues transcripts, mails diplomas to graduating students, and maintains a computerized student data base.
  - L. Administrative Council  
The Administrative Council, convened by the Chancellor, includes the Chancellor, and designated members of the Chancellor's staff, the Vice Chancellors and designated members of their staffs, the deans, and directors with academic or public affairs missions. The Council meets monthly, often hosted by the respective deans, to discuss matters of importance to the administration of East Carolina University and to advise the Chancellor on such matters.
  - M. Leadership Forum  
The Leadership Forum, convened by the Chancellor, includes the membership of the Administrative Council, other members of the University administration deemed appropriate by the Chancellor, and representation of the faculty by the Chair of the Faculty. The Forum normally meets three times each semester and once during the summer months to discuss matters of importance to the leadership of East Carolina University and to advise the Chancellor on such matters.
- IV. Division of Administration and Finance
- A. Vice Chancellor for Administration and Finance  
The board of trustees of the university has directed that all business functions for operation of the university be the responsibility of the chief business officer, who has the title of vice chancellor for administration and finance and who is responsible to and under the general supervision of the chancellor. This officer plans, directs, and coordinates all business affairs of the university for organization and supervision of fiscal and budgetary operations, personnel administration, public safety, computing and information, environmental health and safety, and systems accounting.

The vice chancellor for administration and finance also plans, directs, and supervises the preparation of all budgets for review and adoption by the chancellor and board of trustees to be submitted to the Board of Governors of The University of North Carolina and Department of Administration and further reviewed by the Advisory Budget Commission for recommendation to the state legislature. Budget preparation includes such factors as present operating costs; estimated receipts; operating expenses due to expansion of physical plant, enrollment, and costs of utilities and service contracts; requests for new programs, expanded services, salaries and additional faculty to reduce the student-faculty ratio, and requests for capital improvements. Those officers reporting to the Vice Chancellor for Administration and Finance are listed in *Part IX, Organization Chart for East Carolina University*. Some of the responsibilities of those officers are described below.

B. Comptroller

The comptroller plans, directs, and supervises all accounting and budget functions related to the fiscal operation of the university, including appropriated funds, grants, auxiliaries, student funds, trust funds, and foundations. This office maintains internal controls to ensure sound fiscal policy.

C. Director of Computing and Information Systems

The director, reporting to the vice chancellor for administration and finance, leads planning and development of information systems and resources. This officer receives guidance from the Information Resources Coordinating Council regarding formulation, interpretation and implementation of university information and data management policy. The director manages various information resources, including the computing center staff, the computing equipment, the broadband communications network, and the telecommunications systems.

D. Director of Environmental Health and Safety

The environmental health and safety director is responsible for the overall planning and implementation of the safety and health programs for the university in conformity with the Occupational Safety and Health Act (OSHA) of North Carolina, the Environmental Protection Agency, and other state and federal regulations.

E. Director of Human Resources

The human resources director plans, directs, coordinates, and administers the university personnel program involving recruitment, employee relations, counseling, interviewing, selection, transfer, promotion, recommendation of salaries, classification of non-faculty personnel, and training and staff development. The director also interprets applicable policies and regulations to provide an efficient and effective work force for operation of the university.

F. Director/Chief of Police

The director/Chief of Police is responsible for the university's police department. The police functions include the safety and protection of

students, staff, and visitors as well as the buildings and other properties on the campus.

G. Director of Systems Coordination

Systems accounting serves as a liaison between the automated financial system users and the programmers of those systems. This department also completes specialized projects on behalf of the vice chancellor for administration and finance.

V. Division of Health Sciences

A. Vice Chancellor for Health Sciences

The vice chancellor for health sciences is responsible to the chancellor of the university for policy and operations relating to all academic and clinical aspects of the university, except those of the division of academic affairs. The vice chancellor also coordinates the activities of the academic and support units described below. The vice chancellor administers policies of class attendance and academic discipline, approves departmental requisitions for purchase of instructional supplies and equipment, and assigns all classrooms and office space allocated for instructional purposes. In addition, the health sciences officer is responsible for the editing and publication of the official bulletins and catalogs pertaining to the division and/or components. Those officers reporting to the Vice Chancellor for Health Sciences are listed in *Part IX, Organization Chart for East Carolina University*. Some of the responsibilities of those officers are described below.

B. Unit Administrators

The deans of the professional schools of Allied Health, Nursing and Medicine are unit administrators in all incidences except for those pertaining to Appendix D. , in which case the department chair is the unit administrator. The dean is responsible for instruction, research and association with the Eastern Area Health Education Center. Additionally, the dean of the School of Medicine is responsible for the Medical Faculty Practice Plan. The deans within the Health Sciences Division are appointed by the chancellor and are responsible to the vice chancellor for Health Sciences. As unit administrators, the deans preside at faculty meetings, can appoint ad hoc committees, assist with the orientation of new faculty members, act on requests for travel funds, and lead the faculty in promoting professional growth and good public relations. The duties of the deans of health sciences are described in School Codes and in the Faculty Manual, Part VIII, III, B1-3. (In some units, the elected faculty chair can preside at faculty meetings.) (Faculty Senate Resolution #98-6, February 1998)

C. Director of Health Sciences Library

The director is responsible for the budget, policies, programs, and long-range planning for the Health Sciences Library. Library services are provided to students and faculty in the Schools of Allied Health Sciences, Medicine, and Nursing and to physicians and other health providers in the local community and throughout eastern North Carolina. The library is

strongly involved in student educational programs which foster computer literacy. In addition, the director has responsibility for appointments, promotion, tenure, and other matters pertaining to the library's faculty. The director of the Health Sciences Library reports to the vice chancellor for health sciences. The director is assisted in the conduct of duties by the advice of the Faculty Senate Academic Libraries Committee.

VI. Division of Institutional Advancement

A. Vice Chancellor for Institutional Advancement

The primary function of the vice chancellor for institutional advancement is to facilitate greater public understanding and awareness of the purposes and achievements of the university and to generate additional non-appropriated resources from individuals, corporations, foundations, and governmental agencies to improve the quality and status of the academic programs of East Carolina University. Offices reporting to the vice chancellor include institutional advancement, alumni relations, Regional Development Institute, the Center for Applied Technology, and the Small Business and Technology Development Center. Those officers reporting to the Vice Chancellor for Institutional Advancement are listed in *Part IX, Organization Chart for East Carolina University*. Some of the responsibilities of those officers are described below.

B. Assistant to the Vice Chancellor for University Relations and Alumni Affairs

The assistant to the vice chancellor directs a comprehensive alumni affairs program and holds the title of executive secretary of the ECU Alumni Association, Inc. In addition to assisting with the duties of the vice chancellor, the assistant represents the formal link to the university for former students and seeks to develop a relationship with them conducive to the support of the university's programs. The assistant also plans and implements programs to encourage involvement from alumni through volunteer efforts and gifts of financial resources.

C. Director of Institutional Advancement

The director of institutional advancement provides managerial direction and coordination for the fund raising activities conducted by academic and administrative units of the university. As part of this responsibility, the director provides guidance and supervision to the directors of the Chancellor's Society, the annual giving, planned giving, parents, gift records, and research programs. Annual giving involves telephone, direct mail, and personal solicitation of alumni and other friends of the university. The Planned Giving Program concentrates on development of deferred gifts and endowments. The Parents Program seeks to personalize the university experience for those whose students are enrolled at the university and to encourage their financial support of the institution.

D. Director of Small Business & Technology Development Center

The director of the Small Business & Technology Development Center is responsible for providing high quality, substantive consultative services to small businesses, both start-up and operational; providing management

- and technical assistance services, developing and coordinating local resources; conducting research as necessary; developing and conducting appropriate training; delivering special emphasis programs as directed by the state headquarters; and providing advice and counsel to support greater economic development and job creation within the assigned region.
- E. Director of the Center for Applied Technology  
The director of the Center for Applied Technology is chief administrative officer of the center, makes regional businesses and industries aware of university resources, assists businesses and industries in defining specific needs, designs, programs, and identifies faculty consultants to address work place needs, supervises and evaluates consulting services, establishes operational procedures, and plans the development of the center. The director has responsibility for the center's financial security and works with the advisory board of directors and the faculty.
  - F. Director of the Regional Development Institute  
The director of the Regional Development Institute is assisted by development specialists in the fields of marketing, industrial development, community development, international services, resource development, land-use planning, environmental regulations, research analysis, and management and financial counseling. The institute, using its own capabilities and resources, as well as those of the university, engages in applied research related to the development of eastern North Carolina. In addition to its functions sponsored by the university, the institute undertakes research and development projects for industry, governmental agencies, foundations, and private groups.
- VII. Division of Student Life
- A. Vice Chancellor for Student Life  
The Division of Student Life actively supports the university's mission of education, research and service by providing comprehensive programs and services to assist each student to develop intellectually, socially, and culturally. The division promotes this development by fostering a community of learning which encourages individual student involvement and participation. The Division of Student Life provides a broad range of support services, activities, and programs which seek to enhance learning; accommodate the diverse needs of all students; assist students in meeting their basic needs for financing, housing, nutrition, and physical and mental health; provide the means for students to become active participants and leaders in their own learning; assist students in developing logical thought processes and sound decision-making skills; and assist students in developing an appreciation of the arts. Moreover, the division seeks to contribute to the development of the whole individual by fostering in each student a deeper appreciation of the importance of life-long learning, individual responsibility, and human diversity. Those officers reporting to the Vice Chancellor for Student Life are listed in *Part IX, Organization*

*Chart for East Carolina University.* Some of the responsibilities of those officers are described below.

- B. Assistant Vice Chancellor and Director of Intercultural Student Affairs  
The assistant vice chancellor and director of the office of Intercultural Student Affairs is responsible to the vice chancellor for student life for designing programs and activities that meet the personal, social, and academic needs of intercultural students. The director is also responsible for assisting all students in their understanding and appreciation of people and cultures different than their own.
- C. Assistant Vice Chancellor and Director of Research, Assessment, and Testing  
The assistant vice chancellor and director of the office of Research, Assessment, and Testing reports directly to the vice chancellor for student life and is responsible for conducting appropriate University-wide assessments of students' needs and outcomes, coordinating the assessment of program effectiveness for the division, and disseminating research findings to internal and external publics. The director collaborates with the office of Planning and Institutional Research and other departments across the University to enhance the educational experiences of the students. The director is responsible for the supervision of the University Testing Center which administers national testing program examinations, professional and state licensing examinations, and individual tests such as correspondence exams.
- D. Dean of Students  
The dean of students has direct responsibility for the administration of program planning, budgeting, and evaluation of the campus judicial system. The dean advises student judicial boards; serves as adviser to the fraternity system; administers university excuses, withdrawals, and campus canvassing and soliciting policies; coordinates and supervises parents' day; supervises professional staff responsible for university unions and student activities, intramurals, recreation and leisure services, student leadership programs, and the social sorority system. The dean of students assumes responsibility for the Division of Student Life in the absence of the vice chancellor for student life.
- E. Dean of Student Development  
The dean of student development reports directly to the vice chancellor for student life and is responsible for the direction of a comprehensive student development program. Reporting directly to the dean are the Counseling Center, Career Services, orientation, resident education, the office of Health Promotion and Wellness, and the office of Student Development for Special Populations (disabled students, international students, minority students, nontraditional students, and commuter students).
- F. Assistant Dean of Student Development  
The assistant dean of student development is director of special populations. He or she serves as international student adviser;

coordinator of off-campus housing, commuter services, and nontraditional student services; and supervises the coordinator of handicapped student services and the director of the Program for the Hearing Impaired.

G. Director of Career Services

The office of Career Services maintains credential files on all who register with the service. Registration is open to all East Carolina University seniors and graduate students in the last academic year of study. Registrants' resumes which are in the active files are available to employers. Upon request by the student or by the employer, a registrant's credentials will be sent to the employer. Registrants are also eligible for interviews with recruiters who visit the campus each semester. The director oversees job search workshops including career information seminars, interviewing skills development, and resume writing techniques, which are regularly scheduled in the office and in various units across campus. The director works with career education coordinators, who are appointed in each academic department to coordinate and assist with career-related activities in their respective areas.

H. Director of the Center for Counseling and Student Development

The director of the Center for Counseling and Student Development administers programs and services offered by the student Counseling Center. The director is responsible for supervising professional and support staff activities, establishing center priorities and goals, and evaluating staff efficiency. The director encourages and promotes development of collaborative working relationships with academic departments and schools as well as other units within student life in order to strengthen and promote student development activities. The major role of the Counseling Center is to provide the best counseling support services (assessment, counseling, referral) for students while they are enrolled at the university. Services are directed toward student development in the areas of responsible living and positive coping skills. This is accomplished through provision of individual counseling, a variety of developmental and support groups, guest lectures on mental health issues, and consultation with faculty and staff regarding student issues.

I. Director of Dining Services

The department of Dining Services offers a comprehensive food service program for students, faculty, and staff, as well as an extensive catering and summer conference program. The director of Dining Services, who is the administrator of the dining services contract, has overall responsibilities for services in all dining areas; for maintenance of the computerized meal plan access control system; for marketing and advertising, student surveys, public relations, and special promotions; for fiscal control with monthly operating reports, budgets, and audits; and for long-term planning including dining hall renovations, equipment replacement, and facility expansion projects.

J. Director of Disability Support Services

- The director of the department of Disability Support Services oversees the various components which allow students with disabilities to access the programs and services of the University. The coordination of interpreting services, alternative testing, barrier removal, assistive technology, and student counseling are aspects of the position which directly impact students. Outreach to faculty and the community regarding students with disabilities is also critical. Both Spring and Fall graduation ceremonies are coordinated by the Director.
- K. Director of Health Promotion and Well-Being  
The director of Health Promotion and Well-Being is primarily responsible for the development and provision of knowledge and skill based programs in the health and well-being areas. These areas include, but are not limited to, programs and workshops addressing the use and abuse of alcohol and other drugs, plus physical, nutritional, and emotional well-being. The director coordinates health promotion and well-being programs for departments within the division of Student Life and the University and chairs of the DSL Coordinating Committee for Campus Well-Being.
- L. Director of Ledonia Wright African-American Cultural Center  
The director of Ledonia Wright African-American Cultural Center is responsible for the day-to-day operations of the Center as well as developing and implementing comprehensive educational, cultural, and social programming and all support services within the Center. The director oversees budgeting, planning, selecting, promoting, presenting, and evaluating events sponsored by the Center. The director is responsible for policy development, procedures, and formulating goals. He/she also engages in extensive planning of programs, community outreach, conducts workshops, training seminars, and lecture presentations and assists with research and assessment .
- M. Director of Orientation and the First Year Experience  
The director of student orientation directs, coordinates, and supervises the development and implementation of the New Student Orientation Program for the university. With assistance of virtually all departments within the university community, the director provides academic and student life information for all new students. Also, the director is responsible for the Parent Orientation Program, during which information from academic affairs, student life, administration and finance, and institutional planning is provided to parents of new students. As coordinator of The Freshman and the University Program, the director is primarily responsible for developing, teaching, and coordinating the orientation course, COAD 1000. The director also acts as academic adviser for the General College and counsels students.
- N. Director of Recreational Services  
The director of recreational services is responsible for providing an extensive offering of recreational programs and services for the university's students, faculty, and staff. With assistance from SPA and

EPA staff, the director plans, administers, and supervises departmental programs, which include men's, women's, and co-recreational intramural sports activities, drop-in informal recreation, club sports, physical fitness programs, equipment check-out services, outdoor recreation, new adventures program, non-credit instructional classes, sports care services, and recreational services for handicapped students. The director is also responsible for formulation and implementation of program policy, budget administration and management, public relations, university liaison, and supervision and evaluation of programs and staff.

O. Director of Resident Life

The director of resident life is responsible for the planning and coordination of the student life program within the residence hall system. With the assistance of professional and paraprofessional staff, this office is responsible for the interpersonal and academic well-being of all residential students. This is accomplished through policies which enhance community development, through programs and activities to meet the developmental needs of students, and through structured, comprehensive disciplinary procedures. The director is also responsible for budgeting and administration, liaison with other departments and public relations, as well as the supervision, recruitment, evaluation, and training of all staff. In addition, the department provides student leadership development through support of the Residence Hall Association and individual hall councils.

P. Director of Student Financial Aid

The director of Student Financial Aid administers the various programs which are available to provide financial assistance to students. The director and staff are responsible for the counseling of students about their budget expenses and financial aid opportunities, for the evaluation of financial aid applications, and for the allocation of resources to students who are to receive assistance. The director is assisted in the conduct of duties by the advice of the Faculty Senate Academic Student Scholarships, Fellowships, and Financial Aid Committee.

Q. Director of the Student Health Services

The director of the Student Health Service is charged with the responsibility of overseeing the health care provided for the East Carolina University student body. He or she directs the operation of the Student Health Center's staff and the delivery of quality health care within a budget funded by student health fees. The director is charged with supervising and encouraging the delivery of health education at the Student Health Center in informal discussions, group non-credit discussions on campus, and formal academic lectures upon request of the instructor. The Student Health Center offers comprehensive ambulatory health care, providing the ECU student with a convenient source for help with health problems.

R. Director of University Housing Services

The director of university housing services is responsible to the vice chancellor for student life for providing high quality housing for on-campus students. High quality housing mandates extensive planning for major

renovations to meet the needs of changing student development programs. Through planning, supervision, and organization, the director is responsible for budget administration and management; coordination of all maintenance, repairs, and renovations of residence halls; contracting and assigning housing for students; and student services which include safety and security, fire safety, and auxiliary services of food handling, laundry facilities, mail delivery, and the communications systems.

S. Director of University Unions

The director of university unions, adviser to the Student Union, and co-adviser to the Student Government Association. Under the supervision and direction of this officer, the staff of the department of University Unions coordinates professional entertainment and cultural events at the university, the university central reservations office, the university ID card system, and public-sponsored events presented on campus. The assistant vice chancellor is responsible for negotiating and signing all contracts relative to campus activities.

VIII. Division of Research

A. Vice Chancellor for Research

The vice chancellor for research has dual responsibility for graduate programs and research. These responsibilities are carried out through the activities of staff members in the Graduate School office, the office of Sponsored Programs, and the office of Technology Transfer. The vice chancellor for research/dean of the Graduate School is responsible for the operation of these offices including fiscal management and reporting. The vice chancellor for research/dean of the Graduate School also provides administrative oversight for several programs which are primarily research or with a substantial cross disciplinary research component including the Institute for Coastal and Marine Resources and the Center on Aging. Those officers reporting to the Vice Chancellor for Research are listed in *Part IX, Organization Chart for East Carolina University*. Some of the responsibilities of those officers are described below.

B. Dean of the Graduate School

At present, the vice chancellor for research also serves as the dean of the Graduate school. The Graduate school is responsible for admission of students and provides academic oversight for all post-baccalaureate degree program tracks (excluding MD degrees) by the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the Graduate Council. The dean works closely with the members of the graduate faculty through the Graduate Council and its committees as the chief executive officer of the Graduate School and chairperson of the graduate faculty and Graduate Council. The dean is also responsible for advising and assisting schools and departments in the planning, development, and implementation of new graduate programs and for coordinating with the general administration of The University of North Carolina all new program proposals advanced by schools and departments. See *Appendix F, Graduate School Organization*.

- C. Director of the Center on Aging  
The director of the Center on Aging administers the research and service programs of the center and coordinates the university's gerontology minor.
- D. Director of the Institute for Coastal and Marine Resources  
The director of the Institute for Coastal and Marine Resources administers the various research programs of the institute and coordinates the university's coastal marine studies minor.
- E. Director of the Office of Sponsored Programs  
The director of the office of Sponsored Programs is responsible for all pre-award activity involved in preparation of grants, contracts, and memorandums of understanding and for their submission on behalf of the university to external agencies for faculty projects. The director is responsible for the administration of this office in support of faculty activity in securing external funding for programs supporting research and creative activities, training, and service. It reports sponsored program activity and ensures compliance with policies and guidelines of the State of North Carolina and The University of North Carolina General Administration as well as state, federal, and private funding agencies. It provides informational and educational programs and strategies which enhances the ability of faculty to compete successfully for external funds to support research, training, and service programs on campus. See *Part VII, Research Information*.
- F. Director of the Office of Technology Transfer  
The director of the Office of Technology Transfer is responsible for the management of the transfer process of inventions and discoveries from the university to the private and public sectors. Such responsibilities include receiving all confidential disclosures, assessing patent potential, drafting licensing agreements, and handling marketing initiatives for selected intellectual properties.

**PART IX  
ORGANIZATION CHART  
FOR EAST CAROLINA UNIVERSITY**

<http://www.ecu.edu/cs-admin/ipre/Institutional-Research.cfm#orgcharts>

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**PART X.**  
**CHARTER OF THE FACULTY ASSEMBLY OF THE**  
**UNIVERSITY OF NORTH CAROLINA**  
**(formerly Appendix B)**

**CONTENTS**

**Charter of the Faculty Assembly of the University of North Carolina**

- I. Objectives and Functions
- II. Organization and Relationships
- III. Operations
- IV. Ratification and Amendment of the Charter

**Bylaws of the Faculty Assembly of the University of North Carolina**

- I. Definition of Charters
- II. Members of the Assembly
- III. Officers
- IV. Agenda Committee
- V. Meetings
- VI. Voting
- VII. Elections
- VIII. Executive Committee
- IX. Duties of Officers
- X. Committees (other than Agenda and Executive Committees)
- XI. Operations
- XII. Reports
- XIII. Attendance
- XIV. Amendments

Charter of the Faculty Assembly of the University of North Carolina

- I. Objectives and Functions
  - 1. The Faculty Assembly of The University of North Carolina shall gather and exchange information on behalf of the faculties of the constituent institutions of The University of North Carolina.
  - 2. The assembly shall, through appropriate channels, advise the Board of Governors of The University of North Carolina, the General Assembly, and other governmental agencies and officers on matters of University-wide import.
  - 3. The assembly shall advise and communicate with the president of The University of North Carolina with regard to the interests of the faculties and other manners of University-wide import.
- II. Organization and Relationships
  - 1. Representation in the assembly shall be apportioned among the constituent institutions of The University of North Carolina with regard to

- the number of full-time faculty and professional staff members in the service of each institution. Each institution having not more than 300 full-time faculty and professional staff members shall choose 2 delegates; each institution having from 301 to 600 full-time faculty and professional staff members shall choose 3 delegates; each institution having 601 to 900 full-time faculty and professional staff members shall choose 4 delegates; and each institution having more than 900 full-time faculty and professional staff members shall choose 5 delegates. At any time that the number of full-time faculty and professional staff members of an institution changes so as to entitle it to a larger or smaller number of delegates under the foregoing formula, the number of its delegates forthwith shall be changed accordingly. Every delegate to the assembly shall be a full-time faculty or professional staff member of the institution he seeks to represent. The manner of selection of delegates shall be determined by the faculties of the respective institutions consistent with their institutional practices. Terms and rotation of delegates shall be specified in the bylaws.
2. The assembly shall have a chairman and other such officers, who shall be chosen in such manner and for such terms, as the assembly may provide in its bylaws.
  3. Each institutional delegation to the assembly shall make available to the faculty of its institution the official minutes of the proceedings of the assembly, together with the written report of the delegation.

### III. Operations

1. The assembly shall adopt its own bylaws.
2. The bylaws of the assembly shall provide for regular, stated meetings of the assembly, which shall be held at various locations
3. Special meetings of the assembly may be called by the president of The University of North Carolina, by the officers of the assembly, or by members of the assembly, in accordance with procedures to be established in the bylaws of the assembly.
4. Records of the activities of the assembly shall be kept and transmitted to the appropriate successor officers of the assembly.
5. Released time shall be made available to the officers of the assembly, subject to the approval of the president of the University of North Carolina.
6. The assembly shall be provided by The University of North Carolina with necessary secretarial assistance and other related services and resources.
7. The members of the assembly shall be reimbursed by The University of North Carolina for expenses incurred in attending meetings of the assembly.

### IV. Ratification and Amendment of the Charter

1. This charter shall be transmitted to the constituent institutions of The University of North Carolina for ratification or rejection by the faculty of each institution in accordance with the processes of that institution. The charter shall become effective upon its ratification by two-thirds of the

- constituent institutions of The University of North Carolina. The institutions whose faculties ratify the charter shall become participating institutions and shall send delegations to the assembly.
2. An amendment to the charter may be introduced in the assembly by any member of the assembly; and, if approved by a majority of the authorized membership of the assembly, it shall be transmitted to the participating institutions of the assembly for ratification by the faculty of each institution in accordance with the processes of that institution. An amendment shall become effective upon its ratification by two-thirds of the participating institutions of the assembly. The foregoing proposed charter of the Faculty Assembly of The University of North Carolina was adopted unanimously by The University Faculty Assembly, representing all sixteen public institutions of higher education in North Carolina, meeting in Greensboro on April 15, 1972. (John L. Sanders, Chairman of the Assembly)

## **BYLAWS OF THE FACULTY ASSEMBLY OF THE UNIVERSITY OF NORTH CAROLINA**

- I. Definition of Charter  
The articles under which the Faculty Assembly came into existence are the Charter of the Faculty Assembly. Bylaws enacted by the assembly are for the purpose of giving effect to the purpose and functions described in the charter
- II. Members of the Assembly
  - A. The assembly shall be composed of representatives from each institution according to the provisions as stated in section 11, paragraph 1 of the charter.
  - B. The assembly shall make no determination of the method of election, those matters being specifically reserved to the faculties of the several institutions .
  - C. The terms of delegates and alternates of the assembly shall range from one to three years as established by each institution, and each institution shall assure continuity of delegation membership by a system of rotated terms. To be eligible as a delegate, a faculty member may not have served as a delegate to the assembly for more than six of the preceding nine years, nor could he be selected to a term that would result in a violation of this limitation. Time spent while serving as an alternate is not counted in that above imitation
  - D. Each institutional faculty shall determine the number of alternate delegates it believes necessary. The terms of alternates shall correspond to the terms of delegates.
  - E. All regular terms of service shall begin and end on July 1 of each year. The delegate list and authorized alternates for the coming academic year shall be in the hands of the assembly chairman by April 20.
- III. Officers

- A. The officers of the assembly shall be a chairman, a vice chairman, and a secretary.
  - B. Each officer shall serve for a term of one year but may be re-elected to two additional succeeding terms in that office, after which he shall be ineligible for re-election to that office for a period of one year.
- IV. Agenda Committee
- A. An agenda committee consisting of the three elected officers, chairman, vice chairman, and secretary, shall be established.
  - B. The Agenda Committee shall be responsible for preparing the agenda for meetings. Matters presented to the Agenda Committee by any assembly delegate, assembly officers, or the president of The University of North Carolina shall be placed on the agenda not later than the time of the second regular meeting of the Faculty Assembly after receipt of such a recommendation.
- V. Meetings
- A. Unless otherwise ordered by the Agenda Committee, there shall be at least four stated meetings of the assembly during the academic year at dates and places to be established at the last regular meeting of the preceding academic year. All assembly members shall be informed of these dates by that time. The regular fall meeting shall not be scheduled for a date prior to September 1.
  - B. Special meetings shall be called:
    1. By the president of The University of North Carolina at his discretion.
    2. By the Agenda committee on its initiative.
    3. By the chairman when a request is made to him by any institutional delegation.
  - C. The site of the regular meetings of the assembly shall be determined by majority vote of members present, subject to A., above. Special meetings may be held at whatever location seems most advisable to the chairman.
  - D. No meeting of the assembly shall be a legal meeting at which there are present fewer than a majority of the assembly members.
  - E. Advance notice of all meetings shall be circulated to members so as to be received at least two weeks prior to the meeting. For special meetings in emergency situations, this provision may be waived by action of the Executive Committee.
  - F. The agenda for each meeting must be circulated so as to be received at least ten days in advance of the meeting (except in case of emergency as referred to in section V.E.). If an agenda item requires action by the Faculty Assembly, the recommendation shall be submitted to the secretary by any assembly member, and the secretary shall be responsible for distribution of the recommendation with the agenda, or as soon thereafter as possible. The above shall not preclude any assembly member from performing this distribution without use of the secretary. No item of business may be acted upon by the assembly unless the recommendation has been distributed to the assembly twenty-four hours

before action is to be taken. Except that the twenty-four-hour rule may be waived by EITHER (1 ) a two-thirds vote of the members present at the meeting during which action is to be taken, OR (2) by virtue of the fact that the item of business requiring assembly action received a majority vote of a quorum of a standing or ad hoc assembly committee. The agenda shall be open to all items submitted in time to meet the requirements of this article.

VI. Voting

- A. There shall be no voting by proxy. Only members or their authorized alternates present at the meeting may vote.
- B. When voting, and upon the request of any voting member of the assembly, or his authorized alternate, and with the approval of one-fifth of the voting members present, a roll call vote will be held.

VII. Elections

- A. It shall be incumbent upon each institution to designate and certify its assembly members and alternates for the coming academic year on or before April 15.
- B. Election of officers for the year shall take place at the last spring meeting of the assembly. Officers shall be elected by secret ballot in the following manner:
  - 1. The order of election of officers shall be chairman, vice chairman, and secretary.
  - 2. Election shall be by a majority vote of those members present and voting.
- C. The term of office for officers shall coincide with that specified in II E., for members of the assembly.
- D. An election to fill a vacancy in any office or on the Executive Committee can take place at any regular or special meeting of the assembly.

VIII. Executive Committee

- A. There shall be an Executive Committee consisting of the three officers of the assembly, one officer from the staff of The University (who shall be appointed by the president of The University and who shall be a nonvoting member of the committee), and the chairmen of the standing committees.
- B. The chairman of the Faculty Assembly shall be chairman of the Executive Committee.
- C. The Executive Committee shall review periodically the structure and functions of the standing committees and make recommendations to the assembly for appropriate changes.
- D. The Executive committee shall assume only such prerogatives and powers as shall be delegated to it by a majority vote of the Faculty Assembly.

IX. Duties of Officers

- A. The chairman shall perform the duties usually associated with this office including, but not limited to, presiding at meetings of the assembly, generally supervising the activities of the assembly, appointing members of special committees and, with the guidance of the Executive Committee,

- appointing members, but not chairmen, of standing committees, and serving as chief liaison officer between the assembly and the president of The University, the board of governors, and other appropriate agencies. If so desired by the president, the chairman shall serve on the President's Administrative Council.
- B. The vice chairman shall perform the duties of the chairman in the event of the chairman's absence or disability. In the event that the office of chairman falls vacant, the vice chairman shall assume that office, and a new vice chairman shall be elected at the next regular meeting.
  - C. The secretary shall be responsible for the preparation of the minutes of all meetings and be custodian of the records of the assembly. He shall be responsible for giving notice of meetings of the Executive Committee and the assembly, for circulating the agenda, and for distributing copies of the minutes of the Faculty Assembly and Executive Committee meeting to all delegates and other designated individuals.
- X. Committees (other than Agenda and Executive Committees)
- A. Nominations committee: At its second regular meeting of the year, the Faculty Assembly shall elect, by nominations from the floor, a Nominations Committee of five members, the chairman to be elected by the committee. This committee shall circulate a slate of two nominees for each office of the assembly and two nominees for each of the chairmen of standing committees.
  - B. A Governance Committee, whose responsibility shall be to review and make recommendations on matters relating to the charter and bylaws of the assembly, and to consider and make recommendations on matters including but not limited to the statutes, the board of governors, and the General Administration of The University of North Carolina. The parliamentarian of the Faculty Assembly will be an ex-officio advisory member of the committee who will not have voting rights in the committee and who according to Section XI B shall not necessarily be a member of the Faculty Assembly.
  - C. A Committee on Professional Development, whose responsibility shall be to review and make recommendations on matters which enhance professional effectiveness of faculty members in the areas of teaching, research, and public service; leaves for professional development, reduced teaching loads for research, and professional travel are relevant concerns.
  - D. A committee on Faculty Welfare, whose responsibility shall be to review and make recommendations on those factors which contribute to the professional satisfaction of the faculty. Included among these factors are salaries, fringe benefits, retirement programs, working conditions, and manners related to communications within The University system.
  - E. A Committee on Academic Freedom and Tenure, whose responsibility shall be to review and make recommendations on manners related to academic freedom and tenure, faculty role in personnel decisions, and the preservation of academic freedom and tenure.

- F. A Committee on Budget, whose responsibility shall be to review and make recommendations on matters relating to educational budgets for the state as well as for The University of North Carolina. Responsibilities shall include the making of recommendations on the preparation of the budget and the priorities which lead to allocations to the constituent institutions.
- G. A committee on Planning and Programs, whose responsibility shall be to review and make recommendations on matters relating to educational planning for the state as well as for The University of North Carolina, including the review and evaluation of programs and the criteria for the initiation or termination of educational programs. The committee shall inform the assembly of the progress and nature of the five-year programs as developed by the general administration and the board of governors.
- H. Chairman and members of each standing committee shall be members of the assembly.

Ad hoc committees may be appointed by the chairman of the assembly as appropriate. The chairman of each ad hoc committee shall be a member of the assembly, but nonvoting members may be co-opted from the student bodies or faculties of the several institutions. Co-opted members of an ad hoc committee may not exceed, in number, assembly members of the committee.

#### XI. Operations

- A. The chairman shall, within a month of assuming office, submit to the president of The University of North Carolina a budget for the assembly for the year, which shall include a specification of the office space, secretarial assistance, supplies, and travel required for the business of the assembly and its delegates.
- B. The rules contained in the latest revision of *ROBERT'S RULES OF ORDER* shall govern the assembly in all cases to which they are applicable when they are not inconsistent with bylaws or special rules of the assembly. There shall be a parliamentarian at all meetings and he shall be appointed by the chairman. (He need not be a member of the assembly.)

#### XII. Reports

- A. The basic record of the actions and deliberations of the assembly shall be the minutes of meetings kept by, or under the supervision of, the secretary of the assembly. Copies of the minutes shall be circulated to all members of the assembly, the chancellors of the various institutions, the president of The University, the chairman of the board of governors, and such other individuals as the assembly, president, or chairman may designate.
- B. The delegation from each institution shall submit to its faculty and to the chairman of The University Faculty Assembly an annual report of the work of the assembly.
  1. This report shall be prepared in time for submission to the faculty concerned at its first regular fall meeting.
  2. The form of the report as well as the production of it shall be the sole responsibility of the assembly members from that institution .

- C. Special reports may be prepared from time to time by the assembly and given such distribution as seems appropriate.
  - D. The records of the assembly shall be open to inspection by any regular full-time member of the faculty of each institution and to such other persons may be given permission by either the assembly, the president, or the chairman
- XIII. Attendance
- A. Faculty members from the participating campuses are eligible to attend sessions of the assembly as observers. Faculty or student members of special committees may, as a matter of course, be eligible to attend and participate in those portions of meetings of the assembly at which matters pertaining to those committees are discussed.
  - B. Alternate members of the assembly, unless standing in for a voting member, may participate in discussion of the assembly only when given privileges of the floor by the chairman.
  - C. The president of The University and his designated representatives, shall have a standing invitation to attend and participate in the discussions at all meetings. In the event of the absence of these individuals, the chairman of the assembly shall communicate the proceedings of that meeting to the President.
  - D. Other visitors may be admitted to meetings.
- XIV. Amendments
- A. The bylaws may be amended by the vote of two-thirds of those voting members present at any meeting of the assembly. Provided the substance of the proposed amendment has been circulated in time to be received by all members at least one month prior to the meeting at which action is proposed.
  - B. No amendment to the bylaws may have the effect of amending, modifying, or altering the charter. It shall be the duty of the Executive committee to insure that such will not be the result. (For amendments to the charter, see charter, IV 2. )

**Approved: 28 April 1978**  
**University of North Carolina Board of Governors**

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**PART XI**  
**THE CODE**  
**THE BOARD OF GOVERNORS**  
**THE UNIVERSITY OF NORTH CAROLINA**

[http://intranet.northcarolina.edu/docs/legal/policymanual/2008/100.1%5BThe\\_Code%5D.pdf](http://intranet.northcarolina.edu/docs/legal/policymanual/2008/100.1%5BThe_Code%5D.pdf)

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**East Carolina University  
Faculty Manual**

**Part XII. PERSONNEL ACTION DOSSIER**

[Link to Guidelines for Preparing a Cumulative Evaluation.](#)

The Personnel Action Dossier (PAD) is a collection of documents and lists of accomplishments in summary form that provides a record of the accomplishments of a faculty member seeking reappointment, promotion, or tenure. A PAD is compiled in a manner described in Appendix D of the *East Carolina University Faculty Manual* each time a personnel action for reappointment, promotion, or tenure takes place. Each PAD becomes part of the faculty member's permanent personnel file and is not returned to the faculty member.

