



2018-2019 FACULTY SENATE

The fifth regular meeting of the 2018/2019 Faculty Senate will be held on **Tuesday, January 29, 2019**, at 2:10 pm in room 249 of the new main campus Student Center located on 10th street.

Please note change in meeting location.

AGENDA

[live recording](#)

- I. **Call to Order**
- II. **Approval of Minutes**
December 11, 2018
- III. **Special Order of the Day**
 - A. Roll Call
 - B. [Announcements](#)
 - C. Cecil Staton, Chancellor
Report on Faculty Employment, including a longitudinal profile of faculty tenure status and tenure status of permanent and temporary faculty (by unit).

(Please refer to the footnote for different selection criteria for each table and note that temporary faculty are included in these reports as required by IPEDS reporting criteria. The "Full and Part-Time Faculty by Unit and Tenure Status" does not identify faculty numbers by gender, due to expressed concerns with providing data that could potentially be personally identifiable.)

[Faculty FTE by Unit and Gender](#)
[Full and Part-Time Faculty by Unit and Tenure Status](#)
[Longitudinal Profile of Faculty Tenure Status and Percent Totals](#) (all units)
[Longitudinal Profile of Faculty Tenure Status](#) (excluding Medicine and Dental Medicine)
 - D. Ron Mitchelson, Provost and Vice Chancellor for Academic Affairs
 - E. Bill Koch, Associate Vice Chancellor with Campus Operations and Deb Garfi, Director of Parking Services
[Annual report](#) on Parking and Transportation Services and [2018 Parking Price Comparison](#)
 - F. Jeni Parker, Faculty Assembly Delegate
Report on [January 18, 2019](#) UNC Faculty Assembly Meeting
 - G. Jeff Popke, Chair of the Faculty
[UNC Board of Governors Committees on Budget and Finance and Public Affairs](#) and UNC Faculty Assembly Proposal for a [Faculty Competitive Compensation Fund](#)
 - H. Question Period

IV. Unfinished Business

V. Report of Graduate Council

Graduate Council, Ron Preston

Formal faculty advice on curriculum and academic matters acted on and recorded in the [January 14, 2019](#), Graduate Council meeting minutes, including programmatic action items (GC 19-1) within the [November 14, 2018](#) and [December 5, 2018](#) Graduate Curriculum Committee meeting minutes which were forwarded to the Educational Policies and Planning Committee (EPPC), these included a proposal of a new certificate: Medical Family Therapy in the Department of Human Development and Family Science, a revision of an existing program: Recreation Services and Interventions in the Department of Recreation and Leisure Studies within the College of Health and Human Performance; a revision of an existing program: Coastal Resources Management (PhD) in the Department of Coastal Studies within the Integrated Coastal Programs.

VI. Report of Committees

A. Admission and Retention Policies Committee, Jay Newhard
Proposed ECU Credit/Contact Hour Guidelines (attachment 1).

B. Undergraduate Curriculum Committee, Jean Luc Scemama
Curriculum and academic matters acted on and recorded in the meeting minutes of [November 29, 2018](#) including curricular actions within the College of Engineering and Technology, Department of Human Development and Family Science and Department of Mathematics; [December 13, 2018](#) including curricular actions within the Colleges of Nursing, Education, and Allied Health Sciences, Departments of Recreation and Leisure Studies and Human Development and Family Science, and Schools of Social Work, Music; [January 10, 2019](#) including curricular actions within the Colleges of Education, Business, Engineering and Technology and Department of Human Development and Family Science.

C. Unit Code Screening Committee, Cheryl Johnson
Revised [College of Allied Health Sciences Unit Code of Operations and Departmental Promotion, Tenure, and Advancement Guidelines](#).

D. University Budget Committee, Peter Francia
Report on New Summer 2019 Faculty Teaching Compensation (attachment 2).

E. Committee on Committees, Gregory Lapicki *revised*
Election of one Delegate and two Alternates to the UNC Faculty Assembly (attachment 3).

F. Faculty Governance Committee, John Stiller

1. Proposed revisions to the Department Chair Survey (attachment 4).
2. Proposed revisions to the *ECU Faculty Manual*, Part IV, Section II.IV Minimum Unit Code Requirements (attachment 5).
3. Proposed addition to the *ECU Faculty Manual*, Part VI, Section VII. Curriculum Procedures and Academic Program Development (attachment 6).
4. Proposed revisions to the *ECU Faculty Manual*, Part VIII, Section I.III Annual Evaluation, subsection 1. Teaching (attachment 7).
5. Proposed revisions to the *ECU Faculty Manual*, relating to the Faculty Appellate Structure including:
 - a. Part II, Section II. Faculty Constitution and By-Laws (revisions to By-Laws only)

(attachment 8)

b. Part XII, Section I. General Appellate Procedures and Reviews of Non-Reappointment, Non-Conferral of Tenure at the End of the Probationary Period, Discharge or Imposition of Serious Sanctions, and Termination Based on Institutional Considerations

(attachment 9)

c. Part XII, Section II. General Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure (attachment 10).

G. Educational Policies and Planning Committee, Mark Bowler

Curriculum and academic matters acted on and recorded in the [January 11, 2019](#) meeting minutes including request for program reduction in program hours in BS in Clinical Laboratory Science within the Department of Clinical Laboratory Science in the College of Allied Health Sciences, request for program reduction in program hours in BS in Health Information Management within the Department of Health Services and Information Management in the College of Allied Health Sciences, request for program reduction in program hours in BS in Health Services Management within the Department of Health Services and Information Management in the College of Allied Health Sciences, request for program reduction in program hours in BS in Recreational Therapy within the Department of Recreation and Leisure Studies in the College of Health and Human Performance, request for program reduction in program hours in BS in Information and Computer Technology within the Department of Technology Systems in the College of Engineering and Technology and an Academic Program Review Response for the Department of Recreation and Leisure Studies in the College of Health and Human Performance.

H. Writing Across the Curriculum, Jen-Scott Mobley

Curriculum and academic matters acted on and recorded in the [December 10, 2018](#) meeting minutes including banking COMM 2210 and COMM 3322 and course renumbering and prerequisite changes for ENGL 2830, ENGL 3885 and ENGL 3875 and in the [January 14, 2019](#) meeting minutes including writing intensive course designation (WI) for GEOG 3010, catalog copy revision notification for COMM 2500, and the removal of WI course designation for MIDG 5993 and SOCW 4990.

In addition, during the [January 14, 2019](#) meeting, the Committee compiled a report listing all of the following WI removal requests: HIST 3810 - History of Africa, HIST 3820 - History of South Africa, HIST 3830 - Africa and Islam, HIST 1030 - World Civilizations to 1500, HIST 1031 - World Civilizations Since 1500, HIST 1050 - American History to 1877, HIST 1051 - American History Since 1877, HIST 1551 - Honors, American History Since 1877, HIST 2012 - American Business History, HIST 3005 - Selected Topics in History, HIST 3200 - Diplomatic History of the United States, HIST 3210 - Colonial America to 1763, HIST 3215 - American Revolution and the Federal Era, 1763-1800, HIST 3230 - The Birth of Modern America, 1865-1892, HIST 3240 - The Age of Franklin Roosevelt, 1919-1945, HIST 3245 - The United States Since 1945, HIST 3670 - History of the Middle East Since 1500, HIST 3710 - Introduction to Latin-American History: Colonial Period, HIST 3711 - Introduction to Latin-American History: Since 1808, HIST 3780 - Mexico and Central America, HIST 5005 - Selected Topics, HIST 5130 - Comparative History of New World Slavery and Race Relations, HIST 5135 - Problems in North Carolina History, HIST 5141 - The South Since 1877, HIST 5300 - Comparative History of Non-Western Civilizations, HIST 5660 - Imperialism in Theory and Practice, 1800 to the Present, HIST 5765 - Latin America, 1492 to the Present, MATH 3263 - Introduction to Modern Algebra, MATH 5031 - Applied Statistical Analysis, PHIL 1110 - Introduction to Philosophy, PHIL 1175 - Introduction to Ethics, PHIL 1176 - Introduction to Social and Political Philosophy, PHIL 1180 -

Introduction to Critical Reasoning, PHIL 1275 - Contemporary Moral Problems, PHIL 2271 - Introduction to Philosophy of Art, PHIL 2274 - Business Ethics, PHIL 2275 - Professional Ethics, PHIL 2282 - Philosophy of Law, PHIL 2455 - Introduction to Africana Philosophy, PSYC 3206 - Developmental Psychology, PSYC 5250 - Topics in Psychology, RELI 3691 - Islam in the Modern World.

- I. General Education and Instructional Effectiveness Committee, Puri Martinez *Revised*
1. Curriculum and academic matters acted on and recorded in the [January 14, 2019](#) meeting minutes including General Education Natural Science Designation (GEN: SC) for GEOG 1250 The Water Planet and GEOG 1251 Water in the Environment Lab; General Education Humanities Designation (GEN: HUM) for ENGL 2470 Topics in Popular Literature, ENGL 2480 Science Fiction, ENGL 2630 Bible as Literature; General Education Social Sciences Designation (GEN: SO) and Domestic Diversity Designation (DD) for ANTH 2250 Race and Ethnic Relations: Discovering New Solutions; Domestic Diversity designation (DD) for SOCI 1010 Introduction to Sociology from the College of Southern Maryland and Global Diversity Designation (GD) for ENGL 2403 English Literature from Kean University; removal of General Education Social Sciences Designation (GEN: SO) for COMM 3152 Interpersonal Communications, COMM 3172 Media Effects and COMM 3390 International News. In addition, the following reports were discussed in the meeting and provided to the Faculty Senate for information only: General Education Assessment [Written Communication Report](#), General Education Assessment [2016-2017 Mathematics Report](#) and [Mathematics Action Plan](#).
2. Reports for information only including:
 - a. Process Steps for Curricular Actions (attachment 11).
 - b. Deadlines for Inclusion of Curricular Actions in Next Academic Year *University Catalog* (attachment 12).
 - c. Rubrics for Evaluation of Requests for General Education:
 1. [Domestic Diversity Designation](#)
 2. [Global Diversity Designation](#)
 3. [Health Promotion Designation](#)
 4. [Humanities Designation](#)
 5. [Mathematics Designation](#)
 6. [Natural Science Designation](#)
 7. [Social Sciences Designation](#)

VII. New Business

ADMISSION AND RETENTION POLICIES COMMITTEE REPORT
Proposed ECU Credit/Contact Hour Guidelines

ECU adheres to institutional definition of credit hour as outlined in [REG02.07.01](#), the federal definition of a credit hour, as well as [UNC Policy Manual 400.1.6](#), and the Carnegie unit for contact time. This regulation applies to all courses at all levels that award academic credit (i.e. any course that appears on an official transcript issued by the university) regardless of the mode of delivery or site of instruction, including but not limited to self-paced, online, blended/hybrid, lecture, seminar, studio, laboratory, independent studies, internship, practicum, and experiential learning activities.

One **credit hour** is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:

2.1 One hour of classroom or direct faculty instruction and a minimum of two hours out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time, or

2.2 At least an equivalent amount of work as required outlined in item 2.1 above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours. (Federal Regulation [34 CFR 668.8](#), July 1, 2011)

In fully online, hybrid and other courses where direct instruction is not the primary instructional method of delivery, an equivalent amount of work inside and/or outside of an online learning management system is required, which includes but not limited to readings, recorded lectures, tutorials, interactive activities, virtual labs, online testing, discussion boards, virtual project groups, essays, etc. Time expectations for students in online and hybrid courses are consistent with traditional classes when time committed to readings and videos, participation in shared discussions or group work, and time working independently on course-related activities and assignments are equivalent. Credits hours assigned to a course where direct instruction is not the primary mode of learning must equal the number of credit hours that would be assigned to that course were direct instruction the primary mode of learning. Regardless of the format of course content delivery, course workload expectations must align with the stated learning outcomes for students. This basic measure may be adjusted proportionately to reflect modified academic calendars and formats of study.

Definition of Credit and Contact Hours

Credit Hour: A unit of measure representing the time and activity required for one semester hour of credit.

Contact Hour: A unit of measure consisting of 50 minutes of either scheduled faculty instruction given to the student or student self-directed activity.

Relationship of Pedagogical Forms to Instructional Format

Pedagogical forms are the learning activities that support the unit of content. Different instructional formats utilize different combinations of pedagogical forms, such as direct faculty instruction; faculty directed experiential work; self-directed experiential work; supervised group activity; and outside of class student preparation. Some instructional formats require little to no student preparation, while others require an average of 2 hours of student preparation for each contact hour of faculty instruction.