In the review process, attention is paid both to productivity since the date of hire, tenure or last promotion (whichever is more recent) and accomplishments over one's entire career. Within the PAD the candidate should supply dates for all listed activities and accomplishments, making it possible for reviewers to identify clearly the chronology of accomplishments related to the time of hire, tenure or last promotion (whichever is more recent).

The Personnel Action Dossier shall include the following items:

- A. A properly executed *ECU Cumulative Report for Reappointment, Promotion and Tenure* (see Attachment 1) is required for these personnel actions. It is the responsibility of the faculty member to have prima facie evidence of all activity listed in this report available for inspection, if requested, by reviewers at any level of the personnel action process.

Actions involving tenure and promotion also require a properly executed *ECU Personnel Action Summary Form* (see Attachment 2).

- B. Recommendations  
(Note: The documents listed here will be added by the appropriate official as the Personnel Action progresses.)
1. For reappointment:
    - a. Unit Tenure Committee's recommendation, signature of the chair of the unit Personnel Committee, and date
    - b. Unit administrator's recommendation, signature, and date
    - c. Dean's recommendation, signature, and date
    - d. Provost/Vice Chancellor's recommendation, signature, date
  2. For tenure:
    - a. One cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit Tenure Committee. A draft of this

cumulative evaluation, to be completed after the candidate turns in the PAD, should be available for discussion by the entire Tenure committee before the vote. (Faculty Senate Resolution #08-27, May 2008)

- b. A cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit administrator.
  - c. Unit Tenure Committee's recommendation, signature of the chair of the unit Personnel Committee, and date
  - d. Unit administrator's recommendation, signature, and date
  - e. Dean's recommendation, signature, and date
  - f. Provost/Vice Chancellor's recommendation, signature, date
3. For promotion:
- a. One cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit Promotion Committee. A draft of this cumulative evaluation, to be completed after the candidate turns in the PAD, should be available for discussion by the entire Promotion committee before the vote.  
(Faculty Senate Resolution #08-27, May 2008)
  - b. A cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit administrator.
  - c. Unit Promotion Committee's recommendation, signature of the chair of the unit Promotion Committee, and date
  - d. Unit administrator's recommendation, signature, and date
  - e. Dean's recommendation, signature, and date
  - f. Provost/Vice Chancellor's recommendation, signature, date

### C. Records of Evaluation

1. For evaluation for reappointment decisions:
  - a. Copies of the criteria for reappointment set forth by the code unit of the faculty member.
  - b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
  - c. Records of the discussions on annual evaluation meetings with the unit administrator (see Appendix C. III.).
  - d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision (see Part V. H).
  - e. Records of the annual discussions on the criteria for evaluating faculty performance.
2. For evaluation for tenure decisions:
  - a. Copies of the criteria for tenure set forth by the code unit of the faculty member.

- b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
  - c. Records of the discussions on annual evaluation meetings with the unit administrator (see Appendix C. III.).
  - d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision (see Part V. H).
  - e. Records of the annual discussions on the criteria for evaluating faculty performance (See Appendix D. II.A.3.).
  - f. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.
3. For evaluation for promotion decisions:
- a. Copies of the criteria for promotion set forth by the code unit of the faculty member.
  - b. Copies of all annual evaluations over the period of time appropriate to the decision.
  - c. A record of the assigned teaching duties and responsibilities including indication of reassigned time over the period of time appropriate to the decision. (see Part V, H)
  - d. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.

In cases of application for tenure with simultaneous promotion, items B and C should be combined as appropriate.

D. Supporting materials

The faculty member, in consultation with the unit administrator and the chair of the unit personnel committee, may add materials in support of the activities and accomplishments listed in the *ECU Cumulative Report for Reappointment, Promotion and Tenure* (subject to size limitations in section G. below).

E. Other material

Materials not included in the categories listed in the cumulative report may be added to the dossier by the faculty member providing the unit administrator, in consultation with the Unit Personnel Committee, has an opportunity to include a response to such materials. In the event the unit administrator and Unit Personnel Committee cannot agree on a response, both may include a response.

F. Disagreements as to inclusion or removal of documents

The dossier shall include the required documents and lists relevant to the faculty member's teaching, research/creative activity, and service as described above. If the faculty member disagrees with the unit administrator and/or the unit personnel committee as to the inclusion of relevant documents, the documents will be included and each party may include a statement about the document in the dossier.

The candidate is allowed to review and include a response to the cumulative evaluations (see section B. above).

G. Size of Dossier

The total dossier must be contained in a single three ring binder (10 in. x 12 in.) with a thickness of no more than four inches (approximately 10 cm).

**Part XII. PERSONNEL ACTION DOSSIER**

**Attachment 1.**

**EAST CAROLINA UNIVERSITY  
CUMULATIVE REPORT FOR REAPPOINTMENT, PROMOTION, AND  
TENURE**

[Link to Guidelines for Preparing a Cumulative Evaluation.](#)

A. General Information

1. Name
2. College or Professional School and Department
3. Date of first appointment to ECU
4. Present rank and date at which present rank was established
5. Educational background: degrees, dates conferred, and institutions. Indicate the status of any degree program in process. Include the following where applicable:
  - a. Postgraduate Training Fellowships
  - b. Residencies
  - c. Traineeships
6. Administrative appointments or special assignments (list positions and dates in reverse chronological order with percentage of time assigned)
7. Professional credentials (certifications and licensures)
8. Professional employment history (list positions, ranks and dates of appointments in reverse chronological order)
9. Formal continuing education for professional development (courses, seminars, institutes, etc. and dates in reverse chronological order) School of Medicine (clinical staff): List all postgraduate Continuing Medical Education completed in the last 3 years (in reverse chronological order).

B. Teaching (Didactic and Clinical) and Advising [narrative or bulleted list and relevant date(s)]

1. Noteworthy accomplishments and practices in teaching
2. Noteworthy accomplishments and practices in advising and retention
3. Extraordinary duties assigned or elected in advising
4. Direction of student research and performances:
  - a. List undergraduate students and projects.
  - b. List graduate students and projects.

- c. List memberships in graduate student's thesis/dissertation committees
- 5. Summary of teaching evaluations (student opinion of instruction survey results, peer reviews, and any additional supporting information)
- 6. Grants (listed by year in reverse chronological order) in support of teaching and advising. Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
  - a. Grants/proposals through Office of Sponsored Programs
  - b. Grants/proposals through the Division of Institutional Advancement
  - c. University Grants
  - d. Reports to granting agencies: list agency(ies)
- 7. Medical Education:
  - a. Undergraduate medical student teaching, including didactic lectures, clinical teaching, conferences laboratories, student advising, and student preceptorships.
  - b. Postgraduate medical teaching including clinical teaching and continuing medical education.
  - c. Curriculum development in medical education.
- C. Research/Creative Activity:
  - 1. A brief statement of research activities and interests.
  - 2. A complete list of publications in print, in reverse chronological order, beginning with the most recent publications (Note: School of Medicine should use the AMA format for publications):
    - a. Books and monographs
    - b. Journal articles
    - c. Chapters in books
    - d. Book reviews in professional journals
    - e. Abstracts (including those published in proceedings)
    - f. Microforms
    - g. Sound/video recordings musical scores
    - h. Art exhibitions, pictures in books, applied art
    - i. Articles in proceedings
    - j. Patents
    - k. Editorships of professional journals or books
    - l. Musical performances & productions
    - m. Theatrical performances & productions
    - n. Software development
    - o. Electronic publications
    - p. Clinical trials
    - q. Other (e.g., entries in encyclopedias)
  - 3. Papers, creative works, etc. accepted for publication but not yet in print (attach a copy of letter of acceptance)

4. Other research publications: list title(s) and publication dates and publisher
  5. Research presentations and posters: list organization, date, and title of presentation(s)
  6. Participation in expert panels (include topics, meeting, date(s)).
  7. Visiting professorships or lectureships (include titles, place, date(s)).
  8. Pedagogical materials: list title(s) and publication dates and publisher
  9. Grants (listed by year in reverse chronological order) in support of research/creative activity. Provide a list of all grants applied for, listing for each the source, amount requested, title, Principal investigator and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
    - a. Grants/proposals through Office of Sponsored Programs
    - b. Grants/proposals through the Division of Institutional Advancement
    - c. University Grants
    - d. Reports to granting agencies: list agency (ies)
- D. Clinical Practice: For those faculty who provide patient care as a part of their duties, a patient care portfolio should be included to document their clinical practice activities. The patient care portfolio should include the following information:
1. Summary of relevant activities in clinical practice and evaluations of patient care quality.
  2. Noteworthy accomplishments and practices
  3. Extraordinary duties assigned or elected in clinical practice
  4. Development and/or evaluation of clinical services and programs
  5. Community service and outreach
- E. Professional and University Service (list by year, in reverse chronological order)
1. University: Committee and special assignments
    - a. Unit: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
    - b. Division: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
    - c. University-wide: name of committee(s), role on committee(s), inclusive dates of service
    - d. UNC system: name of committee(s), role on committee(s), inclusive dates of service
    - e. Special assignments: title or role, brief description of assignment, inclusive dates of service
  2. Non-university committees and service:
    - a. Local
    - b. Regional
    - c. State
    - d. Other

- e. Clinical Agency Committees and/or Hospital committees (Health Sciences Division)
- 3. Professional Organizations (list by year in reverse chronological order)
  - a. Memberships in professional organizations: list memberships
  - b. Offices held or other official functions
    - President/Chair: list organization(s)
    - Other office(s): list office and organization(s)
  - c. Organization of meetings, workshops, and symposia: list organization(s)
  - d. Presentations (other than research) at meetings, workshops, and symposia: list organization, date, and title of presentation(s)
  - e. Service as editor or editorial board member: list board(s), list role(s)
  - f. Items reviewed, refereed, or juried for scholarly publications: list publication(s)
  - g. Items reviewed, refereed, or juried for granting agencies: list agency (ies)
  - h. Evaluation of faculty for other universities (peer review): list institution(s)
  - i. Consultantships: list client, specify whether paid or unpaid, briefly define activity
- 4. Other professional service
- 5. Grants (listed by year in reverse chronological order) in support of professional service. Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
  - a. Grants/proposals through Office of Sponsored Programs
  - b. Grants/proposals through the Division of Institutional Advancement
  - c. University Grants
  - d. Reports to granting agencies: list agency(ies)
- F. Honors and other noteworthy activity not covered above
- G. Administrative Activities
  - 1. Noteworthy accomplishments and practices in administration
  - 2. Extraordinary duties assigned or elected
  - 3. Summary of administrative evaluations
- H. Community service: Include organization, dates, offices held.
- I. Other: Include additional information deemed pertinent to this cumulative report.
- J. Date this cumulative report was completed.

**Part XII. PERSONNEL ACTION DOSSIER**  
**Attachment 2.**

EAST CAROLINA UNIVERSITY PERSONNEL ACTION SUMMARY FORM  
(Administrator completes Section I. and faculty member (appointee) completes Section II.)

Section I. To be completed by the appropriate administrator(s).

Name of Appointee: \_\_\_\_\_

Department: \_\_\_\_\_ School/College: \_\_\_\_\_

Current Rank or Title: *(if applicable)* \_\_\_\_\_ Proposed Rank or Title: \_\_\_\_\_

Indicate Type of Action: *(select all that apply)*

Administrative Appointment:

New Faculty Appointment:

Promotion:

Conferral of Tenure:

Other: \_\_\_\_\_  
*(describe)*

Distinguished Professorship: \_\_\_\_\_  
*(provide name of professorship)*

Effective Date of Action: \_\_\_\_\_

Contract Period: Administrative Appointment: 9 mo.  12 mo.   
Faculty Appointment: 9 mo.  12 mo.

Salary: \$ \_\_\_\_\_ Source(s): \_\_\_\_\_ State Funds: \$ \_\_\_\_\_ \*Non-State Funds: \_\_\_\_\_

*\*Indicate Sources of non-state funds generically ( i.e., grants, receipts, trust funds, endowments, medical faculty practice plan, etc.):*

Prior Recommendations/Personnel Actions:  
*(please check appropriate responses)*

Source	<i>Recommended</i>	<i>Not Recommended</i>	<i>Not Applicable</i>
<i>Appropriate Unit Personnel Committee</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Chair/Unit Head</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Director</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Dean</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Provost/Vice Chancellor</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Chancellor</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Board of Trustees</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section II. To be completed by the faculty member.

1. Education Background: (indicate degree, date earned and institution, note additional study & training)
2. Teaching and other professional experience: (Show inclusive dates, rank and/or title, institution or agency, and indicate first appointment at current institution with rank and any changes to date)
3. Scholarly & Creative Activities:

Type	Number
Book	_____
Edited Book	_____
Chapter	_____
Refereed Journal Article	_____
Other Journal Article	_____
Juried Performance/Show	_____
Non-Juried Performance/Show	_____
Other: _____	_____
Other: _____	_____
Other: _____	_____

4. Membership in professional organizations:
5. Professional service on campus:

6. Professional service off campus:

**Approved: Faculty Senate Resolution #07-01  
March 1, 2007  
East Carolina University Chancellor**

**Amendments: Faculty Senate Resolution #08-27, May 2008**

**Part XIII. PROMOTION AND TENURE TIMELINE**

Promotion and Tenure Timeline – Spring before Decision Year\*

Action	Due Date 9 and 12 Month Faculty	Time Allotted for Decision
Request to the Committee for promotion or early conferral of permanent tenure (this step not necessary for normal tenure timeline)	1 <sup>st</sup> Friday in March	
Faculty member submits list of potential external reviews to committee	1 <sup>st</sup> Friday in March	
Committee submission of a list of external reviewers to the unit administrator (Materials should be sent to reviewers in a timely manner with sufficient time for completion.)	Last Friday in March	
Unit Administrator sends formal request to external reviewers	3 <sup>rd</sup> Tuesday in April	3 weeks

Promotion and Tenure Timeline – Fall of Decision Year\*

Action	Due Date 9 and 12 Month Faculty	Time Allotted for Decision	Health Sciences Division	Time Allotted for Decision
Unit Administrator informs committee of upcoming need for a meeting	1 <sup>st</sup> Tuesday in September		1 <sup>st</sup> Tuesday in September	
External reviewer's reports due	1 <sup>st</sup> Tuesday in September		1 <sup>st</sup> Tuesday in September	
Faculty turns in PAD to Committee	2 <sup>nd</sup> Tuesday in September		2 <sup>nd</sup> Tuesday in September	
Committee decision/PAD to unit administrator	2 <sup>nd</sup> Tuesday in October	4 weeks	2 <sup>nd</sup> Tuesday in October	4 weeks
Unit administrator decision /PAD to Dean (if applicable) Brody School of Medicine P&T Committee reviews & makes Recommendation to BSOM	1 <sup>st</sup> Tuesday in November	3 weeks	1 <sup>st</sup> Tuesday in November	4 weeks

Dean				
Dean decision/PAD to VCAA (or VCHS)	2nd Tuesday in December	5 weeks	2 <sup>nd</sup> Tuesday in December	5 weeks

VC decision/PAD (?) to Chancellor	2 <sup>nd</sup> Tuesday in January	4 weeks	2 <sup>nd</sup> Tuesday in January	4 weeks
Chancellor decision	1 <sup>st</sup> Tuesday in February	4 weeks	1 <sup>st</sup> Tuesday in February	4 weeks
BOT decision (Tenure Only)	Spring BOT meeting	Date varies from year to year	Spring BOT meeting	Date varies from year to year

#### Reappointment of Probationary-Term Faculty Members Timeline\*

Action	Due Date for 9 Month Faculty	Time Allotted for Decision	Due Date 12 Month Faculty
PADs due to tenure committee for reappointment decision	1 <sup>st</sup> Tuesday in February		1 <sup>st</sup> Tuesday in April
Committee decision on reappointment to unit administrator	1 <sup>st</sup> Tuesday in March	4 weeks	1 <sup>st</sup> Tuesday in May
Unit administrator decision to Dean (if applicable)	4th Tuesday in March	3 weeks	4th Tuesday in May
Dean decision to VCAA (or VCHS)	3rd Tuesday in April	3 weeks	3rd Tuesday in June
VCAS (or VCHS) decision	2 <sup>nd</sup> Tuesday in May	4 weeks	2 <sup>nd</sup> Tuesday in July

#### Reappointment of Probationary-Term Faculty Members in 2<sup>nd</sup> Year of Employment With Credit for Prior Academic Service Timeline\*

Action	Due Date for 9 Month Faculty	Time Allotted for Decision	Due Date 12 Month Faculty
PADs due to tenure committee for reappointment decision	1 <sup>st</sup> Tuesday in September		1 <sup>st</sup> Tuesday in April
Committee decision on reappointment to unit administrator	1 <sup>st</sup> Tuesday in October	4 weeks	1 <sup>st</sup> Tuesday in May
Unit administrator decision to Dean (if applicable)	3 <sup>rd</sup> Tuesday in October	2 weeks	3 <sup>rd</sup> Tuesday in May
Dean decision to VCAA (or VCHS)	1 <sup>st</sup> Tuesday in November	2 weeks	2 <sup>nd</sup> Tuesday in June
VCAS (or VCHS) decision	3rd Tuesday in November	2 weeks	3rd Tuesday in June

Subsequent Appointment of Fixed-Term Faculty  
Members Timeline – Spring of Decision Year\*

Action	Due Date for 9 Month Faculty	Time Allotted for Decision	Due Date 12 Month Faculty
Fixed-term faculty members request reappointment	No earlier than 180 calendar days before term expires and no later than 90 calendar days before term expires		No earlier than 180 calendar days before term expires and no later than 90 calendar days before term expires
Committee and unit administrator notify fixed-term faculty member in writing of subsequent appointment decision	within 30 days of the request	30 days	within 30 days of the request

\*Faculty candidate will be notified in writing within one week at each decision point.

**Approved:**

**Faculty Senate Resolution #06-09, March 1, 2006  
East Carolina University Chancellor**

**Revised:**

**Faculty Senate Resolution #07-07, March 13, 2007  
East Carolina University Chancellor**

**Editorially revised 5-3-07**

**APPENDIX A  
FACULTY CONSTITUTION AND BY-LAWS  
OF EAST CAROLINA UNIVERSITY**

**CONTENTS**

Faculty Constitution

- I. Purpose
- II. Organization of the General Faculty
- III. Functions of the General Faculty
- IV. Meetings of the General Faculty
- V. Academic Units
- VI. Organization of the Faculty Senate
- VII. Method of Election of the Faculty Senate
- VIII. Officers of the Faculty and Faculty Senate
- IX. Duties of the Officers of the Faculty Senate
- X. Meetings of the Faculty Senate
- XI. Functions of the Faculty Senate
- XII. Agenda of the Faculty Senate
- XIII. Order of Business for the Faculty Senate
- XIV. Limitations upon Functions of the Faculty Senate
- XV. Amendments to the Faculty Constitution
- XVI. Adoption and Changing of By-laws of the Faculty Constitution

By-laws of the Faculty Constitution of East Carolina University

- I. Attendance, Seating, and Participation
- II. Minutes of the Faculty Senate
- III. Special Committees
- IV. Faculty Senate, Academic and Administrative Committees, Membership, and Structure
- V. Administrative Board of the Graduate School
- VI. Faculty Assembly Delegates and Alternates

**FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY**

I. Purpose

The purpose of the faculty organization shall be to provide the means by which the faculty is enabled to fulfill its function with respect to academic and educational policies and other affairs of East Carolina University. The faculty organization shall be comprised of the general faculty and the Faculty Senate. The general faculty shall be the general electorate, and the Faculty Senate shall be a legislative and advisory body representing the general faculty and shall consist of elected and ex-officio members. The functions, duties, and privileges of these two bodies, stipulated in the following document, shall be exercised under the authority of the Chancellor of East Carolina University.

The Faculty Senate and the various committees on which the faculty serve shall be the primary media for the essential joint effort of faculty and administration in the government of East Carolina University. The Chancellor and the Chair of the Faculty shall facilitate communication which will enable continuing and effective faculty participation.

## II. Organization of the General Faculty

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold an academic title, including those on special faculty appointment.

The general faculty shall have as its presiding officer the Chair of the Faculty, who shall be responsible for calling its meetings and for keeping a record of its proceedings. The presence of a majority of the members shall constitute a quorum, except in special cases provided for in this constitution. Each member of the general faculty shall have one vote. A vote by voice will be the regular method of voting on any motion that does not require more than a majority vote for its adoption. Upon the request of ten percent of those present, a secret ballot will be in order.

## III. Functions of the General Faculty

The general faculty shall be empowered to perform the following functions: consider reports from and make recommendations to the Chancellor, the appropriate vice chancellor, and the Faculty Senate; discuss any matter relating to the welfare of East Carolina University or of the members thereof; amend or rescind the articles establishing the Faculty Senate as provided for in this constitution; amend or rescind the action of the Faculty Senate as provided for in this constitution.

## IV. Meetings of the General Faculty

The general faculty shall meet at the pleasure of the Chancellor or the Faculty Senate of East Carolina University or upon petition to the Chancellor by at least fifteen percent of the general faculty.

## V. Academic Units

The academic units shall be organized into autonomous code units according to guidelines approved by the Faculty Senate and the Chancellor. Except for the academic libraries, each code unit shall be responsible for at least one degree program.

## VI. Organization of the Faculty Senate

Electoral units for the Faculty Senate shall be the academic code units. All full-time faculty members of East Carolina University are eligible to vote for faculty senators. All full-time faculty members of East Carolina University in at least their second year of appointment to the electoral unit which they will represent

are eligible for election to the Faculty Senate. The membership of the Faculty Senate shall consist of elected representatives and of ex-officio members.

The number of elected faculty senators shall not exceed 58 nor be fewer than 52. Prior to the election in February of each academic year, the ratio of faculty members to elected faculty senators will be determined by the Chair of the Faculty, Vice Chair of the Faculty, and the Secretary of the Faculty. The number of faculty within each department/school/college will be gathered from part of a personnel data file that is prepared and submitted to the UNC General Administration by the Office of Institutional Planning, Research, and Effectiveness in January of each year.

Faculty members included in the University's annual personnel data report who satisfy all of the following criteria shall be counted in determining the number of each electoral unit's faculty senators: (1) currently employed (as of the date of the report), (2) permanent employee (including those on leave with or without pay), (3) EPA employee, (4) full time employee, (5) included in the occupational activity categories of 10 (executive, administrative and managerial) or 20 (instructional faculty), (6) holding a professorial rank or title (modified or unmodified) of instructor, assistant professor, associate professor, or professor. Faculty members meeting these criteria will be counted as belonging to their department/school/college of rank (not home department) where these two differ. When a faculty member's department of rank is part of a professional school or college, and the school or college is the recognized electoral unit, the faculty member will, for purposes of Faculty Senate representation, be counted as a member of the school or college which is his or her electoral unit.

Each electoral unit represented will then be informed as to the number of elected faculty senators to which that electoral unit is entitled. No electoral unit will be allocated more than 15 percent of the elected Faculty Senate members. Electoral units for the purpose of this constitution shall be the various professional schools and colleges, Academic Library Services, Health Sciences Library, and the departments of the College of Arts and Sciences. In the event that an electoral unit must reduce its existing number of faculty senators, it shall do so by following democratic procedures.

Each department of the College of Arts and Sciences shall have at least one elected faculty senator and will elect its faculty senator as an electoral unit. The various professional schools and colleges, Academic Library Services, and the Health Sciences Library will have at least one elected Faculty Senator. Each department/school/college may choose to elect its senators from the department/school/college as a whole or in the alternate manner described as follows. Each department within the school/college shall be allowed to nominate the number (less the number whose terms are not expired) to which it would be entitled if it were considered as a separate electoral unit. The persons

nominated by each department shall be placed on a ballot for the election of the number allotted to the electoral unit by the faculty of the electoral unit.

The count of faculty members for the purpose of apportionment shall include those members who are absent from the campus because of illness or leave of absence, unless replaced by a full-time instructor or above under annual contract.

The ex-officio members of the Faculty Senate shall include the following representatives of the East Carolina University administration: Chancellor, Provost/Vice Chancellor for Academic Affairs, Vice Chancellor for Health Sciences, Vice Chancellor for Research and Graduate Studies, and an academic dean elected by the Chancellor's Cabinet in a manner determined by the Cabinet. The immediate past Chair of the Faculty and the elected representatives of East Carolina University to the Faculty Assembly of the University of North Carolina who are not members of the Faculty Senate shall also be ex-officio members. These ex-officio members shall have a vote in all Senate matters except the election of officers and committee members.

#### VII. Method of Election of the Faculty Senate

The Secretary of the Faculty shall request that each electoral unit proceed to elect its representatives. Elections shall be held in February of each year with members-elect to take office on the day following the last regular meeting of the Faculty Senate in the spring semester.

To obtain nominations, each department/school/college shall develop a ballot that lists every eligible member of that department/school/college. Each member of the faculty shall vote by secret ballot for twice as many nominees as that faculty member's department/school/college is entitled to elect. That group of nominees equal to twice the number of representatives to be elected that receive the largest number of votes shall then be placed on a separate ballot for the election of representatives. An alternate method of nominating Senators by the schools is found in Section VI.

To elect representatives each faculty member shall then vote by secret ballot for the number of representatives allotted that electoral unit. Votes shall be counted in accordance with procedures agreed upon by the electoral unit.

The administrative officer of each electoral unit shall report the results of the election to the Secretary of the Faculty.

Each senator shall serve a two-year term. Senators may be elected to succeed themselves twice. After a lapse of one year following the expiration of this third term, they will again be eligible for election. The seat of an elected senator who fails to attend more than three consecutively held meetings of the Faculty Senate shall be declared vacated by the Chair of the Faculty. If a senator is awarded a

research or medical leave and an alternate senator attends in his or her place, the three consecutive meeting rule will not be invoked. (Faculty Senate Resolution #09-06)

Each electoral unit concerned shall hold special elections to fill unexpired or vacated terms. The Senate may establish and promulgate procedures for selecting alternates for elected and ex-officio members. The administrative office of each electoral unit so affected shall certify to the Secretary of the Faculty the credentials of individuals thus elected.

#### VIII. Officers of the Faculty and Faculty Senate

The officers of the faculty and Faculty Senate shall consist of the following: the Chair of the Faculty, the Vice Chair of the Faculty, and the Secretary of the Faculty. Other officials may be established as they become advisable or necessary. All officers shall be elected by a majority vote of the elected members of the Faculty Senate present. All full-time, permanently tenured faculty are eligible to serve as Chair or Vice Chair of the Faculty. All full-time faculty members of East Carolina University in at least their second year of appointment are eligible to serve as Secretary of the Faculty. In the event that a Faculty Officer is also a faculty senator, the electoral unit having elected the Senator is invited to elect a replacement. Officers of the Faculty, who are not members of the Faculty Senate will not have a vote, count toward a quorum, or vote and occupy a seat assigned to a Faculty Senator. The term of faculty officers shall be one year with the privilege of reelection.

At the second regular meeting of the spring semester the elected members of the Faculty Senate shall nominate and elect a nominating committee to consist of five members. The nominating committee shall be elected from the ranks of elected members of the Faculty Senate by a majority of those present and voting. Voting for members of the nominating committee shall be by written, secret ballot. The nominating committee elected by the Faculty Senate shall submit to the Secretary of the Faculty a slate of candidates for each office of the Faculty Senate at an organizational meeting to be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Further nominations, from the ranks of the elected membership and by the elected members, will be accepted from the floor. Officers will be elected by a majority of those present and voting. They shall assume their duties on July 1 following election. If the office of the Chair of the Faculty shall become vacant, the position shall be assumed by the Vice Chair of the Faculty. If other offices shall become vacant, they shall be filled by a special election conducted by the Faculty Senate. Voting for all officers shall be by written, secret ballot.

#### IX. Duties of the Officers of the Faculty Senate

The Chair of the Faculty shall preside at all meetings. He or she is empowered to call special meetings as hereinafter provided. The Chair is an ex-officio member of all academic committees and various administrative committees. The Chair may delegate to the Vice Chair or an appointed representative his or her seat on any of the academic or various administrative committees. He or she shall appoint persons to fill unexpired terms of committees.

Before the first regular meeting of the Faculty Senate, the Chair will appoint the Parliamentarian of the Faculty. The Parliamentarian need not be a member of the Faculty Senate, but shall advise the Chair and the faculty on the parliamentary matters according to the latest edition of *Robert's Rules of Order, Newly Revised* and the *Faculty Constitution* and its *By-Laws*.

The Chair of the Faculty supervises the Faculty Senate office personnel, and with their assistance, plans the General Faculty Convocation. The Chair is responsible for conveying greetings of the Faculty at commencement exercises and representing the Faculty at university functions and Board of Trustee meetings. For the length of his/her term as Chair, the Chair of the Faculty serves as a Delegate to the Faculty Assembly (but not exceeding six consecutive years), with duties as a delegate described in the Bylaws of the Faculty Assembly of the University of North Carolina, Part X of the ECU Faculty Manual.

The Vice Chair of the Faculty shall perform all of the duties of the Chair in the absence or incapacity of the Chair. The Vice Chair of the Faculty shall serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees. The Vice Chair of the Faculty shall succeed to the office of Chair of the Faculty in the event that office should become vacant during the term of the incumbent.

The Secretary of the Faculty, with assistance of the office personnel, shall keep accurate minutes of all regular and special meetings, ensure distribution of copies of the minutes to all members of the general faculty, keep an accurate list of membership of the Faculty Senate, keep an accurate record of attendance, inform the Chair of the Faculty when a seat becomes vacant, serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees, and perform such other appropriate duties as directed by the Faculty Senate.

#### X. Meetings of the Faculty Senate

Four regular meetings of the Faculty Senate will be held each fall and spring semester according to a schedule prepared by the Agenda Committee and approved by the Senate in the Fall Semester of the preceding year.

The organizational meeting of the Faculty Senate will be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Upon written petition of fifteen members of the Faculty Senate, the Chair shall call a special session of the Faculty Senate within four days. In an exceptional situation in which the regular procedures for scheduling a meeting of the Faculty Senate are clearly inadequate and would occasion undue delay, the Chair of the Faculty shall be empowered to call a special session of the Faculty Senate. A notice stating the purpose of the special session shall be distributed to the members of the Faculty Senate and the general faculty twenty-four hours prior to the meeting.

Meetings of the Faculty Senate shall be open to all members of the general public in accordance with the North Carolina Open Meetings Law.

The general faculty shall be informed of the time, place, and agenda of all regular and special meetings.

#### XI. Functions of the Faculty Senate

The Faculty Senate may, at its own discretion, seek the advice and counsel of any member of the general faculty. In exercising its function the Faculty Senate shall establish whatever procedures are necessary.

The Faculty Senate shall be authorized to set up such committees as are necessary for the performance of its duties.

The legislative powers of the general faculty are delegated to the Faculty Senate and the Faculty Senate shall have the powers of the general faculty, subject to the limitations stated in this constitution, in formulating the policies of East Carolina University.

The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committee of East Carolina University, or initiate any policies in such matters which it deems desirable.

#### XII. Agenda of the Faculty Senate

The Faculty Senate shall be free to establish its own agenda, provided that all matters of academic policy brought before the Agenda Committee by action of the general faculty, any senator, or any standing or special committee shall be placed on the agenda not later than the time of the second regular meeting of the Faculty Senate after receipt of the recommendation.

Matters to be brought before the Faculty Senate shall ordinarily be considered in the order set forth by the Agenda Committee. Matters for consideration may be taken out of order and/or new matters considered in any order upon a two-thirds vote of faculty senators present and voting at any meeting of the Faculty Senate.

The Agenda Committee, with assistance of the office personnel, collects all recommendations and reports from academic committees, including all standing and ad hoc committees of the Faculty Senate. The committee draws up the agenda, on the basis of the recommendations and reports received from the committees, as well as from the officers and members of the Faculty Senate, for each regular and special meeting of the Faculty Senate. The committee has the responsibility of providing each member of the faculty a copy of the agenda for each meeting of the Faculty Senate one week before the date of the meeting.

The membership of the Agenda Committee shall consist of five elected Senators, elected to the Committee by the Faculty Senate for one-year terms at the organizational meeting of the Faculty Senate each spring semester, plus ex-officio: Chair and Vice Chair of the Faculty and Secretary of the Faculty. The immediate past Chair of the Faculty, in residence, the Parliamentarian of the Faculty, and the Faculty Assembly Delegates shall serve as members without vote. The Chair of the Agenda Committee shall be chosen by the members from among its elected membership. The quorum shall be three elected committee members.

The Agenda Committee reports to the Faculty Senate on any matter within its charge requiring Faculty Senate action.

#### XIII. Order of Business for the Faculty Senate

The following order of business shall be observed in meetings of the Faculty Senate unless Senators vote to change the procedures as provided in this constitution: (I) call to order, (II) approval of the minutes, (III) special order of the day, (IV) unfinished business, (V) reports of committees, (VI) new business.

Each elected member of the Faculty Senate shall have one vote. Unless otherwise indicated, the ex-officio members shall have one vote each. Voting by the Faculty Senate shall ordinarily be by voice vote. All matters shall be decided by a majority vote of those Senators present and voting except as stated in this constitution.

A quorum shall consist of three-fifths of the elected faculty members of the Faculty Senate.

#### XIV. Limitations Upon Functions of the Faculty Senate

The general faculty shall be empowered to amend or rescind any act of the Faculty Senate, provided that a majority of the total membership of the general faculty at a regular or special meeting at which a quorum of at least two-thirds of the general faculty vote.

Acts or decisions of the Faculty Senate shall be considered approved unless vetoed within thirty days of the action by the Chancellor of East Carolina University by written notice to the Chair of the Faculty or unless the Chancellor

notifies the Chair of the Faculty in writing that the proposal has been forwarded to the Board of Trustees or to the Board of Governors.

#### XV. Amendments to the Faculty Constitution

All proposed amendments to the Faculty Constitution shall be presented first at a regular meeting of the Faculty Senate for discussion, amendment or substitution. At the next regular meeting of the Faculty Senate the amendment will be voted upon for submission to the general faculty for approval.

As the creating body, the general faculty shall be empowered to amend or abolish these articles establishing the Faculty Senate. Any amendment to these articles or any action abolishing them shall require a vote of two-thirds of those present and voting at the annual Fall Faculty Convocation.

#### XVI. Adoption and Changing of By-Laws of the Faculty Constitution

The Faculty Senate shall establish whatever by-laws are necessary. A motion to amend the by-laws shall be presented first at a regular meeting of the Faculty Senate for discussion only. At the next regular meeting of the Faculty Senate the motion to amend the by-laws will be acted upon, requiring a vote of two thirds of those elected senators present and voting for approval. An amendment to the By-Laws of the Faculty Constitution shall be effected only by action of the Faculty Senate.

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Approved: Faculty Senate Resolution #05-18  
September 21, 2005  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #94-40, August 1995  
Faculty Senate Resolution #97-13, March 1997  
Interpretation made to Section VIII. (3-30-93)

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### BY-LAWS OF THE FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY

- I. Attendance, Seating, and Participation
  - A. To facilitate the efficient flow of business, Senators shall be seated as follows:
    1. Ex-officio members shall be assigned seats on one row.
    2. Elected members shall be assigned seats in alphabetical order by electoral units
  - B. Only elected and ex-officio members (including alternates, representing their electoral units) may answer the roll call, vote, or occupy seats assigned to senators.

- C. Faculty members visiting the Senate shall seat themselves in the back of the meeting room, behind the seats assigned to Senate members.
- D. Visitors may not participate in Senate discussions and business except by advance invitation of the Senate Agenda Committee or the Chair of the Faculty. Such an invitation will be announced to the Senators prior to the meeting.
- E. Each electoral unit of the University may elect a number of alternate representatives equal to its allotment of senators, not to exceed the electoral unit's number of apportioned senators. If more than one alternate is elected, they should be elected to two-year terms. The alternate(s) will be elected in the same manner as faculty senators at the time of regular election of senators, and will serve for a two-year term.

Alternates shall be eligible for re-election. The alternate will represent that electoral unit at the discretion of any Senator within the electoral unit, and in such a situation, shall notify the Secretary of the Faculty or Faculty Senate office that he or she is representing that electoral unit prior to the convening of the Senate session in question.