In adhering to the [Federal Student Aid Handbook](#) definition of a credit hour, the amount of academic work assigned through different pedagogical forms that goes into a single semester credit hour is often calculated as follows:

- One lecture (taught) or seminar (discussion) credit hour represents 1 hour per week of scheduled class/seminar time and 2 hours of student preparation time. Most lecture and seminar courses are awarded 3 credit hours. Over an entire semester, this formula represents at least 45 hours of class time and 90 hours of student preparation.
- Other academic activities (supervised clinical rounds, visual or performing art studio, supervised student teaching, field work, etc.) one credit hour represents 3-4 hours per week of supervised and /or independent practice. This in turn represents between 45 and 60 hours of work per semester. Blocks of 3 contact hours, which equate to a studio or practice course, represent between 135 and 180 total hours of academic work per semester.

Application of Credit Hour Policy to Instructional Format¹

Clinical

A course that requires medical- or healthcare-focused experiential work where students test, observe, experiment, or practice a field or discipline in a hands-on or simulated environment.

Clinical experience credit hours are assigned based on 40 contact hours, or one week, per credit hour or otherwise determined by programmatic accreditors.

Colloquia

A course that requires students to participate in an unstructured or informal meeting for the exchange of views on a specific topic with an expert or qualified representative of the field or discipline.

Credit hours associated with this type of instruction will be assigned credit depending upon the amount of activity undertaken, faculty supervision, the student's outside activity and determination of programmatic accreditors, when applicable.

Individual Study

A course that requires students to participate in individualized, independent, directed, or guided studies under the supervision of an expert or qualified representative of the field or discipline that cannot be otherwise classified as internship, field experience, cooperative education, practicum, recital, performance, or ensemble.

Credit hours associated with this type of instruction will be assigned credit depending upon the amount of activity undertaken, faculty supervision, and the student's outside activity.

Internship/Field Experience/Cooperative Education

A course that requires students to participate in a partnership, professional employment, work experience, or cooperative education with an entity external to the institution, generally under the supervision of an employee of the given external entity.

A minimum of 45 contact hours per semester = 1 credit or as otherwise determined by programmatic accreditors.

Laboratory

A course that requires scientific- or research-focused experiential work where students test, observe, experiment, or practice a field or discipline in a hands-on environment, typically held in spaces containing special purpose equipment or a specific space configuration for student participation, experimentation, observation, or practice in an academic discipline.

Faculty-directed and/or laboratory courses with outside preparation assigned require a total of 2 contact hours per week of combined faculty instruction, experiential/laboratory work, and student preparation for 15 weeks for each credit hour.

Self-directed laboratory courses require a total of 3 contact hours per week of combined faculty supervision, experiential/laboratory work, and student preparation for 15 weeks for each credit hour.

Lecture

A course that requires the extended expression of thought supported by generally-accepted principles or theorems of a field or discipline led by an expert or qualified representative of the field or discipline.

One credit requires one contact hour of faculty instruction and a minimum of two contact hours Student preparation each week for 15 weeks.

Lecture & Lab

A course that requires the combined attributes of a lecture course and a lab course. Credit hours should be an aggregate of the credit hours for lecture and lab based on the existing lecture and lab credit hour guidelines.

Physical Activity

A course that requires students to participate in physical training, physical conditioning, or other physical exercise activities, sports, or games.

Faculty-directed and/or physical activity courses with student preparation assigned require a total of 2 contact hours per week of combined faculty instruction, experiential/laboratory work, and student preparation for 15 weeks for each credit hour.

Self-directed physical activity courses require a total of 3 contact hours per week of combined faculty supervision, experiential/laboratory work, and student preparation for 15 for each credit hour.

Practicum

A course that requires students to participate in an approved project or proposal that practically applies previously studied theory of the field or discipline under the supervision of an expert or qualified representative of the field or discipline.

A minimum of 45 contact hours per semester = 1 credit hour or as otherwise determined by programmatic accreditors.

Recitation

A course that requires the extended expression of thought supported by generally-accepted principals or theorems of a field or discipline led by a teaching assistant or instructor under the guidance of a permanent faculty member, which often supplements or expands upon the content of a related or co-requisite course.

One credit requires one contact hour of faculty instruction and a minimum of two contact hours student preparation each week for 15 weeks.

Recital/Performance/Ensemble

A course that requires recital-, performance-, or ensemble-focused experiential work, including individual lessons, where students practice or rehearse and ultimately perform works of music, dance, or theatre for a jury or audience.

A course that requires no fewer than 2 contact hours per week of combined faculty instruction, supervision, experiential/studio work, and student preparation for 15 weeks for each credit hour.

Seminar

A course that requires students to participate in structured conversation or debate focused on assigned readings, current or historical events, or shared experiences led by an expert or qualified representative of the field or discipline.

One credit requires one contact hour of faculty instruction and a minimum of two contact hours student preparation each week for 15 weeks per credit hour.

Studio

A course that requires visual- or aesthetic-focused experiential work where students test, observe, experiment, or practice a field or discipline in a hands-on environment.

For studio coursework, 1 semester hour represents 2 contact hours of in-class time and one hour of work outside of class for each credit hour.

Student Teaching

A course that requires students to instruct or teach at an entity external to the institution, generally as part of the culminating curriculum of a teacher education or certification program.

A minimum of 45 contact hours per semester = 1 credit hour or as otherwise determined by programmatic accreditors.

Study Abroad

A course that includes a short-term, faculty-led study abroad experience.

Credit hours vary by the duration of overseas experience as well as the amount of pre-trip and post-trip academic work. A minimum of 45 contact hours per semester = 1 credit as outlined on the Study Abroad Contact Hour Worksheet.

Dissertation/Thesis

A course that includes individual research towards a project completed as part of a postgraduate degree.

Credit hours associated with this type of instruction will depend upon the amount of activity undertaken, faculty supervision, and the student's outside activity.

¹ Note: An hour of instruction/student work is defined as 50 minutes.

Faculty Senate Agenda
January 29, 2019
Attachment 2.

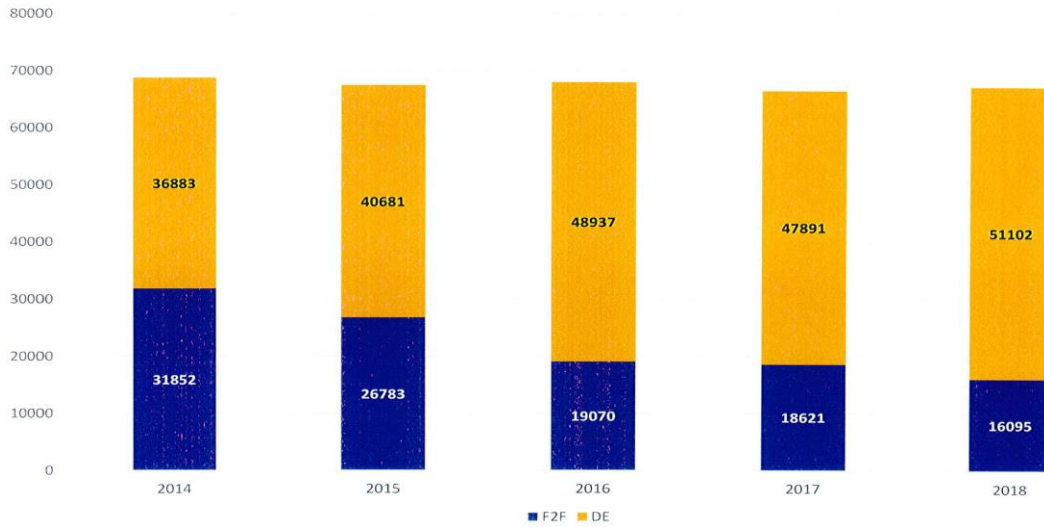
UNIVERSITY BUDGET COMMITTEE REPORT
Report on New Summer 2019 Faculty Teaching Compensation

In Summer 2018 the university began to prorate faculty compensation for faculty teaching summer school face-to-face (F2F) and DE courses based on individual class enrollment. It was based on state policy requiring F2F summer school be self-funded, declining F2F summer enrollments, and lack of consistency since some colleges were already using the prorated system, but not in a consistent manner across the Academic Affairs Division. Faculty with under-enrolled summer classes were given the opportunity to teach the class but be paid proportionately less than the long-established rate of 8.33% of their salary per course. The prorated system was applied universally across the Academic Affairs Division. Savings from the prorated compensation model were used for strategic projects including global classrooms, new greenhouse, and Building 43 adaptive issues.

Some were unhappy about the change believing that it devalued faculty and framed their teaching activity as piece-work. As a result, in June 2018 the former Chair of the Faculty charged the University Budget Committee (UBC) to work with the Provost to address the issue and propose advice. The UBC met with the Provost and Assistant Vice-Chancellor for Personnel and Resource Administration in November. The history of DE and F2F summer enrollment, funding methods, and the upcoming university goal for all summer courses, regardless of delivery method, to be funded equally by state appropriations were discussed. It was noted that if summer classes become a normal budgeted activity, ECU needs to make sure it is efficient with the courses being offered for summer. Fortunately, the number of under-enrolled summer classes has already been reduced in Academic Affairs by 40% over the past four years.

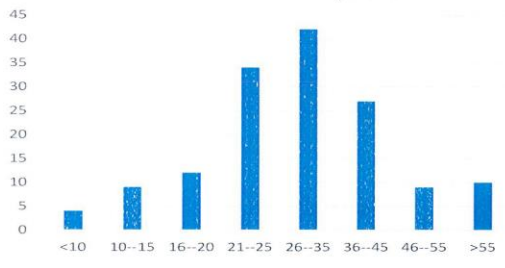
In response to expressed faculty concerns, University officials do not want to return to the prorated pay system for summer classes. Faculty who teach summer classes in Summer 2019 will receive their full summer pay, but those classes will be offered only if they meet minimum enrollment thresholds. Lower level undergraduate courses must have 20 students; upper level undergraduate courses must have 15 students; Master's level courses must have 10 students; and doctoral level courses must have 5 students to be offered. Exceptions to these minimums will be considered, for instance, if several students need a certain summer course to graduate. There was support among the UBC faculty members for eliminating prorated compensation and establishing a standardized, university-wide summer compensation model that recognized the requirement of class-size thresholds, importance of course management, and allowance for exceptions when necessary.

ECU Summer Enrollment

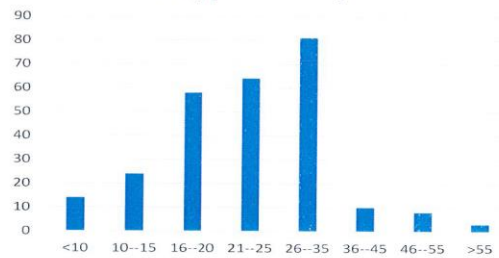


Includes I, II, and 11 week terms. All DE sections are funded as part of FY budget and include state appropriation.

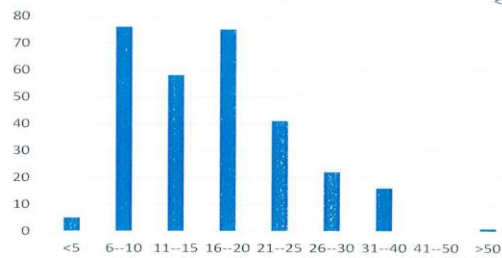
UG: Lower Division, 2017

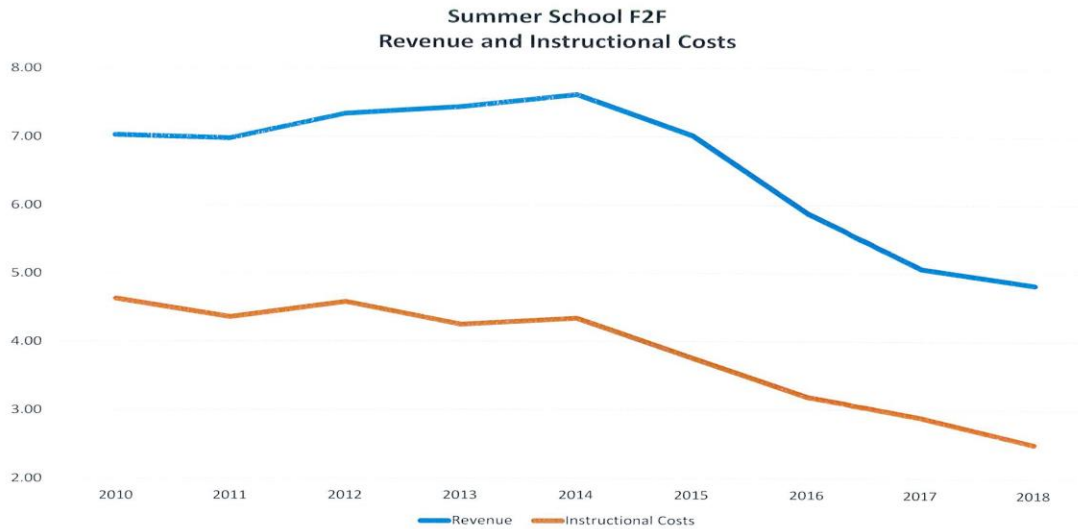


UG: Upper Division, 2017



Graduate, 2017





**Faculty Senate Agenda
January 29, 2019
Attachment 3.**

Revised

COMMITTEE ON COMMITTEES REPORT

Election of One Delegate and Two Alternates to the UNC Faculty Assembly

**Nominee for one Delegate Seat:
Ralph Scott, Academic Library Services**

**Nominees for two Alternate Seats:
Catherine Rigsby, Geological Sciences
Anne Ticknor, Education**

CURRENT UNC FACULTY ASSEMBLY DELEGATION

<i>Delegates</i>	<i>Academic Unit</i>	<i>Term</i>	<i>Office Location</i>	<i>Tele #</i>
Jeff Popke Chair of the Faculty terms begin and end with term in office.	Chair of the Faculty Geography, Planning and Environment	2019	Brewster A-222	328-6087

Anne Ticknor	Education	2019	Speight 209	328-6400
Cynthia Deale	Hospitality Leadership	2020	Rivers 313	737-4195
George Bailey	Philosophy and Religious Studies	2020	Brewster A-330	328-6121
Jeni Parker	Theatre and Dance	2021	Messick 107	328-1212
Alternates	Academic Unit	Term	Office Location	Tele #
Ralph Scott	Academic Library Services	2019	Joyner 4106	328-0265
Catherine Rigsby	Geological Sciences	2019	Graham 101	328-4297
Josie Bowman	Nursing	2020	Health Sciences 3128	744-6412
Richard Baltaro	Medicine	2020	Brody 7S-10	744-8735
Cody Chullen	Business	2021	Bate	737-4608

**Faculty Senate Agenda
January 29, 2019
Attachment 4.**

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed revisions to the Department Chair Survey – Spring 2019

You are evaluating: _____

For each section, please indicate your level of agreement with each statement with reference to your chair's performance.

Leadership

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The department chair actively listens and responds constructively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The department chair builds consensus in the department.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair serves as an effective advocate for the department.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair communicates priorities, policies, and administrative procedures effectively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair is open and transparent.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Departmental Climate

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The department chair promotes collaboration and collegiality.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair promotes diversity and inclusiveness among students, faculty and staff.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Teaching, Research/Creative Activity, and Service

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The department chair promotes excellence in teaching.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair promotes excellence in research/creative activities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The department chair promotes excellence in patient care.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair promotes and values service contributions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair promotes student success.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Administration and Management

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The department chair facilitates the recruitment and retention of qualified faculty.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair recruits, retains and manages staff effectively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair manages departmental resources effectively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Personnel Development

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The chair supports faculty and staff professional development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The department chair assigns faculty workloads fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair evaluates faculty performance fairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Assessment

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
The department chair includes faculty in planning and goal setting.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The department chair effectively engages faculty in program assessment and curriculum development.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Overall

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Don't Know/Unable to Evaluate
Overall, the department chair has been effective.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

What are the chair's main strengths?

What are the chair's main weaknesses?

What issues should the chair focus on next year?

Faculty Senate Agenda
January 29, 2019
Attachment 5.

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed revisions to the *ECU Faculty Manual*,
Part IV, Section II.IV Minimum Unit Code Requirements

(Additions are noted in **bold** print and deletions in ~~strikethrough~~)

“IV. Minimal Unit Code Requirements

To provide consistency, unit codes should be developed following an approved outline that includes at least:

1. a preamble
2. definitions of the unit's faculty, its criteria for serving as a voting faculty member of the unit, and, where appropriate, its approved criteria for appointment to the graduate faculty
3. criteria for emeritus status in the unit
4. the administrative organization of the unit
5. the membership, terms, and duties of standing committees
- 6. responsibility for program coordination and curriculum oversight**
- ~~67.~~ current, updated, and approved guidelines, criteria, and weights governing the evaluation of tenured, and tenure-track faculty members annually and otherwise for all personnel actions, including recommendations for raises, merit awards, reappointment, promotion and the award of permanent tenure (ECU Faculty Manual, Parts VIII and IX).
- ~~78.~~ guidelines, criteria, and weights governing the evaluation of fixed-term faculty members annually and otherwise for all personnel actions, including new or subsequent appointments, performance evaluations and advancement in title
- ~~89.~~ standards for post-tenure review
- ~~910.~~ procedures for meetings within the unit
- ~~110.~~ procedures for the unit's voting faculty members to indicate in a timely fashion and by vote their approval or disapproval of the unit's major planning documents, assessment documents, Guidelines for Unit Academic Program Review, and other major reports prior to their submission in final form to person(s) outside the unit
- ~~124.~~ procedures for discussing with its unit administrator the unit's annual budget request and annual report
- ~~132.~~ amendment procedures.”

Faculty Senate Agenda
January 29, 2019
Attachment 6.

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed addition to the *ECU Faculty Manual*,
Part VI, Section VII. Curriculum Procedures and Academic Program Development

(Additions are noted in **bold** print and deletions in ~~strikethrough~~)

Setting the General Expectation

ECU Faculty Manual, Part II, Section II.A states the following regarding graduate programs: *Each Graduate Program and Graduate Certificate will have a designated Graduate Program Director or Coordinator who must be a Graduate or Associate Graduate Faculty member,*

approved by the unit chair and college dean and qualified to lead development and review of the program's curriculum.

To make this a more general expectation, we propose to add the following language below to Part VI, Section VII:

A. Definitions

1. 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 specified level of instruction. All degree programs are categorized individually in the University's academic program inventory (API) at the six-digit CIP code level, with a unique UNC-SO identifying code, and teacher licensure area, if applicable. As a rule, a degree program requires coursework in the discipline specialty of at least 27 semester hours at the undergraduate level and 21 semester hours at the doctoral level. A master's level program requires that at least one-half of the total hours be in the program area. Anything less than this within an existing degree program should be designated a concentration. Degree programs require final approval by UNC-SO and the UNC Board of Governors (BOG). Minors and concentrations receive final approval at the campus level. (Paraphrased from Academic Program Guidance, UNC System Office, 1/25/16. Accessed at http://www.northcarolina.edu/sites/default/files/documents/academicprogramdevelopment_guidan ce_january25.2016v1.pdf, 2/23/18.)

2. Certificates

A certificate program provides an organized program of study that leads to the awarding of a certificate rather than a degree. ECU offers certificate programs at a minimum of 9 credit hours at the pre-baccalaureate, post-baccalaureate, post-master's, and post-doctoral levels. Once a certificate is approved, it must be submitted to the U.S. Department of Education to determine if the program is eligible for participation in Title IV (financial aid) programs, as appropriate.

3. Teacher Licensure Areas (TLAs)

These are specific course clusters that meet licensure requirements of the State Board of Education but do not lead to the conferral of a particular degree or certificate. These may be at either entry level or advanced level of teacher licensure. When an institution receives authorization from the State Board of Education to offer a TLA, UNC-SO must be notified. A current inventory of teacher licensure programs approved by the State Board of Education is available on the North Carolina Department of Public Instruction Website.

B. Program Coordination

Each degree program and certificate will have a designated Program Director or Coordinator who must be approved by the unit chair (or, in the case of interdisciplinary programs, appointed by the college dean) and qualified to lead development and review of the program's curriculum.

C. B. Levels of Delegated Authority for Course and Program Approval Process Level I Course and Program Changes: Delegated authority to the Undergraduate and Graduate Curriculum Committees. Level I are course and program changes that require campus approval by the department, college/school, and university Undergraduate Curriculum or Graduate Curriculum Committees. The Graduate Council delegates authority for these actions to the Graduate Curriculum Committee."

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed revisions to the *ECU Faculty Manual*,
Part VIII, Section I.III Annual Evaluation, 1. Teaching

Replace the following text in the *ECU Faculty Manual*, Part VIII Section I.III Annual Evaluation, 1. Teaching with new text that follows in **bold** print.

~~1. Teaching~~

~~Teaching is the primary function of the university. Teaching may include classroom and laboratory instruction, student advising, mentoring student research, and other pedagogical activities. Teaching must be evaluated using multiple methods selected from the list below:~~

- ~~a. review by the unit administrator and/or peers of course materials such as syllabi, reading lists, teaching outlines, audiovisual materials, student manuals, student assignments and examinations, and/or other materials prepared for or relevant to teaching.~~
- ~~b. samples of student work on assignments, projects, papers, juries or other examples of student achievement.~~
- ~~c. formal methods of peer review, detailed in Faculty Senate resolution [#17-61](#). The peer review instrument for face-to-face courses is provided in Faculty Senate resolution [#16-60](#). The peer review instrument for on-line courses is provided in Faculty Senate resolution [#11-53](#).~~
- ~~d. direct observation of teaching by the unit administrator.~~
- ~~e. review of data from the Student Perception of Teaching Survey (SOIS). The data from SOIS is qualitative data and is not designed to serve the purpose of a measurement instrument. Therefore, SOIS data may not be converted into a numerical score to be used in faculty evaluation.~~
- ~~f. other procedures provided for in unit codes. (FS Resolution #12-76, July 2012)~~

Teaching

Teaching is the primary function of the university. Teaching includes instruction in the classroom, laboratory, clinic, studio, or other setting, online instruction, other forms of distance education, study abroad, service learning, student advising, mentoring student research, and other pedagogical activities.

Teaching shall be evaluated using information from multiple sources documenting accomplishments during the period under review, including those that follow below, where applicable in a given discipline or academic unit. Additional discipline-specific provisions may be found in the unit code (FS Resolution #12-76, July 2012).

Instruction

A. Instructional Materials

- 1. Syllabus, including the course description, student learning outcomes, and course requirements.**
- 2. Student assignments, examinations, and other materials relevant to teaching.**
- 3. New or revised course materials.**
- 4. Examples of student work, such as tests, exams, quizzes, assignments, projects,**

papers, juries, or other examples of student achievement.

5. Grade distributions.
6. Evidence of pedagogical innovations in response to feedback and/or to promote student success.

B. Student, Peer and Unit Administrator Review

1. The results of formal peer review, as detailed in Faculty Senate resolution #17-61, where required.
2. Direct observation of teaching (face-to-face or online) by the unit administrator.
3. University-approved student evaluations of the course and instructor.
4. Results of assessment of student achievement submitted by the faculty member or as otherwise enabled by the unit code

Workload

1. Courses taught and number of students taught.
2. Numbers of undergraduate, master's, doctoral, post-doctoral students, and students supervised in the clinic.
3. Number of master's theses and doctoral dissertations directed.
4. Number of memberships on doctoral dissertation and master's and honors research committees.
5. Number of honors research projects and theses supervised.
6. Number of honors courses taught.
7. Number of undergraduate research projects, directed readings, and independent studies supervised.

Impact of scholarly activity on improving the quality of instruction at ECU or elsewhere

1. Awards and honors recognizing excellence in teaching.
2. Grants to support instructional activities and programs; if the activities are collaborative, the faculty member's distinctive contribution must be defined.
3. Recognition by professional organizations for leadership in educational endeavors.
4. Teaching workshops conducted.
5. Publication of scholarly articles addressing pedagogy (if not classified as Scholarship in the candidate's unit or discipline).
6. State, regional or national leadership roles related to education.
7. Invitations from other institutions to serve as an education consultant.
8. Continuing education courses taught.
9. Evidence of leadership and scholarly engagement in the development of pedagogy.
10. Scholarly reputations of journals and publishers of teaching publications.
11. Evidence that contributions to teaching are being adopted or are affecting teaching.
12. Evidence of impact on the professional careers of others (e.g., former students, junior faculty, colleagues).

Student complaints may not be used to evaluate a faculty member unless they have been addressed under the provisions of Faculty Manual, Part IV, Section III, which defines faculty members' due process rights."

Faculty Senate Agenda
January 29, 2019
Attachment 8.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual* Part II. East Carolina University Organization and Shared Governance, Section II. Faculty Constitution and By-Laws, subsection By-Laws of the Faculty of East Carolina University

Key proposed revisions to the ECU Faculty Appellate Structure are linked [here](#).

Detailed [here](#) are the proposed revisions and provided below is the clean copy.

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.