## II. Minutes of the Faculty Senate

- A. There shall be a Faculty Senate Committee on Minutes composed of the Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty.
- B. Minutes shall become official on approval by the Faculty Senate Committee on Minutes. The official minutes shall be distributed to all faculty as soon as possible after a Senate meeting. Any corrections to the minutes by the Senate shall be made a part of the official minutes of the subsequent meeting.
- C. Incorporation into the official minutes of verbatim remarks shall be allowed or disallowed at the discretion of the Faculty Senate Committee on Minutes. The Chair of the Faculty may request that verbatim remarks be submitted in writing to the Secretary of the Faculty.

## III. Special Committees

- A. Special committees shall be established by the Senate at the discretion of the Chair of the Faculty, in consultation with the Faculty Officers.
- B. Members of the special committees may be appointed by the Chair of the Faculty or he or she may ask the Senate to elect committee members. At least one senator shall be on each special committee.
- C. The Chair of the Faculty may appoint the chair of special committees or these chairs may be elected by the committee members.
- D. Non-Senate faculty members as well as Senators may serve on special committees.
- E. Appellate Committee members, excluding the Faculty Grievance Committee, must be permanently tenured, voting faculty holding no

administrative title (*Appendix D, Tenure and Promotion Policies and Procedures of ECU*).

- F. The process for election of Appellate Committees (*Appendix D, Tenure and Promotion Policies and Procedures of ECU*) will be as follows:
1. The Appellate Committee preference form will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed preference form is due in the Faculty Senate office in February.
  2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Appellate Committee members will be elected at the Faculty Senate Organizational meeting in April. Election will be by majority present and voting.
  3. This by-law may be suspended in accordance with procedures specified in *Robert's Rules of Order, Newly Revised*.
  4. Members of the Faculty Governance Committee can not be elected concurrently to an appellate committee.

#### IV. Faculty Senate, Academic and Administrative Committees, Membership, and Structure

##### Membership

Membership of Faculty Senate Committees and Academic Committees shall consist of faculty holding academic rank (instructor, assistant professor, associate professor and professor). The Chancellor and the Chair of the Faculty are ex-officio members of all committees.

Members of committees serve in accordance with their ability, training, and experience rather than as representatives of their electoral unit.

The process for election of academic and selective administrative committees will be as follows:

1. The Academic and Administrative Committee preference forms will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed forms are due in the Faculty Senate office in February.
2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the floor of the Faculty Senate. Election of Academic and Administrative Committee members will take place at the Faculty Senate Organizational Meeting in April. Election will be by majority present and voting.

Members are elected to staggered three-year terms, which may extend to the beginning of the fall semester; faculty members are generally not elected to

more than one academic committee. Service on a single academic or administrative committee is limited to election to two consecutive 3-year terms with ineligibility for election to the same committee for at least one year. Student members are nominated by the Student Government Association for appointment by the Chancellor.

Faculty Senate and Academic Committees meet on a standard schedule, set and revised by the Committee on Committees. When a Faculty Senate academic committee deals with matters which directly concern any administrator these matters should be discussed with the administrator during the development of a proposed policy. Further, the administrator should have adequate input before the finished resolution is presented to the Senate. This not only would involve ex-officio committee members but also would involve working with any administrator involved in a particular policy under consideration.

All University Academic Committees are Standing Committees of the Faculty Senate. Information relating to each committee is available in the Faculty Senate office and electronically on the Faculty Senate web site.

Officers: Officers of each committee are elected from the membership of the committee, excluding ex-officio, by the members of the committee, for a term of one year. Previous service as a committee officer shall not prejudice a member's election to any committee office. Under normal circumstances each committee shall have a chairperson, a vice chairperson, and a secretary. Upon organization of the new committees, at the Committees' Organizational meetings beginning in the Fall, the former chairperson if available will turn over committee records to the new chairperson. The Chair of the Faculty may declare an elected member's seat vacant upon the occurrence of three consecutive absences of that member. The Chair of the Faculty will appoint faculty members to fill vacancies of any University Academic Committee that may occur during the academic year. Interim elections may be held to fill an office that has become vacant or to replace an officer that two-thirds of the full committee membership deems is not fulfilling the obligations of the office.

The charge of each Faculty Senate and academic committee is on file in the Faculty Senate office and available electronically on the Faculty Senate web site. Many administrative committee charges are available on the East Carolina University web site.

Each committee shall operate according to the latest version of *Robert's Rules of Order, Newly Revised*. Minutes of each committee are on file in the Faculty Senate office and available electronically on the Faculty Senate web site and shall be sent to members of the committee and Chair of the Faculty.

A file on each committee's activities, minutes, and other records shall be maintained in the Faculty Senate office. All committees and subcommittees, unless prohibited explicitly by the committee's charge, University policies, or state statutes, shall hold their regular and special meetings in open session in accordance with the North Carolina Open Meetings Law, and the chairperson of committees shall inform the Senate office of the time and place of such meetings so they may be placed on the Senate calendar and publicized in order that interested faculty may attend.

The committees' annual reports shall be composed by the committee officers according to the official form and submitted to the Faculty Senate office for duplication and distribution to the Chair of the Faculty, the Chair of the Committee on Committees, the present members of the committee, and the new members of the committee whose terms begin next academic year. Copies of the committees' annual reports will be kept on file in the University Archives, Faculty Senate office, and made available electronically on the Faculty Senate web site. Upon request, copies of committees' annual reports shall be made available by the Faculty Senate office.

The Chair of the Faculty shall each year compile the Annual Report of the Faculty Senate. This report, among other things, shall contain a summary of Senate and Senate committees' activities for the immediate past year.

The Annual Report of the Faculty Senate will be distributed to the Chancellor, academic Vice Chancellors and made available on the Faculty Senate web site. Copies of the report will also be kept on file in the University Archives and the Faculty Senate office. In addition, copies of the Annual Report of the Faculty Senate will be distributed to the members of the Faculty Senate not later than the first regular Faculty Senate meeting of the next academic year.

Currently there are two Faculty Senate committees (Agenda Committee and Committee on Committees), five appellate committees (Due Process Committee, Faculty Grievance Committee, Grievance Board, Hearing Committee, and Reconsideration Committee), and 19 academic committees as follows:

- Academic Awards Committee
- Academic Standards Committee
- Admission and Retention Policies Committee
- Calendar Committee
- Continuing and Career Education Committee
- Educational Policies and Planning Committee
- Faculty Governance Committee
- Faculty Information Technology Review Committee
- Faculty Welfare Committee
- Libraries Committee
- Research/Creative Activity Grants Committee

Student Academic Appellate Committee  
Student Scholarships, Fellowships, and Financial Aid Committee  
Teaching Grants Committee  
Unit Code Screening Committee  
University Athletics Committee  
University Budget Committee  
University Curriculum Committee  
University Environment Committee

As the need arises, additional committees are created, by the Committee on Committees to assist in the academic policy-making process.

V. Graduate School Administrative Board

The Chair of the Faculty or his/her designee shall serve as an ex-officio member without vote. The duties and responsibilities of this Board are described in Appendix F. of the *ECU Faculty Manual*.

VI. Faculty Assembly Delegates and Alternates

The process for election of Faculty Assembly Delegates and Alternates (*Part X, Charter of the University of North Carolina Faculty Assembly*) will be as follows:

1. The Faculty Assembly nomination form will be distributed to all faculty by the Committee on Committees with assistance of the office personnel in November. The completed nomination forms are due in the Faculty Senate office in December.
2. The Committee on Committees will review the nominations and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Faculty Assembly representatives will be elected by the Faculty Senate at its January regular meeting. Election will be by majority present and voting. One Faculty Assembly Delegate will be the Chair of the Faculty, holding a term for each year he/she is elected to serve as Chair of the Faculty. No Chair of the Faculty may serve as a Faculty Assembly Delegate for more than six consecutive years.

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Approved: Faculty Senate Resolution #05-19  
April 13, 2005  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #93-21, April 1993  
Faculty Senate Resolution #94-40, August 1995  
Faculty Senate Resolution #96-20, August 1996  
Faculty Senate Resolution #97-14, March 1997  
Faculty Senate Resolution #00-19, April 2000  
Faculty Senate Resolution #01-9, February 2001

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APPENDIX B  
POLICY FOR THE CUMULATIVE REVIEW OF PERMANENTLY TENURED  
FACULTY OF EAST CAROLINA UNIVERSITY

Link to proposed revisions:

<http://www.ecu.edu/cs-acad/fsonline/customcf/facultysenate/08-42.htm>

CONTENTS

- I. Preamble
- II. Description of Policy
  - A. Timing
  - B. Performance Standards for the Review
  - C. Cumulative Review Committee (CRC)
  - D. Review Process
  - E. Reconsideration
  - F. Faculty Development Plan
  - G. Subsequent Evaluation
- III. Form A and B

I. Preamble

On May 16, 1997, the Board of Governors mandated the review of performance of tenured faculty in the University of North Carolina system. This review, defined as the comprehensive, formal, periodic evaluation of cumulative faculty performance, has the purposes of ensuring faculty development and promoting faculty vitality. The June 24, 1997, Administrative Memorandum #371 from the General Administration of the UNC System required each constituent institution to create a policy that examines individual faculty contributions to departmental, school/college, and university goals as well as to the academic programs in which faculty teach. Guidelines mandate that the process shall recognize and reward exemplary faculty performance; provide for a clear plan and timetable for improvement of performance of faculty found deficient; and, for those whose performance remains deficient, provide for the possible imposition of appropriate sanctions or further action, including discharge. Further guidelines direct individual institutions to show the relationship between annual review and cumulative review, examine faculty performance relative to the mission of the unit and the university, include a review no less frequently than every five years, explicitly involve peers in the review process, assure written feedback as well as a mechanism for faculty response to the evaluation, and require individual development plans for all faculty receiving less than satisfactory ratings in the cumulative review.

East Carolina University's Policy for the Cumulative Review of Permanently Tenured Faculty meets the guidelines of the University of North Carolina General Administration and is consistent with East Carolina University's Faculty Manual and the Code of the University. This policy does not create a process for the

reevaluation or revalidation of tenured status. The basic standard for appraisal and evaluation is whether the faculty member under review discharges conscientiously and with professional competence the duties associated with his or her position. Furthermore, the policy is created with the widespread presumption of competence on the part of each tenured faculty member. The cumulative review for a faculty member must reflect the nature of the individual's field or work and must conform to fair and reasonable expectations as recognized by faculty peers in each department and discipline. The review must be conducted in a manner free of arbitrary, capricious, or discriminatory elements and must follow these agreed-upon procedures.

## II. Description of Policy

[Please refer to interpretation #I98-10 located in the Index of ECU Faculty Manual Interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>]

### A. Timing

At five-year intervals, beginning with academic year 1998-1999, each permanently tenured faculty member shall have a review of all aspects of his or her professional performance during the review interval. A review leading to promotion in rank qualifies as a cumulative review. A faculty member granted permanent tenure shall be reviewed within five years of the granting of tenure. Probationary-term faculty members are excluded because other review mechanisms exist to evaluate their performance. Unit\* administrators, deans, and administrators at the division or university level shall be excluded from this policy. After returning to full-time teaching/research responsibilities, administrators shall be evaluated in their fifth year and following five-year intervals.

Each academic unit's tenure committee shall decide whether all of its tenured faculty will be reviewed in the same year or whether its tenured faculty will be reviewed according to a serial plan. Those units choosing a serial plan shall also determine the method of serialization.

### B. Performance Standards for the Review

For the cumulative review of performance for the five-year period, the unit's Tenure Committee shall draft standards of "exemplary," "satisfactory," and "deficient" performance, taking into account the provisions of Appendix C, Section I, C and D of the ECU Faculty Manual, the unit's code provisions, and the primacy of teaching/advising within the UNC system institutions. These standards should be consistent with changing goals of the unit and the university while also considering varying expectations at the time of the granting of permanent tenure for individual faculty members.

The Tenure Committee shall submit the proposed standards to the unit administrator for concurrence or nonconcurrence. At that point, two possible actions may occur. (1) If the unit administrator concurs, he or she shall forward the standards to the next higher administrator. If the next higher administrator

does not agree with the standards developed by the Tenure Committee and concurred with by the unit administrator, every effort (including discussion and negotiation) shall be made to resolve the disagreement. If the effort fails, the matter shall be referred to the next higher administrator who may accept the standards or return them for revision. (2) When the unit administrator and Tenure Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the matter shall be referred to the next higher administrator who may accept the standards or return them for revision. In either case, any amendment to these standards must be approved by a vote of at least 2/3 of the Tenure Committee and follow the same process for initially proposed standards.

#### C. Cumulative Review Committee (CRC)

The Tenure Committee will elect a minimum of three faculty members and one alternate from the permanently tenured voting faculty (ECU Faculty Manual, Appendix L, Section A. Voting Faculty Member) not holding administrative status to serve on the Cumulative Review Committee. The alternate shall serve when a member is unable to serve. Members on the Cumulative Review Committee shall serve for one academic year.

When a unit is unable to elect three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured voting faculty not holding administrative status from other units to increase the committee's membership to three members and one alternate. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

#### D. Review Process

Cumulative Review of Permanently Tenured Faculty shall cover all aspects of the faculty member's professional performance and be based on the faculty member's most recent annual reports and most recent annual performance evaluations (ECU Faculty Manual, Appendix C, Section III. Evaluations) for the cumulative review period. The review shall take into account the faculty member's contribution for the period to the mission of the unit, the school or college, and the university. Permanently tenured full-time faculty members who have received University approved leaves of absence shall not have such leave time counted as part of the cumulative review period.

Should a subsequent academic unit administrator disagree with the annual reviews and annual reports of an individual faculty member composed before the term of office of the incumbent administrator, the administrator shall not dismiss, alter, or argue against the body and conclusions of the earlier annual reviews and reports.

The initial review shall be conducted by the unit administrator who, using the attached Form A or Form B, shall prepare a summary report which categorizes each faculty member's performance as exemplary, satisfactory, or deficient. The report, together with the annual reports and annual performance evaluations, shall be reviewed by the Cumulative Review Committee. For each faculty member, the Cumulative Review Committee shall either agree or disagree with the findings of the unit administrator.

When the unit administrator and the Cumulative Review Committee agree, the unit administrator shall report the results of the cumulative review in writing to the faculty member and place a copy of the written evaluation in the faculty member's personnel file. Faculty whose cumulative review reflects exemplary performance shall be recognized and rewarded.

When the unit administrator and Cumulative Review Committee disagree, every effort (including discussion and negotiation) will be made to resolve the disagreement within the unit. If the effort to resolve the disagreement fails, the matter will be referred to the next higher administrator for final decision.

#### E. Reconsideration

A faculty member whose review process determines a deficient performance level shall have the opportunity to respond within 20 calendar days. The faculty member may request that the unit administrator and Cumulative Review Committee reconsider the evaluation based on additional substantive information provided by the faculty member. In reconsidering the evaluation, the unit administrator and Cumulative Review Committee shall have the opportunity to nullify, modify, or reconfirm the original evaluation.

If, upon reconsideration, the unit administrator and Cumulative Review Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the matter shall be referred to the next higher administrator for final decision.

The unit administrator shall report the decision in writing to the faculty member and place a copy of the report in the faculty member's personnel file.

#### F. Faculty Development Plan

A faculty member whose cumulative review reflects deficient performance shall negotiate a formal development plan with the Cumulative Review Committee and the unit administrator. The development plan must identify specific strengths and

deficiencies and also define specific goals or outcomes that would help the faculty member overcome the identified deficiencies. It should also outline activities, set guidelines, indicate approved criteria by which the faculty member could monitor his or her progress, and identify the source of any institutional commitments, if required. The development plan shall set reasonable time limits, not to exceed three academic years from the implementation of the plan. The plan shall represent a commitment by the faculty member, the Cumulative Review Committee, and the unit administrator to improve the faculty member's performance and provide adequate resources to support the plan. The plan shall be consistent with the faculty member's academic freedom (as defined by the ECU Faculty Manual, Part III), shall be self-directed by the faculty member, and shall be sufficiently flexible to allow for subsequent amendment, if necessary. Such amendment will follow the same process as the development of the original plan. If the unit administrator, Cumulative Review Committee, and faculty member cannot agree on a formal development plan, each party's draft of a plan will be forwarded to the next higher administrator, who will make the final decision. The faculty member's development progress shall be reviewed annually by the Cumulative Review Committee and the unit administrator, who shall provide a written evaluation of progress to the faculty member.

#### G. Subsequent Evaluation

If the faculty member's cumulative performance level is satisfactory within the designated period of time, the unit administrator shall report the results of the cumulative review in writing to the faculty member and place a copy of the written evaluation in the faculty member's personnel file. The faculty member will undergo another cumulative review at the beginning of the next cumulative review interval. If the faculty member's cumulative performance level remains deficient after the designated period, the unit administrator may recommend that serious sanctions be imposed as governed by Appendix D, Section VI, "Due Process Before Discharge or Imposition of Serious Sanction," of the ECU Faculty Manual and the Code of the Board of Governors of the University of North Carolina.

\*With respect to personnel matters relating to Cumulative Review, academic units are defined as departments described in the codes of operation of professional schools, the departments in the College of Arts and Sciences, professional schools without departments, Academic Library Services, Health Sciences Library, and any other units in which faculty appointments are made. In the College of Arts and Sciences and in professional schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.

### III. Form A and B

Cumulative Review of Permanently Tenured Faculty  
East Carolina University  
Form A

Faculty member: \_\_\_\_\_ School/department: \_\_\_\_\_  
DATE: \_\_\_\_\_

I. Summary of Annual Evaluations:

	Year 1	Year 2	Year 3	Year 4	Year 5
A. Teaching/advising					
B. Research or creative productivity					
C. Professional service					
D. Patient Care					
E. Other duties					
OVERALL					

II. Cumulative Review Evaluation:

\_\_\_\_\_ Exemplary  
\_\_\_\_\_ Satisfactory  
\_\_\_\_\_ Deficient\*

\*A "deficient" evaluation must be accompanied by a written justification for this finding.

\_\_\_\_\_

Submitted by: \_\_\_\_\_  
Unit Administrator

\_\_\_\_\_ Date

Cumulative Review Committee Response:

\_\_\_\_\_ Agree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Committee Chair

\_\_\_\_\_ Date



Appendix C  
PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST  
CAROLINA UNIVERSITY<sup>2</sup>

CONTENTS

- I. Selection and Appointment of New Faculty
  - A. Determination of Number and Nature of Positions
  - B. Selection Procedure
  - C. General Criteria
  - D. Specific Criteria for Appointment
  - E. Initial Appointment
- II. Assignments
  - A. Assignment of Teaching Responsibilities
  - B. Assignment of Released Time
- III. Evaluation
- IV. Professional Advancement
- V. Salary
  - A. Initial Salary
  - B. Determination of Annual Salary Increments
- VI. Faculty Personnel Files
- VII. Amendment Procedure

- I. Selection and Appointment of New Faculty
  - A. Determination of Number and Nature of Positions  
Needed allocation of positions is the prerogative of the vice chancellor for academic affairs, the vice chancellor for health sciences and the vice chancellor for student life, as appropriate.

The unit administrator is responsible for recommending through administrative channels to the vice chancellor for academic affairs, the vice chancellor for health sciences, or the vice chancellor for student life the number and nature of positions needed to carry on the functions of the unit.

The unit administrator, in keeping with the mission of the unit and the institutional context, shall follow the provisions of the unit code in making recommendations concerning the number and nature of positions needed.

- B. Selection Procedure  
The unit administrator shall notify the unit personnel committee of the number and nature of positions allocated to the unit. The actual selection process must then proceed in accordance with *Appendix D, Tenure and Promotion Policies and Procedures* and *Part VI, General Personnel*

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<sup>2</sup>For other policies and procedures dealing with faculty appointments, see *ECU Faculty Manual*, Appendix D.

*Information*, the most recently revised Affirmative Action Plan, and applicable unit code provisions.

C. General Criteria<sup>3</sup>

For appointment, as well as reappointment and promotion, the faculty member is evaluated on potential or achievements in:

- Teaching
- Creative Activity/Research
- Service to the university, the profession, and the community. East Carolina University recognizes the primary importance of teaching.

1. Teaching

East Carolina University expects each member of the faculty to have knowledge of subject matter commensurate with one's teaching assignment, to maintain awareness of developments in one's discipline, and to communicate to students one's knowledge of and interest in the discipline. The faculty member will encourage students in responsible and careful inquiry, in appreciation of the interrelation of various disciplines, and in recognition of the uses of learning and the value of the educated mind. Teaching includes activities and responsibilities beyond the classroom setting, e.g., advisement; mentoring; laboratory supervision; clinical rounds by a physician/professor accompanied by students; the direction of research projects and papers, dissertations, and theses; and other contacts and relationships outside the classroom. (Faculty Senate Resolution #97-43, December 1997)

2. Creative Activity/Research

East Carolina University encourages and supports the continuing efforts of faculty to develop a deeper appreciation of the importance of professional competency acquired through scholarship, research, and other creative activities appropriate to one's discipline. A faculty member's research and creative activities shall reflect the high professional standards incumbent upon those who enjoy full academic freedom; such activities must be measured by standards of quality, not merely by quantity.

3. Service

East Carolina University considers service to the university, the academic profession, and the community as an important aspect of academic performance. (See Section III.)

D. Requirements for ranks and titles

1. General Provisions

Appointments are made at the academic ranks of instructor, assistant professor, associate professor, and professor. These are the only ranks which may involve a permanent tenure commitment.

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<sup>3</sup>These criteria are not designed to be used for persons with administrative rank to evaluate their administrative service. Criteria for that purpose shall be developed by proper administrative authority.

Appointments to all other titles are for a definite term and do not involve a permanent tenure commitment.

The following are the minimum required qualifications which may be considered when making appointments.

2. Ranks of Tenure-Track appointments

Instructor

- has evidence of a sound educational background for the specific position, or has equivalent professional experience
- has completed most or all the requirements for the appropriate terminal degree
- has demonstrable proof that the degree will be obtained within a short period of time as agreed upon by the academic unit and the appointing officer
- has demonstrated potential for effective teaching
- has demonstrated potential for effective clinical practice in disciplines where appropriate

Assistant Professor

- has qualifications of the previous rank
- holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- shows evidence of potential for continued professional growth in teaching effectiveness, creative activity, or research
- has ability and willingness to participate in departmental, college, and university affairs
- has membership in professional organizations
- has demonstrated expertise in clinical practice in disciplines where appropriate

Associate Professor

- has qualifications of the previous rank
- has demonstrated teaching effectiveness
- has a record of creative or research activity resulting in publication or comparable productivity
- has demonstrated ability and willingness to participate in department, college, and university affairs
- has a record of effective service to the profession
- has a record of effective clinical practice in disciplines where appropriate

Professor

- has qualifications of the previous rank
- has an established record of excellence in teaching
- has a significant record of creative or research activity resulting in publication or comparable productivity

- has demonstrated excellent ability and willingness to participate in department, college, and university affairs
  - has a record of significant service to the profession
  - has a record of effective clinical practice in disciplines where appropriate
3. Titles of Fixed-Term Appointments
- a. Faculty with duties primarily in instruction
- Teaching Instructor
- holds, at a minimum, a master's degree appropriate to the area of instruction, or has equivalent professional experience
  - has demonstrated potential for effective teaching
- Teaching Assistant Professor
- has qualifications of the previous title
  - holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
  - has demonstrated effectiveness in teaching
- Teaching Associate Professor
- has qualifications of the previous title
  - has demonstrated superior teaching ability
  - engages in professional development activities
- Teaching Professor
- has qualifications of the previous title
  - has demonstrated excellence in teaching
  - engages in professional development activities
  - has demonstrated a degree of proficiency sufficient to establish an excellent reputation among colleagues
  - is qualified and competent in mentoring others (such as graduate students, teaching instructors, etc.)
- b. Faculty with duties primarily in research
- Research faculty are typically externally funded. Research faculty are encouraged to give seminars and teach occasional courses in their specialty. Teaching is at the discretion of the unit and the availability of funds.
- Research Instructor
- holds a minimum of a master's degree appropriate for the specific position or has equivalent professional experience
  - has demonstrated potential for effective research
  - should be capable of carrying out individual research or should be trained in research procedures
  - should have had the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken
- Research Assistant Professor
- has qualifications of the previous title

- holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has demonstrated effectiveness in research
- is qualified and competent to direct the work of others (such as technicians, graduate students, etc)

#### Research Associate Professor

- has qualifications of the previous title
- has extensive successful experience in scholarly or creative endeavors
- has the ability to propose, develop, and manage major research projects

#### Research Professor.

- has qualifications of the previous title
- has demonstrated a degree of proficiency sufficient to establish an excellent reputation among colleagues
- has demonstrated scholarly production in research, publications, professional achievements or other distinguished and creative activity

#### c. Faculty with duties primarily in clinical teaching

##### Clinical Instructor

- holds, at a minimum, a graduate degree appropriate for the specific position or has equivalent professional experience
- has demonstrated potential in clinical practice and teaching in the field

##### Clinical Assistant Professor

- has qualifications of the previous title
- holds the appropriate professional degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has training and experience in an area of specialization
- has demonstrated expertise in clinical practice and teaching in the field

##### Clinical Associate Professor

- has qualifications of the previous title
- has extensive successful experience in clinical or professional practice in a field of specializations, or in a subdivision of the field, and in working with and/or directing others (such as professionals, faculty members, graduate students, etc) in clinical activities in the field
- has demonstrated superior teaching ability

##### Clinical Professor

- has qualifications of the previous title
- has demonstrated a degree of sustained excellence in clinical practice and teaching sufficient to establish an outstanding

reputation among colleagues

d. Additional faculty titles

Artist-in-Residence; Writer-in-Residence. These titles may be used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time, and who are not intended to be considered for professorial appointment.

Adjunct Instructor; Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor. These titles are used to appoint outstanding persons who have a primary employment responsibility outside the university or in a different department in the university, and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Affiliate Instructor; Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor. These titles are used in the School of Medicine to appoint outstanding persons who have a primary employment responsibility outside the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Visiting Instructor; Visiting Assistant Professor; Visiting Associate Professor; Visiting Professor. The prefix “visiting” before an academic title is used to designate a short-term full or part time appointment without tenure. Therefore the visiting title shall not be used for periods of time beyond the initial contract period. It shall be used only for those fixed-term faculty members who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need. Use of the visiting title for an individual for more than 3 years is a misuse of this title.

4. Emeritus status

The titles “emeritus” and “emerita” will be conferred upon those retired faculty, including those on Phased Retirement, who have made a significant contribution to the university through a long and distinguished record of scholarship, teaching, and/or service.

E. Initial Appointment

Appointment to the faculty is made by the chancellor or his/her designee.<sup>4</sup> Criteria for evaluation of faculty performance shall be provided in writing and discussed before initial employment. A record of this discussion shall be placed in the faculty member's personnel file. Any action conferring permanent tenure with the initial appointment requires approval of the board of trustees. The initial contract shall be signed by the chancellor, or his designee, and the appointee. This contract shall be accompanied by

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<sup>4</sup> Reference to the chancellor's designee shall include and be limited to the vice chancellor of academic affairs, vice chancellor for student life, or the vice chancellor for health sciences.

and elaborated on by a letter signed by the chancellor, or his designee, and a letter signed by the unit administrator.

The chancellor's letter shall specify rank or title; salary; length of appointment; and tenure status, whether fixed term, probationary term appointment, or appointment with permanent tenure (*ECU Faculty Manual*, Appendix D). The unit administrator's letter shall establish the specific conditions of employment.

## II. Assignments

### A. Assignment of Teaching Responsibilities

Prior to making final faculty assignments and at least two weeks prior to the beginning of each semester, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities in teaching, after soliciting faculty teaching preferences. If changes in a faculty member's assignment become necessary, the faculty member shall be notified of such changes prior to the effective date of the amended assignment.

### B. Assignment of Released Time

Faculty members who are to be granted released time from teaching shall be informed in writing of the purpose of the reduced teaching assignment.

## III. Evaluation

Each faculty member with a probationary term appointment and each permanently tenured faculty member shall receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data, except that data from the previous year's spring semester survey of student opinion of teaching may be utilized when current spring semester survey data are unavailable<sup>5</sup>. This annual evaluation shall:

- be in writing;
- state the percentage of variable salary increment available to the unit to be recommended by the unit administrator for the faculty being evaluated;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary period appointments, a record of this discussion shall be placed in the faculty member's personnel file; and
- be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The signature of the faculty member signifies that the faculty member has read, but does not necessarily concur in, the evaluation.

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<sup>5</sup> With respect to Appendix C, Section III. Evaluation, "academic units" are defined as: departments described in the codes of operation of professional schools, the departments in the College of Arts and Sciences, professional colleges and schools without departments, Academic Library Services, Health Sciences Library, and any other units in which faculty evaluations are made. In the College of Arts and Sciences and in professional colleges and schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In professional colleges and schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.

The unit administrator shall forward to each faculty member a copy of that member's annual evaluation within ten days after completing the evaluations of unit members.

The unit administrator's annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor (*ECU Faculty Manual*, Appendix L). The evaluation shall be based upon that year's assigned duties and responsibilities (except, as earlier noted, for the previous year's Spring semester survey of student opinion) and shall consider:

1. teaching
  - The quality of teaching must be evaluated by means of
  - a. data from surveys of student opinion, when such data have been gathered in accordance with established procedures of the department or the university which guarantee the integrity and completeness of said data. As part of the effort to evaluate the teaching of faculty members, each unit shall either: develop and use its own instrument(s) as approved by the chancellor to determine student opinion of teaching or utilize the instrument developed by the Teaching Effectiveness Committee to determine student opinion of teaching.
  - b. formal methods of peer review, including direct observation of the classroom teaching of new and tenure-track faculty.
  - c. procedures provided for in unit codes;
2. research and creative activities;
3. patient care;
4. services rendered on department, school, college, and university committees, councils, and senates; service to professional organizations; service to local, state and national governments; contributions to the development of public forums, institutes, continuing education projects, patient services and consulting in the private and public sectors; and
5. other responsibilities as may be appropriate to the assignment.

The relative weight given to teaching, research/creative activity, and service in personnel decisions shall be determined by each unit code. In no case, however, shall service be weighed more heavily than either teaching or research/creative activity. (Faculty Senate Resolution #97-43, December 1997)

#### IV. Professional Advancement

Promotion is a means through which professional achievement is encouraged, recognized, and rewarded by the university. Evaluation of faculty for purposes of promotion shall accord with the regulations established in accordance with the unit code and shall employ the criteria contained in the unit code approved by the chancellor (*ECU Faculty Manual*, Appendix L). Departments in professional schools may also establish guidelines for evaluation of faculty for promotion consistent with the criteria in their school's unit code. Specific regulations and criteria governing evaluation of faculty for

purposes of promotion may vary from unit to unit. As a minimum each unit shall:

- apply published criteria in teaching and creative activity and service for evaluating faculty for promotion;
- make available procedures which will permit each faculty member to report achievements annually or on a more frequent basis;
- assure each faculty member the right to discuss one's candidacy with the unit administrator and/or the personnel committee at any time; and
- notify each faculty member within four days of receipt of the administration's call for promotion recommendations.

Upon request by the faculty member, the unit administrator and the unit personnel committee shall evaluate the faculty member for promotion. Following such evaluation, the unit administrator and the personnel committee shall inform the faculty member of their respective recommendations. Promotion shall be based primarily upon the faculty member's total demonstrated professional competence and achievement. Procedures to be followed for promotion are found in *ECU Faculty Manual*, Appendix D. Among the many qualifications which may be considered when making recommendations for promotion, the following are essential:

#### Assistant Professor

- has qualifications of the previous rank
- holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- shows evidence of potential for continued professional growth in teaching effectiveness, creative activity, or research
- has ability and willingness to participate in departmental, college, and university affairs
- has membership in professional organizations
- has demonstrated expertise in clinical practice in disciplines where appropriate

#### Associate Professor

- has qualifications of the previous rank
- has demonstrated teaching effectiveness
- has a record of creative or research activity resulting in publication or comparable productivity
- has demonstrated ability and willingness to participate in department, college, and university affairs
- has a record of effective service to the profession
- has a record of effective clinical practice in disciplines where appropriate

#### Professor

- has qualifications of the previous rank
- has an established record of excellence in teaching

- has a significant record of creative or research activity resulting in publication or comparable productivity
- has demonstrated excellent ability and willingness to participate in department, college, and university affairs
- has a record of significant service to the profession
- has a record of effective clinical practice in disciplines where appropriate

Promotion usually should be accompanied by a salary increment which shall be separate from any and all other increments to which the individual may be entitled. Notwithstanding any previous statement that has appeared herein, competence for promotion to a specific rank may be attested to by advanced study, culminating in appropriate graduate degrees, or by extensive work experience in the teaching fields or in a professional practice which is demonstrably of highest quality.

#### V. Salary

##### A. Initial Salary

Initial salary shall be based on degree attainment, pertinent experience, professional activity, scholarly publication or its equivalent, and level of responsibility, consideration being given to the salaries of personnel presently in the unit and salaries within the discipline in comparable institutions.

##### B. Determination of Annual Salary Increments

The unit administrator shall recommend annual salary increments to appropriate administrative officials in accordance with requirements imposed by the North Carolina General Assembly, The University of North Carolina Board of Governors, and the university administration, and shall employ any additional criteria that have been established in this appendix, in units codes, or in policies required by unit codes. Basic criteria for assessing merit shall include the degree of teaching excellence; creative activity and research; service to local, state, and national governments; as well as contributions to the development of public forums, institutes, continuing education projects, and patients' services. The unit administrator shall report annually to the unit, in dollar amounts and percentages, the total increment allotted, mean salary increment, and range in salary increments for the unit. Each faculty member shall be informed by the unit administrator of any salary increment recommendations made on behalf of the faculty member by the unit administrator.

#### VI. Faculty Personnel Files

(Please refer to *ECU Faculty Manual* Interpretation [#190-1](#).)

North Carolina law defines a personnel file as any information gathered by East Carolina University that relates to an individual's application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment, wherever located and in whatever form. A faculty member's primary

personnel file shall reside in the code unit office under the supervision of the code unit administrator. The location and custodian of other files containing personnel records will be listed in the *Personnel File Checklist* attached to the inside cover of the primary personnel file. All evaluative documents will be contained in the primary personnel file. Official copies of Personnel Action Dossiers shall reside in the primary personnel file. Faculty members are encouraged to examine their primary personnel file often, subject to certain restrictions of state law. Faculty members may examine other files containing personnel records subject to the same restrictions. A faculty member may obtain copies of any materials that are not restricted by state law in the personnel file and may attach a concise statement in response to any item therein. This concise statement shall be submitted to the custodian for inclusion as an attachment to the specific document. A person designated by the faculty member may examine that employee's personnel file with the written authorization of the faculty member. No material obtained from an anonymous source shall be placed in the primary personnel file or any other file containing personnel records except for data from student opinion surveys. Data from student opinion surveys shall be used in the annual evaluation and shall be submitted by the authorized surveying agent to the faculty member and the unit administrator. Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system may be placed in the primary personnel file when signed by a representative of the committee. Faculty members must be made aware within a reasonable time of any change in their personnel file. The procedures of Article 7 of Chapter 126 of the General Statutes of North Carolina shall govern matters relating to personnel files.

Please see the ECU Faculty Manual, Part VI. for further information on state statutes and ECU policy concerning faculty personnel files. (Faculty Senate Resolution #00-12, March 2000)

#### VII. Amendment Procedure

Amendments to *ECU Faculty Manual, Appendix C. Personnel Policies and Procedures* may be proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. The proposed amendment(s) shall be submitted to the Faculty Senate for consideration and shall be handled as any other item of legislation which comes before the senate. Such proposed amendments, if approved by the senate, shall be submitted to the chancellor, and then to the board of trustees for its approval.