IV. Appellate Committees

Appellate Committee members must be permanently tenured, voting faculty holding no administrative title (*ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures*). The process for election of faculty to the Appellate Committee, which serves as a pool for populating hearing panels (see *ECU Faculty Manual Part XII, Faculty Grievance Policies and Procedures*) will be as follows:

1. Each year in January, the Committee on Committees will solicit volunteers to serve on the Appellate Committee. Responses are due in the Faculty Senate office in February.
2. The Committee on Committees will review all responses 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 spring Faculty Senate Organizational meeting. Election will be by a majority of Senators present and voting. This by-law may be suspended in accordance with procedures specified in *Robert's Rules of Order, Newly Revised*.
3. A total of 30 faculty will comprise the Appellate Committee, all serving three year terms that are staggered with 10 members elected annually. Individual faculty members are eligible to serve two consecutive three-year terms, which may extend to the beginning of the fall semester in the final year of a term. Faculty will be ineligible to serve again for one academic year after conclusion of a second consecutive term.
4. When vacancies occur in the Appellate Committee between annual elections, the Faculty Senate will elect additional faculty members to the committee through nominations initiated by the Committee on Committees.
5. Faculty who have been involved as either a grievant or respondent in an appellate hearing cannot serve on the Appellate Committee for the period of one three-year term from the date of the final decision on that appeal. A Committee member who becomes a grievant or respondent while serving will be replaced by the usual procedure for vacancies between annual elections.
6. An Appellate Committee member who becomes a Grievant or Respondent while serving will be replaced following the usual procedure.
7. Members of the Faculty Governance Committee cannot be elected concurrently to the Appellate Committee.

V. Faculty Senate, Academic and Administrative Committees, Membership, and Structure Membership

Membership of Faculty Senate Committees and Academic Committees shall consist of faculty members in at least their second consecutive year of full-time employment at East Carolina University. A majority of the members of all committees must be tenured or tenure-track faculty members, and in no case shall more than two elected members of each committee be fixed term faculty members. The Chancellor and the Chair of the Faculty are ex-officio members of all committees. (Faculty Senate Resolution #14-88)

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 a 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 not eligible to serve as an elected regular member on more than one standing university academic committee at a time. 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 academic 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 that 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), one Appellate Committee that serves as a pool for hearing panels for four different appeal processes (Due Process, Faculty Grievance, Hearing, and Reconsideration), and 20 academic committees as follows:

- Academic Awards Committee
- Admission and Retention Policies Committee
- Calendar Committee
- Distance Education and Learning Technology Committee
- Educational Policies and Planning Committee
- Faculty Governance Committee
- Faculty Welfare Committee
- General Education and Instructional Effectiveness Committee
- Libraries Committee
- Research/Creative Activities Committee
- Service-Learning Committee
- Student Academic Appellate Committee
- Student Scholarships, Fellowships, and Financial Aid Committee
- Teaching Grants Committee
- Undergraduate Curriculum Committee

Unit Code Screening Committee
University Athletics Committee
University Budget Committee
University Environment Committee
Writing Across the Curriculum Committee

As the need arises, additional committees are created, by the Committee on Committees, to assist in the academic policy-making process.

VI. Graduate Council

The Chair of the Faculty or his/her designee shall serve as an ex-officio member. The duties and responsibilities of the Graduate Council are described in the *ECU Faculty Manual* under Graduate School Governance. The Chair of the Graduate Council provides a monthly report to the Faculty Senate for information, comment, and advice.

VII. Faculty Assembly Delegates and Alternates

The process for election of Faculty Assembly Delegates and Alternates (*Part III, Section II; The Faculty Assembly of the University of North Carolina*) will be as follows:

- A. 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.
- B. 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.

VIII. Election by Acclamation

When an election that otherwise requires a vote by written, secret ballot is uncontested, that is, the number of nominees does not exceed the number of individuals to be elected, the Faculty Senate may vote by acclamation according to provisions in *Robert's Rules of Order, Newly Revised*.

Approved:

FS Resolution #05-18 (Appendix A) September 2005, Chancellor

FS Resolution #05-19 (By-Laws) April 2005, Chancellor

Amended:

FS Resolution #09-06, September 2009

FS Resolution #12-79, April 2012

FS Resolution #14-88, December 2014

FS Resolution #19-____”

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Part XII. Faculty Appellate Provisions, Section I. General Appellate Procedures and Reviews of Non-Reappointment, Non-Conferral of Tenure at the End of the Probationary Period, Discharge or Imposition of Serious Sanctions, and Termination Based on Institutional Considerations

Key proposed revisions to the ECU Faculty Appellate Structure are linked [here](#).

Detailed [here](#) are the proposed revisions and provided below is the clean copy.

“Contents

- I. General Provisions on Faculty Appeals
- II. Review of Non-Reappointment or Non-Conferral of Tenure at the Completion of a Probationary Term
- III. Due Process Before Discharge or the Imposition of Serious Sanctions
- IV. Appeals of Termination of Faculty Employment Based upon Institutional Considerations

SECTION I.I, General Provisions on Faculty Appeals

CONTENTS

- I. Constituting an Appeal Panel
 - II. Descriptions of Grievants and Respondents
 - III. Annual Reports
- I. Constituting an Appeal Panel
- A. The Faculty Appellate Committee, established through the Bylaws (*Faculty Manual*, Part II, Section II) of the ECU Faculty Senate, shall serve as a pool for populating appeals panels for the four appellate processes covered by provisions of Part XII of this Faculty Manual. These are:
- 1) Hearing Panel (Section I.II),
 - 2) Due Process Panel (Section I.III),
 - 3) Reconsideration Panel (Section I.IV)
 - 4) Grievance Panel (Section II.I)

Because hearings in matters of non-reappointment or conferral of permanent tenure can present complex and difficult questions of fact, policy, and law, and because of the central role of the panel in gathering and preserving the evidence upon which most subsequent decisions related to the matter will be based, it is important for the chancellor to ensure that Faculty Appellate Committee members, as well as relevant administrators and aggrieved faculty members, are appropriately trained in accordance with guidelines and procedures jointly established by the faculty officers and chancellor.

B. At its initial organizational meeting each year, the Faculty Appellate Committee will elect a steering committee of four individuals, each responsible for taking the lead in processing requests for hearings before one of the four respective types of appellate panels. These individuals will be designated as the “appellate chair” for grievances in their respective areas. Once constituted, the steering committee will elect a Chair and Secretary.

C. To determine panelists for appellate hearings, at the beginning of each academic year, the steering committee will develop a rank order for all members of the Faculty Appellate Committee by random lottery. Individuals will be asked to serve on panels in order of lottery rank, except when disqualified because of a conflict of interest. Conflicts of interest include, but are not limited to, those cases in which Appellate Committee members are from either the grievant’s or respondent’s relevant department, unit, college, or school, or with whom either the grievant or respondent has had an amorous relationship, or is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]). Individuals will not be asked to serve on a second panel until all eligible Appellate Committee members have already served, unless otherwise ruled out by conflicts of interest, at which time the steering committee will return to the top of the ranked list and proceed through the Appellate Committee membership again in the same order.

D. A request for an appeal panel is directed to the chair of the Appellate Steering Committee. The steering committee will determine the appropriate appellate process to be followed and the steering committee member responsible for that process (appellate chair for that area) will take the lead in further actions on that appeal request. The specified appellate chair will assemble a panel of five regular members and one alternate based on the rank order of Appellate Committee members. Once established, the panel will elect a chair and secretary, and follow the appropriate provisions, detailed below, for the specific type of appeal filed.

E. Notwithstanding anything in this document, the chancellor may extend any deadline for a reasonable amount of time in the best interests of the university. The chancellor will promptly inform grievants, respondent(s), the panel, the Chair of the Faculty and the vice chancellor with supervisory authority of the timing and basis of a deadline extension.

II. Descriptions of Grievants and Respondent(s)

A. A grievant is any faculty member or members who seek(s) the remedies afforded by the provisions of Part XII of the *Faculty Manual*. Grievants must be current faculty members of East Carolina University. If a faculty member’s employment ends voluntarily during the grievance process, prior to the end of employment the grievant may request the chancellor to allow the grievance to continue. Copies of such a request must be provided to the appellate chair. The chancellor should respond to such a request, with a copy to the appellate chair, within 30 calendar days.

B. A respondent is the person or persons identified by a grievant as the individual(s) 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. “Respondent” may be used in the singular form, even where it stands for more than one person. Named respondents must be current employees of East Carolina University. If a named respondent is a former administrator and, therefore no longer in a position to provide a remedy regarding grieved issues, the person who presently occupies the administrative position will be considered as a substitute respondent for that purpose. If still an ECU employee, the former administrator may remain as a respondent or be called as a witness as determined by the Panel. An individual or a departmental/unit committee and/or its chairperson may be named as a respondent.

III. Annual Reports

Annually, the Appellate Committee will write a report specifying the number of each type of appeal, the outcomes, and the duration of the process, as well as any other concerns that occur to the committee. The report will be submitted to the Faculty Governance Committee for review.

SECTION I.II, Review of Non-Reappointment or Non-Conferral of Tenure at the Completion of a Probationary Term.

CONTENTS

- I. Deadlines for Review
- II. Request for a Hearing Panel
- III. Procedures for the Hearing
- IV. Procedures After the Hearing

I. Deadlines for Review

Failure to submit the review documents specified in this section within the time periods allotted constitutes a waiver of the right to have the decision reviewed by ECU faculty committees, institutional authorities, or the UNC Board of Governors; 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 appellate chair for grievances covered by Part XII, Section I.II. The Appellate Steering Committee shall decide on an extension within 10 calendar days of receiving a request. The committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes official university breaks and holidays and when, despite reasonable efforts, the steering committee cannot be assembled.

II. Request for a Hearing Panel

Within 25 calendar days of receiving written notice from the vice chancellor of non-reappointment or non-conferral of permanent tenure, a faculty member (hereafter, the complainant) may request a review of the decision before a Hearing Panel.

1. The Hearing Panel

The Hearing Panel (hereafter, "the panel") shall be composed of five members and one alternate each of whom is a full-time, permanently tenured voting faculty member without administrative appointment (as per Part IX, Section IV). The alternate shall attend all sessions of the hearing and replace a regular member should that member be unable to attend the entire hearing. Members shall be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate and provisions for appointment of appellate panels specified in Part XII, Section I.I. Upon organization, the members of the Hearing Panel shall elect a chair and secretary. Should either officer be absent at the beginning of a hearing, the panel members shall elect an alternate for the purposes of the hearing. A quorum for the panel shall be the five members or four members and the alternate.

When the panel is convened to consider any matter associated with a complainant's request for a hearing, those Appellate Committee members who (i) hold an appointment in the complainant's academic unit, (ii) might reasonably expect to be called as witnesses, (iii) might reasonably expect to be asked to serve as an advisor (see subsection III.2, Conduct

of the Hearing) to any party of the hearing, or (iv) may have any other conflict of interest should be disqualified from participation on a panel related to the 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 [hereafter, the respondent(s)] are permitted to challenge panel members for just cause. The other members of the panel, in consultation with the Appellate Steering Committee, will decide on any potential disqualifications if a panel member is challenged but wishes to remain.

When membership of the panel falls below the specified five members and one alternate, the appellate chair will select additional members of the Appellate Committee to the panel as specified in Part XII, Section I.I of the *Faculty Manual*.

The panel may at any time consult with an attorney in the office of the University Attorney. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise the University administrator(s) substantively regarding the panel's recommendation(s) during the review process.

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 [Chapter 101.1, Section 604B of The Code of The University of North Carolina](#); (b) the decision was attended by a material procedural irregularity such that doubt is cast on the integrity of the decision not to reappoint. In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

Chapter 101.1, 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) any of the protected statuses included in Section 103 of The Code, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits or circumstances of an individual. See [Policy 101.3.1 II.B.](#) for details.*"

Personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record of evidence might establish that the responsible department chair declined to recommend a probationary faculty member for reappointment with tenure because of the faculty member's 'unpleasant personality and negative attitude'. Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms 'ill-will', 'dislike', 'hatred' and 'malevolence' may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the

intensity of that feeling, is an improper basis for making decisions.” ([UNC Policy Manual Policy 101.3.1 II.B](#))

"Material procedural irregularity" means a departure from prescribed procedures governing reappointment and conferral of permanent tenure that is of such significance as to cast reasonable doubt upon the integrity of the original decision not to reappoint or not to confer permanent tenure. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures that were in effect when the initial decision not to reappoint or not to confer permanent tenure was made and communicated. The Hearing Panel 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 the following: a) a description that is as complete as possible of the actions or the failures to act that support each specified contention; b) identification of the respondent(s); c) an enumeration and description of the information or documents that 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) 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, and f) a copy of the vice chancellor's notice of non-reappointment or non-conferral of permanent tenure. The complainant's request for a hearing shall be made to the appropriate appellate chair and delivered to the Faculty Senate office by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). The Faculty Senate Office will promptly notify the appropriate vice chancellor.

III. Procedures for the Hearing.

1. Time and Date of Hearing

After the membership of a Hearing Panel is determined by the Appellate Steering Committee, the panel chair shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The panel shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receiving the request, except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts a panel cannot be assembled. Once determined, the panel chair shall notify the complainant, the respondent(s), the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. At least 21 calendar days before the hearing, the complainant shall notify the panel, the respondent(s), 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). Within 14 calendar days before the hearing, the complainant and respondent(s) will submit documents and a list of witnesses to be used in the hearing along with a brief statement of the relevance of each witness.