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Approved: Faculty Senate Resolution #94-05  
18 March 1994  
ECU Board of Trustees

Amended: Faculty Senate Resolution #94-05, March 1994  
Faculty Senate Resolution #96-4, March 1996  
Faculty Senate Resolution #97-20, April 1997  
Faculty Senate Resolution #97-43, December 1997  
Faculty Senate Resolution #99-7, March 1999  
Faculty Senate Resolution #00-12, March 2000  
Faculty Senate Resolution #05-09, April 2005  
Faculty Senate Resolution #06-11, July 2006

Interpretation:  
Interpretation made to Section VI. (2-15-90)

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APPENDIX D.  
TENURE AND PROMOTION POLICIES AND PROCEDURES  
OF EAST CAROLINA UNIVERSITY

CONTENTS

- I. Tenure
- II. Faculty Appointments
  - A. General Provisions
  - B. Fixed-Term Appointments
  - C. Probationary Appointments
  - D. Initial Appointment with Permanent Tenure
  - E. Joint Appointments
- III. Promotion
- IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure (A description of "voting faculty" may be found here.)
  - A. Unit Committees
  - B. Role of Unit Administrator
  - C. External Peer Review for Promotion and the Conferral of Permanent Tenure
  - D. Documentation for Personnel Actions
  - E. Initiation of Recommendations
  - F. Notification of Recommendations
  - G. Procedure for Concurring Recommendations
  - H. Procedure for Non-Concurring Recommendations
- V. Procedure for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure
  - A. Deadlines for Appeals
  - B. Request for Hearing with the Faculty Hearing Committee
  - C. Validation of the Request for Hearing
  - D. Procedures for the Hearing
  - E. Procedures After the Hearing
- VI. Due Process Before Discharge or Imposition of Serious Sanction
  - A. Penalties

- B. Notice
  - C. Penalty Without Recourse
  - D. Specification of Reasons and Hearing Request
  - E. Due Process Committee
  - F. Procedures for the Hearing
  - G. Procedures After the Hearing
  - H. Appeal
  - I. Suspension During a Period of Intent to Discharge
- VII. Termination of Faculty Employment
- A. Reasons Justifying Termination and Consultation Required
  - B. Termination Procedures
- VIII. Effective Date

## Tenure and Promotion Policies and Procedures of East Carolina University

### Prologue

Academic freedom, the set of norms and values that protects a faculty member's freedom of intellectual expression and inquiry, is essential to the achievement of knowledge and understanding. East Carolina University supports academic freedom of inquiry, discourse, teaching, research, and publication for all faculty members. See *Part III, Academic Freedom* of the *ECU Faculty Manual*. East Carolina University shall not penalize or discipline faculty members because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

With respect to personnel matters relating to Appendix D of the *East Carolina University Faculty Manual*, academic units are defined as departments described in the codes of operation of professional colleges and schools, the departments in the College of Arts and Sciences, professional colleges and schools without departments, Academic Library Services, Health Sciences Library, and any other units in which faculty appointments are made. In the College of Arts and Sciences and in professional colleges and schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.

### I. Tenure

Academic tenure serves to insure academic freedom by guarding faculty members against negative consequences of expressing unpopular points of view. Academic tenure refers to the conditions and guarantees that apply to a faculty member's professional employment. Tenure protects a faculty member against involuntary suspension or discharge from employment or reduction in rank except upon specified grounds and in accordance with the procedures provided in Section VI.; or against termination of employment except as provided for in Section VII. During the term of such guarantees, the

faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, or demonstrable, bona fide institutional financial exigency or major curtailment or elimination of a teaching, research, or public service program as detailed in Sections VII.A.1 and VII.A.2. (Faculty Senate Resolution #03-44)

A. Tenure While Under Contract to East Carolina University

A faculty member who does not have permanent tenure has the protection of tenure until the expiration of the faculty member's employment contract.

B. Permanent Tenure

1. Permanent tenure may be conferred only by action of the Board of Trustees of East Carolina University, and is always held with reference to employment by East Carolina University rather than to employment by The University of North Carolina. The conferral of permanent tenure is allowed only as the result of the processes enunciated in this document.
2. Conferral of permanent tenure shall be based on the faculty member's demonstrated professional competence in teaching, research and creative activity, and service; a potential for future contributions; and the institution's needs and resources. While teaching is the first consideration, neither teaching nor research and creative activity nor patient care nor service is the sole measure of a faculty member's competence and contribution. Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor.

II. Faculty Appointments

A. General Provisions

1. Categories of Appointments

There are three kinds of faculty appointments:

- (a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 604C and ECU Faculty Manual, Appendix C.]. Fixed-term appointees do not hold professorial ranks, but are appointed with the following titles: teaching instructor, teaching assistant professor, teaching associate professor, teaching professor, research instructor, research assistant professor, research associate professor, research professor, clinical instructor, clinical assistant professor, clinical associate professor, clinical professor, visiting instructor, visiting assistant professor, visiting associate professor, visiting professor, artist in residence, writer in residence, adjunct instructor, adjunct assistant professor, adjunct associate professor, and adjunct professor. Fixed-term appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. No obligation exists on the part of East Carolina University to give

any notice before a current fixed-term appointment expires as to whether the contract will be renewed (except as specified in Section II.B.1).

- (b) Probationary Appointments and Reappointments. Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, or professor. Probationary appointees are entitled to reappointment reviews and, if reappointed throughout the probationary period, are entitled to a tenure review. The timing of these reviews is explained below.
- (c) Appointments with Permanent Tenure. Appointments with permanent tenure are continuous until retirement, resignation, or removal according to the provisions of Section VI or VII of this document. Appointments with permanent tenure may be made at the professorial ranks of assistant professor, associate professor, or professor.

2. Criteria for Initial Appointment and Reappointment

All appointments, including fixed-term appointments, and all reappointments of candidates to probationary-term positions shall be based on assessments of candidates' demonstrated professional competence, potential for future contributions, and the institution's needs and resources.

3. Terms and Conditions for Appointment and Reappointment

The chancellor or the chancellor's designee<sup>6</sup> shall set out in writing, with a copy to the faculty member, the terms and the conditions of each appointment, including fixed-term appointments, and each reappointment. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment or reappointment.<sup>7</sup> The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Prior to initial appointment the unit administrator shall provide a copy of the unit's criteria for evaluating faculty performance to persons offered a faculty appointment in the unit. Criteria for evaluating faculty performance shall be discussed by the unit administrator in a meeting with each fixed-term and probationary-term faculty member at the beginning of the first term of employment and at the beginning of each academic year thereafter. A summary of this discussion shall be placed in the

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<sup>1</sup>References to the chancellor's designee shall include and be limited to the vice chancellor for academic affairs and the vice chancellor for health sciences.

<sup>2</sup>The chancellor, in consultation with the office of the Faculty Senate, is responsible for the publication of the *Faculty Manual*. The Senate office shall be responsible for the maintenance of the *Faculty Manual*. The *Faculty Manual* shall contain the tenure and personnel policies and regulations of East Carolina University, including the complete text of Chapter Six of The Code of The University of North Carolina. The *Faculty Manual* shall be provided to new faculty and changes as they occur shall be distributed to each faculty member.

faculty member's personnel file. The responsibility for calling this meeting is with the unit administrator.

Notice of reappointment or non-reappointment to probationary-term persons shall be written. The decision not to reappoint probationary term faculty shall not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability; or (3) personal malice. (Faculty Senate Resolution #03-37)

4. Continued Availability of Special Funding

The appointment or reappointment of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify in writing that continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon continuing availability of such funds. This contingency shall not be included in a faculty member's contract if the faculty member held permanent tenure in the institution on July 1, 1975, and the contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

5. Notice of Resignation

A fixed-term or probationary-term faculty member should provide the unit administrator with 90 days advance notice, in writing, of resignation from employment. A permanently tenured faculty member should provide the unit administrator with 120 days advance notice in writing of resignation from employment. In no case should a resignation occur in mid-semester.

B. Fixed-Term Appointments [cf. Special Faculty Appointments, The UNC Code, 604C]

Fixed-term faculty appointments are without permanent tenure and do not entitle the faculty member to consideration for conferral of permanent tenure. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether the contract will be renewed for a succeeding term, except as specified below.

1. Contract and Notice

A contract for a fixed-term appointment shall set forth in writing the beginning and ending dates of the term. This specification of the length of the appointment constitutes full and timely notice of non-reappointment when the term expires. Whenever possible multi-year contracts, of up to five years, with eligibility for renewal, will be offered to fixed-term faculty members who have demonstrated their effectiveness and contributions and/or who have outstanding

credentials. The provisions of 604 A and 602(4) of The Code of The University of North Carolina do not apply to these special faculty appointments. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether a contract will be renewed for a succeeding term. If the fixed-term faculty member, not earlier than 180 calendar days nor later than 90 calendar days before the current term expires, provides the unit administrator with a written request for contract renewal, the unit administrator shall so notify the chair of the unit Personnel Committee. Within 30 calendar days of receiving the request the Personnel Committee and the unit administrator shall notify the faculty member in writing of their respective recommendations and that any recommendation is subject to the availability of position, funding, administrative approval, and continued effective performance.

2. Fixed-Term Employment Evaluation Policy [cf. Special Faculty Appointments, The UNC Code, 604C]

Any faculty member employed in a fixed term position shall be evaluated annually in accordance with the provisions of the employment contract. A fixed-term faculty member should submit a portfolio to the Personnel Committee and the unit administrator prior to the unit administrator and the Personnel Committee recommending contract renewal. The portfolio should contain information that demonstrates the effectiveness of the fixed-term faculty member in carrying out the duties specified in the contract. The specific contents of the portfolio shall be determined by the unit.

3. Initial recommendations for advancement in title for faculty holding fixed term appointments is the responsibility of the unit Personnel Committee (see Section IV, A.1.).

C. Probationary Appointments

Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, and professor. Persons appointed as instructors shall not be considered for reappointment with permanent tenure until promoted to a higher rank. Persons appointed as assistant professors, associate professors, and professors are eligible for permanent tenure. In accordance with the UNC Code, 604A1, the faculty member shall be notified not later than twelve months before the end of the probationary period whether he or she will be recommended for permanent tenure. A faculty member appointed to an administrative position is eligible for permanent tenure only as a faculty member in one of the professorial ranks. There is no permanent tenure in an administrative position.

During the second year of continuous service at East Carolina University, no fewer than 180 calendar days of notice of reappointment or nonreappointment shall be given before the employment contract expires. During the third and all succeeding years of continuous service, the faculty

member shall be given not fewer than twelve months notice of reappointment or nonreappointment before the employment contract expires.

1. Probationary Terms

Although the chancellor may recommend that a faculty member be granted permanent tenure at any time, the normal probationary term for the professorial ranks, as established at the time of initial appointment, shall be as follows:

- (a) Instructor. The rank of instructor is reserved for persons who lack the qualifications for appointment as assistant professor. Faculty members appointed as instructors are eligible for an initial three-year appointment and one successive reappointment of two years. Instructors promoted to the rank of assistant professor no later than the beginning of the fourth year of employment are eligible for a final two-year probationary appointment in the higher rank. The maximum probationary term is seven years.
- (b) Assistant Professor. The maximum probationary term is seven years, consisting of an initial three-year appointment and two successive two-year appointments.
- (c) Associate Professor. The maximum probationary term is five years, consisting of an initial three-year appointment followed by a two-year appointment.
- (d) Professor. The probationary term is three years, consisting of one three-year appointment.

All time served in a probationary appointment at East Carolina University must be continuous, excluding any leaves of absence as noted in Section II.C.3.

When a faculty member in probationary appointment requests and is awarded promotion in rank before the end of the probationary term, the original contractual probationary term shall not be altered.

In order to afford the maximum opportunity for tenure, the probationary term for personnel hired at the professorial ranks, whose contract date occurs earlier than the beginning of the Fall semester (or July 1 for faculty in the Division of Health Sciences and Academic Library Services), will be measured from the beginning of the subsequent Fall semester (or July 1 for faculty in the Division of Health Sciences and Academic Library Services).

2. Reduction of the Normal Probationary Term for Previous Academic Employment

Reduction of the normal probationary term may be granted for previous full-time faculty employment at the time of initial appointment as assistant professor, or associate professor. The granting of such reduction shall require the agreement of the appointee, a simple

majority of the unit Personnel Committee, the unit administrator, the dean, and the appropriate vice chancellor. The maximum reduction at each professorial rank shall be as follows:

- (a) For a candidate appointed at the rank of instructor, no reduction is allowed.
- (b) For a candidate appointed at the rank of assistant professor, a maximum reduction of three years is allowed.
- (c) For a candidate appointed at the rank of associate professor, a maximum reduction of two years is allowed.
- (d) For a candidate appointed at the rank of professor, no reduction is allowed.

3. Extensions of the Probationary Term

Leaves from all employment obligations which are granted to probationary-term faculty may include extension of the length of the probationary term. (Leaves of absence normally should be for not more than two academic years or occur more often than once in three years). Extensions of the probationary term should be requested by the faculty member and shall be granted only in cases of severe personal exigency, such as illness, childbirth, child care, or other compelling personal circumstances, and shall be limited to a total of no more than two years. Probationary term faculty who have received paid leave of at least 15 weeks under the ECU Serious Illness and Disability Leave Policy shall receive an extension of the probationary term if requested. Extensions of the probationary term must be expressly stated in appointment or reappointment documents or added by a written memorandum of amendment by the unit administrator during the term of an appointment. The probationary term may be extended in increments of one or more academic years: one year for leaves of one or two semesters, two years for leaves of three or four semesters. All such extensions must be approved in writing by the faculty member, the unit Personnel Committee, the unit administrator, the dean, the appropriate vice chancellor, and the chancellor or the chancellor's designee. A probationary-term faculty member who assumes a full-time administrative position for one or more semesters may be granted extensions of the length of the probationary term in the same way.

4. Progress Toward Tenure Letters

Each Spring semester, the unit Tenure Committee and unit administrator will review the annual report of each probationary term faculty member. On the basis of this review, the unit administrator, in consultation with the unit Tenure Committee, will write a progress toward tenure letter to each probationary term faculty member. In the event the unit Tenure Committee and the unit administrator cannot agree on the contents of the letter, the next higher administrator shall confer jointly with the unit Tenure Committee and unit administrator, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter. Copies of the progress toward

tenure letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Tenure Committee and to the next higher administrative level. The unit administrator and a representative of the unit Tenure Committee will discuss the progress toward tenure letter with the faculty member. In the event that the faculty member disagrees with the contents of the progress toward tenure letter, it is the responsibility of the faculty member to make this disagreement known in writing addressed to the unit administrator for inclusion in the personnel file and the PAD. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Tenure Committee and to the next higher administrative level. (See Section IV.D.3.)

5. Request for Permanent Tenure Prior to the End of the Probationary Term

During the Spring semester of the academic year, a faculty member who has not completed the probationary term (see Section II.C.1-3) and who requests in writing that consideration be given to conferral of permanent tenure will be considered for permanent tenure during the Fall semester of the next academic year.<sup>8</sup>

D. Initial Appointment with Permanent Tenure

A faculty member whose initial appointment is to a professorial rank with permanent tenure shall be regarded as having permanent tenure until retirement, resignation, or removal according to the provisions of Sections VI or VII of this document.

E. Joint Appointments

Joint appointments are made when faculty members are appointed with responsibilities in more than one unit. The source of funds for joint appointments may come solely from one unit, or it may come separately from two or more units to which the faculty member has a joint appointment.

Faculty members who hold joint appointments in more than one unit or center within East Carolina University shall be assigned to a primary academic unit with a greater than half-time appointment in the primary academic unit. The letter of appointment will specify the terms of the appointment, will identify the primary academic unit and will reference all units in which the faculty member holds joint appointments. A single

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<sup>3</sup>A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for early consideration for permanent tenure, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor. Because a faculty member will be considered for permanent tenure if he or she reaches the end of the probationary term, denials of requests for permanent tenure made before the end of the probationary term are not subject to appeal.

appointment letter signed by all supervising administrators is preferable, but in instances where a jointly appointed faculty member has disparate duties in the various units, a separate joint appointment letter may be issued by the administrators of the units in which the faculty member holds joint appointments, provided that a copy of each joint appointment letter is forwarded to the unit administrator(s) of the other supervising unit(s).

Each appointment letter issued by the primary and joint appointment units will specify the faculty member's responsibilities, performance expectations, and compensation, if any, for that department and/or program. Annual, written evaluations of the faculty member will be prepared by the unit administrator of the faculty member's primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed. If the administrators of the units to which the faculty member is jointly appointed disagree on the annual evaluation, the next higher administrator to the primary academic unit will arbitrate the disagreement and will write the final annual faculty evaluation, if agreement cannot be reached among all joint appointment units.

For probationary faculty appointments and permanently tenured faculty appointments, the policies and procedures of the primary academic unit shall be used for reappointment, tenure, and promotion of the faculty member, as appropriate to the appointment type. Annual progress toward tenure letters for probationary faculty will be prepared by the unit administrator of the primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed, and in consultation with the Tenure Committee of the primary academic unit. If there is disagreement on the progress toward tenure letter, the next higher administrator of the primary academic unit will confer with the Tenure Committee of the primary academic unit and with the administrators of the units to which the faculty member is jointly appointed, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter.

For all faculty on joint appointments, annual salary increase recommendations will be made on each funding source of the appointment according to the guidelines of the units, the General Administration, and those of the University. If there is one source of funding, the administrators of the separate portions of the appointment will consult and recommend together. If there is disagreement, it will be appealed to the next higher administrator of the primary academic unit.

All faculty members who hold joint appointments are governed by the *ECU Faculty Manual*, and all provisions of each faculty appointment must be

consistent with relevant sections of the *ECU Faculty Manual*. (Faculty Senate Resolution #02-05)

### III. Promotion

Persons holding the professorial rank of instructor, assistant professor, or associate professor may be promoted to the next professorial rank. Promotion shall be based primarily on the faculty member's demonstrated professional competence and achievement. See *Appendix C, Personnel Policies and Procedures for the Faculty of ECU*. Promotion is governed by the policies and procedures set forth in Section IV, below. By the first week of March of every academic year, a faculty member who wishes to be considered for promotion to the next professorial rank shall write a letter requesting a personnel action of promotion in rank to her or his unit administrator. The request for promotion shall be considered by the appropriate unit committee during the Fall semester of the next academic year.<sup>9</sup>

### IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure (Please refer to *ECU Faculty Manual* Interpretation [#106-22](#).)

Recommendations for appointments, reappointments, promotion, and the conferral of permanent tenure to faculty are the responsibility of unit committees and the unit administrator. Evaluation of faculty for appointment, reappointment, promotion, and the conferral of permanent tenure shall be initiated by the appropriate unit committee on notice from the unit administrator and higher administrative authority. The appropriate unit committee shall also evaluate faculty for promotion and the early conferral of permanent tenure at the request of the faculty member. Once the evaluation has been completed, the committee's recommendation and the recommendation of the unit administrator shall be forwarded to the next higher administrator above the unit level for initiation of administrative review of the recommendations. The pertinent structures and processes are set forth in this section. The timeline for these processes is set forth in Part XIII. of the *ECU Faculty Manual*.

Confidentiality must be maintained when conducting any substantive business pertaining to initiation, review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions. Email should be used with discretion because it does not guarantee confidentiality. Formal correspondences relating to any substantive business pertaining to initiation,

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<sup>4</sup> A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for promotion, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor.

review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions should be maintained in paper form.

Description of "voting faculty"

For the purposes of Section IV, voting faculty members are determined by the permanently tenured faculty of the unit using the following criteria;

A voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than one-half time position in the unit, and
- is either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- has at least one-half of the teaching/research duties normally assigned in the unit, as determined by the permanently tenured faculty of the unit using standards appropriate to their discipline.
- is in at least the twelfth consecutive calendar month of appointment to the faculty of the unit as either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties as determined by the permanently tenured faculty in consultation with the unit administrator.
- or normally meets the above conditions and is on leave of absence from all university duties but is in attendance at the meeting of the appropriate committee at the time of the committee's vote on a personnel action (reappointment, promotion, or tenure recommendation). (Faculty Senate Resolution #03-30)

Related faculty within the same academic department (or other comparable institutional subdivision of employment) shall not participate, either individually or as a member of a committee, in the evaluation of related persons for appointment, reappointment, promotion, the conferral of permanent tenure, cumulative review, salary recommendations, or any other personnel action. A faculty member made ineligible for participation in the evaluation of a related person does not count for quorum purposes and his/her ineligibility does not constitute a recommendation against the proposed personnel action.

A. Unit Committees<sup>10</sup>

1. Personnel Committee

a. Function

The Personnel Committee shall be responsible for making recommendations regarding initial probationary appointments and initial and additional special fixed-term appointments.

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<sup>10</sup> Except as provided herein, meetings of the committees shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*.

b. Composition

The composition of each unit's Personnel Committee shall be determined by the unit but shall consist of at least three members. The membership of the committee shall be composed of some or all of the permanently tenured and probationary-term voting faculty members of the unit, including those who are on leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit administrator. At least two thirds of the unit Personnel Committee membership shall be permanently tenured voting faculty. When there are not enough permanently tenured voting faculty members in the unit to satisfy this requirement, additional permanently tenured faculty shall be appointed. All other members of the unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty of the unit. The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership.

c. Additional Roles of Unit Personnel Committee

In addition to making recommendations to the unit administrator on initial and additional fixed-term appointments and initial probationary-term appointments, the unit Personnel Committee has the following responsibilities:

1. Notifying fixed-term faculty members that the Personnel Committee will or will not recommend an additional fixed-term appointment when the fixed-term faculty member requests notification not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.
2. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).
3. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).
4. Consulting with faculty members who are considering requesting conferral of permanent tenure prior to the end of the probationary term (see Section II.C.5).
5. Consulting with faculty members who are considering requesting promotion (see Section III.).
6. Reviewing additional materials submitted by faculty members for inclusion in their personnel action dossier; consulting with the unit administrator regarding responses to such materials (see Section IV.B.).
7. The personnel committee may elect a search committee as prescribed by the unit's code to fulfill the responsibilities of soliciting and screening applicants and recommending to the unit's Personnel Committee candidates for initial appointments. A majority of the search committee must be voting faculty. For

the purposes of this section, administrators may not be a part of the committee.

8. Making recommendations for advancement in title for fixed term faculty.

- d. Role of the Chair of the Unit Personnel Committee

The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership. The chair shall preside over all committees making personnel recommendations to the faculty, and may participate in the decisions of any committee of which the chair is a member, except as noted below. If the chair of the unit Personnel Committee holds a professional rank lower than that to which a faculty member requests promotion, the unit Personnel Committee chair shall not be eligible to participate and shall only be responsible for calling the meetings of such committees and facilitating the election of a chair of the committee from among its membership. In such cases where the Chair of the unit Personnel Committee is ineligible to participate, he/she shall not attend any meetings of the committee except to facilitate the election of the chair as noted above. The elected chair of the committee shall obtain and distribute materials to be used during the deliberation of such bodies, insure that a valid vote has been taken, communicate the results of such votes to the appropriate faculty and to the unit administrator, and perform other duties as designated by the unit.

2. Promotion Committee

- a. Function

The Promotion Committee shall be responsible for making recommendations for promotions in rank and for recommending the ranks of initial appointments at the associate professor or professor level.

- b. Composition

The membership of the Promotion Committee shall be composed of those permanently tenured and probationary-term voting faculty members who hold rank at least equal to the rank for which the candidate is being considered, including those on leave but in attendance at the committee's meeting at the time of the committee's vote, but excluding the unit administrator. The composition of the committee shall thus vary with the rank to which a faculty member is being considered for promotion. When a unit has fewer than three permanently tenured voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty at the required rank from other units across the university to increase the committee's membership to three, with at least two-thirds of the members being permanently tenured faculty.

These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty having rank at least equal to the candidate(s) being considered for promotion. The list forwarded to the next higher administrator by the faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the chair of the committee will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision. Meetings of the promotion committee shall be convened by the Chair of the unit's Personnel Committee. The first order of business for a newly convened Promotion Committee shall be to elect a Chair from among its membership.

3. Tenure Committee

a. Function

The Tenure Committee shall be responsible for making recommendations for reappointments of probationary-term faculty members, the granting of permanent tenure, and conferral of tenure for initial appointments with permanent tenure.

b. Composition

The membership of the Tenure Committee shall be composed of the permanently tenured voting faculty of the unit, including those who are on leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit administrator. When a unit has fewer than three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty from other units to increase the committee's membership to three. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

c. Additional roles of the unit Tenure Committee.

A Code Unit may establish, in its Code of Operation, procedures for fulfilling their additional roles; however, if the Code of a unit is silent in this regard, it is hereby established that the entire membership of

the unit Tenure Committee will participate in these additional roles. In accordance with the unit code, if the unit's Tenure Committee has more than five members, the unit Tenure Committee may elect a subcommittee of at least five members to participate in these additional roles. The unit Tenure Committee (or properly constituted subcommittee):

1. Consults with the unit administrator who writes a progress toward tenure letter to each probationary term faculty member as described in Section II.C.4.
2. Produces a list of possible external reviewers and selects external peer reviewers from lists produced by the Committee and by the candidate (see Section IV.E).
3. Selects, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers (see Section IV.C).
4. Prepares a cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties.

#### B. Role of Unit Administrator

The unit administrator serves to provide leadership, support, and guidance to the total functioning of the unit. As indicated at the beginning of this section, the personnel recommendations of the unit administrator shall be forwarded to the next higher administrator along with the recommendation of the appropriate faculty committee.

The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the unit Personnel Committee on all personnel actions required or expected, and distributing all personnel documents and materials to the appropriate location. The unit administrator, in consultation with the unit Tenure Committee (or properly constituted subcommittee), will write a progress toward tenure letter to each probationary term faculty member as described in Section II.C.4. The unit administrator prepares a cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties.

In personnel matters, the unit administrator functions as an administrator rather than a faculty member. Consequently, the unit administrator does not have a faculty vote in personnel matters. Therefore, unit administrators are excluded from all unit committee deliberations concerning candidates for appointment, re-appointment, promotion, or permanent tenure, (for procedure for nonconcurring recommendations, see Appendix D, Part IV.H.). However at the invitation by a majority vote of the membership of the Personnel Committee a unit administrator may meet with the committee to discuss initial appointments. Further, the administrator may meet with the Tenure Committee (or properly constituted subcommittee) in reference to progress toward tenure letters as noted in II.C.4.

### C. External Peer Review for Promotion and the Conferral of Permanent Tenure

“External peer review” means a review of a candidate’s research and creative activity by persons who are not faculty or employees of East Carolina University. External peer review of the quality of the research and creative activity material submitted by the candidate for promotion or conferral of permanent tenure or both will be used by the appropriate committee in conjunction with its own evaluation of the material. Qualifications of the reviewers and criteria for their selection are to be determined by the faculty of each unit. According to the provisions of unit codes, other materials that reflect the candidate’s scholarly activities may be included in the selection to be sent to external reviewers.

By the last week of March of the Spring term prior to the academic year in which a promotion or tenure decision is scheduled, the unit Tenure Committee shall produce a list of possible external reviewers. The candidate for promotion and/or permanent tenure shall provide a similar list, noting for each name the professional relationship, if any, between the reviewer and the candidate. The candidate shall also provide similar relationship information for each name on the unit Tenure Committee's list. These two lists must be independently compiled and if the two lists contain a common set of prospective external reviewers, the unit Tenure Committee list shall be revisited and new possible external reviewers shall be identified as replacement for those originally on both lists.

The unit Tenure Committee shall select a sufficient number of names from the unit Tenure Committee's list and the candidate's list to ensure a minimum of three external reviewers, two from the unit Tenure Committee's list and one from the candidate's list. Code units that require more than three external reviewers shall make special provisions in their unit codes. These provisions must clearly indicate the number of external reviewers required by the unit. In those cases where a unit requires more than three reviewers, the choice of reviewers must reflect, as nearly as possible, the two to one ratio of reviewers proposed by the unit Tenure Committee to those proposed by the candidate.

The unit administrator will notify the reviewers that they have been nominated to conduct the review and will ascertain their willingness to serve as reviewers. Selected material with a cover letter prescribed by the appropriate vice chancellor shall be sent to the reviewers. Correspondence with the reviewers shall be written in neutral terms, serving to neither support nor oppose the candidate and shall not deviate substantially from the prescribed cover letter. Copies of the prescribed letters are available on the Faculty Senate website at <http://www.ecu.edu/cs-acad/fsonline/fg/facultygovernance.cfm>. Copies of

all correspondence with the reviewers and the reviews shall be made a part of the Personnel Action Dossier (hereinafter, "the dossier") (see Section IV.D.2.).

Only the unit administrator will communicate with the external reviewers and only on procedural matters for the duration of the personnel action.

The unit administrator and the unit Tenure Committee shall select the material from the dossier to be sent to external reviewers. The candidate may include additional published or accepted material if he or she disagrees with the initial selection. Inclusion of such additional items in the materials sent to reviewers shall be noted by memorandum of the unit administrator in the dossier and the candidate's personnel file.

Upon receipt of a review, the unit administrator will place the original review in the candidate's personnel file and copies of the review in the candidate's dossier. The unit administrator shall then notify the members of the appropriate committee and the candidate that the review is available.

When fewer than three external reviewers respond, this information, by memorandum from the unit administrator, shall be made a part of the candidate's personnel file and dossier.

#### D. Documentation for Personnel Actions

##### 1. Employment Applications

Information on job applicants is to be kept in a file available to the appropriate committee (see Section IV.A).

##### 2. Personnel Action Dossier for Reappointment, Promotion, and Permanent Tenure

The Personnel Action Dossier is a file containing materials for evaluating a faculty member's professional activity. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure in consultation with the unit administrator and the chair of the unit Personnel Committee. The dossier will be used by the appropriate committee in making personnel recommendations. A fixed-term faculty member seeking to be recommended for a second or subsequent fixed-term appointment need not compile the dossier.

##### 3. Disagreements as to inclusion or removal of documents

The dossier shall include the required documents and lists relevant to the faculty member's teaching, research/creative activity, and service as described above. If the faculty member disagrees with the unit administrator and/or the unit personnel committee as to the inclusion of relevant documents, the documents will be included and each may include a statement about the document in the dossier.

For details on organization, content and limitations of the dossier, see Part XII. of the *ECU Faculty Manual*.

E. Initiation of Recommendations by Unit Personnel, Tenure and Promotion Committees

1. Procedural Rules for conducting committee business

The unit administrator shall give timely notice to the chair of the unit Personnel Committee when personnel actions are to be initiated, and of the date by which the committee's recommendation must be communicated to the unit administrator. After being notified by the unit administrator that a personnel action is required, the chair of the unit Personnel Committee shall make at least three attempts at intervals of no less than five working days each to hold a meeting of the appropriate committee for the pending personnel action. In order to conduct business a committee shall not meet without a quorum.

A quorum is defined as three quarters of the membership for a committee that has twenty or fewer members; and a quorum is defined as a majority, defined as 50% plus one, of the membership for a committee that has more than twenty members. A list of all committee members who were absent during a vote on a personnel action will be forwarded to the unit administrator. The committee may develop policies to designate certain absences as excused absences. Unexcused absences should be considered in annual evaluations.

The purpose of this meeting is to hold a vote by secret ballot on the pending personnel action. All materials pertaining to the pending personnel action (see Section IV.D) must be available for inspection at least five business days prior to the meeting. Members of the committee(s) having authority over the pending personnel action shall review the materials individually in preparation for discussion at the meeting. A faculty member on leave and not in attendance at a meeting shall not be counted for the purposes of determining a quorum for that meeting. A faculty member on leave but in attendance at a meeting shall be counted for the purposes of determining a quorum for that meeting. If the committee fails to meet the deadline for receipt of the committee's recommendation, this outcome shall count as a recommendation by the committee against appointment, reappointment, promotion, or tenure. In such a case, the chair of the unit Personnel Committee shall report in writing to the unit administrator that after at least three attempts the committee has failed to meet due to a lack of a quorum, and that this outcome constitutes a recommendation against appointment, reappointment, promotion, or tenure. The unit administrator shall forward the committee's recommendation and the unit administrator's recommendation to the candidate and to the next higher administrator.

2. a. In the case of initial appointment recommendations, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for the appointment. A candidate who receives a majority vote of the committee members present shall be recommended for appointment. (For recommendations of rank of initial appointments at the associate professor or professor level, see IV.A.2.a. For conferral of tenure for initial appointments see IV.A.3.a.)
- b. Faculty recommendations for reappointment, promotion, and conferral of permanent tenure shall come from the appropriate committee (see Section IV.A). The committee members may choose to vote by mail according to the latest edition of *Robert's Rules of Order, Newly Revised*. Within fifteen working days of notification by the unit administrator of the need to initiate a personnel action, the chair of the unit Personnel Committee shall convene a meeting of the appropriate committee (see Section IV.E.1). At this meeting, the chair of the unit Personnel Committee shall ascertain whether or not the committee will vote by mail. If a motion to vote by mail is approved by a majority of the committee members present and voting, voting shall be by mail. If a committee chooses to vote by mail, all members must vote by mail.
- c. In the case of contract renewal recommendations for faculty members holding fixed-term appointments, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for or against recommending contract renewal. This vote may be taken at a committee meeting or by mail ballot as described in Section IV. E.2b. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for reemployment. A member who is present when a vote is taken but who does not vote counts as part of the membership of the committee for the purposes of determining what constitutes a majority vote. Failure to obtain a majority vote constitutes a recommendation against contract renewal. (Faculty Senate Resolution #03-30)
- d. If a committee votes by mail, the ballots shall be sent by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 or distributed by the committee chair. The refusal by a committee member to receive the correspondence containing the ballot within five business days of the first delivery attempt shall count as a vote against appointment, reappointment, promotion, or tenure. If ballots are distributed, the committee chair shall assure that recipients acknowledge receipt in writing. The acknowledgment must include the date of receipt. A ballot either shall be returned by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 or shall be personally returned by hand to the committee chair, at the discretion of the individual committee member. Committee members returning ballots by hand shall sign a confirmation form that is retained by the committee chair. Ballots not returned within twenty working

days of verified receipt shall count as a vote against recommending appointment, reappointment, promotion, or tenure. If a committee votes by mail, a faculty member on leave may choose either to vote or not to vote, at his or her discretion. The unit administrator shall ascertain and shall inform the chair of the unit Personnel Committee in writing as to whether or not a faculty member on leave will participate in a mail ballot. If a faculty member on leave chooses to participate in a mail ballot, the faculty member shall count in determining what is required for a majority vote in favor of the recommendation. If the faculty member on leave chooses not to participate in a mail ballot, the faculty member shall not count in determining what is required for a majority vote in favor of the recommendation. (Faculty Senate Resolution #03-30)

3. In the case of reappointment, promotion, and conferral of permanent tenure, each member of the appropriate committee will indicate by secret ballot his or her vote for or against recommending that the candidate be reappointed, promoted, and/or granted permanent tenure. This vote may be taken at a committee meeting or by mail ballot as described in Section IV.G E.2d. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for reappointment, promotion, and/or conferral of permanent tenure. A member of a committee who is present when a vote is taken but who does not vote counts as part of the membership of the committee for the purposes of determining what constitutes a majority vote. Failure to obtain a majority vote shall constitute a recommendation against reappointment, promotion, and/or the conferral of permanent tenure. (Faculty Senate Resolution #03-30)
4. The recommendation of the appropriate committee shall be communicated by the chair of the unit Personnel Committee or the Promotion Committee to the candidate and the unit administrator (see IV.A.1.d.).

#### F. Notification of Recommendations

The faculty member shall be informed of all recommendations at every level, beginning with the appropriate unit committee's recommendation and continuing up to the level where the final decision is made.

The notification letter from the Tenure Committee and the notification letter from the unit administrator shall contain (a) the cumulative evaluation of the candidate's teaching, research and service, and any other relevant duties, in accordance with section B.3. Recommendations for Tenure of Part XII. Personnel Action Dossier of the *ECU Faculty Manual* and (b) the statement that the candidate has four working days from the date of the notification letter to include a response to the cumulative evaluation, in accordance with section D. Supporting Materials of Part XII. Personnel Action Dossier.

#### G. Procedure for Concurring Recommendations

In the case of disagreement at any level refer to the procedures outlined in H. below.

If the recommendations of the appropriate committee and unit administrator agree, the next higher administrator shall either concur or not concur, then notify the unit administrator and the chair of the unit Personnel Committee of the recommendation and forward all recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate vice chancellor.

Immediately after the completion of each level of administrative review, the administrator's recommendation shall be communicated to all appropriate lower administrators, the candidate, and the committee of the unit which made the initial recommendation.

If the vice chancellor concurs in a recommendation for promotion and/or conferral of permanent tenure, he or she shall forward the recommendation to the chancellor. The chancellor shall consider the recommendation from the vice chancellor to promote and to confer permanent tenure.

If the vice chancellor concurs in a decision not to recommend reappointment, promotion, and/or conferral of permanent tenure, he or she shall give the faculty member being considered a simple, written statement of the decision. This decision is final except as it may later be reviewed in accordance with the provisions of Section V or the grievance procedure of Appendix Y.

If the chancellor concurs in a recommendation to confer permanent tenure, he or she shall submit the recommendation to the Board of Trustees for final approval. If the chancellor concurs in a recommendation for promotion, the chancellor's approval shall be final.