2. Conduct of the Hearing

The panel chair is responsible for conducting the hearing and maintaining order. 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 panel members and alternate, the complainant, one person who may advise the complainant, the

respondent(s), and one person who may advise the respondent(s). If there is more than one respondent, the respondents will designate a spokesperson for the hearing. The persons advising the complainant and respondent(s) may not take an active part in the proceedings. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) approved by the chancellor, or an East Carolina University attorney under the condition that the complainant is accompanied by an attorney. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing, but shall be available at a convenient location to appear before the panel as appropriate.

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 panel chair. This statement shall be limited to explaining the purpose of the hearing and the procedures to be followed. The hearing chair explicitly will note that the panel shall consider only information bearing on the allegations presented in the complainant's request for the hearing.

Following the opening remarks by the panel chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their spokesperson, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their spokesperson, may cross-examine opposing witnesses. For purposes of clarification, panel members may question witnesses, including the complainant and any respondent or spokesperson. At the conclusion of the hearing, the complainant may make a summary statement of up to ten minutes in duration. If the complainant elects to do so, then the respondent(s), through their spokesperson, will be given the same opportunity.

IV. Procedures After the Hearing

After the hearing, the panel shall meet in executive session within 3 calendar days and begin its deliberations on whether to sustain or not sustain the allegations stated in the request for the hearing. In reaching decisions on which the panel's written recommendations to the chancellor shall be based, the panel shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The complainant shall have the burden of proof. The standard applied by the panel shall be that the preponderance of the evidence establishes that a basis for the complainant's contentions is found in one of the reasons listed in subsection II.2, "Initiation of Hearing." Preponderance is defined as the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

Within 14 calendar days of finishing its deliberations the panel shall provide the complainant, respondent(s), and the chancellor with a copy of the panel's report and, a copy of the court reporter's transcript of the hearing (Faculty Senate Resolution #03-37).

If the Hearing Panel determines that the complainant's contention has not been established, it shall, by simple, unelaborated statement, so notify the complainant, the respondent(s), 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 Panel determines that the complainant's contention has been satisfactorily established, it shall notify the complainant, the respondent(s), the chair of the faculty, and the chancellor by written notice and shall recommend further substantive review.

Within 42 calendar days after receiving the recommendation of the Hearing Panel and the transcript, the chancellor shall notify the complainant, the respondent(s), the chair of the faculty, and Hearing Panel chair 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 panel's recommendations, the chancellor shall request within 14 calendar days that a joint meeting with the panel occur. At the joint meeting, the chancellor will communicate his or her concerns and the panel will have an opportunity to respond. The joint meeting must occur within the 42 calendar-day period. No meeting is required if the chancellor decides to concur with the panel's recommendations

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 panel. While the chancellor should give deference to the advice of the faculty panel, the final campus-based decision lies with the chancellor.

The chancellor will inform the complainant of a 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 that: 1) within 14 calendar days of the complainant's receipt of the decision, the complainant may file a notice of appeal with the UNC President requesting review by the Board of Governors in accordance with the Board of Governors Policy 101.3.1; 2) a simple written notice of appeal with a brief statement of its basis is all that is required within this fourteen 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 manner (Faculty Senate Resolution #03-49).

The purpose of the appeal to the Board of Governors is to assure 1) that the campus-based process for reviewing the decision was not materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered, 2) that the decision reached by the chancellor was not clearly erroneous, and 3) that the decision was not contrary to controlling law or policy. No appeals for denial of early tenure will be heard by the Board of Governors.

SECTION I.III, Due Process Before Discharge or Imposition of Serious Sanctions

CONTENTS

- I. Bases for Serious Disciplinary Sanctions or Discharge
- II. Notice to Faculty of Imposition of Sanctions or Discharge
- III. Request for a Hearing
- IV. Due Process Panel
- V. Procedures for a Hearing
- VI. Procedures After a Hearing

- VII. Appeal of Chancellor's Decision
- VIII. Suspension During a Period of Intent to Discharge

I. Bases for Serious Disciplinary Sanctions or Discharge

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary sanctions. For purposes of the *Faculty Manual*, a faculty member serving in a fixed-term or probationary appointment shall be regarded as having tenure until the end of the term. During the period of such guarantees, the faculty member may be discharged from employment, suspended, or demoted in rank or serious sanctions may be imposed only for reasons of:

- A. Incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given the opportunity to remedy such performance and fails to do so within a reasonable time;
- B. neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or
- C. misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal or other illegal, or inappropriate or unethical conduct. To justify serious disciplinary actions, such misconduct should be either (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious to adversely reflect on the individual's honesty, trustworthiness, or fitness to be a faculty member.

Classification of alleged conduct as one categorical basis for imposition of sanctions or discharge, when the conduct more appropriately meets the definition of another (e.g., willful, intentional neglect of duty might be considered misconduct), shall not be considered a deficiency in the charge if the conduct at issue is clearly referenced in the notice of intent to discharge and evidence of the nature and/or duration of the alleged conduct supports the severity of the sanction or discharge proposed.

These provisions do not apply to non-reappointment or non-conferral of permanent tenure at the end of the probationary period (governed by provisions in Part XII, Section I.II), or termination of employment based on institutional considerations (governed by provisions in Part XII, Section I.IV).

II. Notice to Faculty of Imposition of Sanctions or Discharge

The vice chancellor with supervisory authority shall provide written notice to the faculty member of intent to discharge from employment or to impose serious sanction, including a written specification of the reasons for the sanction. The notification shall be sent by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). The notice shall include a statement of the faculty member's right, upon request, to a hearing by a Due Process Panel (Faculty Senate Resolution #99-10). If no written request for a hearing (see III. below) is received within 14 calendar days after receipt of this notification, the faculty member may be discharged or sanctions may be imposed without recourse to any institutional grievance or appellate procedure.

III. Request for a Hearing

A faculty member has 14 calendar days to request a hearing after receipt of written notification of the reasons for the sanction. A request for a hearing is made 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](#). The vice chancellor shall notify the appropriate appellate chair of the need to convene a Due Process Panel within 10 calendar days of receiving this request.

IV. Due Process Panel

The Due Process Panel (hereafter, “the panel”) shall be composed of five regular members and one alternate who shall attend all sessions of the hearing and replace, for the remainder of the process, a regular member who is unable to attend the entire hearing. Members shall be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate, and appointment of appeals panels described in Part XII, Section I.I of this *Faculty Manual*. Upon organization, the members of the panel shall elect a chair and secretary. Should either officer be absent at the beginning of a hearing, the panel members shall elect an alternate for the purposes of the hearing. A quorum for the panel shall be the five members or four members and the alternate.

When the panel is convened to consider any matter associated with a faculty member's request for a hearing, those Appellate Committee members who (i) hold an appointment in the complainant's academic unit, (ii) might reasonably expect to be called as witnesses, (iii) might reasonably expect to be asked to serve as an advisor (see subsection V.B, Procedures for the Hearing) to any party of the hearing, or (iv) may have any other conflict of interest, should be disqualified from participation on a panel related to the specific request for a hearing. The faculty member and the vice chancellor with supervisory authority are permitted to challenge panel members for just cause. The other members of the panel will decide by majority vote on any potential disqualifications if a panel member is so challenged but wishes to remain (Faculty Senate Resolution #99-10).

When membership of the panel falls below the specified five members and one alternate, the appellate chair will select additional members of the Appellate Committee to serve on the panel as specified in Part XII, Section I.I of the *Faculty Manual*.

The panel may at any time consult with an attorney in the office of the University Counsel. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise University administrator(s) substantively regarding the panel's recommendation(s) during the review process.

V. Procedures for the Hearing

A. Time and Date of Hearing

The Due Process Panel shall set the time, date, and place for the hearing. The panel shall accord the faculty member 30 calendar days to prepare a defense from the time it receives the faculty member's written request for a hearing. The panel 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 and vice chancellor. The panel shall promptly 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 panel ordinarily will endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and, despite reasonable efforts, the panel cannot be assembled.

B. Conduct of Hearing

The hearing shall be concerned with the written specification of reasons for the intended discharge or imposition of a serious sanction. The panel chair is responsible for conducting the hearing and for maintaining order. 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 panel members and the alternate, the faculty member requesting the hearing, advisor/attorney for the faculty member, the vice chancellor with supervisory authority, or his/her designee, and an advisor/attorney for the vice chancellor. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) approved by the chancellor, or an East Carolina University attorney. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing but shall be available at a convenient location to appear before the panel as appropriate. A professional court reporter must be used to record and transcribe the hearing (Faculty Senate Resolution #03-37). The hearing shall be closed to the public unless both the faculty member and the panel agree that it may be open.

The hearing shall begin with an opening statement by the panel chair limited to explaining the purpose of the hearing and the procedures to be followed. Following the opening remarks by the panel chair, the vice chancellor with supervisory authority (or his/her designee) or advisor/attorney, shall present the university's contentions and any supporting witnesses and documentary evidence. The faculty member or his/her advisor/attorney may then reply and present any supporting witnesses and documentary evidence. During these presentations, the vice chancellor, or designee, the faculty member and their respective advisors/attorneys shall have the right to question and cross-examine witnesses, and to make arguments. Panel members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member and then the vice chancellor or designee, or their respective advisors/attorneys will be given the opportunity to provide summary statements (Faculty Senate Resolution #99-10).

VI. Procedures After the Hearing

After the hearing, the panel shall meet in executive session and begin its deliberations within three calendar days. In reaching its decisions the panel shall consider only the testimony and other materials entered or presented as evidence during the hearing and such written or oral arguments as the panel, at its discretion, may allow. The University has the burden of proof. In evaluating evidence, the panel shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for the discharge or serious sanction exist and are the basis for the recommended action. "Clear and convincing" is a higher standard than "preponderance" of evidence and must indicate that the University's case is substantially more likely to be true than not true.

Within 14 calendar days of finishing its deliberations or after the full transcript is received, whichever is later, the panel 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 panel shall state whether it recommends that the intended sanction be imposed (Faculty Senate Resolution #03-37).

In reaching a decision, the chancellor shall consider only the written transcript of the hearing, including materials offered in evidence in the panel's hearing and the documents that constitute the record of the appeal, including but not limited to the notice of intent to discharge or impose sanctions, the faculty member's request for a hearing, and the report of the panel.

Within 30 calendar days of receiving the report and the court reporter's written transcript of the hearing along with the materials offered in evidence at the hearing, the chancellor's decision shall be conveyed in writing to the panel and the affected faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3.

VII. Appeal of Chancellor's Decision

If the chancellor concurs in a recommendation of the panel that is favorable to the faculty member, the decision shall be final. If the chancellor rejects a recommendation of the panel, the chancellor shall state the reasons for doing so in a written decision. If the chancellor either declines to accept a panel recommendation that is favorable to the faculty member or concurs in a panel 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 be addressed to the chair of the Board. The faculty member must file a notice of appeal within 14 calendar 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 based on the written transcript of the hearing held by the Due Process Panel, including materials offered in evidence and the documents that constitute the record of the appeal, including but not limited to the notice of intent to discharge or impose sanctions, the faculty member's request for a hearing, and the report of the panel; however, at its discretion, the Board may hear such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made as soon as reasonably possible 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 14 calendar days after receiving the Trustees' decision, file a written notice of appeal by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#) to the Board of Governors by alleging that one or more specified provisions of the *Code of The University of North Carolina* have been violated. Any such appeal to the Board of Governors shall be transmitted through the President of the University of North Carolina.

VIII. 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 reassign the individual to other duties or suspend the faculty member at any time until a final decision concerning discharge or imposition of serious sanctions has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay and benefits.

SECTION I.IV, Appeals of Termination of Faculty Employment Based Upon Institutional Considerations

CONTENTS

- I. Reasons Justifying Termination and Consultation Required
- II. Termination Procedures
- III. Request for a Reconsideration Hearing
- IV. The Reconsideration Panel

- V. Procedures for a Hearing
- VI. Procedures After a Hearing
- VII. Appeal to the Board of Trustees

I. Reasons Justifying Termination and Consultation Required

A. Reasons for Terminating Employment

The employment of a faculty member with permanent tenure or 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 a decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. If the institution faces financial exigency or needs to consider a major curtailment or elimination of a teaching, research, or public-service program, the chancellor or chancellor's designee shall first seek the advice and recommendations of the academic administrative officers and faculties following the process defined in subsection I.B below.

This determination is subject to concurrence by the UNC President and then approval of the UNC 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 B (1) of *The Code of The University of North Carolina* and the institutional procedures set out below.

B. Consultation with Faculty and Administrative Officers

If it appears that the institution will experience financial exigency or needs to consider a major curtailment or elimination of a teaching, research, or public-service program, the chancellor or chancellor's delegate shall seek the advice and recommendations of the academic administrative officers and faculties of the department(s) in question, from units representing complementary disciplines, and from other units that might be affected.