#### H. Procedure for Nonconcurring Recommendations

If the recommendations of an administrator and the appropriate committee disagree, that administrator shall discuss the potential nonconcurrence at the unit committee level before forwarding the committee's recommendation and his or her concurrence or nonconcurrence to the next higher administrator. If the unit administrator and the appropriate committee do not agree, their conflicting recommendations shall be forwarded through each administrative level, together with the recommendation of the administrator at each level, until they reach the appropriate vice chancellor. In the case of fixed term employment recommendations the decision of the appropriate vice chancellor is final. All other personnel actions shall be handled in

accordance with the procedures provided in Section IV.G. Procedures for Concurring Recommendations.

In the event that the vice chancellor is considering a recommendation that is contrary to the vote of the appropriate unit committee, the vice chancellor shall meet with the committee to discuss the potential nonconcurrency. If the vice chancellor concurs with the committee vote but the chancellor is considering a recommendation that is contrary to the vote, the chancellor shall meet with the committee to discuss the chancellor's potential nonconcurrency.

If the chancellor decides not to recommend promotion or the conferral of permanent tenure, the chancellor shall give the faculty member being considered a simple, written statement of the decision. This decision is final except as it may be reviewed in accordance with the provisions of Section V or the grievance procedure of Appendix Y.

V. Procedure for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure

A. Deadlines for Appeals

Failure to submit the appeals documents specified in this section within the time periods allotted constitutes a waiver of the right to appeal the decision. However, before the expiration of the deadline the faculty member may request an extension, provided that the request is made in writing and presented to the individual or committee who is next to consider the appeal. Within 10 working days of receiving a request for extension, decisions on requests for extension of time shall be made by the individual or committee who is next to consider the appeal.

B. Request for Hearing with the Faculty Hearing Committee

Within 25 working days of receiving written notice from the vice chancellor or chancellor of non-reappointment or non-conferral of permanent tenure, a faculty member (hereinafter, the complainant) may request a hearing before the Faculty Hearing Committee.

1. The Hearing Committee

The Hearing Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

Upon organization, the members of the Hearing Committee shall elect a chair and a secretary. The members of the committee are to be appropriately trained in accordance with guidelines and procedures jointly established by the faculty officers and chancellor. Should any

committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing. (Faculty Senate Resolution #03-49)

When the committee is convened to consider any matter associated with a complainant's request for a hearing, those committee members who hold an appointment in the complainant's academic unit, those who might reasonably expect to be called as witnesses, those who might reasonably expect to be asked to serve as advisors (see Section V.D.2, Conduct of the Hearing) to any party of the hearing, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The complainant and those individuals or groups who are alleged to be responsible for the action or actions described by the complainant in the request for the hearing (hereinafter, the respondents) are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

When, between elections, membership of the committee falls below the specified five members and five alternates, the chair of the faculty, in consultation with the Committee on Committees, shall appoint members to the committee. Vacancies on the committee will be filled by first moving alternates to members and by making appointments as alternates.

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary. The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing.

The committee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) following the committee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)

## 2. Initiation of the Hearing Process

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; (b) the decision was attended by a material procedural irregularity.<sup>11</sup>

In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

Section 604B of The Code of The University of North Carolina states: "In no event shall a decision not to reappoint a faculty member 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) the faculty member's race, sex, religion, national origin, age, disability, or honorable service in the armed services of the United States, or (c) personal malice."

"Material procedural irregularity" means a departure from prescribed procedures governing reappointment and conferral of permanent tenure that cast reasonable doubt upon the integrity of the original decision not to reappoint or not to confer permanent tenure. Whether a material procedural irregularity occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint or not to confer permanent tenure was made and communicated. The Hearing 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)

The complainant's request for a hearing must specifically identify and enumerate all reasons for the request. The request must include (a) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (b) the identification of the respondents; (c) 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 a hearing); (d) the identification of persons who may be willing to provide information in support of the contention; and (e) a brief description of the information those persons identified in (d) may provide. The complainant's request for a hearing shall be made to the chair of the Hearing Committee.

C. Validation of the Request for Hearing.

Validation of the complainant's request for a hearing is the first step in the hearing process. The Hearing Committee shall convene within 15 days after receipt of the complainant's request for a hearing. The committee

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<sup>11</sup> Appeals based on material procedural irregularity shall refer only to personnel actions which are initiated after the approval of material procedural irregularity as a basis for a request for a hearing.

shall notify the complainant of the meeting date by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The committee shall meet in executive session and the meeting will be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. The committee's evaluation of the complainant's request for a hearing shall be limited solely to the documents and information submitted as part of the complainant's request for a hearing.

The complainant may submit additional documentation and information supporting the request for a hearing up to 72 hours prior to the committee meeting. All documentation and information submitted after the original request for a hearing must (a) support contentions set forth in the original request for a hearing and (b) be delivered to the chair in the same manner as the original request for a hearing. Such information or documentation shall be made a part of the original request for a hearing.

Documentation and information that do not meet criteria set forth in the previous paragraph will not be accepted and will be returned to the complainant.

The Hearing Committee's review of the complainant's request for a hearing shall be limited solely to determining whether the facts alleged by the complainant, if established, would support the contention that the decision not to reappoint or not to confer permanent tenure was based upon any of the grounds stated as impermissible in Section 604B of The Code of The University of North Carolina or was attended by a material procedural irregularity. Based on their review and evaluation of the submitted material, the committee shall decide whether the request for a hearing is to be validated.

If the request for a hearing is not validated, the complainant shall be notified by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, within 10 calendar days of the committee meeting. Such a determination confirms the decision not to reappoint or not to confer permanent tenure. (Faculty Senate Resolution #99-4)

The complainant may accept the decision of the Hearing Committee not to validate or appeal to the chancellor within 10 calendar days of receipt of the Hearing Committee's decision. The chancellor, within 14 days of the complainant's appeal shall decide to confirm the committee's decision or shall support the complainant's request for a hearing. (Faculty Senate Resolution #99-4)

The complainant may accept the chancellor's confirmation of the committee's decision not to validate the request for a hearing, or the complainant may appeal to the Board of Governors within 10 calendar

days following receipt of the Chancellor's decision. (Faculty Senate Resolution #99-4, #03-49)

If the committee validates the request for a hearing, or the decision not to validate the request for a hearing is not supported by the chancellor, the committee shall so notify the complainant by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 and begin the processes necessary to set the time and date for the hearing.

D. Procedures for the Hearing.

1. Time and Date of Hearing

If the request for a hearing is validated, the committee shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the notification to the complainant that the request for a hearing was validated. The committee shall then notify the complainant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. At least 15 working days before the hearing, the complainant shall notify the committee, the respondents, the chair of the faculty, and the chancellor of the identity of the complainant's advisor, if any, and whether or not the advisor is an attorney. ("Attorney" is defined as anyone with a Juris Doctor, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee).

2. Conduct of the Hearing

The chair of the Hearing Committee or an elected member of the committee if the chair is unavailable, is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the committee's members and alternates, the complainant, one person who may advise the complainant but who may not take an active part in the proceedings, the respondents, an East Carolina University faculty member (with or without administrative appointment) selected by the chancellor to represent the respondents in the conduct of the hearing, an East Carolina University attorney who shall advise the respondents and their representative but who may not take an active part in the proceedings, the chancellor, and an East Carolina University attorney representing the chancellor, who may advise the chancellor but may not take an active part in the proceedings. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. For any hearing from which an appeal may be taken, a

professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

Any such record is a part of the personnel inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators and attorneys, and the members of the University governing boards and their respective committees and staff are permitted access to such materials. (Faculty Senate Resolution #03-49)

The hearing shall begin with an opening statement by the committee member chairing the hearing. This statement shall be limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. The hearing chair explicitly will note that the committee shall consider only information bearing on the allegations presented in the complainant's request for the hearing.

Following the opening remarks by the hearing chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their representative, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their representative, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the complainant and then the respondent(s) will be given the opportunity to provide summary statements.

#### E. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the allegations stated in the request for the hearing. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing. The complainant shall have the burden of proof by the greater weight of the evidence to establish that a basis for his or her contentions is found in one of the reasons listed in Section V.B.2. Initiation of Hearing.

Within 10 working days of finishing its deliberations the committee shall provide the complainant, respondents, and the chancellor with a copy of the committee's report and a copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37)

If the Hearing Committee determines that the complainant's contention has not been established, it shall, by simple, unelaborated statement, so notify the complainant, the respondents, the chair of the faculty, and the

chancellor. Such a determination confirms the decision not to reappoint or not to confer permanent tenure.

If the Hearing Committee determines that the complainant's contention has been satisfactorily established, it shall notify the complainant, the respondents, the chair of the faculty, and the chancellor by written notice and shall recommend further substantive review.

Within 30 working days after receiving the recommendation of the Hearing Committee, the chancellor shall notify the complainant, the respondents, the chair of the faculty, and the chair of the Hearing Committee what further substantive review, if any, will be made of the original decision not to reappoint or not to confer permanent tenure.

If the chancellor is considering taking action inconsistent with the committee's recommendations, the chancellor shall request that a joint meeting with the committee occur within 10 working days. At the joint meeting, the chancellor will communicate his or her concerns and the committee will have an opportunity to respond. The joint meeting must occur within the 30 working day period in the preceding paragraph. The chancellor must base his or her decision on a thorough review of (1) the record evidence from the hearing and (2) the report of the committee. While the chancellor should give deference to the advice of the faculty committee, the final campus-based decision is the chancellor's.

The chancellor will inform the complainant of his or her decision in writing by a method that produces adequate evidence of delivery. In the event of an adverse decision, the chancellor's notice must inform the complainant: (1) that, within 10 calendar days of the complainant's receipt of the decision, the complainant may file a notice of appeal with the president requesting review by the Board of Governors in accordance with the Board of Governors Policy 101.3.1, (2) that a simple written notice of appeal with a brief statement of its basis is all that is required within this ten-day period, and (3) that, thereafter, a detailed schedule for the submission of relevant documents will be established if such notice of appeal is received in a timely matter. (Faculty Senate Resolution #03-49)

## VI. Due Process Before Discharge or Imposition of Serious Sanction

### A. Penalties

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees, the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty. These penalties may be imposed only in

accordance with the procedures prescribed in this section. For purposes of these regulations, a faculty member serving a stated term shall be regarded as having tenure until the end of the term. These procedures shall not apply to non-reappointment (Section V) or termination of employment (Section VII).

B. Notice

Written notice of intent to discharge or to suspend from employment or to diminish in rank (these penalties hereinafter in Section VI are referred to as "the penalty") shall be sent by the vice chancellor with supervisory authority or by the vice chancellor's designee to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The statement shall include notice of the faculty member's right, upon request, to both written specification of the reasons for the intended penalty and a hearing by the Due Process Committee (Section VI.E.). (Faculty Senate Resolution #99-10)

C. Penalty Without Recourse

If, within 10 working days after the faculty member receives the notice referred to in Section VI.B. above, the faculty member makes no written request for either a specification of reasons or a hearing, the faculty member may be penalized without recourse to any institutional grievance or appellate procedure.

D. Specification of Reasons and Hearing Request

If, within 10 working days after the faculty member receives notice referred to in Section VI.B. above, the faculty member makes a written request to the vice chancellor with supervisory authority, method that provides delivery verification and is consistent with UNC Policy 101.3.3, for a specification of reasons, the vice chancellor with supervisory authority or the vice chancellor's designee shall supply such specification in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, within 10 working days after receiving the request.

A faculty member's request for a hearing is to be directed to the vice chancellor with supervisory authority in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. Upon receipt of such a request the vice chancellor with supervisory authority shall, within ten working days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with Section VI.F.1. If the faculty member makes no written request to the vice chancellor with supervisory authority for a hearing within 10 working days after receiving the specification, the faculty member may be penalized without recourse to any institutional grievance or appellate procedures. (Faculty Senate Resolution #99-10)

E. Due Process Committee

The Due Process Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty

member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates. Upon organization, the members of the Due Process Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing.

When the committee is convened to consider any matter associated with a faculty member's request for a hearing, those committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The faculty member and the vice chancellor with supervisory authority are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain. (Faculty Senate Resolution #99-10)

When membership of the committee falls below the specified five members and five alternates, the Faculty Senate will elect additional faculty members to the committee. Vacancies on the committee will be filled first by moving alternates to member status and by electing new alternates and/or members as needed to fill the committee roster.

Upon notification by the vice chancellor with supervisory authority or the vice chancellor's designee that a faculty member has requested a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary (see Part XI of the ECU Faculty Manual, UNC Code, Section 603). The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. (Faculty Senate Resolution #99-10)

The committee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) following the committee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)

## F. Procedures for the Hearing

### 1. Time and Date of Hearing

The Due Process Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the vice chancellor with supervisory authority's notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the vice chancellor with supervisory authority, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.

### 2. Conduct of Hearing

The hearing shall be on the written specification of reasons for the intended penalty. The chair of the Due Process Committee, or an elected member of the committee if the chair is unavailable, is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the vice chancellor with supervisory authority, and counsel for the vice chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

The hearing shall begin with an opening statement by the hearing chair limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the hearing chair, the vice chancellor with supervisory authority or his/her counsel shall present the university's contentions and any supporting witnesses and documentary evidence. The faculty member or the faculty member's counsel may then reply and present any supporting witnesses and documentary evidence. During these presentations, the vice chancellor with supervisory authority or his or her counsel, and the faculty member or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member and then the vice chancellor with supervisory authority will be given the opportunity to provide summary statements. (Faculty Senate Resolution #99-10)

## G. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing.

Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. In its report the committee shall state whether or not it recommends that the intended penalty be imposed.

(Faculty Senate Resolution #03-37)

In reaching a decision, the chancellor shall consider only the written transcript of the hearing and the report of the Due Process Committee. Within 30 working days of receiving the report, the chancellor's decision shall be conveyed in writing to the Due Process Committee and the affected faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3.

#### H. Appeal

If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the decision shall be final. If the chancellor rejects a finding, conclusion, or recommendation of the Due Process Committee, the chancellor shall state the reasons for doing so in a written decision. If the chancellor either declines to accept a Committee recommendation that is favorable to the faculty member or concurs in the committee recommendation that is unfavorable to the faculty member, the faculty member may appeal the chancellor's decision to the Board of Trustees.

This appeal shall be transmitted through the chancellor and shall be addressed to the chair of the Board. Notice of appeal shall be received by the chancellor within ten working days after the faculty member receives the chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees; however, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members.

The Board of Trustees, or its committee shall consider the appeal on the written transcript of the hearing held by the Due Process Committee, but it may, in its discretion, hear such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made within 45 working days after the chancellor has received the faculty member's request for an appeal to the Trustees.

This decision shall be final except that the faculty member may, within ten days after receiving the trustees' decision, file a written petition for review with the Board of Governors if he or she alleges that one or more specified provisions of the Code of The University of North Carolina have been violated. Any such petition to the Board of Governors shall be transmitted through the President, and the Board shall, within 45 working days, grant or deny the petition or take such other action as it deems advisable. If it grants the petition for review, the Board's decision shall be made within 45 working days after it notifies the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, that it will review the petition.

The exercise of the Board of Governors' jurisdiction is refined to insure that primary emphasis remains properly focused on the campus grievance procedures. Requests for appellate review will be screened to determine whether the Board should consider the issues raised in a petitioner's request for review. The following basic standards will guide that screening process:

1. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.
2. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.
3. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision makers, i.e., the due process committee, the chancellor, or the board of trustees<sup>12</sup>; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate their circumstances carefully, to understand the purposes of permissible appellate review, and to formulate clearly and concisely their statement of the one or more grounds on which they believe the Board should exercise its appellate jurisdiction. Thus, the first

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<sup>12</sup>The board of trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmation of a faculty committee decision) was clearly erroneous.

step in any appeal to the Board of Governors will be an evaluation by the Board, through a designated subcommittee, with staff assistance, of the grievant's written statement of grounds for appeal, to determine whether the issues sought to be raised warrant Board attention, as judged by the three basic standards.

I. Suspension During a Period of Intent to Discharge

When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may suspend the faculty member at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension during a period of intent to discharge shall be exceptional and shall be with full pay and benefits.

VII. Termination of Faculty Employment

A. Reasons Justifying Termination and Consultation Required

1. Reasons for Terminating Employment

The employment of a faculty member with permanent tenure or of a faculty member holding a fixed-term or probationary appointment may be terminated by East Carolina University because of (1) demonstrable, bona fide institutional financial exigency, or (2) major curtailment or elimination of a teaching, research or public service program.

Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by Section VII.A.2. below.

This determination is subject to concurrence by the President and then approval of the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with Section 605 of The Code of The University of North Carolina and the institutional procedures set out in subsection B below.

2. Consultation with Faculty and Administrative Officers

When it appears that the institution will experience an institutional financial exigency or when it is considering a major curtailment in or elimination of a teaching, research, or public service program, the chancellor or the chancellor's delegate shall forthwith prepare a report which identifies specifically the state of financial exigency or the

program change. The report must outline the options readily apparent to the chancellor at the time, including any options which would or might involve terminations of faculty employment.

The chancellor's report shall be directed to the Educational Policies and Planning Committee for their written advice and recommendations. In considering this report the Educational Policies and Planning Committee shall have access to information on which the chancellor's report was based. The Committee may interview appropriate persons. The Educational Policies and Planning Committee shall prepare a report in response to the chancellor, to be submitted at a time determined by the chancellor.

Should the chancellor decide, following receipt of the Educational Policies and Planning Committee's report, to consider reducing a unit's faculty for reasons of financial exigency or major curtailment or elimination of a program, the chancellor shall promptly establish and convene an ad hoc Faculty Advisory Committee to advise the chancellor regarding the contemplated reduction.

Whenever such a Committee is created, it shall consist of two members and two alternates elected by the unit; the unit's administrator as an ex officio member; and four members and four alternates from disciplines complementary to the unit, nominated by the University Committee on Committees and elected by the Faculty Senate. Except for the ex-officio member, membership on an ad hoc committee shall be limited to full-time permanently tenured faculty without administrative appointment. Upon organization, the committee shall elect a chair and a secretary. The ad hoc Faculty Advisory Committee, following procedures according to the most recent edition of *Robert's Rules of Order, Newly Revised*, shall submit a report of its advice and recommendations, at a time determined by the chancellor. In preparing this report, the committee shall have access to information considered in any prior reports, and the committee may interview appropriate persons.

#### B. Termination Procedures

##### 1. Consideration in Determining Whose Employment is to be Terminated

In determining which faculty member's employment is to be terminated, the primary consideration of the chancellor and the ad hoc advisory committee shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution. Where no conflict with this primary consideration exists, priority for retention shall be given the permanently tenured faculty who are senior in years of service to the University.

2. Timely Notice of Termination
  - a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, the faculty member shall be given timely notice as follows: One who has permanent tenure shall be given not less than twelve months notice; and one who does not have permanent tenure shall be given notice in accordance with the requirements specified in Section II.C.
  - b. When a faculty member's employment is to be terminated because of financial exigency, the institution will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in the preceding paragraph.
3. Type of Notice to be Given
  - a. Should the chancellor decide to terminate employment following receipt of the report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and a copy of this procedure on termination of employment.
  - b. For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section VII.A.1., the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be sent by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 to the address last furnished to the chancellor's office, and the faculty member will be given thirty calendar days after transmission of the notice in which to accept or reject the offer. The offer to resume a terminated position shall provide for tenure status, rank, and salary at least equal to those held by the faculty member at the time of termination.
  - c. The institution, when requested in writing by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. Such assistance shall include secretarial assistance, access to the telephone (including long distance), University/unit stationary and postage, travel funds

to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.

4. Termination if Reconsideration is Not Requested

If, within 10 working days after receipt of notice required by Section VII.B.3 above, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date specified in the notice given pursuant to Section VII.B.3, and without recourse to any institutional grievance or appellate procedure.

5. Request for Reconsideration Hearing

Within 10 working days after receiving the notice required by Section VII.B.3, the faculty member may request by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 a reconsideration of the decision to terminate employment, if the faculty member alleges that the decision was arbitrary or capricious. The request shall be submitted to the chancellor and shall specify the grounds upon which it is contended that the decision to terminate employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention. Submission of such a request constitutes on the part of the faculty member: (1) a claim that the contention can be supported by representation of factual evidence, and (2) an agreement that the institution may offer in rebuttal of the faculty member's contention any relevant data within its possession. Upon receipt of such a request the chancellor shall, within 10 working days, notify the chair of the Reconsideration Committee of the need to convene a hearing in accordance with Section VII.B.7.

6. The Reconsideration Committee

The Reconsideration Committee shall be composed of five members and five alternates, each of whom is a full time permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

Upon organization, the members of the Reconsideration Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for purposes of the hearing.

When the committee is convened to consider any matter associated with a faculty member's request for a hearing, those committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, who participated directly in the decision to terminate the faculty

member's employment, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The faculty member and the chancellor or the chancellor's representative are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

When, between elections, membership of the committee falls below the specified five members and five alternates, the chair of the faculty, in consultation with the Committee on Committees, shall appoint members to the committee. Vacancies on the committee will be filled by first moving alternates to members and by making appointments as alternates.

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary. The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. The committee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) following the committee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)

7. Procedures for the Hearing

a. Time and Date of Hearing

The Reconsideration Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the chancellor's notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.

b. Conduct of Hearing

The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the

latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

The hearing shall begin with an opening statement by the chair of the committee limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the committee chair, the faculty member or the faculty member's counsel shall present his or her contentions and any supporting witnesses and documentary evidence. The chancellor or the chancellor's counsel may then reply and present any supporting witnesses and evidence in rebuttal of the faculty members contentions or in general support of the decision to terminate the faculty member's employment. During these presentations, the faculty member or his or her counsel, and the chancellor or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member and then the chancellor or the chancellor's counsel will be given the opportunity to provide summary statements.

8. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing.

Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37)

If the Reconsideration Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member, the chair of the faculty and the chancellor. The faculty member may appeal the decision to terminate employment to the chancellor within 10 calendar days following receipt of the committee's decision. (Faculty Senate Resolution #99-4)

If the Reconsideration Committee determines that the faculty member's contention has been satisfactorily established, it shall so notify the faculty member, the chair of the faculty, and the chancellor by a written notice that shall also include a recommendation for corrective action by the chancellor.

Within 30 working days after receiving the recommendation, the chancellor shall send written notice to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee giving his decision and stating what modification, if any, the chancellor will make with respect to the original decision to terminate the faculty member's employment. If the chancellor fails to reverse the original decision, the chancellor shall send written notice of such to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee. The faculty member may appeal the termination to the Board of Trustees within 10 calendar days following receipt of the chancellor's decision. (Faculty Senate Resolution #99-4)

The exercise of the Board of Trustees' jurisdiction is refined to insure that primary emphasis remains properly focused on the campus grievance procedures. Requests for appellate review will be screened to determine whether the Board should consider the issues raised in a petitioner's request for review. The following basic standards will guide that screening process:

- a. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.
- b. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.

- c. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision makers, i.e., the reconsideration committee, the chancellor, or the board of trustees<sup>13</sup>; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate their circumstances carefully, to understand the purposes of permissible appellate review, and to formulate clearly and concisely their statement of the one or more grounds on which they believe the Board should exercise its appellate jurisdiction. Thus, the first step in any appeal to the Board of Governors will be an evaluation by the Board, through a designated subcommittee, with staff assistance, of the grievant's written statement of grounds for appeal, to determine whether the issues sought to be raised warrant Board attention, as judged by the three basic standards.

If the chancellor concurs in the recommendation of the committee that is favorable to the faculty member, the decision is final and written notification thereof shall be sent to the faculty member, the chair of the faculty, and the chair of the Reconsideration Committee.

#### VIII. Effective Date

- A. These policies and regulations supersede all other institutional documents governing the matters covered herein.
- B. Except as otherwise provided below, all provisions of these policies and regulations shall become operative on the date they are approved by the President of the University of North Carolina.

These regulations as amended shall apply only to those appeals following nonreappointments and nonconferrals of tenure in which the original decision not to reappoint or not to confer permanent tenure was made after the effective date of these regulations. Regulations applicable to appeals following nonreappointment or nonconferral of tenure in which the original decision not to reappoint or not to grant permanent tenure was made prior to the effective date of these regulations are those rules in effect at the time that the original decision was made.

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<sup>13</sup>The board of trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmation of a faculty committee decision) was clearly erroneous.

In compliance with UNC Code 602(1) final approval of this document involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs/General Counsel, and President of UNC System.)

Approved (entire document)

Faculty Senate Resolution #06-19

January 9, 2007

Erskine Bowles, President of UNC System

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## Appendix F Graduate School Organization

- I. The Graduate Faculty
  - A. Functions and Jurisdictions
  - B. Membership
  - C. Meetings
  - D. Canvass
  - E. Voting Privileges
  - F. Implementation
- II. The Graduate Assembly, the Graduate School Administrative Board, and the Graduate Curriculum Committee
  - A. Graduate Assembly
  - B. Graduate School Administrative Board
  - C. Graduate Curriculum Committee
  - D. Graduate School Organization
- III. Graduate Student Advisory Council
  - A. Composition
  - B. Functions
- IV. The Dean
  - A. Functions and Jurisdiction

### I. The Graduate Faculty

#### A. Functions and Jurisdictions

The graduate faculty exercises the authority within the university for development of general policies and procedures for all graduate courses and programs. The graduate faculty may modify this instrument, Graduate School Organization, directly or through the concurrent approval of the Graduate Assembly and the Graduate School Administrative Board.

#### B. Membership

The following paragraphs address the general qualifications for membership, rights, privileges and responsibilities, method of appointment, and method of reappointment of each category of membership on the graduate faculty and the methods of implementing these policies.

There are five types of membership in the graduate faculty. They are (1) graduate faculty member, (2) associate graduate faculty member, (3) graduate teaching faculty member, (4) ex-officio graduate faculty member, and (5) adjunct graduate faculty member.

Graduate Faculty Members. Qualifications for graduate faculty members include:

- The highest earned degree in the field.
- Demonstrated evidence of success in research/creative activity.
- Demonstrated evidence of successful graduate teaching.
- Demonstrated evidence of successful supervision of research or creative activity, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate faculty members are eligible to serve on the Graduate Assembly, the Administrative Board of the Graduate School, the Graduate Curriculum Committee, may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs.

Appointment to the graduate faculty occurs as the result of the following procedure. Upon recommendation of the graduate faculty of the code unit (the procedure for which has been outlined as described under Implementation, below), the appropriate unit administrator forwards a nomination to the dean of the college or professional school, as appropriate, and then to the dean of the Graduate School. Each nomination should state the type of appointment and contain evidence that the nominee has satisfied the criteria for the type of membership sought in a manner consistent with the code unit's interpretation of those criteria. The dean of the Graduate School will review the recommendation of the academic unit to determine that it is consistent with the unit's criteria and appointment procedures. If the dean concurs, he or she will notify the Graduate School Administrative Board, the academic unit and the faculty member of his or her appointment. If the dean does not approve the unit's recommendation the application will automatically be referred to the Graduate School Administrative Board. A two-thirds majority of the Graduate School Administrative Board will be required to overturn the administrative decision.

For individuals with permanent tenure, appointment to the graduate faculty is for five years. At the end of the term, the appointment shall be reviewed within the unit in the manner outlined for initial appointments, except that the focus will be on the activity during the five years immediately preceding the evaluation. If it is the opinion of the code unit graduate faculty that the appointment should be renewed, the appropriate unit administrator will add his/her opinion and submit the appropriate renewal application to the dean of

the College or professional school, as appropriate, and then to the dean of the Graduate School who will review the application. To be reappointed, it is not necessary for an individual to have participated in all phases of graduate education. Individuals appointed to major administrative assignments (department chairs or above) who are members or associate members of the graduate faculty at the time of their appointment are exempt from the renomination process until five years after the expiration of the administrative appointment. Individuals with other administrative appointments may be considered for a waiver by the Administrative Board of the Graduate School upon nomination by their code units.

It is recognized that the process for awarding permanent tenure involves the evaluation of the individual's research, teaching, and service to the university over a substantial period of time as well as relevant experiences at other universities. Therefore, recipients of permanent tenure subsequent to the implementation of these policies by the graduate faculty are eligible for appointment as a member of the graduate faculty if that person is not already a member. To effect this appointment, it is the responsibility of the code unit to notify the dean of the college or professional school, as appropriate, and then the dean of the Graduate School of any person in this category to request an appointment to the graduate faculty. It is emphasized that there is no permanent tenure for graduate faculty appointments and persons appointed in this manner are subject to the same term limits and appointment renewal policies as other members of the graduate faculty. This process is used only by entities directly responsible for graduate degree programs.

For faculty on probationary appointments, the term on the graduate faculty is coterminous with the length of that appointment or four years, whichever is longer. Tenure track faculty will be renominated for the graduate faculty as part of the contract renewal process immediately prior to the expiration of the term on the graduate faculty. The appropriate dean or chair will provide information on the faculty member's accomplishments during the period to the appropriate graduate faculty in the unit and the nomination process will proceed as outlined above.

Associate Graduate Faculty Members. Qualifications for associate graduate faculty members include:

- Highest earned degree in the field.
- Demonstrated evidence of success or the potential for success in research/creative activity.
- Demonstrated evidence of successful graduate teaching or the potential of such success.
- Demonstrated evidence of successful supervision of research or creative activity or the potential of such success, if applicable. In some instances, extensive professional experience, high productivity, or successful

competition for research/creative activity support may substitute for the highest degree.

Associate graduate faculty members may serve as members of the Graduate Assembly, may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs. Code units must define criteria for associate graduate faculty members to chair doctoral committees. All procedures for appointment and reappointment as well as terms of office for the associate graduate faculty will be the same as those for the graduate faculty members.

Graduate Teaching Faculty Members. Qualifications for graduate teaching faculty members include:

- Highest earned degree in the field.
- Professional certifications or licensure as specified by the code unit.
- Demonstrated evidence of success or the potential for success graduate teaching.
- Evidence of professional growth, e.g., completion of continuing education, participation in relevant seminars, or other professional activity. In some instances, especially for clinical faculty, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate teaching faculty members may teach masters or doctoral classes as appropriate for their background, certification, and experience and may be the fourth member of a master's committee upon certification of appropriate experience or expertise by the unit administrator.

All tenure-track faculty who hold the appropriate terminal degree for the discipline in which they hold their appointments are deemed to be members of the graduate teaching faculty upon their initial appointments. Code units are responsible for notifying the dean of the college or professional school, as appropriate, and the dean of the Graduate School of these individuals and requesting an appointment to the graduate teaching faculty. As part of their first evaluation for contract renewal of a probationary appointment, if the code unit wishes the person to become a member or associate member of the graduate faculty, it would use the information gathered in the process of contract renewal to provide the nominations as outlined above. If the code unit wishes the person to remain a member of the graduate teaching faculty, it renews the appointment by notifying the dean of the college or professional school, as appropriate, the dean of the Graduate School, and the individual involved. If the code unit wishes to remove the person from responsibilities for graduate teaching, it notifies the person, the dean of the college or professional school if appropriate, and the dean of the Graduate School.

Other appointments to the graduate teaching faculty are made by the appropriate code unit administrator, the graduate faculty of the code unit, and the dean of the Graduate School, in accordance with procedures approved by the graduate faculty of the code unit. These appointments are valid for the terms of the individuals' contracts.

**Adjunct Members.** Persons not currently faculty members at East Carolina University may be named to the graduate faculty as adjunct members. Adjunct appointments may be made to any of the types of positions outlined above. Adjunct members of the graduate faculty must meet the same qualifications as required for the category to which they are named and are appointed and reappointed using the same procedures as graduate faculty members of the same category. Second and subsequent appointments as adjunct members must be predicated upon successful teaching experience and continuation of a level of professional activity appropriate to the category of membership.

**Ex-officio Members.** Administrators with responsibilities for graduate programs who do not hold other appointments to the graduate faculty will be appointed to an ex-officio membership commensurate with background and experience and will hold that appointment for the duration of their administrative appointment.

#### C. Meetings

The graduate faculty may meet in plenary session. Meetings may be called by the chairperson, the Graduate Assembly, the Graduate School Administrative Board, or upon petition of the graduate faculty as indicated below (II,A.1.). Notice of a plenary session with time, place, and agenda will be distributed to members of the graduate faculty at least a full week prior to the meeting.

One-half or more of the graduate faculty will constitute a quorum for purposes of transacting such business as appears on the printed agenda. A simple majority of those graduate faculty members in attendance shall govern unless decision to the contrary is made prior to a ballot. When a quorum is not present at a called meeting, agenda items will be referred to the Graduate School Administrative Board for action.

A plenary session shall be conducted according to the most recent edition of Robert's Rules of Order. Minutes shall be kept and distributed to all members of the university faculty not later than ten days following the session.

#### D. Canvass

Business and opinion polls may be conducted through canvass of the graduate faculty by the chairperson when approved by the Graduate School Administrative Board. Ballots or other materials will be addressed to each graduate faculty member and sent through campus mail or delivered by

messengers. To transact business through a canvass, at least one-half of the total graduate faculty must return ballots. A simple majority shall govern unless the Graduate School Administrative Board establishes a different criterion when it approved a canvass.

When the graduate faculty is canvassed in this manner, each ballot will provide space in which each member can indicate his or her preference for a plenary session dealing with the issue to be decided. If 15 percent or more of the graduate faculty indicates preference for a session, the canvass will be nullified; and a plenary session will be called.

#### E. Voting Privileges

Only graduate faculty members vote on university-wide issues and serve on the Graduate Administrative Board of the Graduate School except as indicated below (II, B.1.). It is assumed that each unit will encourage participation of individuals holding other appointments in decision making and planning related to the graduate programs in which they are involved.

#### F. Implementation

Each code unit with a graduate program will develop a procedure for obtaining faculty input to the process of nominating graduate faculty and report this procedure to the Graduate School Administrative Board. In addition, each code unit with a graduate program will examine the educational objectives of their graduate degrees which were prepared for the SACS accreditation and articulate the types of research, creative activity, or other activities which are appropriate for graduate faculty in their discipline. Each code unit will then submit its articulation to the Administrative Board of the Graduate School for approval. Once the articulation is approved, it will be used to evaluate nominations for the graduate and associate graduate faculty from the submitting code unit.

Except as noted above for administrators and ex-officio members, the status of all existing members of the graduate and associate graduate faculty will be confirmed within five years of the approval of the procedures and criteria according to a process to be developed by the Graduate School Administrative Board. These members may choose the year in which the confirmation occurs within a five year period.

## II. The Graduate Assembly, the Graduate School Administrative Board, and the Graduate Curriculum Committee

### A. Graduate Assembly

The Graduate Assembly shall include one graduate director from each academic department in the Thomas Harriot College of Arts and Sciences, the College of Education, the College of Business, the College of Fine Arts and Communication, the College of Health and Human Performance, the College of Human Ecology, the College of Technology and Computer

Science, the School of Allied Health Sciences, the Brody School of Medicine, and the School of Nursing and a graduate student. offering a graduate degree program and one member from the Graduate Student Advisory Council. The dean of the Graduate School, or his/her designee, chairs meetings of the Graduate Assembly. The chancellor, the provost and the vice chancellor for health affairs, or their designees, will serve as ex officio members of the Graduate Assembly.

Membership in the Graduate Assembly shall be limited to associate or full members of the graduate faculty who serve as graduate directors in their respective unit. Appointment to the position of graduate director shall be according to the unit code. There is no limit on service as a member of the Graduate Assembly.

The responsibilities of the Graduate Assembly will include:

- Implementing Graduate School policies on recruitment, application, enrollment, and graduation of students;
- Making recommendations to the dean of the Graduate School on policy issues referred to it by the Administrative Board;
- Making recommendations to the dean of the Graduate School on policies issues referred to it by at least forty percent of the Administrative Board.

The Graduate Assembly shall meet at least once a semester, by call of the dean of the Graduate School, or as the result of the petition of 15 percent of the members of the graduate faculty.

#### B. Graduate School Administrative Board

The Graduate School Administrative Board shall consist of three representatives from the Thomas Harriot College of Arts and Sciences, two from the College of Education, and one from the College of Business, the College of Fine Arts and Communication, the College of Health and Human Performance, the College of Human Ecology, the College of Technology and Computer Science, the School of Allied Health Sciences, the Brody School of Medicine, and the School of Nursing and a graduate student. Each college and school representative and his/her alternate shall be full graduate faculty and shall be elected by vote of the members of their respective constituencies. The term of membership on the Administrative Board of the Graduate School shall be three years. The president of the Graduate Student Advisory Council serves as the graduate student representative.