The chancellor or the chancellor's designee shall prepare a report that identifies specifically the state of financial exigency or the program change. The report should outline the options readily apparent to the chancellor at the time and must describe clearly any options that would or might involve terminations of faculty employment.

The chancellor's report shall be directed to the Educational Policies and Planning Committee (EPPC) for their written advice and recommendations. In considering this report the EPPC shall have access to information that formed the basis for the chancellor's report and may interview appropriate persons. The EPPC shall be provided a reasonable timeframe to prepare a response to the chancellor's report, to be submitted no later than a date determined by the chancellor.

Following receipt of the EPPC's report or expiration of the time allowed for submission of the report, should the chancellor decide to consider reducing a unit's faculty for reasons of financial exigency or major curtailment or elimination of a program, the chancellor shall promptly notify, in writing, any faculty member to be terminated following procedures outlined in section II below.

II. Termination Procedures

A. Consideration in Determining Whose Employment is to be Terminated

In determining which faculty member's employment is to be terminated for reasons set forth in Section 605 A of the UNC Policy Manual, the chancellor shall give consideration to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

B. Timely Notice of Termination

1. 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, a permanently tenured faculty member shall be given at least twelve months of notice. A faculty member without permanent tenure shall be given notice in accordance with the requirements specified in subsection II.C below.
2. 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.

C. Type of Notice to be Given

1. An individual faculty member whose employment is to be terminated shall be notified of this fact in writing by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). This notice shall include: (i) a statement of the conditions requiring termination of the faculty member's employment; (ii) a general description of the procedures followed in making the decision; (iii) a disclosure of pertinent financial or other data upon which the decision was based; (iv) a statement of the faculty member's right to reconsideration of the decision by a faculty appellate panel if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and (v) a copy of this procedure on termination of employment.
2. For a period of two years after the effective date of termination of a faculty member's contract for only reasons specified in subsection I.A above, the institution shall not replace the faculty member in a comparably defined position 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 30 calendar days after attempted delivery of the notice 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.
3. When requested by a faculty member whose employment has been terminated, the institution shall give reasonable assistance in finding other employment. Such assistance should include, for example, administrative assistance, access to the telephone (including long distance), University/unit stationery and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.

D. Termination if Reconsideration is Not Requested

If, within 14 calendar days after receipt of required notice, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date

specified in the notice, and without recourse to any institutional grievance or appellate procedure.

III. Request for Reconsideration Hearing

Within 14 calendar days after receiving the required notice, the faculty member may request a reconsideration of the decision to terminate employment by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The request shall be submitted to the chancellor and shall specify the contention 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 that contention. Upon receipt of such a request the chancellor shall, within 10 calendar days, notify the appropriate appellate chair of the need to convene a Reconsideration Hearing Panel.

IV. The Reconsideration Panel

The Reconsideration Panel (hereafter, "the panel") shall be composed of five members and one alternate, each of whom is a full time permanently tenured voting faculty member without administrative appointment. The alternate shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. Members shall be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate, and appointment of appeals panels described in Part XII, Section I.1 of this Faculty Manual. A quorum for the panel shall be five members or four members and the alternate. If membership of the panel falls below the specified five members and one alternate, the appellate chair will appoint additional members of the Appellate Committee as described in Part XII, Section I of the *Faculty Manual*.

Upon organization, the members of the Reconsideration Panel shall elect a chair and secretary. Should either officer be absent at the beginning of a hearing, the panel members shall elect an alternate for the purposes of the hearing.

When the panel is convened to consider any matter associated with a faculty member's request for a hearing, those Appellate Committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, those who participated directly in the decision to terminate the faculty member's employment, or those who may have any other conflict of interest should be disqualified from participation in the activities of a panel related to this specific request for a hearing. The faculty member and the chancellor, or the chancellor's designee, are permitted to challenge panel members for just cause. The other members of the panel, including the alternate, will decide by majority vote (excluding the panel member challenged) on any potential disqualifications if a panel member is challenged but wishes to remain.

The panel may at any time consult with an attorney in the office of the University Attorney. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise the University administrator(s) substantively regarding the panel's recommendation(s) during the review, although individual attorneys may play the same role at different points in the process.

V. Procedures for the Hearing

A. Time and Date of Hearing

The Reconsideration Panel shall set the time, date, and place for the hearing. The date for the hearing should be within 42 calendar days of the time the appellate chair receives the

chancellor's notification of the faculty member's written request for a hearing. The panel chair shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The panel 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, chancellor, appellate chair, and chair of the faculty.

B. Conduct of Hearing

The Reconsideration Panel'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 panel chair 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 panel members and alternate, the faculty member requesting the hearing, advisor or counsel for the faculty member, the chancellor or designee (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing, but shall be available at a convenient location to appear before the panel as appropriate. Upon request, the faculty member and the panel shall be given access to documents that were used in making the decision to terminate the faculty member's employment. 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 panel chair limited to explaining the purpose of the hearing and the procedures to be followed. Following the opening remarks by the panel 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, chancellor's designee, or his or her counsel, may question any of the witnesses. Panel members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member or his/her advisor or legal counsel, and then the chancellor, designee, or counsel will be given the opportunity to provide summary statements.

VI. Procedures After the Hearing

The panel shall meet in executive session to begin its deliberations no more than three calendar days after the hearing. In reaching its decisions the panel shall consider only the testimony and other materials entered or presented as evidence during the hearing.

Within 14 calendar days of finishing its deliberations or receipt of the court reporter's transcript, whichever is later, the panel 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 Panel determines that the contention of the faculty member has not been established, the report shall, by a simple unelaborated statement, so notify the faculty member, the chair of the faculty and the chancellor.

If the panel determines that the faculty member's contention has been satisfactorily established, the report shall so notify the faculty member, the chair of the faculty, and the chancellor, and provide a recommendation for corrective action by the chancellor.

Within 10 calendar 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 Panel, giving a decision and stating what modification, if any, will be made with respect to the original decision to terminate the faculty member's employment.

If the chancellor concurs in the recommendation of the Reconsideration Panel and withdraws the termination notice, 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 Panel. If the original termination decision is not reversed, 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 Panel. 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).

VII. Appeal to the Board of Trustees

This appeal shall be transmitted through the chancellor and shall be addressed to the chair of the Board. The faculty member must file a notice of appeal within 14 calendar days after the faculty member receives the chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board; 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 designated committee shall consider the appeal based on the written transcript of the hearing held by the Reconsideration Panel, including materials offered in evidence and the documents that constitute the record of the appeal. These include, but are not limited to, the statement of termination, the faculty member's request for a hearing, and the report of the panel. At its discretion, the Board may hear such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made as soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the Trustees. The decision of the Board of Trustees shall be final.

In compliance with UNC Code 602 (1) final approval of this Part XII, Section I involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs, General Counsel, and President of UNC System.

Approved (entire document)

Faculty Senate Resolution #19-___, _____
President of UNC System, _____”

Faculty Senate Agenda

January 29, 2019

Attachment 10.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Part XII. Faculty Appellate Provisions, Section II. General Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure

Key proposed revisions to the ECU Faculty Appellate Structure are linked [here](#).

Detailed [here](#) are the proposed revisions and provided below is the clean copy.

“CONTENTS

- I. Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure
- II. Grievance Procedures Related to Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status
- III. Effective Date

SECTION II.I, Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure

CONTENTS

- I. Faculty Grievances
 - II. The Grievance Panel
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 - A. Step One (Informal Conflict Resolution)
 - B. Step Two (Petition for Redress)
 - C. Step Three (Mediation and/or Chancellor Review)
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 - IV. Grievances Resulting From the Non-Conferral of Early Permanent Tenure When the Non-Conferral Decision is Not Concurrent with A Reappointment Decision
 - V. Annual Report
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- Footnotes

Part XII, Section II.I provides for peer review of general faculty grievances and appeals of non-conferral of early tenure through a formal procedure that, depending on the grievance, includes access to mediation or direct review, and the potential for an appellate panel hearing of the grievance. Grievance procedures in Part XII, Section II.I are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Part XII-Section II.I beyond the Board of Trustees.

I. Faculty Grievances

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

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

establishment of separate grievance procedures provides two assurances. First, it ensures there is a review process for the faculty member when the non-conferral of permanent tenure was based on an early request, for which appeals to the Board of Governors are not allowed. Appeals of non-conferral of tenure at end of the established probationary period are governed by the provisions in Part XII, Section I.II. Second, the bases for the grievance provided in Part XII, subsection II.I.IV for a grievance of non-conferral of early tenure do not apply to General Grievances covered in this section.

No grievance that involves matters related to a formal proceeding for the imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another appellate panel, falls within the charge of these general Faculty Grievance provisions (See Part XII, Sections I.II covering review of non-reappointment or non-conferral of tenure at the completion of a probationary term; I.III covering due process before discharge or the imposition of serious sanctions; and I.IV covering appeals of termination of faculty employment based upon institutional considerations).

II. Grievance Panel

The Grievance Panel (or "the panel") shall be composed of five regular members and one alternate, chosen from the Appellate Committee in accordance with Part XII, Section I.I.

Upon receipt of the grievant's Petition for Redress (Step Two), the appellate chair responsible for Grievance Panel hearings (Part XII, Section I.I) will inquire of panel members about the existence of potential conflicts of interest (which include, but are not limited to, any grounds for recusal listed in this paragraph) and will automatically recuse from participation in the appeal any member from the grievant's or respondent's relevant department, unit, college, or school, or any member with whom either the grievant or respondent(s) has had an amorous relationship, or is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]). Committee members shall recuse themselves from participating in a grievance if they have a reason to believe that such participation represents or will create a conflict of interest.

The appellate chair's responsibility is to provide the grievant and respondent(s) a process for a possible resolution of the grievance. The appellate chair will provide only procedural information to the parties of the grievance, and shall not function as an advocate for either party. Procedural information includes the membership of the Appellate Committee, its charge, the options open to the parties to the grievance, and similar information.

Upon receipt of a request for a hearing (Step Four), the appellate chair shall determine the availability of the Appellate Committee members in lottery rank order to form a Grievance Panel consisting of five members plus one alternate who will replace any member unable to attend the entire hearing. Any party to a grievance may request that any member of the panel be recused from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and be provided to the appellate chair not later than 5 calendar days after notification in Step Four of a hearing date. If the panel member declines recusal, the established panel, including the alternate, shall determine obligatory recusal by a majority vote (the member in question not participating). The recused panel member will be replaced by the current alternate member, and the appellate chair will appoint a new alternate following the same procedure as above.

III. General Grievances

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

university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges, and responsibilities of university employment or conduct that deprived the faculty member of an advantage that he or she otherwise would have received.

To promote and allow for adequate efforts at informal conflict resolution, the deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16th to December 31st) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1st to August 15th). This deadline may be extended by a majority vote of the Appellate Steering Committee if, in the committee's opinion, there are extenuating circumstances despite due diligence.

The Appellate Steering Committee and Grievance Panel shall hold the grievant responsible for progressing through the grievance steps in a timely manner. If time delays are encountered because of the respondent(s), the grievant shall bring this to the attention of the appellate or panel chair as appropriate to the stage of the grievance at the time.

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

A. Step One: Conflict Resolution.

Prior to initiating a grievance with the Appellate Committee, a faculty member shall make a concerted effort to resolve the issue through informal conflict resolution. Faculty are encouraged to take advantage of University resources for conflict resolution and informal mediation (<http://www.ecu.edu/cs-acad/conflictresolution/>) in trying to settle complaints without entering into formal grievance procedures. This can provide a less antagonistic venue, in the presence of a neutral third party trained to facilitate discussions, which can reduce tensions and lead to an equitable agreement.

Before filing a complaint with the Appellate Committee, an objecting faculty member (the potential grievant) at a minimum shall meet with the potential respondent(s) and attempt to resolve the conflict at issue. At or before this meeting the objecting faculty member shall provide the potential respondent(s) with a written statement setting forth the nature of the problem and the redress sought. If there are multiple claims, each should be presented clearly. This statement should include all information necessary to support each of the objecting faculty member's claims, giving the respondent an opportunity to identify, understand, and address each concern. Both parties will have an opportunity to submit information and documents in support of their claims and responses before a hearing, should the issue proceed to a grievance (see Step Four below).

The objecting faculty member and respondent should meet in face-to-face discussion(s) about the substance of the problem and are encouraged to use University resources for informal conflict resolution to aid in resolving differences. In cases where the respondent refuses to meet, the objecting faculty member shall, by a memorandum with a copy to the respondent, inform the appellate chair and the next higher-level administrator in their program. Before proceeding to a formal grievance (Step Two), the objecting faculty member shall provide the respondent with the Petition for Redress that the grievant intends to submit in Step Two.

During attempts to resolve conflicts, each party may select a counselor who may also serve as an advisor throughout a conflict resolution and/or grievance process, but who shall not participate nor

be called as a witness in a hearing (see Step Five). A list of potential faculty [counselors](#) is maintained by the [Faculty Senate Office](#); however, the parties to the conflict may choose any eligible ECU current or retired faculty members as counselors, or may choose to have no counselor. It is recommended that counselors be tenured professors with extensive experience in faculty governance, as evidenced by service on university governance/appellate committees, and not be associated with the conflict in any way. Association with the conflict includes individuals who may reasonably be called as a witness by either party, should the complaint proceed into the formal grievance process.

For impartial adjudication of a conflict, either party may require availability of information that is controlled or in the possession of the other party or the administration. Upon specific request by a party to the conflict, the other party or the administration shall provide the requesting party with information bearing on the conflict that is not otherwise confidential as a matter of law (“privileged”).

In cases where a formal Petition for Redress has been filed (see Step Two below), either party to the grievance may request that the Appellate Steering Committee or Grievance Panel (once a grievance has proceeded to Step Four) evaluate the basis for a claim of privileged information, and the potential value of that information to resolving the grievance. If the privileged information is deemed to bear substantively on the grievance, the steering committee/panel is required to seek resolution of the issue of privilege through the relevant vice chancellor, or through the chancellor if the vice chancellor is party to the grievance. If the information has a material bearing on the grievance but cannot be obtained for legal reasons, the steering committee/panel shall decide whether continuing the grievance would be unfair to the grievant and/or respondent. If deemed unfair to continue, the grievance process will be terminated with the reason(s) stated clearly in a memorandum to all parties to the grievance, thereby ending the administrative appeal process at East Carolina University. All requested information that is received shall be distributed to the appellate chair/panel chair and to all parties to the grievance.

B. Step Two (Petition for Redress)

A Petition for Redress by the grievant should be addressed to the Appellate Committee chair, and have appended a copy of the grievant’s written statement from a Step One meeting with the respondent. It shall be submitted with a statement that the grievant completed Step One above, and that with this petition the grievant intends to pursue a formal grievance.

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

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

All material collected as part of the grievance shall be put in the grievance file maintained in the Faculty Senate Office under the grievant's name. This grievance file becomes a part of the grievant's Personnel File and, where appropriate, the respondent's Personnel File. A note will be placed in the grievant's and, where appropriate, respondent's Personnel File(s) to indicate the location of the additional records.

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

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

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

1. Mediation

The appellate chair shall offer the parties to the grievance the opportunity to seek a resolution through mediation (The UNC Policy Manual 101.3.2.III). Mediation is limited solely to the grievant and the respondent. Each party will be asked to respond within 15 calendar days after the date of notification by the appellate chair as to their acceptance of mediation. Once all parties to the grievance have accepted mediation, the grievant shall not pursue the grievances at 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, ending administrative review of the grievance. Rejection of mediation shall have no bearing on decisions or recommendations related to the grievance. Unless the grievant pursues a Chancellor Review, if any party to the grievance rejects mediation and the grievant requests a hearing, the appellate chair will notify the parties that a Grievance Panel will be formed and will set a grievance hearing date (Step Four).

If the grievant and the respondent accept mediation, the Faculty Senate Office administrator and chair of the faculty will be responsible for securing a mediator. To avoid real or apparent conflicts of interest, all mediation will be conducted by a third party mediator with no formal association with East Carolina University nor prior association with either party to the grievance, and who is certified by the North Carolina Administrative Office of the Courts.

The parties to the grievance will inform the appellate chair within 5 calendar days of receiving the name as to whether the mediator is acceptable or unacceptable. An alternate mediator will be located if necessary. After the second attempt, unless the grievant pursues a Chancellor Review, if no acceptable mediator can be located, the appellate chair will so notify the parties to the grievance and inform them that, should the grievant request a hearing, a panel will be formed and grievance hearing date set (Step Four).

If an acceptable mediator is identified, the parties to the grievance will be informed of the selection. The Petition for Redress and the committee's memorandum will be provided to the mediator by the appellate chair. The mediator will communicate to the appellate chair the beginning date of the process. The mediator will inform the appellate chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed 42 calendar days without formal approval of the appellate chair or 60 days without the formal approval of the full Appellate Steering Committee.

Mediation will continue until such time that:

- a. An agreement among the parties is reached (subject to time limits).
- b. A party or the mediator writes to the committee chair that further mediation is unlikely to be successful.
- c. A party to the grievance writes to the committee chair a desire to terminate mediation because of resistance to or undue delays in scheduling mediation meetings, or because the mediator is no longer deemed acceptable.

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

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

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

2. Chancellor Review

Within 20 calendar days from the request for a Chancellor Review, the grievant shall provide to the chancellor, the respondent, and the appellate chair copies of the Petition for Redress along with the committee's memorandum and any information that supports the grievant's contentions. Within 10 calendar days, with copies to the grievant and appellate chair, the respondent may submit to the chancellor a written response to the Petition for Redress and any other documents provided by the grievant. The chancellor shall provide a response to the grievant, with copies to the appellate chair and the respondent, within 20 calendar days of the chancellor's receipt of all materials. The chancellor may extend any of these deadlines if he or she deems it to be in the best interest of the university.

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

D. Step Four (Request for a Hearing)

If the grievance is not resolved, by memorandum to the committee chair with a copy to the respondent, the grievant shall request a hearing, or state that the grievance will not be pursued. If mediation has occurred, the Appellate Steering Committee will again review the grievant's Petition for Redress in light of any changes that may have resulted from mediation. The steering committee will establish a Grievance Panel if it determines that all or some of the issues unresolved by mediation allege an injury that would entitle the faculty member to relief under Part XII, Section II.I. In this case, the steering committee shall provide an updated memorandum to the

grievant and respondent(s) explaining remaining issue(s) to address in a hearing. Should the steering committee determine that remaining issues are no longer within the purview of a Faculty Grievance Panel, this decision will exhaust the administrative appeals process, and shall be communicated by a method that produces adequate evidence of delivery to all parties to the grievance.

Once a Grievance Panel is established, the elected panel chair will notify the grievant and respondent, setting a time, date, and place for a hearing on the Petition for Redress. The date of the hearing shall be within 42 calendar days of this notification, except when the request for a hearing is received during summer months, official university breaks and holidays, and when, despite reasonable efforts, the Grievance Panel cannot be assembled (The UNC Policy Manual 101.3.3). Scheduling an appeal panel during the summer months is complicated by the absence of many faculty and different schedules of those available. If the panel cannot schedule a hearing during the summer, a fall hearing date will be scheduled as soon as possible after the fall organizational meeting of the Appellate Committee.

If either the grievant or the respondent petitions the panel in writing for a postponement of the hearing for health reasons, or due to a serious personal emergency, the panel chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or respondent petitions the panel for a postponement of the hearing for reasons other than health or serious personal emergency, the panel chair shall determine whether it is the general agreement of the committee to postpone the hearing for good cause until the next possible scheduled date.

The notice of hearing will request that both parties submit to the panel the names of their counselors, and all information and documents they intend to introduce at the hearing to support or defend their respective positions. Such information and documents may include written materials, sound or video recordings, photographs, or other forms of information or documentation approved by the panel. The grievant's submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used in support of the grievant's claim(s). The respondent's submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used to defend against the grievant's claim(s). The panel may also call other witnesses that it deems relevant 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.

Ten copies of all information and documents shall be submitted to the Faculty Senate Office no less than 14 calendar days prior to the hearing date. The department or unit of each party to a grievance is responsible for providing reasonable access to photocopy services for hearing documents during the grievance process. These services shall be at no cost to the grievant or respondent; provided, however, a party to the grievance or a unit bearing such costs may petition the panel to limit incurrence of copying costs by a grievant and/or respondent at the point those expenses appear to be extraordinary and grossly excessive, in which case the panel may direct alternative or adjusted means of making the information to be copied available for use in the hearing process. The submitted information and documents shall have a table of contents with numbers (Arabic) assigned to all pages that exhibit information. If the back of a page contains information, it also must be numbered. Numbers shall be preceded by a "G" for the grievant's submission or an "R" for the respondent's submission. If more than one grievant or more than one respondent is involved, their designation will be communicated by the panel chair.

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

E. Step Five (The Hearing)

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

The panel chair shall preside and be responsible for maintaining order and prompt progression of the hearing process. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. When, despite due diligence, circumstances make it necessary to resolve an issue not addressed in these provisions, the panel chair shall have the authority to make a reasonable adjustment or exception that maintains the integrity of the process to the extent possible and consistent with applicable law and policy.

The Grievance Panel chair shall begin the hearing by briefly reviewing the panel's authorization and powers, and the procedures to be followed during the hearing. The chair shall then enter into the hearing record correspondence generated prior to the hearing as the Appellate Committee's Exhibit C, and information submitted in Step Four by the grievant and the respondent as Exhibits G and R.

The submitted information shall include all information necessary to support or defend the grievance; however, with approval of the Grievance Panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the panel, and shall become part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance Panel, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The burden is on the grievant to establish, by a preponderance of the evidence, that the grievant's claims and requested redress are consistent with Faculty Manual Part XII, Section II.I. Preponderance is defined as the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

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

recalled by the Grievance Panel. At the end of the grievant's presentation, the respondent may question the grievant.

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. When the panel and grievant have no further questions, the grievant is given the opportunity to make a 10-minute final statement, and then a total of 10 minutes is available to the respondent(s) for a final statement.

F. Step Six (Grievance Panel Report)

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

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

If the panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, chair of the faculty, and chancellor. In addition, the chancellor shall receive a transcript of the hearing proceedings and the evidence in the grievance file. The chancellor shall provide a decision in writing to the grievant, respondent, chair of the faculty, and the Grievance Panel within 20 calendar days of receipt of materials from the panel. The decision of the chancellor is final.

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

If the Grievance Panel finds that some or all the grievant's contentions are supported and within the authority of the respondent, and the panel makes one or more recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, and chair of the faculty. The respondents shall be provided the panel's report and recommendations along with a copy of the transcript of the hearing proceedings, the evidence in the grievance file, and documents and communications filed by the parties and decision-makers in the proceeding (collectively, the "Record of the Appeal," which may grow as additional petitions, memoranda and material procedural communications are filed by the parties and decision-makers in the process). Within 20 calendar days of receipt of these materials, the respondent shall communicate, in writing, a response to the panel's recommendations to the panel chair, grievant and the chair of the faculty. Within 15 calendar days of receipt of the respondent's response, the grievant will inform the panel chair if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory or if the grievant fails to provide timely notice to the panel that the adjustments are not satisfactory, the grievance will be closed.

If the respondent's adjustments are not satisfactory to the grievant, the grievant may appeal to the chancellor. The grievant shall deliver to the Grievance Panel chair a memorandum addressed to the chancellor explaining in detail the reasons for the appeal. The panel chair shall forward a copy

of this memorandum to the respondent and chair of the faculty and shall forward the grievant's appeal memorandum to the chancellor along with the Grievance Panel report and the full Record of the Appeal described above.

If the grievant appeals to the chancellor, or if the Grievance Panel requests the chancellor to make a recommended adjustment, the chancellor's decision shall be based on the recommendations of the hearing panel and the Record of the Appeal from the faculty Grievance Panel hearing. The chancellor has the discretion to consult with the panel and/or Appellate Steering Committee before making a decision ([The UNC Policy Manual 101.3.2.IV.g](#)). The chancellor will communicate a written decision within 20 calendar days of receipt of appeal materials, with copies to the grievant, respondent, chair of the faculty, and the Grievance Panel chair. The chancellor's decision shall contain a notice of further appeal rights, if any, and, if the decision is appealable, it shall contain the information in subsection III.G., Step Seven (Appeal to the Board of Trustees) below, and shall be signed by all individuals who contributed to the report.

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

Dissenting Chancellor's Report

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

G. Step Seven (Appeal to Board of Trustees)

1. Explanation of decisions that may be appealed.
 - a. If the Grievance Panel did not advise an adjustment in favor of the grievant, then the decision of the chancellor is final and may not be appealed.
 - b. If the panel found in favor of the grievant, and neither the relevant administrative official nor the chancellor made an adjustment advised by the panel, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.
2. The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances submitted pursuant to [Section 607 of The Code of The University of North Carolina](#).
3. Timeline for Appeals
 - a. A grievant who seeks to appeal the chancellor's disposition of the grievance must file written notice of appeal with the Board of Trustees by submitting such notice to the chancellor, with adequate evidence of delivery ([The UNC Policy 101.3.3](#)), within 10 calendar days after receipt of the chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. Unless the Board determines an appeal is not within its jurisdiction or fails to

meet the procedural requirements for consideration by the Board, the Board will consider the appeal on a schedule established by the chancellor, subject to any instructions received from the Board chair or from a committee of the Board that has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board at its discretion may extend the time for compliance or may dismiss the appeal.