The dean of the Graduate School , or his/her designee, is chair of the Graduate School Administrative Board and presides at board meetings. The dean of the Graduate School or his/her designee will vote in case of a tie vote. The provost , the Vice Chancellor for Health Affairs, and the Chair of the Faculty, or their designees, will serve as ex officio members, without vote,

of the Graduate School Administrative Board. The Graduate School Administrative Board will meet as necessary, ordinarily biweekly, during the academic year.

The responsibilities of the Administrative Board will include:

- Election of the membership of the Graduate Curriculum Committee
- Approval of all course proposals at the graduate level (5000 and above);
- Approval of all proposals for new degree programs and program tracks and changes in existing degree programs;
- Participation in the review of all existing graduate programs;
- Review and approval of all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements;
- Review of all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
- Review and development of Graduate School policy including requirements for admission, retention of students, permissible course loads, transfer credit, grading, thesis and dissertation requirements and examinations, and standards for graduate faculty appointment.
- Reporting its actions to the Graduate Assembly.

A simple majority of the Graduate School Administrative Board will constitute a quorum.

#### C. Graduate Curriculum Committee

The Curriculum Committee shall consist of seven graduate faculty members from different graduate degree areas and one graduate student nominated by the Graduate Student Advisory Council and elected by the Administrative Board of the Graduate School. The committee shall elect the chair itself and the chair, if not already a member, will be an ex-officio member of the Graduate Assembly and the Graduate School Administrative Board. Membership ordinarily is for a term of three years in staggered rotation with no more than three new members in any given year. Members may be reelected.

The committee will review proposals for new graduate programs, new and revised courses, degree related catalog text changes, and requests to delete, bank, and unbank graduate courses. The committee will make recommendations for action to the Graduate School Administrative Board and is empowered also to make recommendations to the Graduate Assembly and to the Graduate School administration on any graduate curriculum related matters. The committee is responsible for determining its own methods and procedures for fulfilling these responsibilities

#### D. Graduate School Organization

This instrument, Graduate School Organization, may be altered by a majority vote of both the Graduate Assembly and the Graduate School Administrative Board.

### III. Graduate Student Advisory Council

#### A. Composition

The Graduate Student Advisory Council shall be composed of currently enrolled graduate student representatives from each professional school and from each department in the College of Arts and Sciences offering graduate degrees.

#### B. Functions

1. The advisory council shall elect co-chairpersons from its membership who shall in turn serve on the Graduate Assembly .
2. The advisory council shall serve as a student liaison between the Graduate School and the schools and departments by providing a forum through which concerns common to graduate students can be brought to the attention of the dean and assistant dean of the Graduate School.
3. Dates of meetings are set and the council develops agenda.

### IV. The Dean

#### A. Functions and Jurisdiction

The dean shall be the chief executive officer of the Graduate School and chairperson of the graduate faculty, the Graduate Assembly, and the Graduate School Administrative Board. He or she shall be available to advise and assist schools and departments in the planning and development of their graduate programs. He or she shall be specifically responsible for coordinating with the general administration of the university all new program proposals advanced by schools and departments.

The dean shall be responsible for the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the Graduate School Administrative Board. He or she is expected to articulate both the current status and the short-term and long-term concerns and objectives of graduate education at the university and to offer timely and appropriate recommendations for its improvement and greater efficiency in meeting the needs of its constituents.

The dean shall be responsible for the operation of the Graduate School office including the preparation of its annual budget, spending of funds, utilization of allocated office space, assignments of responsibilities to staff, and the establishment of office procedures for effective implementation of all administrative tasks performed by the Graduate School office.

The dean shall develop procedures for consultation with other units of the university and extramural academic, professional, governmental, and community groups.

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Approved: 22 August 1977  
East Carolina University Graduate Faculty

Amended: 17 October 1994  
20 April 1998  
28 January 2002 Graduate School Administrative Board, and  
4 February 2002 Graduate Assembly  
22 September 2003 Graduate School Administrative Board, and  
29 September 2003 Graduate Assembly

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APPENDIX I  
EAST CAROLINA UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND  
COMMITMENT

CONTENTS

- I. Introduction
- II. The Concepts at Issue
- III. Policies
  - A. Conflict of Interest
  - B. Conflict of Commitment
- IV. Categories and Examples of Potential Conflicts
- V. Submission of Conflict Evaluation Forms (Disclosures)
- VI. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts
- VII. Institutional Conflict of Interest
- VIII. Enforcement of the Policies
- IX. Definitions

Example Forms:

- A. Annual Faculty/Professional Staff Disclosure Form of Potential Conflict of Commitment or Interest Activities or Relationships.
- B. Report of Activities and Relationships with Enterprises Sponsoring University Activities or Doing Business with the University.
- C. Report of Potential Conflicts of Interest Related to Students' Activities with External Enterprises.
- D. Report of Potential Conflicts of Interest Related to Teaching and Ownership of Intellectual Property.
- E. Notice of Intent to Engage in External Professional Activities for Pay.

## I. Introduction

Effective July 1, 1995, all EPA faculty members and other professional staff of East Carolina University are subject to revised policies concerning conflicts of interest and conflicts of commitment affecting University employment and external professional activities. This policy covers full-time faculty and EPA non-faculty employees, part-time faculty and EPA non-faculty employees insofar as their University responsibilities are concerned, and faculty and EPA non-faculty employees who are on leave if the leave is funded at least partially from University sources. The revised ECU policies are based on policies and guidelines adopted by the UNC system Board of Governors and federal agency requirements. Any questions regarding these procedures or the Board of Governors' policies upon which they are based should be directed to the appropriate divisional vice chancellor.

## II. The Concepts at Issue

The distinction between conflicts of interest and commitment is not always clear. In general, conflict of commitment relates to allocation of time and should become apparent in the annual review process conducted by the administrative superior. Conflict of interest involves matters which might unduly influence employee judgment in the conduct of employee affairs, such that personal financial advantage is or might be unduly gained.

More specifically, conflict of interest occurs when related personal considerations, e.g., employment of a spouse, potentially compromise the faculty or professional staff member's objectivity in fulfilling University duties or responsibilities, including research activities. Conflict of commitment occurs when the pursuit of outside activities involves an expenditure of time that potentially interferes with the faculty or professional staff member's obligations to students, to colleagues, and/or to the missions of the University.

The goal of this policy is to ensure that all potential conflicts of interest or commitment are disclosed so that appropriate administrative interventions may eliminate, avoid, or manage them. These policies, however, are not intended to limit responsible external activities.

## III. Policies

### A. Conflict of Interest

It is the policy of the University that faculty and EPA non-faculty shall avoid conflicts of interest that have the potential to affect adversely the University's interests, to compromise objectivity in carrying out University responsibilities, or otherwise to compromise the performance of University responsibilities. Accordingly, outside activities and financial interests must be disclosed on an annual basis. Disclosures must be updated when new external interests develop. Outside activities and financial interests should be arranged to avoid such conflicts. Related policies are also discussed in the ECU Faculty Manual, Part VII. Research Information.

## B. Conflict of Commitment

It is the policy of the University that faculty and EPA non-faculty employees shall devote their primary professional loyalty, time, and energy to their teaching, research, service, and, where applicable, patient care at the University.

Accordingly, outside activities and financial interests must be arranged to avoid interference with the primacy of these commitments. Policies and Procedures for those potential conflicts of commitment situations that do not involve conflict of interest are discussed in the ECU Faculty Manual, Part VI, General Personnel Information. The policy on External Professional Activities of Faculty and Other Professional Staff should be used for these potential conflicts of commitment situations.

## IV. Categories and Examples of Potential Conflicts

Activities that may involve conflicts of interest or commitment fall into three general categories that differentiate relationships according to potential for adverse impact.

Category I: consists of relationships that, while including some that are conflicts in a technical sense, are allowable because they do not compromise the objectivity of research results or other interests of the University, the sponsor, or the public. These relationships are generally minimal in their personal financial impact, and otherwise do not represent a potential source of bias.

Category II: consists of relationships that may be permissible following disclosure and, where necessary, the initiation of supervisory procedures designed to preclude bias or other inappropriate actions and to ensure the maintenance of academic standards and institutional integrity.

Category III: consists of relationships that presumptively may be inappropriate for a faculty member or EPA non-faculty employee. In such cases, the individual must demonstrate to the University's satisfaction the compatibility of such practices with University policy prior to going forward with the proposed activity.

Provided below are representative, but not all-inclusive, examples of activities in each of these three categories. Please refer to Section IX below for important definitions.

### Category I:

Activities that are routinely allowable and are not required to be disclosed pursuant to this policy.

- a) Receiving royalties for published scholarly works and other writings or for inventions pursuant to the University's Patent and Copyright Policies (Faculty Manual, Part VII, Research Information).
- b) Membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and

- books; and service to accreditation bodies are permitted under the ECU Policy Statement on External Professional Activities of Faculty and other Professional Staff (Faculty Manual, Part VI, General Personnel Information) so long as they do not conflict or interfere with the timely performance of primary University duties. These activities are permitted even if they are performed for nominal honoraria or reimbursement of expenses, provided that the receipt of nominal honoraria or reimbursement of expense is not in conflict with any other applicable University, state, or federal policy, rule or regulation. These activities are not required to be disclosed in this Policy's Annual Faculty/Professional Staff Disclosure Form. However, a "Notice of Intent to Engage in External Professional Activity" may be required pursuant to ECU's policy (Faculty Manual, Part VI, General Personnel Information).
- c) Ownership of or equity in a corporation used solely for the individual's consulting activities provided such consulting activities are appropriately reported and approved in accordance with Faculty Manual, Part VI, General Personnel Information, External Professional Activities of Faculty and Other Professional Staff.

#### Category II:

Activities that may be allowable following disclosure and, where necessary, the implementation of monitoring procedures.

##### 1. Research Activities

- a) Participating in University research (basic, applied, and clinical) on a technology developed by that individual or a member of his or her immediate family, unless the activity is specifically disallowed under the guidelines of Category III.
- b) Participating in University research involving a technology owned by or contractually obligated (by license, option or otherwise) to a business in which the individual or immediate family has a consulting relationship.
- c) Receiving through contract or gift University sponsored research support (whether in dollars or in kind) for research from a business in which the individual or immediate family has a consulting relationship.

##### 2. External Activities

- a) Serving on the board of directors or scientific advisory board of a business from which that individual or immediate family receives University-sponsored research support or with which the University has a substantial contractual relationship known to the individual, unless the activity is specifically disallowed under the guidelines of Category III.
- b) Assuming an executive position in a not-for-profit business with which the University has a substantial contractual relationship known to the individual and which is engaged in commercial or research activities in a field related to the individual's University responsibilities, unless the activity is specifically disallowed under the guidelines of Category III.

##### 3. Ownership

- a) Possessing a significant financial interest, including a significant consulting relationship, in a business that competes with the services

provided by the University as a part of their academic, research, or service mission.

- b) Possessing a significant financial interest, including a significant consulting relationship, in a business field related to the individual's University responsibilities, unless the activity is specifically disallowed under the guidelines of Category III.
- c) Requiring or recommending one's own textbook or other teaching aids, materials, or equipment to be used in connection with University programs or those of immediate family. Such a requirement or recommendation must be preceded by disclosure and review according to this policy.

#### 4. Other

- a) Acceptance by the University employee or immediate family of other than nominal gratuities or special favors from one whom the individual knows is doing business with or proposing to do business with the University.
- b) Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined herein.

#### Category III:

Activities that are presumptively not allowable. Many of the examples below may seem to overlap examples in Category II above; however, the addition of 'significant financial interests' in the activities below creates the presumption that these activities are not allowable.

##### 1. Research Activities

- a) Participating in University research involving a technology owned by or contractually obligated (by license, option, or otherwise) to a business in which the individual or immediate family holds significant stock or similar significant ownership interest, or has any other significant financial interest, other than a receipt of University-sponsored research support, or receipt of royalties under University royalty sharing policies.
- b) Receiving, through contract or grant, University sponsored research support (whether in dollars or in kind) for research from a business in which the individual or immediate family holds a significant stock or similar significant ownership interest or has any other significant financial interest.
- c) Assigning students, postdoctoral fellows or other trainees to University projects sponsored by a for-profit or not-for-profit business in which the individual or immediate family has a significant financial interest, including a significant consulting relationship.

##### 2. External Activities

- a) Assuming an executive position in a not-for-profit business with which the University has a substantial contractual relationship known to the individual and which is engaged in commercial or research activities in a field related to the individual's University responsibilities.
- b) Making referrals of University business to an external business or professional office in which such individual or immediate family has a

significant financial interest, including a significant consulting relationship.

- c) Associating one's name or one's work with an external activity in such a way as to profit monetarily by trading on the reputation or good will of the University or to imply sponsorship or endorsement by the University. An example of a context in which such an association might occur is external professional activity for pay. Mere identification of the University as the employer of the individual and of the individual's position at the University is permitted by this section, provided that such identification is not used in a manner that implies sponsorship or endorsement by the University.

### 3. Public Disclosure

- a) Publishing or formally presenting University sponsored research results, or providing expert commentary on a subject, with out simultaneously disclosing any significant financial interest relating to such results or such subject.
- b) Unauthorized use of privileged information acquired in connection with one's University responsibilities to further one's own personal interests.

### 4. Administrative Responsibilities

- a) Taking administrative action in the course and scope of University responsibilities that is beneficial to a business in which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship.
- b) Influencing the negotiation of contracts between the University and an outside organization with which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship.

### 5. Committee Participation

- a) Serving on a committee of a governmental agency or private entity during the consideration by such a committee of the regulation or application of a technology that is owned by or contractually obligated to a business in which that individual or immediate family has a significant financial interest, including a significant consulting relationship.

## V. Submission of Conflict Evaluation Forms (Disclosures).

Policy: Effective July 1, 1995, each faculty member and all other EPA employees will be required to disclose annually for both him/her selves and their immediate families (see definition in Section IX) the extent of their relevant external activities and relationships and their financial holdings that are related to the employee's university activities. These university activities include but are not limited to sponsored research activities. These external activities, relationships and financial holdings are described above in Section IV under Categories II & III. All potential Category II and III relationships or financial holdings must be reported regardless of the dollar amounts involved. Category I activities and relationships are not required to be disclosed under this policy; however, other university reporting requirements may apply to these activities

(see Section IV). Where there is some question whether an activity should be considered a Category I or II activity as described above, the faculty/EPA non-faculty employee should include the activity in the disclosure for consideration by his/her supervisor.

All faculty and other EPA personnel are charged by the University to provide a full good faith disclosure. Failure to provide such a full disclosure may be considered a serious breach of this policy and may be cause for disciplinary action (see Section VIII).

Revisions or updates of the yearly disclosures are required between yearly disclosures whenever there is a significant change in the faculty member's or his immediate family's affairs that may lead to or may be perceived to lead to a conflict with the faculty member's university activities, e.g., the faculty member's spouse begins to receive consultant fees from a company that currently contracts with university for research services from the faculty member's laboratory.

Procedures: To facilitate disclosure and to ensure appropriate uniformity across the University, each individual will complete the "Annual Faculty/Professional Staff Disclosure Form." Each unit administrator will distribute this form annually to all faculty and professional staff (EPA non faculty) under his or her supervision and assure that completed forms are returned.

The purpose of this form is to identify employees' activities that may lead to actual or potential conflicts of commitment or interest so that appropriate administrative intervention may address the problems. The employee and the administrative superior are to complete and sign the annual disclosure form, which implies that the administrative superior has reviewed the form. No further action will be required if all questions are answered "no".

Further disclosure and review are required if questions elicit any "yes" responses on the Annual Faculty/Professional Staff Disclosure Form or on any mid year revisions or updates of the annual form. The employee must then complete and sign the appropriate additional forms. Suggested provisions or plans for eliminating or managing conflicts should be included in these additional forms where indicated. Examples of some (but not all) possible provisions for conflict management plans are:

1. Public disclosure of the significant financial interests or external activities
2. Monitoring of activities by disinterested university officials to assure that conflicts do not arise.
3. Cessation of the pertinent outside activities
4. Divestiture of the pertinent financial interests
5. Severance of the relationships that create actual or potential conflicts

Since these forms have direct bearing on the employment of individuals with the University, all disclosure forms (the annual form and accompanying forms) and

associated documents will be maintained in the administrative office of the employee's unit in his/her personnel folder for a period of at least three years following termination of the pertinent activities.

#### VI. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts.

The unit administrator (chair, dean, or the employee's supervisor in the case of a senior administrator) has the initial responsibility to review and approve or disapprove the disclosure forms filed with him or her by the EPA employees within that unit. The review shall follow the provisions of this Policy. The Unit administrator should be familiar with the definition of 'Significant Financial Interest' (See Section IX) to differentiate between Category II and Category III activities and relationships. Category III activities are presumptively considered to be non-allowable.

The unit administrator may refer any question regarding an annual disclosure form to the next higher administrative level for review and decision and must refer to the next higher level for review and approval all annual disclosures (and updates/revisions) which require additional forms (as described in the annual disclosure form) for EPA employees involvement in possible Category II and III activities as described above.

If a potential conflict is determined to exist, written plans for eliminating or managing the conflict will be developed in consultations between the employee and his/her supervisors and presented to the Vice Chancellor of the appropriate division for concurrence. It will then be presented to the ECU Research Ethics Oversight Committee (see below) for final approval. An adverse decision of the Committee to a proposed management plan may be appealed to the Chancellor. The supervisor of the EPA employee will be responsible for assuring the implementation and/or monitoring of the conflict management plan.

Documentation of all decisions on activities and associated conflict management plans will be maintained in the employee's personnel folder.

In order to fulfill the certification requirements of grant and contract funding agencies (e.g., the NIH and NSF), each unit administrator shall also provide annually to the Vice Chancellor for Research and Graduate Studies a list of all faculty members and EPA staff in the administrator's unit who have submitted approved current annual disclosure forms and, where needed, an indication when such approval required development of an acceptable conflict management plan. This list may be amended as needed during the year. The

Vice Chancellor for Research or his designee will use this information to certify to potential funding agencies that this Institution has a conflict of interest policy consistent with NIH and NSF guidelines and that to the best of our knowledge all

provisions of the policy have been followed with respect to proposals submitted to the agencies by ECU faculty and staff.

If after initial review by the department head, dean, and vice chancellor, questions remain regarding ethical issues or if disagreement exists between the EPA employee and the administration regarding the permissibility of activities, the situation may be referred to a faculty/administrative advisory committee for review of conflicts of interest and commitment. This committee, the *Research Ethics Oversight Committee*, will be chaired by the Vice Chancellor for Research & Graduate Studies and will have representatives from the faculty senate as members. When the committee reviews conflict management plans, a representative of university attorney's office shall be present. In addition, when a management plan involves graduate students, a representative from the graduate council will also be present. Other appropriate individuals will be appointed members to the committee by the Vice Chancellor for Research & Graduate Studies. Decisions by this committee will be presented to the Chancellor for his or her concurrence and, if approved, will become the University's final position subject only to appeal in accordance with Section 501C(4) of The Code of the University of North Carolina.

If the activity at issue involves external support (grant, contract or cooperative agreement), the vice chancellor for research shall inform the sponsor whenever the University determines that it is unable to develop a satisfactory conflict management plan for an actual or potential conflict of interest.

Whenever human subjects are involved in an activity presented to the Research Ethics Oversight Committee (including approvals of conflict management plans), the University & Medical Center Institutional Review Board (UMCIRB) will be confidentially notified of the issue and the Committee's actions.

## VII. Institutional Conflict of Interest

East Carolina University, from time to time, forms relationships with profit-making entities (including the holding of equity interests) for mutual benefit. However, such relationships may put the University into actual or apparent conflict of interest situations when accepting grants or contracts from the profit making entities for research or other activities. (See exclusion at the end of this section for certain types of relationships.) To assure that these grants and contracts are performed with the highest level of integrity by University employees and to assure that the public maintains its trust in University activities, the following procedures shall be followed:

1. At the beginning of each calendar year, the Director, Office of Technology Transfer shall prepare a disclosure listing all profit-making entities in which the University has a significant financial interest (See Section IX.4). This disclosure shall be updated during the year as new relations develop and old ones terminate. This disclosure and its updates will be submitted to the Vice Chancellor for Research and Graduate Studies who shall distribute the

disclosure to the Chancellor, the other Vice Chancellors and Deans, and the Research Ethics Oversight Committee. Copies of the disclosure and updates shall also be distributed to those university administrative offices charged with approving and administering grants and contracts and human subjects research protection (Office of Sponsored Programs, Office of Grants and Contracts Administration and the UMCIRB).

2. Units submitting proposals for external funding to commercial entities may not be aware of possible institutional conflict of interest issues. Thus, the Office of Sponsored Programs shall have the primary responsibility of notifying Vice Chancellor for Research and Graduate Studies and the submitting unit of the University's conflict of interest as part of its regular procedures for the review and approval of such applications. The Vice Chancellor or his designee shall then develop a plan to manage the institutional conflict of interest after consultation with the submitting unit and other relevant university offices. The conflict management plan shall be submitted to the Research Ethics Oversight Committee for review. The Committee may approve the plan (with or without mandatory changes) or disapprove the plan. University acceptance of grants and contracts related to a management plan is contingent upon approval of the management plan by the Committee. A negative decision of the Committee may be appealed to the Chancellor. An institutional conflict management plan may range from a simple disclosure of the University's interest in publications and reports emanating from the grant or contract to complete University divestiture of the financial interest. The institutional conflict of management plan shall be separate from and in addition to any conflict management plans for conflicts of interests of individuals (e.g., the principal investigator) involved in the grant or contract.
3. When considering an institutional conflict of interest management plan, the Research Ethics Oversight Committee shall a) include as voting members, one or more individuals from the general public who have no direct or indirect relationship with the University, i.e., the individuals and their spouses or other dependents must not be current employees or students of the University; and b) recuse from the deliberations of the Committee any ECU member of the Committee who has been involved in the negotiation, approval, or implementation of the relationship that is the basis of the actual or perceived conflict of interest. The general public members of the Committee should be individuals that have sufficient education or experience to understand both the issues before the Committee and the possible impacts of the Committee's decisions on the general public.
4. Arrangements for plan implementation and oversight shall explicitly be part of an institutional conflict management plan. Implementation and oversight will usually be the joint responsibility of the submitting unit and the Office of the Vice Chancellor for Research and Graduate Studies. However, other arrangements shall be made for plan implementation and oversight if, in the judgment of the Research Ethics Oversight Committee, such arrangements are necessary for the effective management of the conflict.

Excluded Relationships: A relationship with a profit making organization for the purposes of this institutional conflict of interest policy shall not include ordinary investments of the university's endowment that are managed by the Board of Trustees of the Endowment Fund or ordinary client-vender relationships where the University contracts for specific goods or services from a profit-making organization.

### III. Enforcement of the Policies

Faculty and non-faculty EPA staff are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Breaches of the policy/procedures will be viewed as serious ethical violations by the persons involved. Possible breaches of the policy/procedure include, but are not limited to:

1. furnishing false, misleading or incomplete information on the disclosure forms;
2. failure to promptly update disclosure forms before the required annual update when a significant change in a person's financial or fiduciary status places the individual into an immediate potential conflict of interest or commitment situation;
3. failure to comply with the procedures described above (e.g., refusal to respond to inquiries, responding with incomplete or knowingly inaccurate information, or otherwise);
4. failure to remedy conflicts as determined by the Procedures; and
5. failure to comply with a prescribed monitoring plan.

If a possible breach in the policy/procedures occurs, the appropriate dean shall consult with the faculty person and his chair. If no resolution is forthcoming, the dean shall refer the case to the appropriate vice chancellor. The vice chancellor shall consult with the vice chancellor for research and shall initiate an investigation and/or hearing as prescribed in Faculty Manual, Part VII and Appendix D and apply sanctions as determined by university policies. Such sanctions may range from administrative intervention to dismissal from employment, all in accordance with applicable university policies.

### IX. Definitions

1. "Business" means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes. "Business" excludes University-related entities, which is inclusive of the University, and any private medical practice or any other entity controlled by, controlling, or under common control with the University or with which the University has a contractual relationship for the purpose of providing patient care.
2. "Executive Position" refers to any position that includes responsibilities for a material segment of the operation or management of a business, including Board membership .

3. The "Immediate Family" of a faculty or EPA non-faculty employee includes his or her spouse, dependent children and/or other dependent(s) as defined in the Internal Revenue Code.
4. "Significant Financial Interest" means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights, license agreements, and royalties from such rights). The term does not include:
  - (1) Salary, royalties, or other remuneration from East Carolina University to its faculty or staff;
  - (2) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
  - (3) Income from service on advisory committees or review panels for public or nonprofit entities;
  - (4) An equity interest that when aggregated for the faculty/staff and the faculty/staff's immediate family, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a five percent ownership interest in any single entity;
  - (5) Salary, royalties or other payments that when aggregated for the faculty/staff and the faculty/staff's immediate family over the next twelve months, are not expected to exceed \$10,000 from any one source.
  - (6) Mutual, pension, investment or other funds over which the employee or the University does not exercise direct control.
5. "Participate" means to be part of the described activity in any capacity, including but not limited to serving as the principal investigator, co-investigator, research collaborator or provider of direct patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory, with no direct access to the data (e.g., control over its collection or analysis) or, in the case of clinical research, to the trial participants, unless they are in a position to influence the study's results or have privileged information as to the outcome.
6. "Sponsored Programs" means research, public service, training and instructional projects involving funds, materials, or other compensation from outside sources under grants, contracts, or cooperative agreements.
7. "Technology" means any process, method, product, compound, drug, device, or any diagnostic, medical, or surgical procedure developed using University time, facilities, equipment, or funds whether intended for commercial use or not.

Example Forms A-E are available online at  
<http://www.ecu.edu/cs-acad/fsonline/customcf/facultymanual/appendixi/appendixi.htm>

Approved: Faculty Senate Resolution #95-41  
15 March 1996  
Board of Governors of The University of North Carolina

Amended: Faculty Senate Resolution #02-17, April 2002  
July 20, 2002  
Office of the President of The University of North Carolina

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APPENDIX J  
INFORMAL FACULTY GRIEVANCE PROCEDURE FOR GRIEVANCES  
INVOLVING SEX DISCRIMINATION AND OTHER EQUAL EMPLOYMENT  
OPPORTUNITY COMPLAINTS

CONTENTS

- I. Preamble
- II. Steps in the Faculty Informal Grievance Procedure
  - A. Discussion with the Department Chairperson
  - B. Discussion with the Dean
  - C. Conference with the Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences and Dean of the School of Medicine
  - D. Appeal to the Director of Equal Opportunity Programs (Title IX Compliance Officer)

- I. Preamble

East Carolina University is committed to the principle of equal opportunity for all faculty regardless of rank, temporary or permanent employment status, and tenure or nontenure status. Therefore, it is university policy that no member of the faculty will suffer discrimination in his or her employment status as a member of the faculty on the basis of race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. If any faculty member believes that he or she has experienced discrimination on the basis of any of the above factors, he or she is encouraged to seek redress of the grievance by informal administrative corrective action. (Faculty Senate Resolution #03-37, October 2003)

In the belief that faculty and faculty supervisors do not intentionally discriminate on the basis of the above factors, most grievances can and routinely should be resolved in an informal manner. If the grievance cannot be resolved informally, the aggrieved faculty member should register his or her complaint with the Faculty Grievance Committee and request a formal hearing on the grievance. Procedural rules of the Faculty Senate Faculty Grievance Committee are set forth in the *East Carolina University Faculty*

*Manual, Appendix Y. Grievance Policies and Procedures of East Carolina University.*

II. Steps in the Faculty Informal Grievance Procedure

If any faculty member has a grievance with regard to his or her employment relationship with the university alleging discrimination on the basis of race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability, he or she should comply with the following procedure. (Faculty Senate Resolution #03-37, October 2003)

A. Discussion with the Department Chairperson

1. The faculty member should make an appointment with the departmental chairperson. At the time of making the appointment, the faculty member should state expressly the need to discuss a sex discrimination grievance or the equal opportunity grievance related to faculty employment status.
2. The initial complaint may be made to the chairperson in writing as a matter of record if the faculty member so desires. However, this is not necessary to initiate a complaint by the informal grievance procedure.
3. The chairperson will set an appointment date with the faculty member as soon as possible after receiving the request; but, in any event, within three working days after the request, the grievance will be discussed with the faculty member. The departmental chairperson should freely discuss the nature of the faculty member's 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. The faculty member will be advised of the corrective action and/or decision of the chairperson within three working days subsequent to the conference.

B. Discussion with the Dean

(School of Medicine faculty skip 2. and go directly to 3.)

1. If the faculty member's grievance is not resolved satisfactorily in conference with the chairperson, the grievance should be taken to the appropriate dean for further evaluation and consideration. The faculty member should notify the dean of the desire to discuss the equal opportunity grievance within two working days after receipt of the decision of the departmental chairperson. The dean will respond to the request for an appointment and discuss the grievance with the faculty member within three working days after receipt of such request.
2. If the initial grievance was made in writing to the chairperson, then the written complaint should be presented to the dean at the time the request is made for the conference appointment. Additionally, the chairperson should present in writing to the dean the findings and the basis for the decision at the time of the initial conference with the chairperson. The written response of the chairperson is not required unless the faculty member initially presented the grievance in writing.
3. The dean's conference should be conducted in a relaxed and informal manner with the faculty member. The dean should invite the

chairperson to participate in this conference if deemed desirable or appropriate or if the presence of the chairperson is requested by the faculty member. The dean should make every effort to take the corrective action necessary in resolving the grievance to the satisfaction of the involved parties. The corrective action and/or decision of the dean will be made and the faculty member notified within three working days subsequent to the conference.

- C. Conference with the Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences and Dean of the School of Medicine
1. If the faculty member's grievance is not resolved satisfactorily in the preceding step(s), the grievance should be taken to the vice chancellor for academic affairs or the vice chancellor for health sciences and dean of the School of Medicine, as appropriate, for further evaluation and consideration. The faculty member should notify the appropriate vice chancellor of the desire to discuss an equal opportunity grievance within two working days after receipt of the decision of the dean or, in the case of School of Medicine faculty, the decision of the chairperson. The appropriate vice chancellor will respond to the request for an appointment and discuss the grievance with the faculty member within three working days after receipt of such request.
  2. If the initial grievance was made in writing to the chairperson, then the written complaint should be presented to the appropriate vice chancellor at the time the request is made for the conference appointment.  
Additionally, the appropriate dean (in case of academic affairs division) or chairperson (in case of the School of Medicine) should present in writing to the vice chancellor the findings and basis for the decision at the time of the conference with the faculty member. The written response of the dean or chairperson is not required unless the faculty member initially presented the grievance in writing.
  3. The conference with the appropriate vice chancellor should be conducted in a relaxed and informal manner. The vice chancellor should invite the dean (or chairperson in the case of School of Medicine) to participate in this conference if deemed appropriate or desirable or if the presence of this individual is requested by the faculty member. The vice chancellor should make every effort to take the corrective action necessary in resolving the grievance to the satisfaction of the involved parties. The corrective action and/or decision of the appropriate vice chancellor will be made and the faculty member notified within three working days subsequent to the conference.
- D. Appeal to the Director of Equal Opportunity Programs (Title IX Compliance Officer)
1. If the grievance is not resolved to the satisfaction of the faculty member by the vice chancellor for academic affairs or vice chancellor for health sciences and dean of the School of Medicine, the faculty

member has the right to appeal the decision to the director of equal opportunity programs. The appeal must be made to the director within two working days subsequent to the decision of the appropriate vice chancellor.

2. The director of equal opportunity will review the case in its entirety, interviewing any and all witnesses deemed necessary, including, where deemed appropriate, a conference of all parties involved with the grievance and prior decisions made in an effort to resolve the grievance.
3. The director will render an opinion within five working days after receipt of the appeal. The decision of the director will be final and will terminate the faculty member's rights pursuant to the informal grievance procedure.
4. If the decision and/or corrective action taken by the director is not satisfactory to the faculty member, he or she should file within thirty days subsequent to the action of the director a grievance with the Faculty Grievance Committee requesting a formal hearing pursuant to that committee's procedures for formally addressing and hearing grievances. The hearing of the Faculty Grievance Committee will be conducted in accordance with the procedures set forth in the *ECU Faculty Manual, Appendix Y, Grievance Policies and Procedures of ECU*. Conclusion of the formal hearing before the Faculty Grievance Committee and appeal of the recommended action of the committee to the chancellor will exhaust the administrative remedies of the faculty member.

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Approved: Faculty Senate Resolution #94-06  
17 March 1994  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #03-37  
6 October 2003  
East Carolina University Interim Chancellor

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## APPENDIX L EAST CAROLINA UNIVERSITY CODE

### CONTENTS

#### Preamble

- A. Voting Faculty Member
- B. Appointment of Administrative Officials
- C. Development, Screening, and Implementation of Unit Codes
- D. Code Unit Changes
- E. Five-Year Unit Program Evaluation

- F. Quadrennial Unit Administrator Evaluation
- G. Annual Evaluation of University Administrators

#### Preamble

In order to establish a mutual understanding which produces an essential joint effort in the government of East Carolina University, the faculty, administration, and trustees adopt the following code of regulations of university government.

#### A. Voting Faculty Member

[Please refer to interpretations [#00-13](#), [#198-9](#), [#196-6](#), and [#194-3](#).]

As pertains to faculty voting for the unit's nominating committee for appointment of administrative officials, for making recommendations on code content to the permanently tenured unit faculty members, in quadrennial evaluations of the effectiveness of unit programs, and in quadrennial evaluations of the effectiveness of unit administrators, a voting faculty member is someone who is appointed to a full-time faculty position; who is a permanently tenured or probationary term faculty person; who has been employed in any faculty position for at least 12 consecutive months at East Carolina University; who has regular academic faculty rank (*ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of ECU*); and who must, except as noted below for faculty on leaves of absence, be carrying at East Carolina University, at the time of the voting, not less than half the normal teaching/research program as practiced in the unit of appointment. (Faculty Senate Resolution #00-20)

The teaching/research requirement does not apply to unit administrators, librarians, or other university officers who may hold tenured positions in home units. Voting rights within individual units on matters addressed in their codes, other than those referred to in this document, should be a topic addressed in individual unit code development. The School of Medicine may define voting faculty for the purpose of this code in accordance with their unique structures, subject to the approval of the Faculty Senate.

A faculty member on leave of absence who satisfies the aforementioned criteria for a voting faculty member shall be eligible to participate in the election of the unit's nominating committee for appointment of administrative officials, in making recommendations on code content to the unit's permanently tenured faculty, and in quadrennial evaluations of the effectiveness of unit programs and/or administrators, provided that the absence of the member on leave shall not have exceeded twelve months duration at the time of the voting and provided that the member on leave returns to East Carolina University to participate.

In the event that return to the East Carolina University campus is impractical, the member on leave shall be eligible to participate only in quadrennial evaluations of the effectiveness of unit programs and/or administrators. In either case, the member on leave shall be informed of the nature of the

pending issue by the unit administrator, who shall forward by registered mail to the member on leave appropriate reports, information, date and time of the vote, and, whenever the pending issue is a quadrennial evaluation, ballot(s). In the event that the member on leave is unable to return to the campus to participate, then the ballot(s) must be returned by the member within a thirty-day period from the time that the ballot(s) had been posted in Greenville, NC. If the member chooses to return to the campus to participate, then the member shall destroy the posted ballot(s).

B. Appointment of Administrative Officials

Each administrative official (exclusive of the Chancellor, the Vice Chancellor for Academic Affairs, the Vice Chancellor for Health Sciences, the Vice Chancellor for Research, the Vice Chancellor for Business Affairs, the Vice Chancellor for Student Life, the Vice Chancellor for Institutional Advancement, the Director of Athletics, and their assistants) whose direct concern is with academic matters will be appointed according to the following procedure:

1. The immediately superior administrative official will convene a nominating committee which will be formed in the following way:
  - a. The officer will designate a committee of at least five persons.
  - b. At least three-fifths of this committee will be faculty members belonging to the entire constituency of the office to be filled, elected by secret ballot by a majority of the members of that constituency present and voting at a meeting called for that purpose by the convening officer.
  - c. The remainder of the committee will be chosen from permanently tenured faculty members or administrators in a manner designated by the appointing officer. [Please refer to interpretation [#I05-20.](#)]
2. This nominating committee shall:
  - a. establish criteria that the new official must meet,
  - b. solicit and screen applicants for the position, and
  - c. submit to the appointing officer one or more nominees. The committee shall determine by secret ballot that the nominees are acceptable to a majority of the permanently tenured faculty of the school, department, or college.
3. The appointing officer may accept one of the committee's nominees or may reject all of them. If the appointing officer should reject them, the committee must produce an additional nominee or nominees.

C. Development, Screening, and Implementation of Unit Codes

1. Each autonomous, self-governing unit shall democratically develop a code of operations. This code must be approved by a majority of the permanently tenured faculty members of the unit. The code will provide for the conduct of unit affairs according to *Robert's Rules of Order, Newly Revised*. Each code will be submitted to the Faculty Senate and the chancellor for review and ratification. In the colleges and schools electing to organize into self-governing, autonomous units at the department level, codes shall be submitted to the appropriate dean for advice prior to submission to the Faculty Senate. After consultation with the Provost or

Vice Chancellor for Health Sciences, the chancellor shall ratify a code or shall return the code document to the code unit for revision and appropriate approval.

2. The faculty may democratically decide to organize into self-governing, autonomous units at the department, school, or college level in accordance with [guidelines](#) established by the Faculty Senate. A school's or college's proposal to organize into self-governing, autonomous units will be reviewed by the Faculty Governance Committee. If the Faculty Governance Committee finds the proposal conforms to the guidelines, the proposal will be forwarded to the Faculty Senate for their consideration. If the Faculty Senate acts favorably, the proposal will be forwarded to the Chancellor. With the Chancellor's approval, codes of operation for the individual units shall be democratically developed. Upon approval of the codes, the code of the school or college will become null-and-void. Said school or college may democratically develop a constitution as a governance document. However, this constitution may not conflict with the authorities, responsibilities, and characteristics of the constituent units. If faculty members of schools or colleges do not choose to organize into self-governing, autonomous units, faculty in individual departments may democratically develop rules for the internal organization and operation of their departments.

(Faculty Senate Resolution #03-51, December 2003)

3. To provide consistency unit codes should be developed following an approved outline that includes at least:
  - a. a preamble
  - b. definitions of the unit's faculty, its voting faculty, its graduate faculty
  - c. the administrative organization of the unit
  - d. the membership, terms, and duties of standing committees
  - e. a section that states regulations, criteria, and weights governing the evaluation of faculty members annually and otherwise for all personnel actions, including recommendations for merit awards, reappointment, promotion, and the award of permanent tenure (*ECU Faculty Manual, Appendices C and D*).
  - f. procedures for meetings within the unit
  - g. procedures for the unit's faculty members to indicate in a timely fashion and by vote their approval or disapproval of the unit's major planning documents, assessment documents, and other major reports prior to their submission in final form to person(s) outside the unit (Faculty Senate Resolution #03-37, October 2003)
  - h. procedures for discussing with its unit administrator the unit's annual budget request and annual report
  - i. procedures for developing criteria for salary increases (Faculty Senate Resolution #05-08, April 2005)
  - j. amendment procedures.
4. Each faculty member within a unit should have the most recent version of the unit's code.

5. With each quadrennial evaluation the unit administrator and the appropriate committee reviewing the unit's code should report to the Faculty Senate that the unit's code meets the current Faculty Senate guidelines for codes.
6. Unit codes that have been reviewed and approved by the Unit Code Screening Committee, the Faculty Senate, and the Chancellor should be deposited in the Faculty Senate office. The original should include a page containing the signatures of the chair of each reviewing body and the Chancellor or the Chancellor's delegate. If the Chancellor upon reviewing the unit's code requires changes in the code, the document should be returned to the unit for the required revisions and should continue through the review cycle until no further changes are required.
7. Immediately prior to the unit's quadrennial evaluation of its unit administrator, the Chancellor shall remind the unit's faculty and administrator that they must follow the unit's code.
8. The Chair of the Faculty and the Chancellor, or the Chancellor's delegate, shall arrange and schedule an orientation program for newly appointed administrators, to be conducted during the fall semester of each academic year.

D. Code Unit Changes

1. The policies and procedures set forth in this section apply to the following code unit changes:
  - a. dissolving a code unit without terminating faculty members' employment,
  - b. dividing a code unit into two or more code units,
  - c. merging a code unit with one or more code units,
  - d. moving a code unit,
  - e. changing a code unit's status from a department in a college to a school, or from a school to one or more departments in a college,
  - f. renaming a code unit, in addition, changes in unit nomenclature shall be approved by UNC General Administration before such changes become effective. [Please refer to interpretation [#05-19.](#)]
  - g. any combination of the above.

Changes will not occur until the faculty members in the units affected and the Faculty Senate have the opportunity to recommend to the Chancellor approval or disapproval of the proposed changes as originally presented or as amended by the affected units or the Faculty Senate. (Faculty Senate Resolution #98-28, November 1998)

2. Proposals recommending code unit changes of the sort listed above may be initiated by:
  - a. at least one-fourth of a code unit's faculty members or
  - b. by administrators holding faculty status.

Proposals must include at least a vestigial code of operations reflecting the changes and detailed plans for any faculty who might be displaced by the change.[Please refer to interpretation [#01-17.](#)]

3. Procedures for making code unit changes are as follows:

- a. The person(s) initiating a proposal will provide copies of the proposal to the faculty members and unit administrators of all code units to be altered by the proposed changes.
  - b. Within 15 working days after the proposal has been distributed the initiator(s) will meet to discuss the proposal with the faculty members of the unit(s) or with representatives elected by each affected unit, the unit administrators, and the appropriate deans and vice chancellors (or their representatives).
  - c. Within 10 working days after this meeting, the permanently tenured faculty members of each affected unit will meet and vote their approval or disapproval of the proposal in its original form or as amended and then will communicate in writing the results of their action to their unit administrator. The unit administrator will not participate in this vote. (Faculty Senate Resolution #00-20) (Faculty Senate Resolution #03-37, October 2003)
  - d. Within 10 working days the unit administrator will forward to the next higher administrator the results of the unit's action and his or her concurrence or non-concurrence with the unit's action.
  - e. Within 10 working days the next higher administrator will communicate in writing to the initiator(s) and to the appropriate vice-chancellor(s) the following: the unit faculty's action, the unit administrator's concurrence or non-concurrence with that action, and his or her concurrence or non-concurrence with that action.
  - f. The initiator(s) shall present copies of the proposal, the affected units' faculty recommendations, and the relevant administrators' concurrence or non-concurrence to the chair of the Educational Policies and Planning Committee. The committee shall consult with appropriate deans and vice-chancellors, and, if it deems necessary, with other faculty members and administrators. Within 40 working days (during the regular academic year), the committee will report its recommendations to the Faculty Senate.
  - g. The Faculty Senate will vote in a timely manner to recommend to the Chancellor the approval or disapproval of the proposal as originally received by the Educational Policies and Planning Committee or as amended by the Faculty Senate.
  - h. If the changes are approved by the Chancellor (and higher authority if necessary), implementation of these changes will be overseen by a committee including a faculty member appointed by the chancellor, a faculty member appointed by the Chair of the Faculty, and a faculty member appointed by the Educational Policies and Planning Committee. The committee will provide timely reports on progress to the Educational Policies and Planning Committee.
- E. Five-Year Unit Program Evaluation
1. Every fifth year, beginning with the 1998-1999 academic year, each unit shall complete a self-evaluation of its operation. The appropriate vice chancellor shall give notice to the voting faculty members of the unit that

- they shall meet and elect by secret ballot an evaluation committee. The committee shall supervise the unit evaluation ensuring full participation by all unit faculty members. The evaluation shall include, but not be limited to, all academic programs, budgets, teaching, research, creative activity, and service activities. Expressions of student opinion concerning academic programs and teaching shall be included.
2. The dean or unit administrator shall be ineligible to serve on the evaluation committee.
  3. The unit faculty members shall meet to consider the report and recommendations of the evaluation committee not later than the end of January. The report and recommendations shall be distributed to the unit faculty members not later than one week prior to the meeting. The voting faculty members of the unit shall vote by secret ballot whether or not to accept the evaluation committee's report and recommendations. Acceptance shall require three-fifths of the voting faculty members of the unit. The report and recommendations, whether accepted or not, and the vote of the unit shall be submitted to the next higher administrative official not later than thirty calendar days prior to the completion of the spring semester. The next higher administrative official shall review the report and the vote, and then forward the report through higher administrative offices to the Chancellor for review and comment. If any administrator above the unit level fails to concur with the unit's recommendation that administrator shall inform the faculty of the unit in writing of the reasons for his or her decision.
  4. The unit program evaluation shall be used in the development of the unit operational plan. (Faculty Senate Resolution #98-28, November 1998)
- F. Quadrennial Unit Administrator Evaluation
- [Please refer to interpretation [#00-13.](#)]
1. The voting faculty of each unit shall vote on the effectiveness of the unit administrator. During March of the unit administrator's fourth year of appointment and every fourth year thereafter, the voting faculty shall discuss and vote by secret ballot on the effectiveness of the unit administrator. Please refer to the ECU Policy on Review of Administrative Officers, dated 3-18-02.
  2. Each unit will elect a Faculty Leader for the Quadrennial Unit Administrator Evaluation. For units with only one Personnel Committee, the elected chair of the Personnel Committee will serve as the Faculty Leader for the Quadrennial Unit Administrator Evaluation. For units with more than one Personnel Committee, the unit administrator will call a meeting of the chairs of the Personnel Committees during the fall semester preceding the Quadrennial Unit Administrator Evaluation. At that meeting, a voting faculty member of the unit will be nominated and elected by the chairs of the Personnel Committees within the unit to serve as the Faculty Leader for the Quadrennial Unit Evaluation.
  3. The Faculty Leader of the Quadrennial Unit Administrator Evaluation will call a meeting of the voting faculty during March of the following semester.

At that meeting, with the unit administrator absent, the faculty will discuss and vote by secret ballot on the effectiveness of the unit administrator. Absentee ballots must be made available for voting faculty members in advance of this meeting; ballots must be deposited with the Faculty Leader for the Quadrennial Unit Administrator Evaluation prior to the meeting so that those ballots may be intermingled with and then counted along with ballots of faculty members present for the meeting. It is the responsibility of the Faculty Leader for the Quadrennial Unit Administrator Evaluation to ensure that absentee ballots and all other ballots are kept secret and confidential.

4. The balloting will be conducted by the Faculty Leader for the Quadrennial Unit Administrator Evaluation, assisted by members of the Personnel Committee(s) from the unit. They shall distribute, collect, and count the ballots after adding any absentee ballots cast prior to the meeting. The unit administrator shall not vote in this procedure.
5. Before adjourning the meeting, the Faculty Leader for the Quadrennial Unit Administrator Evaluation shall announce the results of the balloting to the voting faculty members. Immediately following the meeting, the Faculty Leader for the Quadrennial Unit Administrator Evaluation shall convey to the unit administrator the results of the balloting. A copy of this correspondence shall also be submitted to the next higher administrative official by the Faculty Leader for the Quadrennial Unit Administrator Evaluation.
6. A negative vote by a majority of the voting faculty, excluding the unit administrator, shall constitute a recommendation that the unit administrator be removed. A decision to terminate an administrative officer's appointment shall be made by the Chancellor. (Faculty Senate Resolution #03-05, March 2003)

G. Annual Evaluation of University Administrators

Faculty shall evaluate administrators annually, employing an instrument approved by the Faculty Senate and the Chancellor. The results of such evaluations shall be made available to the administrator, and the administrator's supervisor.

Approved: Faculty Senate Resolution #93-41  
10 December 1993  
East Carolina University Board of Trustees

Amended: Faculty Senate Resolution #96-5, March 1996  
Faculty Senate Resolution #96-15, May 1996  
Faculty Senate Resolution #98-28, November 1998  
Faculty Senate Resolution #00-20, April 2000  
Faculty Senate Resolution #03-05, March 2003  
Faculty Senate Resolution #03-37, October 2003  
Faculty Senate Resolution #03-51, December 2003  
Faculty Senate Resolution #05-08, April 2005

Interpretations made to Section A. (2-11-98, 9-6-96, and 2-23-94)  
Interpretations made to Section A. and F. (2-1-00)  
Interpretation made to Section D.2. (Faculty Senate Resolution #01-12,  
February 2001)  
Editorial revisions to Sections C and D (Faculty Senate Resolution #03-32,  
April 2003)  
Interpretation made to Section D.1.f. (Faculty Senate Resolution #05-07,  
February 2005)  
Interpretation made to Section B.1.c. (Faculty Senate Resolution #05-40,  
September 2005)

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APPENDIX U  
POLICY ON IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND  
FACULTY

CONTENTS

- A. Prohibited Conduct
- B. Definition of Terms
- C. 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.

A. Prohibited Conduct

1. 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.
2. 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.

B. Definition of Terms

1. "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.

2. "Related by blood, law or marriage" means:

- a. Parent and child
- b. Brother and sister
- c. Grandparent and grandchild
- d. Aunt and/or uncle and niece and/or nephew
- e. First cousins
- f. Step-parent and step-child
- g. Husband and wife
- h. Parents-in-law and children-in-law
- i. Brothers-in-law and sisters-in-law
- j. Guardian and ward

3. "Evaluate or supervise" means

a. 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

b. To oversee, manage or direct one's academic or other institutionally prescribed activities.

C. 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.

Approved: Administrative Memorandum #360

18 March 1996

The Board of Governors of The University of North Carolina

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## APPENDIX V

### SEXUAL HARASSMENT, DISCRIMINATION, AND CONFLICTS OF INTEREST POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY\*

#### CONTENTS

- I. Rationale
- II. Policy on Sexual Harassment, Discrimination, and Conflicts of Interest
  - A. Introduction
  - B. Definitions
  - C. Policy
- 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

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\* East Carolina University's EEOC 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 Committee of Governors resolution regarding potential favoritism between University employees is contained in *Part VI, General Personnel Information*.

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 sexual 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 harassment or discrimination are discouraged. Toward this end, all members of the university community should understand that sexual harassment, sexual discrimination, and sexual exploitation of professional relationships violates 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 the university's employees or students of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee 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 against individuals who bring charges or are involved as witnesses or otherwise try to use these policies responsibly.

II. Policy on Sexual Harassment, Discrimination, and Conflicts of Interest

A. Introduction

Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail if the University is to fulfill its mission. East Carolina University is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the work place and students can engage fully in the learning process.

Further, amorous relations between a student and a University employee who is responsible for supervising or evaluating the student, or between an employee and the person supervising that employee may derogate the merit principle of supervision and evaluation. This policy is the university's

statement of its intent to prohibit sexual harassment and discrimination, and to prohibit amorous relations between the University's employees and students, and employees and supervisors when these relations create a risk of favoritism.

## B. Definitions

### 1. Sexual Harassment

The following constitute sexual harassment:

- a. Making verbal remarks or committing physical actions that propose to people of either sex that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward;
- b. Singling out people of either sex and creating or attempting to create a hostile university or working environment or otherwise attempting to harm or harming people because of their sex.
- c. Continuing verbal or physical conduct of a sexual nature when the person or persons the conduct is directed toward has indicated clearly, by word or action, that this conduct is unwanted.

### 2. Sexual Discrimination

Sexual discrimination consists of actions that subject employees or students to unequal treatment on the basis of their sex.

### 3. Conflicts of Interest

Consensual amorous relationships in which one person is responsible for supervising or evaluating the other create conflicts of interest because they impair or reasonably can be expected to impair the professional judgment of the supervisor.

## C. Policy

It is the responsibility of members of the university community to strive to create an environment free of sexual harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees.

1. It is against the policies of East Carolina University for its employees or students to propose to other employees or students that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward.
2. It is against the policies of East Carolina University for its employees or students to create a hostile University or work-place environment for an individual or group because of the individual's or the group's sex.
3. It is against the policies of East Carolina University for its employees or students to subject other employees or students to unequal treatment on the basis of their sex.
4. It is against the policies of East Carolina University for its employees or students to continue verbal or physical conduct of a sexual nature when the employees or students of the University toward whom such conduct is directed indicate clearly, by word or action, that such conduct is unwanted.

5. It is against the policies of East Carolina University for any employee of the university to engage in consensual amorous relationships with students or other university employees whom the employee is or will be supervising or evaluating. (This policy does not apply in cases where both the amorous relationship and the supervising or evaluating relationship were initiated before the policy's adoption date.)
- 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 the *ECU Business Manual*.
  - 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 the *ECU Faculty Manual*. However, if a faculty member raises allegations of sexual harassment or discrimination, or conflict of interest during a hearing he or she requested before the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee (in accordance with the policies and procedures set forth in the *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*), the relevant committee shall determine the merits and bearing, if any, of the allegations raised by the faculty member on the matter before the committee. Such actions by the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee shall not preclude a faculty member from independently bringing a complaint of sexual harassment or discrimination, or conflict of interest in accordance with the grievance procedures stated in the *ECU Faculty Manual, Appendix X*. The outcome of an Appendix X grievance brought by a faculty member against other faculty members or administrators holding faculty status either may be appealed in accordance with the provisions for appeal set forth in *Appendix X, Grievance Procedures for Complaints of Sexual or Racial Harassment or Discrimination or Conflict of Interest Brought Against ECU Faculty Members or Administrators Holding Faculty Status*, or may be appealed before the Faculty Grievance Committee in accordance with the policies and procedures set forth in *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*, but not both.
  - VI. Education of Students, Staff, and Faculty  
The Committee on the Status of Women or its successor will develop educational materials to be distributed to students, faculty and staff. These materials will publicize the policies and procedures and help create a proper

academic atmosphere that is free of sexual discrimination and harassment. Each year the Committee on the Status of Women will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the campus attorney before they are distributed.

#### VII. Disciplinary Action

See section I of Appendix X of the *ECU Faculty Manual* for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.

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Approved: Faculty Senate Resolution #91-49  
12 December 1991  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #96-16, April 1996

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## APPENDIX W RACIAL AND ETHNIC HARASSMENT POLICIES OF EAST CAROLINA UNIVERSITY

### CONTENTS

- I. Rationale
  - II. Racial and Ethnic Harassment Policy
    - A. Introduction
    - B. Definitions
    - C. Policy
  - 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. Disciplinary Action
- I. Rationale

The faculty, staff, administration, and students of East Carolina University maintain that it is important to create an atmosphere in which instances of racial and ethnic harassment are discouraged. 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 racism or ethnic harassment are assured that their grievances will be dealt with in an expedient, confidential, fair, and effective manner. Toward this end, all members of the university community should understand that racial and ethnic harassment violates university policy and will not be condoned. 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 prohibited under these policies. 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 policies responsibly interferes with free expression and openness, and violates this policy. Accordingly, members of the university community are prohibited from acts of reprisal against those who bring charges or are involved as witnesses or otherwise try to responsibly use this policy.

## II. Racial and Ethnic Harassment Policy

### A. Introduction

Racial and/or ethnic harassment endangers the environment of tolerance, civility, and mutual respect that must prevail if the university is to fulfill its mission. Such harassment will not be condoned by members of the university community. This policy is the university's statement of its intent to protect its educational environment by prohibiting specific forms of racial and/or ethnic harassment. 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.

### B. Definitions

Racial and/or Ethnic Harassment. The following constitute racial and/or ethnic harassment:

1. singling out people because of their race or ethnic affiliation and subjecting them to unequal or unfair treatment; or
2. harming, attempting to harm, or threatening to harm people because of their race and/or ethnic affiliation.

### C. Policy

It is the responsibility of members of the university community to strive to create an environment free of racial and/or ethnic harassment.

1. It is against the policies of East Carolina University for its employees or students to single out employees or students of the university because of their race or ethnic affiliation and subject them to unequal or unfair treatment.
2. It is against the policies of East Carolina University for its employees or students to single out employees or students of the university or visitors to the University because of their race or ethnic affiliation and subject them to conduct which causes severe emotional disturbance.

## 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 the *ECU Business Manual*.

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 the *ECU 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*. However, if a faculty member raises allegations of racial or ethnic harassment or discrimination during a hearing he or she requested before the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee (in accordance with the policies and procedures set forth in the *ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of ECU*), the relevant committee shall determine the merits and bearing, if any, of the allegations raised by the faculty member on the matter before the committee. Such actions by the Due Process Committee, the Reconsideration Committee, or the Faculty Hearing Committee shall not preclude a faculty member from independently bringing a complaint of racial or ethnic harassment or discrimination in accordance with the grievance procedures stated in the *ECU 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*. The outcome of an *Appendix X* grievance brought by a faculty member against other faculty members or administrators holding faculty status either may be appealed in accordance with the provisions for appeal set forth in *Appendix X*, or may be appealed before the Faculty Grievance Committee in accordance with the policies and procedures set forth in *ECU Faculty Manual, Appendix D*, but not both.

VI. Disciplinary Action

See section I. of *Appendix X* of the *ECU Faculty Manual* for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.

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Approved: Faculty Senate Resolution #91-36  
30 October 1991  
East Carolina University Chancellor

Amended: Faculty Senate Resolution #96-16, April 1996

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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.\*

CONTENTS

- I. Preamble
- II. Grievance Procedures
  - A. Reporting the Complaint to the Grievance Officer
  - B. Education and Information about the Policy and Procedures
- III. Level One Grievance Procedures
- IV. Anonymous Complaints
- V. Level One Procedures for Complaints of Harassment or Discrimination
  - A. Investigation of Complaints of Alleged Harassment or Discrimination
  - B. Termination of Level One Procedures of Complaints for Harassment or Discrimination
  - C. Records
  - D. Procedures To Be Followed Upon the Imposition of Sanctions
  - E. Appeal of a Level One Finding
- VI. Level One Procedures for Complaints of Conflict of Interest
- VII. Level Two Grievance Procedures
  - A. Composition of the Grievance Board
  - B. Purposes of Hearing
  - C. Conduct of Hearing
  - D. Hearing Procedures
  - E. Disciplinary Action
  - F. Appeal of a Level Two Grievance Finding
- VIII. Annual Report

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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.

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\*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*.

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 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.

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\*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.

B. Purposes of Hearing

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

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\* The office of the appropriate Vice Chancellor shall provide financial support to the Board.

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 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.

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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

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Appendix Y  
Grievance Policies and Procedures of East Carolina University

CONTENTS

- I. Faculty Grievances
- II. The Faculty Grievance Committee
  - A. Membership
  - B. Authorization and Powers
- III. Grievance Steps
  - A. Step One
  - B. Step Two
  - C. Step Three
  - D. Step Four
  - E. Step Five
  - F. Step Six
  - G. Step Seven

- IV. Annual Report
- V. Application
- VI. Grievance Committee By-Laws and Procedures

This appendix establishes structures and procedures for addressing faculty grievances through a formal procedure that includes access to mediation or direct review, and the potential for a committee hearing of the grievance. The following grievance procedures are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Appendix Y beyond the Board of Trustees.

#### I. Faculty Grievances

Grievances within the scope of this appendix shall be limited to matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. Such grievances shall also be limited to those 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 attending university employment or wrongful conduct that deprived the faculty member of an advantage that he or she otherwise apparently would have received. 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 scope of this appendix.

A grievant<sup>1</sup> is any faculty member who seeks the remedies afforded by the provisions of this appendix. A respondent<sup>2</sup> 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.

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 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. This deadline may be extended by a majority vote of the Grievance Committee<sup>3</sup>.

#### II. The Faculty Grievance Committee

##### A. Membership

The Faculty Grievance Committee shall be composed of eight members and two alternates, each of whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment. All professional ranks except instructor shall be represented on the committee. The chair of the faculty or, as his or her delegate,

the vice-chair of the faculty or the chair of the Faculty Governance Committee shall serve as an ex-officio member of the committee. Members shall be elected in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be five elected members or alternates. Except where otherwise stated in this appendix, the committee shall conduct its business in accordance with the most recent edition of *Robert's Rules of Order, Newly Revised*.

B. Authorization and Powers

The Committee shall be authorized to provide access to mediation services or Chancellor Review; provide a hearing; and, based on such hearing, to issue reports and recommendations in an effort to resolve the grievances of faculty members.

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. Excessive delays in the completion of Steps One through Three may result in the committee's decision to terminate the grievance process, with no further review available under this Appendix. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair.

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to him or her information that may be controlled or in the possession of another party to the grievance or the administration. Upon 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<sup>4</sup>. The requested information shall be distributed to all parties to the grievance. The committee chair shall be informed of any request for information among the parties to the grievance.

The committee may seek such information or documentation not provided by the grievant or respondent but considered necessary by the committee to provide a fair and complete peer hearing of the grievance. Should the committee seek such information or documentation, it shall ask the party most likely to have custody of the documentation or in the best position to obtain it. Such information will be shared by the committee with all parties to the grievance.

The committee chair shall inform the respondent, when the respondent has administrative responsibilities for grievant's Personnel File, that information gathered to respond to grievant's charges shall not be placed in grievant's accumulated Personnel File. Any information collected as part of this grievance shall be placed in a physically separate part of the file, specifically established for this purpose. At the conclusion of the grievance process, this separate file shall be forwarded to the Faculty Senate Office where it will become a part of the grievance file maintained by that office.

The committee and the committee chair shall not function as an advocate for either party to the grievance. The committee chair shall provide only procedural information to the parties of the grievance<sup>5</sup>. The committee's responsibility is to provide the grievant and respondent a process for a possible resolution of the grievance.

### III. Grievance Steps

#### A. Step One (Meet with Respondent)

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<sup>6</sup>. It is required that as part of this meeting the grievant provide the respondent with a written copy of the proposed grievance. If, in the opinion of the grievant, this attempt to resolve the grievance fails, the grievant shall so inform the respondent in writing. The grievant shall also inform the respondent of his or her intentions to pursue the grievance through Appendix Y in this memorandum.

The grievant shall forward to the chair of the committee a copy of the proposed grievance and a written memorandum indicating his or her intention to seek redress. Upon notification by the grievant, the committee chair shall have under the grievant's name a grievance file opened in the Faculty Senate Office<sup>7</sup>.

#### B. Step Two (Petition for Redress)

Based on the grievant's memorandum to the respondent required in Step One, the committee chair shall inform all parties to the grievance that Step One has been completed and the grievant may move to Step Two. Step Two requires the selection of counselors who will serve as advocates for their respective client and shall provide advice throughout the grievance process<sup>8,9</sup>. Counselors shall not participate in the hearing nor can they be called as witnesses (Step 5).

Appendix Y is established to provide a peer review of faculty grievances and the use, for any purpose, of attorneys, whether employed by the university or by a party to the grievance, is prohibited. Except that the custodian of the records may seek advice from the office of the University Attorney in determining the privilege of materials as stated in Section II.B. above.

The parties to the grievance shall inform the committee chair of the name of their respective counselor. If a party to the grievance chooses to serve as his or her own counselor, that information must be communicated to the chair of the committee.

The grievant's counselor will advise and assist him or her in developing the Petition for Redress for the alleged grievance. The Petition for Redress shall set forth the identity of the respondent, the nature of the grievance, and the redress sought. Individual issues must be developed and presented separately in the Petition for Redress. The Petition for Redress shall include all information

necessary to support each of the grievant's charges. The grievant, through the committee chair, may request information bearing on the grievance (See II, B).

Upon completion of the Petition for Redress, the grievant shall provide a copy to the respondent and the chair of the committee and by way of memorandum to the committee chair, indicate his or her intention to continue with the grievance. The Petition for Redress must be provided to the respondent by certified mail or by another means that provides proof of delivery.

The counselor for the respondent shall provide advice as to the grievance process and help the respondent develop a response to grievant's Petition for Redress.

#### C. Step Three (Mediation or Chancellor Review)

When the committee chair receives the memorandum and Petition for Redress required in Step Two, he or she shall ascertain if the grievant has taken Steps One and Two, above. If the grievant has not followed these steps, the committee chair shall inform the grievant that he or she must take these steps prior to any further action being taken by the committee.

If the committee chair determines that Steps One and Two have been completed, he or she shall call a meeting of the committee. The committee shall make a final determination that Steps One and Two have been completed. Based on information contained in grievant's Petition for Redress, the committee shall determine whether the grievance is within the scope of Appendix Y. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the scope of Appendix Y. Issues not within the scope of Appendix Y will receive no further attention. The committee's decision concerning grievance issues within the scope of Appendix Y 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 as noted here and below, the Petition for Redress shall not be modified.

#### Mediation

After the committee determines which, if any, issues raised in grievant's Petition for Redress are within the scope of Appendix Y, the committee shall so inform the parties to the grievance in writing and offer them the opportunity to seek a resolution through mediation. Each party to the grievance shall be asked to respond within 15 calendar days after the date of notification by the committee chair as to his or her acceptance of mediation. If any party to the grievance rejects mediation, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Mediation is limited solely to the grievant and the named respondent. The rejection of mediation shall have no bearing on decisions or recommendations related to the grievance.

If all parties to the grievance accept mediation<sup>10</sup>, the committee chair by random selection will select a mediation provider<sup>11</sup>. The committee chair will contact the mediation provider informing them of the need for their services<sup>12</sup> and requesting a list of available mediators. The parties to the grievance will be provided this list and asked to designate each available mediator as either A (Acceptable) or U (Unacceptable). The evaluated lists will be returned to the chair of the committee who will make a random selection from mediators evaluated as Acceptable by all parties to the grievance. If there is no Acceptable mediator, a second mediation provider will be contacted by the committee chair and the process repeated. If there is no acceptable mediator after the second effort, the chair of the committee will so notify the parties to the grievance and inform them that 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 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 three months without formal approval of the committee chair or four or more months 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 to the grievance communicates to the chair of the committee that further mediation is unlikely to be successful.
- c. The mediator communicates to the chair of the committee that further mediation is unlikely to be successful.
- d. A party to the grievance communicates to the chair of the committee that he or she has experienced resistance or delaying tactics in scheduling mediation meetings.
- e. A party to the grievance communicates to the chair of the committee that the mediator is no longer acceptable.

Events b. through e., above, will cause the chair of the committee to notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Decisions by the grievant, respondent(s), or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance.

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 an agreement is reached between the parties to the grievance but that agreement is rejected by the Chancellor, the grievant may request a hearing on the Chancellor's decision.

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

#### Chancellor Review

In response to the committee's offer for mediation, a grievant who, for any reason, believes that mediation or a hearing would not fairly address issues raised by the grievant, may so inform the committee chair. The committee chair shall inform the grievant that he or she may pursue a Chancellor Review, which consists of a review by the Chancellor of grievant's Petition for Redress and the committee's memorandum. If the grievant chooses Chancellor Review, he or she may not request mediation or a hearing.

The grievant shall provide copies of the Petition for Redress and the committee's memorandum along with any information the grievant believes supports his or her contentions to the Chancellor and the committee chair. The Chancellor may request (with a copy to the Faculty Grievance Committee Chair) that the respondent provide within 10 calendar days 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 within 20 calendar days of the Chancellor's receipt of all materials. A copy of his or her decision shall be provided to the respondent and the committee chair.

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

#### D. Step Four<sup>13</sup> (Request for a Hearing)

The grievant shall request, by memorandum to the committee chair with copies to the respondent, a hearing by informing the chair of the Grievance Committee that the grievant has followed the first three grievance steps, that his or her grievance is not resolved, and that he or she requests a hearing by the Grievance Committee.

The committee will review the grievant's Petition for Redress, the committee's memorandum to the grievant, 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 Section I. of Appendix Y 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. The committee's decision shall be communicated by certified mail, return receipt requested to all parties to the grievance.

If the committee determines that a hearing should be granted, the committee chair shall so notify the grievant and respondent and shall set a time, date, and place for a hearing on the Petition for Redress.<sup>14</sup> The notification shall also include the names of all committee members and alternates. The date of the hearing shall be within 30 working days of this notification<sup>15</sup>. A court reporter must be used to record and transcribe any hearing.

A member of the committee shall recuse himself or herself from participating in a hearing if there is reason to believe that such participation will create a conflict of interest. Any party to a grievance may request that a member of the committee recuse himself or herself 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 five calendar days after notification of the hearing date. If the member declines, the committee shall determine by a majority vote, the member in question not participating, whether the member shall recuse himself or herself.

The notice of hearing will also request that both parties submit to the committee all information and documents they intend to introduce at the hearing to support or defend their respective positions<sup>16</sup>. The grievant's information shall include a copy of the Petition for Redress, a copy of the committee's memorandum describing the grievance, a brief statement as to the results of the mediation effort<sup>17</sup>, a list of witnesses, and all information to be used in support of grievant's charges. The respondent's information shall include a list of witnesses and all information to be used to defend against grievant's charge. The committee may also request information (see II. B) or 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 grievant's charge.

Thirteen copies<sup>18</sup> of all information and documents shall be submitted to the Faculty Senate Office fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to the respondent and one copy of the respondent's (s') information will be provided to the grievant.

Information submitted to the committee shall be numbered in chronological order using Arabic numbers with numbers assigned to all pages that exhibit information<sup>19</sup>. If the back of a page contains information, it also must be numbered. This number shall be preceded by a G for information submitted by the grievant and an R for information submitted by the respondent. If more than one grievant or more than one respondent is involved, their designation will be

communicated by the committee chair. If grievant's Petition for Redress includes more than one grievance, each grievance shall be identified by a Roman Numeral with associated evidence numbered as above in chronological order.

E. Step Five (The Hearing)

The committee 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 committee may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress and its confirming memorandum. 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 Appendix Y, II.B and III.D, the power of the committee shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The committee 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 information submitted in Step Four by the grievant and the respondent. The submitted information shall include all information necessary to support or defend the grievance. However, with approval of the committee, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the committee, 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 his or her claim and requested redress are consistent with Appendix Y, I.

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

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Committee members may question the grievant, the respondent(s), or witnesses at any time during the hearing. When neither the grievant, the respondent, nor the committee has further questions, the grievant is given the opportunity to make a final statement, and then the respondent(s) is given the opportunity to make a final statement.

#### F. Step Six (Committee Report)

The committee's report shall be based only on facts, documentation, arguments presented at the hearing. Committee recommendations are to be based on but are not limited to grievant's requested redress.

Copies of the committee's report will be sent to the grievant and respondent by certified mail, return receipt requested. A copy of the committee'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 committee and all parties to the grievance until the grievance is closed (See below).

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

If the committee finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, and Chair of the Faculty. Within 20 calendar days of the recommendations, the respondent shall communicate in writing to the committee chair his or her response to the committee recommendations. If the respondent's adjustments are not consistent with the recommendations of the committee but are satisfactory to the grievant, the grievance will be closed.

If the respondent's adjustments are consistent with the committee's recommendation but are not satisfactory to the grievant, the grievant may appeal to the Chancellor. By memorandum, the grievant shall inform the Chancellor of his or her appeal and include a detailed explanation of the reason for the appeal. A copy of the appeal memorandum shall be sent to the chair of the committee and the faculty chair. The chair of the committee shall forward the committee report along with all supporting documentation to the Chancellor.

If the respondent's adjustments are not consistent with the committee's recommendation and are not satisfactory to the grievant, the committee report along with all supporting documentation shall be forwarded to the Chancellor with the committee's request that the recommended adjustment be made.

If the grievant appeals or the committee requests the Chancellor to make the recommended adjustment, "the Chancellor shall base his or her decision on the recommendations of the faculty committee and the record from the faculty grievance committee hearing. The Chancellor may, in his or her discretion, consult with the faculty grievance committee before making a decision." (The University of North Carolina, Board of Governors Policies, Section 101.3.2.IV.g) The Chancellor's decision shall be communicated in writing within 20 calendar days to the grievant, respondent, Chair of the Faculty, and Faculty Grievance Committee. 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 committee, 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), below. 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 committee's report based on its interpretation of Appendix Y, I. or the *Faculty Manual*, the Chancellor shall withhold the Chancellor's decision, and inform the committee, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 20 days. The committee 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 Appendix Y, III.F., with the grievant's rights to appeal intact.

#### G. Step Seven (Appeal to Board of Trustees)

##### I. Decisions which may be appealed.

A. If the committee 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 committee in favor of the grievant, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.

II. 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*.

##### III. Timeline for Appeals

A. A grievant who seeks to appeal the Chancellor's disposition of his grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery, within 10 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 or from a committee of the Board which 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 ten 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 which produces adequate evidence of delivery.

IV. 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. Annual Report:

The Grievance Committee chair shall report on grievances during the second meeting of the Faculty Senate each academic year. Such reports shall protect the confidentiality of the grievance proceedings and parties. The following form and information shall be used.