- b. If the chancellor's decision is eligible for appeal, the chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) that a written notice of appeal to the Board of Trustees containing a brief statement of the basis for appeal is required within the 10 calendar day period and, (2) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method that produces adequate evidence of delivery ([The UNC Policy 101.3.3](#)).

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

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

A. Initiation of Hearing Process

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

Failure to meet the time periods allotted to the grievant constitutes a waiver of the right to a hearing and no further administrative appeals of the non-conferral decision are allowed. Before the expiration of a deadline, however, the faculty member may request an extension, provided the request is made in writing and presented to the appellate chair. The Appellate Steering Committee will make its decision and communicate it to the grievant within 10 calendar days of receiving a request for an extension, except under unusual circumstances such as during summer months, official university breaks and holidays and when, despite reasonable efforts, the steering committee cannot be assembled in a timely manner.

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

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

2. The request for a hearing must be based on 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](#). Specifically, in no event shall a non-conferral decision be based upon (i) 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 (ii) discrimination prohibited under policies adopted by the ECU Board of Trustees i.e., discrimination based on the faculty member's age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status, or (iii) personal malice. [The UNC Policy Manual 101.3.1.II.B](#)).

(b) The decision was attended by a "material procedural irregularity," meaning a departure from prescribed procedures and established university policies that is of such significance as to cast reasonable doubt upon the integrity of the original decision. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures in effect when the initial decision was made and communicated. The Appellate Steering 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](#)).

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

B. Procedures for the Hearing.

The appellate chair will convene a Grievance Panel if the Petition for Redress is timely, complete, and based on one or more of the criteria noted above. If the Petition for Redress fails to meet any one of these requirements, the Appellate Steering Committee shall not grant a hearing, the grievance will be closed, and this decision will exhaust the administrative appeals process for the grievance. This decision will be communicated to all parties of the dispute by a method that produces adequate evidence of delivery ([The UNC Policy 101.3.3](#)). If the Petition for Redress meets all of the above requirements, but makes claims beyond valid criteria (defined in IV.A.2.a and b above), the Appellate Steering Committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

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

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

The grievant and respondent are to submit ten copies of all information and documents to be used in the presentation (by the grievant) or in defense against the grievance (by the respondent). The grievant's and respondent's information must include: a) the identification of a witness(es) who may

be willing to provide information relevant to the grievance; and b) a brief description of the information each witness may provide. This information and documentation shall be submitted to the Faculty Senate Office not later than 14 calendar days prior to the hearing date. One copy of the grievant's information will be provided to each respondent and one copy of the respondent's information will be provided to the grievant.

C. The Hearing

The Grievance Panel shall limit its investigations to the issues presented in the Petition for Redress, and include only those not struck in the Appellate Steering Committee's notification that a hearing would be granted. The panel's responsibility is limited to issuing recommendations based on the Petition for Redress, information and documentation submitted prior to or accepted during the hearing, and information developed during the hearing based on the testimony of the grievant, the respondent, and witnesses.

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

The Grievance Panel chair shall then enter into the hearing record correspondence (particularly any relevant correspondence from the Appellate Committee and/or panel chair) generated prior to the hearing as the Exhibit C, and information submitted (above) by the grievant and the respondent as Exhibits G and R respectively (Exhibit letter designations are prescribed only for labeling purposes). It is expected that the hearing will be limited to this information; however, with approval of a majority of the panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance Panel, and the court reporter shall be present for the duration of the hearing. Others who are witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The grievant's case will be evaluated on the basis of the preponderance of the evidence. This means the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

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

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

D. Grievance Panel Report

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

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

a. Panel Recommendations Do Not Support the Grievant's Contentions.

If the Grievance Panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the panel 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 Panel of a decision. The decision of the chancellor is final and may not be appealed.

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

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

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

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

The Grievance Panel chair shall forward to the chancellor a record of the hearing and copies of all documents submitted during the grievance process.

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

E. Dissenting Chancellor's Report

Should the chancellor disagree with the Grievance Panel's interpretation that the grievance is within the scope of redress covered by provisions of Part XII, Section II.I of the *ECU Faculty Manual*, UNC Code or Policies, the chancellor shall withhold a decision and inform the Grievance Panel, all parties to the grievance, and the chair of the faculty of those areas of disagreement within 30 calendar days. The Grievance Panel chair will then request the chair of the faculty begin the normal interpretation process as set forth in the *Faculty Manual*. It is expected that the chair of the faculty will expedite this request. Upon completion of the interpretation process, the Grievance Panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section II.I.III.F., with the grievant's rights to appeal intact.

F. Appeals to the Chancellor

If the respondent's adjustments are deemed unsatisfactory by the grievant, an appeal to the chancellor is to be made within 20 calendar days of the receipt of the response. The grievant shall deliver to the Grievance panel chair a memorandum to the chancellor explaining in detail the reasons for the appeal. The panel chair shall forward a copy of this memorandum to the respondent and chair of the faculty, and shall forward the grievant's appeal memorandum to the chancellor along with the Grievance Panel report and all supporting documentation.

The chancellor's decision is to be based solely on a thorough review of the information provided by the Grievance Panel and may, at the chancellor's discretion, include consultation with the panel ([The UNC Policy Manual 101.3.2.IV.g](#)). It is expected that the chancellor will give deference to the advice of the faculty panel, but the final campus-based decision lies with the chancellor. Within 30 calendar days of receipt of the grievant's appeal and Grievance Panel's recommendations, the chancellor will provide a decision to the grievant, respondent, panel chair and chair of the faculty. If the chancellor does not support the panel's recommendation, the chancellor will inform the grievant of the provisions for appeal to the Board of Trustees.

G. Appeal 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 filed within 14 calendar 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 designated committee shall consider the appeal on the written transcript of the hearing held by the Grievance Panel (including evidence admitted in connection with the hearing), but it may, at its discretion, accept and consider such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made as

soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the Trustees. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

SECTION II.II, Grievance Procedures Related to Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

CONTENTS

- I. Preamble
- II. Grievance Procedures

- I. Preamble

- A. Federal and state laws and/or university policies prohibits unlawful discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status. East Carolina University establishes formal procedures to assure individuals who believe that they are the victims of unlawful or prohibited harassment, discrimination, or improper relationships that their grievances will be dealt with fairly and effectively.

The *East Carolina University Faculty Manual* (Part XII) is subject to university policies governing nondiscrimination, sexual and gender-based harassment and other forms of interpersonal violence at East Carolina University, which are available through the University's Office for Equity and Diversity (OED) (<http://www.ecu.edu/cs-acad/oed/policies.cfm>).

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

II. Grievance Procedures

- A. Faculty subject to administrative sanction(s) for violations of University policies on harassment, discrimination or improper relationships have the right to due process through appropriate appeals procedures, based on the type of sanction imposed. Faculty not subject to administrative sanction(s) based on an investigation, but who believe the process has contributed to a hostile work environment, or that they otherwise have been harmed by the investigation, have the right to redress of specific findings or actions as allowed under provisions for general grievances covered in Part XII, Section II.I of this *Faculty Manual (Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure)*. These rights apply to both the faculty complainants and faculty respondents in the original complaint brought on harassment, discrimination or improper relationship.
- B. When disciplinary actions, if any, do not include a serious sanction, a faculty member may appeal minor sanctions, reprimands, or seek other redress through provisions governing general grievances contained in Part XII, Section II.I (this section) of the *Faculty Manual*.
- C. Disciplinary actions that include a serious sanction may be appealed following provisions in Part XII, Section I.III of this *Faculty Manual (Due Process Before Discharge or the Imposition of Serious Sanctions)*. Alleging that one or more specified provisions of *The UNC Code* have been violated in the imposition of a serious sanction, a faculty member may further appeal a Board of Trustees decision to the Board of Governors. Note that [The UNC Code, Section 603\(3\)](#) warns that if, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.
- D. Appeals of specific findings, either positive or negative, of an investigation of complaints of unlawful or prohibited discrimination, harassment or improper relationship may be available under specific university policies. Current information on university policies governing these areas is available at the Office for Equity and Diversity (<http://www.ecu.edu/cs-acad/oed/policies.cfm>).

SECTION II.III, Effective Date

- A. Except as otherwise provided below, these provisions shall become operative immediately after they are approved by the President of the University of North Carolina, and are enabled by approved revisions of the Bylaws of the East Carolina University Faculty Senate.
- B. Provisions governing establishment of appellate hearing panels will become operative only after the establishment and initial fall organizational meeting of an Appellate Committee, as specified in the revised Bylaws of the East Carolina University Faculty Senate. The Appellate Committee shall be elected at the first April organizational meeting of the ECU Faculty Senate following the date of final approval of both the revised Part XII of the Faculty Manual, and the Bylaws of the Faculty Senate.
- C. These provisions as amended shall apply to those appeals initiated after the effective dates indicated in parts A and B above. Appeals for which procedures for a hearing have been initiated before these provisions become operative will continue under the previous Faculty Manual provisions governing the type of appeal involved.

D. If secure electronic platforms for handling grievances become available, requirements for delivery, distribution and resolution of grievance materials may be modified accordingly through recommendation by the Faculty Senate and approval by the chancellor.

Amended

- Faculty Senate Resolution #12-17, February 2012
- Faculty Senate Resolution #14-32, April 2014
- Faculty Senate Resolution # 19-__, _____”

**Faculty Senate Agenda
January 29, 2019
Attachment 11.**

GENERAL EDUCATION AND INSTRUCTIONAL EFFECTIVENESS COMMITTEE REPORT
Process Steps for Curricular Actions
(For Information Only)

In order to create a complete package, you will have to submit a variety of forms and documents to the committee. See below to determine what documents are necessary according to the curricular actions you are pursuing.

Curricular Action	Forms Needed
Obtain General Education, Domestic Diversity, Global Diversity designation(s) for a new course	<ul style="list-style-type: none"> • Proposal form • Complete syllabus
Obtain for the first-time General Education, Domestic Diversity, Global Diversity designation(s) for an existing course	<ul style="list-style-type: none"> • Proposal form • Complete syllabus
Significant revision to an existing course that already has Gen Ed, Domestic Diversity, Global Diversity designation(s). Significant revision includes revisions to the following: <ul style="list-style-type: none"> • Course description • Student Learning Outcomes • Credit Hours • Content • Renumbering to a different level • Unbanking • Required prerequisites or corequisites • Any other change that may include changes to course content or any other significant changes not listed above 	<ul style="list-style-type: none"> • Proposal form • Complete syllabus

<p>Minor revision to an existing course that already has Gen Ed, Domestic Diversity, Global Diversity designation(s). Minor revision includes revisions to the following:</p> <ul style="list-style-type: none"> • Renumbering to the same level • Course prefix • Course title • Course Repeatability • Recommended prerequisites or corequisites • Banking • Removal of Gen Ed, Domestic Diversity, Global Diversity designation(s) 	<ul style="list-style-type: none"> • Notification of change <p>*(see below for instructions regarding notification)</p>
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* The notification must: be a memo to the General Education and Instructional Effectiveness Committee by [email](#) attachment stating the requested action and a list of the courses for which the action is requested. The list should include the name of the person requesting the action, and the prefix, number, and name of the course. If the course is cross-listed with another unit or is otherwise a cognate in another unit, a letter of approval from the cognate department must be submitted with the request. The General Education and Instructional Effectiveness Committee will consider the request and, if approved, will take the request to the Faculty Senate for final approval.

Faculty Senate Agenda
January 29, 2019
Attachment 12.

GENERAL EDUCATION AND INSTRUCTIONAL EFFECTIVENESS COMMITTEE REPORT
 Deadlines for Inclusion of Curricular Actions in Next Academic Year *University Catalog*
 (For Information Only)

Meetings begin at **2:00 P.M.** in **Rawl Annex 142**
 If a location change does occur, an email will be circulated with updated information

SPRING 2019

Meeting Date	Submission Deadline for Documents <u>Before</u> Committee Review	Submission deadline for Revised Documents <u>Following</u> Committee Review
January 14 th	Noon, January 1 st (Deadline if your package has to go to UCC and is Level II & III)	Noon, January 21 st
February 18 th	Noon, February 3 rd (Deadline if your package has to go to UCC and is Level I)	Noon, February 25 th

March 18 th	Noon, March 3 rd (Deadline if your package does not have to go to UCC).	Noon, March 18th
April 18 th	Noon, April 3 rd	Noon, April 15th

Usually, the committee's agenda fills up a month in advance. Submission for a deadline does not guarantee that the proposal will appear in the agenda for the meeting date you submitted. Plan accordingly. In order to make certain that curriculum changes approved by the GEIEC be reflected in the 2019-2020 catalog, *it is recommended to have your package submitted by January 1, 2019.*

Curriculum changes approved by the GEIEC after the above deadlines will **NOT** be reflected in the 2019-2020 catalog. No exceptions.