Number of Grievants in Grievance Process for Academic Year \_\_\_\_\_  
April 30\_\_\_\_\_ through May 1\_\_\_\_\_

Time in Step				
Less than One Month than Three Months	One-Two Months	Two-Three Months	More	

Step One	_____	_____	_____	
_____	_____			

Number of Grievances Filed (Completed Step One) by:

Fixed Term Faculty \_\_\_\_\_ Probationary Faculty \_\_\_\_\_ Tenured Faculty \_\_\_\_\_

Step Two	_____	_____	
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Step Three	_____	_____	
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Step Four	_____	_____	
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Step Five Hearing	_____	_____	
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Scheduled for Hearing: \_\_\_\_\_ Hearings Completed: \_\_\_\_\_ In Report  
 Stages: \_\_\_\_\_ Reports Issued: \_\_\_\_\_  
 Reports Issued in Favor of: Grievant \_\_\_\_\_ Respondent \_\_\_\_\_  
 Number Appealed to Chancellor: \_\_\_\_\_ Reports Issued by  
 Chancellor: \_\_\_\_\_  
 Number at Faculty Governance: \_\_\_\_\_ Reports at Rewrite or Reissued  
 by Faculty Grievance Committee: \_\_\_\_\_  
 Number Successful at Mediation \_\_\_\_\_ Number Successful at  
 Chancellor Review \_\_\_\_\_  
 Number Terminated by Grievant \_\_\_\_\_ Number Terminated by  
 Committee \_\_\_\_\_

#### V. Application

This appendix 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 appendix by the East Carolina University Board of Trustees.

#### VI. 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

<sup>1</sup>A 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.

<sup>2</sup>A named respondent must be a current employee of East Carolina University. If the named respondent was 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. 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. An administrator who concurred with the actions of the respondent may not be named as a respondent.

<sup>34</sup>The committee may waive the time requirement for the introduction of evidence; the grievant's requested redress; or both.

<sup>4</sup>The 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.

<sup>5</sup>In this instance, 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.

<sup>6</sup>If 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.

<sup>7</sup>The grievance file maintained in the Faculty Senate Office under the grievant's name becomes a part of the Personnel File for both grievant and respondent. A note will be placed in grievant's and respondent's Personnel File Checklist regarding the location of this file.

<sup>8</sup>Unless requested in writing to the committee chair, the parties to the grievance agree that all communications, including e-mail, will be sent to their university addresses.

<sup>9</sup>A list of potential counselors is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor and have extensive experience in faculty governance as evidenced by service on university governance/appellate committees. 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.

<sup>10</sup>Once all parties to the grievance have accepted mediation, the grievant shall not take his or her 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 Appendix Y, ending administrative review of the grievance.

<sup>11</sup>To 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.

<sup>12</sup>Procedures for the origination of purchase orders and payment for services of the mediator will be developed and administered by the Chair of the Faculty.

<sup>13</sup> A request for a hearing that continues from another part of the *Faculty Manual* (e.g. Appendix J, Appendix V, etc.) will be evaluated by the committee. If insufficient information is available, the committee will request that the grievant and respondent choose a counselor and the grievant complete a Petition for Redress. Presentation of the Petition for Redress will allow the committee to evaluate the grievance. If the committee agrees that the grievance is within the scope of Appendix Y, the grievant will be allowed to choose mediation or request a hearing. A Chancellor Review is not an option.

<sup>14</sup>Scheduling a committee hearing during the summer months is complicated by the absence of faculty and teaching schedules. If the committee on its first effort cannot schedule a hearing during the summer, it will be scheduled during the committee's organizational meeting in the fall semester.

<sup>15</sup> If 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.

<sup>16</sup>Such 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.

<sup>17</sup>This statement shall only include information as to the beginning and ending dates of the mediation and whether mediation was successful, partially successful, or unsuccessful. For a grievant requesting a hearing under Footnote 13, who did not choose mediation, this statement is unnecessary.

<sup>18</sup>The 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.

<sup>19</sup>Required Numbering: One Grievance

Grievant: Petition for Redress G page 1.....n

Supporting Information G, page 1...n (In chronological order)

Respondent: Supporting Information R, page 1...n (In chronological order)

Multiple Grievances

Grievant: Petition for Redress:

Grievance I G I page 1...n

Grievance II G page 1...n

Continue for the number of included grievances.

Supporting Information:

Grievance One: G I, page 1....n (In chronological order)

Grievance Two: G II, page 1....n (In chronological order)

Continue for the number of included grievances.

Respondent: Supporting Information:

Grievance One R I, page 1....n (In chronological order)

Grievance Two R II, page 1...n (In chronological order)

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Approved: Faculty Senate Resolution #04-22  
September 24, 2004  
East Carolina University Board of Trustees

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## INDEX

### A

Absence, Faculty, Part V  
Academic Apparel, Part VI  
Academic and Administrative Committees, Faculty Senate, Appendix A  
Academic Facilities, Part V  
Academic Freedom, Part III, Part XI  
Academic Tenure, UNC Code, Part XI  
Academic Information, Part V  
Academic Integrity, Part IV  
Academic Library Services, Director of, Part VIII  
Academic Policy, Part II  
Academic Procedures and Policies, Part V  
Access to Student Educational Records, Part V  
Administration, Academic Affairs School or Department, Part VIII, Part IX  
Administrative Council, Part VIII  
Administrative Policy, Part II  
Administrative Review of Faculty Grievances, Appendix Y  
Admission to Athletic Events, Part VI  
Admissions, Director of, Part VIII  
Advancement, Director of Institutional, Part VIII  
Advancement, Institutional, Part VIII  
Advancement, Vice Chancellor for Institutional, Part VIII  
Advisory Committee on Codes, Part II  
Affirmative Action/Equal Employment Opportunity Policy of ECU, Part VI  
Affirmative Action Review and Advisory Committee, Part II  
Agenda Committee, Faculty Senate, Appendix A  
Alcohol/Drug Education Committee, Part II  
Allied Health Sciences, Dean of the School of, Part VIII, Part IX  
Allowances, Travel and Expense, Part VI  
Amendments to the Faculty Constitution, Appendix A  
Animal Care and Use Committee, Part II  
Animal Care and Use in Research and Instruction, Part VII  
Annual Evaluation of University Administrators, Appendix L  
Annual Faculty/Professional Staff Disclosure Form, Appendix I  
Annuity, Tax Deferred, Part VI  
Anonymous Written Complaints, Appendix X  
Anti-Nepotism, Part VI  
Apparel, Academic, Part VI  
Appeals for Non-Reappointment or Non-Conferral of Permanent Tenure, Appendix D  
Appeals, Grades, Part V

Application for Graduation, Part V  
Applied Technology, Director of the Center for, Part VIII  
Appointment of Administrative Officials, Appendix L  
Appointment of Faculty, Part VI, Appendix D  
Archives and Records Center, University, Part V  
Art, School of, Part VIII, Part IX  
Arts and Sciences, College of, Part VIII, Part IX  
Assistant Dean of Student Development and Director of Special Populations, Part VIII  
Assistant Professor, Criteria for Appointment, Appendix C  
Assistant to the Chancellor, Executive, Part VIII  
Assistant to the Chancellor for Constituent Relations, Part VIII  
Assistant to the Vice Chancellor for University Relations and Alumni Affairs, Part VIII  
Assistant Vice Chancellor and Director of Intercultural Student Affairs, Part VIII  
Assistant Vice Chancellor and Director of University Housing, Part VIII  
Assistant Vice Chancellor and Director of University Unions and Student Activities, Part VIII  
Associate Graduate Faculty Members, Part F  
Associate Professor, Criteria for Appointment, Appendix C  
Athletic Committee, Part II  
Athletic Contests, Faculty Admission to, Part VI  
Athletics, Part VI  
Athletics, Director of, Part VIII  
Attendance Regulations, Student, Part V  
Attorney, University, Part VIII  
Auditoriums, Part V  
Authorization to Establish A New Degree Program, Part V  
Authorization to Plan A New Degree Program, Part V  
Automobile Registration, Part VIII  
Automobiles, Travel Regulations for, Part VI  
Award Committee, University, Part II

## **B**

BB&T Center for Leadership Development, Director of, Part VIII  
Benefits and Welfare, Part VI  
Biohazard Use Committee, Part II  
Board of Governors, Part XI  
Board of Trustees, Part VIII, Part XI  
Book Store, Part V  
Books, Complimentary Copies, Part V  
Books, Ordering, Part V  
Books, Used, Part V  
Buildings, Maintenance and Operation of, Part V  
Business Affairs, Part VIII  
Business Affairs, Associate Vice Chancellor for, Part VIII

Business Affairs, Vice Chancellor for, Part VIII  
Business, School of, Part VIII, Part IX  
By-laws of East Carolina University, Appendix A

## **C**

Cafeteria, Part VI  
Calendar Committee, Appendix A  
Campus Mail Service and Post Office, Part VI  
Candidacy and Office Holding, Political, Part VI  
Canvassing and Soliciting on Campus, Committee on, Part II  
Cardiovascular Disease Risk Factor Identification/ Reduction Program, Part VI  
Career Education Committee, Part A  
Career Services, Director of, Part VIII  
Carrels, Faculty Study, Part V  
Cars, State, Private, and Rental, Part VI  
CD-Rom Data Bases, Part V  
Center for Academic Communication, Part V  
Center for Applied Technology, Director of, Part VIII  
Center on Aging, Director of, Part VIII  
Central Reservations Office, University, Part V  
Central Ticket Office, Part VI  
Certification, Part V  
Chair of the Faculty, Appendix A  
Chair of the Unit Personnel Committee, Appendix D  
Chancellor, Part VIII, Part XI  
Change of Grade, Reporting, Part V  
Charter of the Faculty Assembly of the University of North Carolina, Part X  
Cheating, Part IV  
Class Roll Verification, Part V  
Coastal and Marine Resources, Director of Institute for, Part VIII  
Code, East Carolina University, Appendix L  
Code, The University of North Carolina, Part XI  
Collection of Money, Part VI  
College of Arts and Sciences, Part VIII, Part IX  
Commencement Committee, Part II  
Committee on Canvassing and Soliciting on Campus, Part II  
Committee on Committees, Faculty Senate, Appendix A  
Committee for International Student Affairs, Part II  
Committee on Residence Life, Part II  
Committee for Sex Information, Education, and Counseling, Part II  
Committee on Status of Minorities, Part II  
Committee on the Status of Women, Appendix V  
Committee on the Student Health Services, Part II  
Committees, Academic, Appendix A  
Committees, Administrative, Part II  
Communication, Office of News and, Part VIII

Compensation, Workers', Part VI  
Compensation, Unemployment, Part VI  
Complimentary Textbooks, Resale of, Part V  
Comptroller, Part VIII  
Computer Based Reference/Information Searches--Joyner Library, Part V  
Computer Users Committee, Administrative, Part II  
Computing and Information Systems Center, Part V, Part VI  
Computing and Information Systems, Director of, Part VIII  
Conduct, Student, Part V  
Conflicts of Interest and Commitment, Part VI  
Conflicts of Interest and Commitment Policy, Appendix I,  
Conflicts of Interest and Commitment, Grievance Procedure, Appendix X  
Constitution of the Faculty Senate, East Carolina University, Appendix A  
Continuing Education, Part VI  
Continuing Education Committee, Appendix A  
Continuing Education and Summer School, Director of the Division of, Part VIII  
Contracts and Cooperative Agreements, Grants, Part VI, Part VII  
Contracts for Fixed-Term Faculty, Appendix D  
Contractual Services, Supplies, and Equipment, Part VI  
Cooperative Agreements, Grants, Contracts and, Part VI  
Cooperative Education, Director of, Part VIII  
Cooperative (Library) Lending Agreement, UNC, Part V  
Copyright Procedures, Patent and, Part VII  
Council for Teacher Education, Part V  
Counseling, Academic, Part V  
Counseling Center, Part VIII  
Counseling Center, Director of, Part VIII  
Counseling, Student, Part VIII  
Course Drop Appeals Committee, Appendix A  
Coursepacks, Part V  
Course Revisions, New Degree Programs, New Courses, Part V  
Courses, Orientation of, Part V  
Creative Activity/Research, Appendix C  
Credit Union, Part VI  
Credits Committee, Appendix A  
Criteria for Faculty Appointment, Appendix C  
Curriculum Committee, Appendix A  
Curriculum Development, Part V  
Curriculum and Instruction, Academic Affairs School or Department, Part VIII,  
Part IX

## **D**

Dean of Students, Part VIII  
Dean of the College of Arts and Sciences, Part VIII  
Dean of the General College and Undergraduate Studies, Part VIII  
Dean of the Graduate School, Part VIII, Appendix F

Deans of Professional Schools, Part VIII  
Deans of the Schools of Allied Health Sciences, Medicine, and Nursing, Part VIII  
Death Benefit (see Retirement), Part VI  
Deferred Annuity, Part VI  
Deferred Compensation Plan, North Carolina Public Employee, Part VI  
Degree Programs, New, New Courses, Course Revisions, Part V  
Delegates of Faculty Assembly of University of North Carolina Selection and Election of, Appendix A  
Department or School, Administration of Academic Affairs, Part VIII  
Departments and Schools, Part VIII  
Departments, Chairpersons of, Part VIII  
Desk Copies, Part V  
Development, Curriculum, Part V  
Development, Screening, and Implementation of Unit Codes, Appendix L  
Dining Services, Part VI  
Dining Services, Director of, Part VIII  
Director of Academic Library Services, Part VIII  
Director of Admissions, Part VIII  
Director of Athletics, Part VIII  
Director of the BB&T Center for Leadership Development, Part VIII  
Director of Career Services, Part VIII  
Director of the Center for Applied Technology, Part VIII  
Director of the Center on Aging, Part VIII  
Director of Computing and Information Systems, Part VIII  
Director of Cooperative Education, Part VIII  
Director of the Counseling Center, Part VIII  
Director of Dining Services, Part VIII  
Director of the Division of Continuing Education and Summer School, Part VIII  
Director of Environmental Health and Safety, Part VIII  
Director of Health Sciences Library, Part VIII  
Director of the Honors Program, Part VIII  
Director of Human Resources, Part VIII  
Director of Institute for Coastal and Marine Resources, Part VIII  
Director of Institutional Advancement, Part VIII  
Director of International Programs, Part VIII  
Director of New Student Orientation, Part VIII  
Director of Planning and Institutional Research, Part VIII  
Director of Public Safety, Part VIII  
Director of Recreational Services, Part VIII  
Director of Regional Development Institute, Part VIII  
Director of Resident Education, Part VIII  
Director of Small Business and Technology Development Center, Part VIII  
Director of Special Populations, Assistant Dean of Student Development and, Part VIII  
Director of Sponsored Programs, Part VIII  
Director of Student Financial Aid, Part VIII

Director of Student Health Service, Part VIII  
Director of Systems Coordination, Part VIII  
Director of Teacher Education, Part V  
Director of Technology Transfer, Part VII, Part VIII  
Director of University Housing, Assistant Vice Chancellor and, Part VIII  
Director of University Unions and Student Activities, Assistant Vice Chancellor and, Part VIII  
Directory Information, Release of, Part V  
Disability Income Plan, TIAA, Part VI  
Disability Salary Continuation Plan, Part VI  
Discrimination, Grievance Procedure, Appendix X  
Discrimination, Sexual, Policy on, Appendix V  
Documentation for Personnel Actions, Appendix D  
Due Process Committee, Appendix A, Appendix D

## **E**

East Carolina University Code, Appendix L  
East Carolina University Organization, Appendix A  
Education, School of, Part VIII, Part IX  
Educational Policies and Planning Committee, Appendix A  
Educational Records, Access to Student, Part V  
Educational Records Policy, Privacy of Student, Part V  
Elections, Methods, Appendix A  
Emergency Action Plan, Part V  
Employee Involvement in Political Candidacy and Office Holding, Part VI  
Employment of Related Persons, Part VI  
Employment Opportunity Office, Part VIII  
Employment Policies, Part VI  
Environmental Health and Safety, Director of, Part VIII  
Equal Employment Opportunity/Affirmative Action Policy of ECU, Part VI  
Equal Employment Opportunity Complaints, Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other, Part VI, Appendix J  
Equal Employment Opportunity Officer, VIII, Appendix J  
Equipment, Contractual Services, and Supplies, Part VI  
Ethics in Research and Creative Activities, Part VII  
Ethnic Harassment, Grievance Procedure, Appendix X  
Ethnic Harassment, Policy on, Appendix W  
Evaluation Files of Faculty, Appendix C  
Evaluation of Faculty, Appendix C  
Examinations and Tests, Part V  
Executive Assistant to the Chancellor, Part VIII  
Expenses, Travel, Part VI  
Extensions of Probationary Term, Appendix D  
External Funding, Policy and Guidelines for, Part VII  
External Peer Review, Appendix D

External Professional Activities of Faculty and Other Professional Staff, Policy Statement on, Part VI

## **F**

Facilities, Academic, Part V  
Facilities Committee, University, Part II  
Facilities Services, Part V  
Facilities Policy, ECU Use of, Part V  
Faculty Absence, Part V  
Faculty Admission to Athletic Contests, Part VI  
Faculty Appointment, Appendix C, Appendix D  
Faculty Assembly Delegates and Alternates, Appendix A  
Faculty Assembly of the University of North Carolina, Charter of, Part X  
Faculty Computer Committee, Appendix A  
Faculty Constitution and By-laws of East Carolina University, Appendix A  
Faculty Governance Committee, Appendix A  
Faculty Grievance Committee, Appendix A, Appendix Y  
Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity  
    Complaints, Appendix J, Appendix X  
Faculty, Institutional Services Available to, Part VI  
Faculty Leaves of Absence, Part VI  
Faculty Load, Part V  
Faculty Marshals, Part V  
Faculty Mediation, Appendix Y  
Faculty Office Hours, Part V  
Faculty Organization, Part IX, Appendix A  
Faculty, Orientation of New, Part VI  
Faculty Parking, Part VIII  
Faculty Personnel Policies, Appendix C  
Faculty Promotion, Part VI, Appendix D  
Faculty Ranks, Appendix C  
Faculty Resignation and Reappointment, Part VI, Appendix D  
Faculty Retirement, Part VI  
Faculty Salary Payments, Part VI  
Faculty Salary Policies, Part VI, Appendix C  
Faculty Senate, Part VIII, Appendix A  
Faculty Senate Academic Committees, Appendix A  
Faculty Senate, Constitution of, Appendix A  
Faculty and Staff Benefits Committee, Part II  
Faculty Study Carrels-Joyner Library, Part V  
Faculty Swimming, Part VI  
Faculty Tenure, Part VI, Appendix D  
Faculty Tuition, Free, Part VI  
Faculty Welfare and Benefits, Part VI  
Faculty Welfare Committee, Appendix A

Falsification, Part IV  
Final Examinations, Part V  
Financial Aid, Director of Student, Part VIII  
Financial Aid, Student, Part VIII  
Fire Alarm, Part V  
Five-Year Unit Program Evaluation, Appendix L  
Fixed-Term Appointments, Appendix D  
Flex Reimbursement Accounts, Part VI  
Free Tuition Privileges for Faculty, Part VI  
Friends of the ECU Library, Part V  
Fund-Raising, Part VII

## **G**

General College, Part VIII  
General Education Committee, Appendix A  
Gifts, Part VII  
Government Documents, Part V  
Grade Appeals, Part V  
Grade, Reporting Change of, Part V  
Grades, Posting, Part V  
Grades, Reporting of to Registrar's Office, Part V  
Graduate Council, Appendix F  
Graduate Faculty, Appendix F  
Graduate School, Appendix F  
Graduate School, Dean of, Part VIII, Appendix F  
Graduate School Organization, Appendix F  
Graduate Student Advisory Council, Appendix F  
Graduate Teaching Faculty Members, Appendix F  
Graduation, Application for, Part V  
Grants, Contracts, and Cooperative Agreements, Part VI  
Grievance Board, Appendix A, Appendix X  
Grievance Policies and Procedures of East Carolina University, Appendix Y  
Grievance Procedures for Complaints of Sexual or Racial Harassment or  
Discrimination or Conflicts of Interest , Appendix X  
Grievance Procedure for Grievances Involving Sex Discrimination and Other  
Equal Employment  
    Opportunity Complaints, Informal Faculty, Appendix J  
Group Insurance Plans, Part VI  
Guidelines for External Funding, Part VII

## **H**

Harassment, Sexual, Policy on, Appendix V  
Harassment, Sexual , Grievance Procedure, Appendix X  
Health Sciences, Part VIII  
Health Sciences Library, Part V, Part VIII

Health Sciences Library, Director of, Part VIII  
Health Sciences, Vice Chancellor for, Part VIII  
Health Service, Director of the Student, Part V, Part VIII  
Hearing Committee, Appendix A, Appendix D  
Homecoming Steering Committee, Part II  
Honor Code, Part V  
Honors Program Committee, Appendix A  
Honors Program, Director of, Part VIII  
Hoover Collection on International Communism--Joyner Library, Part V  
Hospitalization Insurance Benefits for Permanent Employees, Part VI  
Housing Appeals Committee, Part II  
Housing, Off-Campus, Part VI  
Human Resources, Director of, Part VIII  
Human Subjects of Research, Principles and Policy for the Protection of, Part VII

## I

Improper Relationships Between Students and Faculty Policy, Appendix U  
Income Tax, Part VI  
Incompletes, Reporting Removal of, Part V  
Informal Faculty Grievance Procedure for Grievances Involving Sex  
Discrimination and Other Equal Employment Opportunity Complaints,  
Appendix J  
Information, Academic, Part V  
Information Systems Center, Computing and, Part V, Part VI  
Initial Appointment, of Faculty, Appendix C  
Initial Appointment with Permanent Tenure, Appendix D  
Initial Salary of Faculty, Appendix C  
Institute for Coastal and Marine Resources, Director of, Part VIII  
Institutional Advancement, Part VIII  
Institutional Advancement, Vice Chancellor for, Part VIII  
Institutional Research, Director of Planning and, Part VIII  
Institutional Services Available to Faculty, Part VI  
Instruction, Curriculum and, Academic Affairs School or Department, Part VIII,  
Part IX  
Instructor, Criteria for Appointment, Appendix C  
Insurance Group Plans, Part VI  
Insurance, Hospitalization, Part VI  
Insurance, Life, Part VI  
Intellectual Property, Part VII  
Interlibrary Loans, Part V  
International Programs, Director of, Part VIII  
International Student Affairs, Committee on, Part II  
Interpretation of Faculty Manual, Part I  
Introduction, Part I

## J

J. Y. Joyner Library, Part V

## **K**

Key Administrative Officers, Responsibilities of, Part VIII

Keys, Building, Part V

Keys, Office, Part V

## **L**

Leave, Vacation and Sick, Part VI

Leaves of Absence, Part VI

Libraries Committee, Appendix A

Library Delivery Service, Part V

Library, Friends of the ECU, Part V

Library, Health Sciences, Part V

Library, Hours, Part V

Library, Joyner, Part V

Library, Music, Part V

Life Insurance, Part VI

Load, Faculty, Part V

Loan Service, Interlibrary, Part V

## **M**

Mail Service, Campus and Post Office, Part VI

Maintenance and Operation of Buildings, Part V

Mandatory Enrollment in Group Life Program, Part VI

Manuscript Collection--Joyner Library, Part V

Manuscript Committee, Part II

Marine Resources, Director of the Institute for Coastal and Marine, Part VIII

Marshals, Faculty, Part V

Material Procedural Irregularity, Appendix D

Media and Teaching Resources--Joyner Library, Part V

Medical/Scientific Supplies, Part VI

Medicine, Dean of the School of, Part VIII, Part IX

Meetings of the Faculty Senate, Appendix A

Mendenhall Student Center, Part VI

Minority Student Affairs, Assistant Vice Chancellor and Director of, Part VIII

Minutes of the Faculty Senate, Appendix A

Mission Statement, Part II

Money, Collection of, Part VI

Motor Vehicle Registration, Part VIII

Music, Library, Part V

Music, School of, Part VIII, Part IX

## **N**

NC Public Employee Deferred Compensation Plan, Part VI

Nepotism, Part VI

New Courses, New Degree Programs, Course Revisions, Part V  
New Faculty, Orientation of, Part VI  
New Faculty, Selection and Appointment, Appendix C  
News and Communications Services, Director of, Part VIII  
New Student Orientation, Part VIII  
Non-Conferral of Permanent Tenure, Appendix D  
Non-Reappointment, Appendix D  
North Carolina Collection, Part V  
North Carolina, The University of, Part II, Part XI  
Notice of Intent to Engage in External Professional Activities for Pay, Part VI,  
Appendix F  
Nursing, Dean of the School of, Part VIII, Part IX

## **O**

Occupational Health and Safety Committee, Part II  
Off-Campus Housing Adviser, Part VI  
Office Holding, Political Candidacy and, Part VI  
Office Hours, Faculty, Part V  
Office of Cooperative Education, Part VIII  
Office of News and Communication, Part VIII  
Office of Sponsored Programs, Part VI  
Office of Sponsored Programs, Director of, Part VIII  
Office of Technology Transfer, Part VII, Part VIII  
Office of University Publications, Part VIII  
Officers, Faculty Senate Academic Committees, Appendix A  
Operation of Buildings, Maintenance and, Part V  
Operations, Faculty Senate Academic Committees, Appendix A  
Ordering Library Materials, Part V  
Ordering Textbooks and Collateral Materials, Part V  
Organization and Procedures, Part IV  
Organizational Charts for East Carolina University, Part IX  
Organization, Faculty, Appendix A  
Organization of the U. of N.C., Part II  
Orientation of New Faculty, Part VI  
Orientation Program, New Student, Part VIII  
Orientation of Courses, Part V

## **P**

Parking and Traffic Committee, Part II  
Parking, Faculty, Part VIII  
Parliamentarian of the Faculty, Appendix A  
Patent/Intellectual Property Committee, Part VII  
Patent and Copyright Procedures, Part VII  
Patient Care, Appendix C  
Peer Review, Appendix C  
Permanent Employees, Hospitalization Insurance Benefits for, Part VI

Permanent Tenure Procedures, Appendix D  
Personnel, Academic Affairs School or Department, Appendix D  
Personnel Action Dossier, Part XII and Appendix D  
Personnel Committee, Appendix D  
Personnel Policies and procedures for the Faculty of ECU, Part VI, Appendix C  
Personnel Policies and Procedures for the Faculty of East Carolina University, Appendix C  
Plagiarism, Part IV  
Planning and Institutional Research, Director of, Part VIII  
Police Department, Part VI  
Policy and Procedures on Ethics in Research & Creative Activities, Part IV  
Policy for the Cumulative Review of Permanently Tenured Faculty, Appendix B  
Political Candidacy and Office Holding, Part VI  
Posting Grades, Part V  
Post Office and Campus Mail Service, Part VI  
Pre-Med/Pre-Dent Advisory and Evaluation Committee, Part II  
President of the University of North Carolina, Part XI  
Primary Interview, Part IV  
Principles and Policy for the Protection of Human Subjects of Research, Part VII  
Privacy of Student Educational Records Policy, Part V  
Private Cars, Part VI  
Probationary Appointments, Appendix D  
Probationary Terms, Appendix D  
Procedure for Ordering Textbooks and Collateral Materials, Part V  
Professional Advancement of Faculty, Appendix C  
Professional Schools, Academic Affairs, Part VIII, Part IX  
Professor, Criteria for Appointment, Appendix C  
Programs, Director of Sponsored, Part VIII  
Progress Toward Tenure Letters, Appendix D  
Promotion, Part VI, Appendix D  
Promotion Committee, Appendix D  
Property, University, Part V  
Prospect and Resource Files, Part VII  
Public Safety, (Police Department), Part VI  
Public Safety, Director of, Part VIII  
Publications, Office of University, Part VIII  
Purpose and Objectives of East Carolina University, Part II

## **Q**

Quadrennial Unit Administrator Evaluation, Appendix L

## **R**

Racial and Ethnic Harassment Policy, Appendix W  
Racial and Ethnic Harassment, Grievance Procedure, Appendix X  
Radiation Safety, Part VI  
Radiation Safety Committee, Part II

Ranks, Faculty, Appendix C  
Readmission Appeals Committee, Appendix A  
Reappointment and Resignation, Part VI, Appendix D  
Recommendations for Personnel Actions, Appendix D  
Reconsideration Committee, Appendix A, Appendix D  
Records Center, University Archives and, Part V  
Recreational Services, Director of, Part VIII  
Recreational Services, Department of, Part VI  
Reduction of Normal Probationary Term, Appendix D  
Re-examinations, Part V  
Regional Development Institute, Director of the, Part VIII  
Registrar, Part V, Part VIII  
Registrar's Office, Reporting of Grades to, Part V  
Registrar's Office, Reporting of Removal of Incompletes to, Part V  
Registration, Motor Vehicle, Part VIII  
Related Persons, Employment of, Part VI  
Released Time, Appendix C  
Release of Directory Information, Part V  
Removal of Incompletes, Reporting of, Part V  
Rental Cars, Part V  
Reporting Change of Grade, Part V  
Reporting of Grades to Registrar's Office, Part V  
Reporting Removal of Incompletes, Part V  
Request for Authorization to Establish New Programs, Part V  
Request for Authorization to Plan New Programs, Part V  
Resale of Complimentary Textbooks, Part V  
Research/Creative Activity, Appendix C  
Research/Creative Activity Grants Committee, Appendix A  
Research/Creative Activity Policies Committee, Appendix A  
Research, Director of Planning and Institutional, Part VIII  
Research Information, Part VII  
Research, Vice Chancellor for, Part VIII  
Reservations Office, University Central, Part V  
Reserve Collection--Joyner Library, Part V  
Residence Life, Committee on, Part II  
Resident Education, Director of, Part VIII  
Resident Status Appeals Committee, Part II  
Resignation and Reappointment, Part VI, Appendix D  
Resource and Prospect Files, Part VII  
Responsibilities of Administrative Officers, Part VIII  
Retirement, Part VI  
Revenue Sharing, Part VII  
Review Committee on Human Research, Part II  
Roll Verification, Class, Part V

## **S**

Safety Committee, Occupational Health and, Part II  
 Safety, Director of Environmental Health and, Part VIII  
 Safety, Director of Public, Part VIII  
 Safety, Public, Part VI  
 Safety, Radiation, Part VI  
 Salary Increment, Appendix C  
 Salary Payments, Faculty, Part VI  
 Salary Policies, Part VI, Appendix C  
 Sanctions, Appendix D  
 Savings Bonds, US, Part VI  
 Scheduling of Fund-Raising Activities, Part VII  
 Scholars Weekend Committee, Part II  
 School of Allied Health Sciences, Part VIII, Part IX  
 School of Art, Part VIII, Part IX  
 School of Business, Part VIII, Part IX  
 School of Education, Part VIII, Part IX  
 School of Human Environmental Sciences, Part VIII, Part IX  
 School of Industry & Technology, Part VIII, Part IX  
 School of Medicine, Part VIII, Part IX  
 School of Music, Part VIII, Part IX  
 School of Nursing, Part VIII, Part IX  
 School of Social Work, Part VIII, Part IX  
 Schools and Departments, Academic Affairs, Part VIII, Part IX  
 Secretary of the Faculty, Appendix A  
 Selection and Election of Delegates to Faculty Assembly of The University of  
 North Carolina, Appendix A  
 Selection Procedures for New Faculty, Appendix C  
 Senate, Constitution of Faculty, Appendix A  
 Senate, Faculty, Appendix A  
 Senior Summary Sheet, Part V  
 Service Responsibilities of Faculty, Appendix C  
 Service, Telephone, Part VI  
 Services, Institutional, Available to Faculty, Part VI  
 Sex Discrimination and Other Equal Employment Opportunity Complaints,  
 Informal Faculty Grievance Procedure for  
     Grievances Involving, Appendix J  
 Sex Information, Education, and Counseling, Committee on, Part II  
 Sexual Harassment, Discrimination, and Conflicts of Interest Policy, Appendix V  
 Sexual Harassment, Grievance Procedure, Appendix X  
 Sick Leave and Vacation, Part VI  
 Smoking in Classrooms, Part V  
 Social Security, Part VI  
 Special Populations, Assistant Dean of Student Development and Director of,  
 Part VIII  
 Sponsored Programs, Director of, Part VIII  
 State Cars, Part VI

State Employees' Group Insurance Plans, Part VI  
State Policies Regarding Travel, Part VI  
Status of Minorities, Committee on, Part II  
Status of Women, Committee on, Part II  
Strategies for Distinction, Part II  
Student Activities, Assistant Vice Chancellor of and Director of University Unions,  
Part VIII  
Student Advising, Part V  
Student Advising and Retention Committee, Appendix A  
Student Attendance Regulations, Part V  
Student Center, Mendenhall, Part VI  
Student Conduct, Part V  
Student Development, Assistant Dean of, Part VIII  
Student Development and Director of Special Populations, Assistant Dean of,  
Part VIII  
Student Educational Records, Access to, Part V  
Student Educational Records Policy, Privacy of, Part V  
Student Financial Aid, Director of, Part VIII  
Student Health Service, Committee on, Part II  
Student Health Service, Director of, Part V, Part VIII  
Student Life, Part VIII  
Student Life, Vice Chancellor for, Part VIII  
Student Observation of Suspected Violation, Part IV  
Student Scholarships, Fellowships, and Financial Aid Committee, Appendix A  
Student Store, Part V  
Students, Dean of, Part VIII  
Study Carrels, Faculty, Part V  
Substance Abuse Policy, Part VI  
Summer School, Director of the Division of Continuing Education and, Part VIII  
Summer Session Salaries, Part VI  
Summer Session Teaching, Part V  
Supervising Tests, Part V  
Supplemental Retirement Income Plan of N.C. (401K), Part VI  
Supplies, Equipment, and Contractual Services, Part VI  
Survey of Student Opinion, Appendix C, Appendix D  
Suspension During Appendix Period of Intent to Discharge, Appendix D  
Swimming, Faculty, Part VI  
Systems Coordination, Director of, Part VIII

## **T**

Tax Deferred Annuity, Part VI  
Taxis and Limousines, Part VI  
Teacher Education, Director of, Part V  
Teaching Effectiveness Committee, Appendix A  
Teaching Grants Committee, Appendix A  
Teaching Responsibilities, Appendix C

Technology, Director of the Center for Applied, Part VIII  
Technology Transfer, Office of, Part VII, Part VII  
Telephone Service, Part VI  
Tenure, Part VI, Appendix D  
Tenure and Academic Freedom, UNC Code, Part XI  
Tenure Committee, Appendix D  
Tenure and Promotional Policies and Procedures, Appendix D  
Termination of Faculty Employment, Appendix D  
Tests and Examinations, Part V  
Tests, Supervising, Part V  
Textbooks, Ordering Collateral Materials and, Part V  
TIAA-CREF, Part VI  
Ticket Office, Central, Part VI  
Traffic Regulations, Part VIII  
Travel and Expense Allowances, Part VI  
Travel, State Policies Regarding, Part VI  
Trustees, Board of, Part VIII, Part XI  
TSERS, Part VI  
Tuition Privileges for Faculty, Free, Part VI

## U

UNC Cooperative (Library) Lending Agreement, Part V  
Undergraduate Studies, Dean, Part VIII  
Unemployment Compensation Benefits, Part VI  
Unethical Activities, Procedures for Reporting Investigations, and Determining Penalties for, Part VII  
Unit Administrator, Roles, Appendix D  
Unit Codes, Appendix C, Appendix L  
Unit Code Screening Committee, Appendix A  
Unit Administrators, Part VI, Part VIII, Appendix C, Appendix D  
Unit Personnel Committee, Appendix D  
University Archives and Records Center, Part V  
University Attorney, Part VIII  
University Award Committee, Part II  
University College, Part VIII  
University Curriculum Committee, Appendix A  
University Facilities Committee, Part II  
University Facilities Policy, Use of, Part V  
University of North Carolina Code, Part XI  
University of North Carolina, Organization and Administration, Part II  
University Policy, Part II  
University Property, Part V  
University Unions and Student Activities, Assistant Vice Chancellor and Director of, Part VIII  
US Savings Bonds, Part VI  
Used Books, Part V

**V**

Vacation and Sick Leave, Part VI  
Vehicle Registration, Part VIII  
Vice Chair of the Faculty, Appendix A  
Vice Chancellor for Academic Affairs, Part VIII  
Vice Chancellor for Business Affairs, Part VIII  
Vice Chancellor for Health Sciences, Part VIII  
Vice Chancellor for Institutional Advancement, Part VIII  
Vice Chancellor for Research, Part VIII  
Vice Chancellor for Student Life, Part VIII  
Vision, Mission, and Strategic Plan of ECU, Part II  
Voting Faculty Member, Appendix D, Appendix L

**W**

Weapons Policy, Part VI  
Welfare and Benefits, Part V  
Workers' Compensation, Part VI  
Writing Across the Curriculum Committee, Appendix A