

1 To aid in the discussion on this document, please refer to line numbers when addressing  
2 issues during Faculty Senate deliberations on April 18, 2006. Thank you.  
3  
4

5 **Faculty Senate Agenda**  
6 **April 18, 2006**  
7 **Attachment 1.**  
8

9 **FACULTY GOVERNANCE COMMITTEE REPORT**  
10 **Proposed revisions to the *ECU Faculty Manual***

11 **Appendix D. Tenure and Promotion Policies and Procedures of East Carolina University**  
12

13 The Faculty Governance Committee proposes the following revisions to the Faculty Senate and  
14 have noted them by additions in underlined print and deletions in ~~striketrough~~.

15  
16 Proposed revisions pending final approval from the UNC General Administration are noted by  
17 additions in **bold** print and deletions in ~~striketrough~~.  
18

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19  
20 **TENURE AND PROMOTION POLICIES AND PROCEDURES**  
21 **OF EAST CAROLINA UNIVERSITY**  
22

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75

76 ~~Prologue: Academic Freedom~~

77 Academic freedom, the set of norms and values that protects a faculty member's freedom of  
78 intellectual expression and inquiry, is essential to the achievement of knowledge and  
79 understanding. East Carolina University supports academic freedom of inquiry, discourse,  
80 teaching, research, and publication for all faculty members. See *Part III, Academic Freedom* of  
81 the *ECU Faculty Manual*. East Carolina University shall not penalize or discipline faculty  
82 members because of the exercise of academic freedom in the lawful pursuit of their respective  
83 areas of scholarly and professional interest and responsibility.  
84

85 With respect to personnel matters relating to Appendix D of the *East Carolina University Faculty*  
86 *Manual*, academic units are defined as departments described in the codes of operation of  
87 professional colleges and schools, the departments in the College of Arts and Sciences,  
88 professional colleges and schools without departments, Academic Library Services, Health  
89 Sciences Library, and any other units in which faculty appointments are made. In the College of  
90 Arts and Sciences and in professional colleges and schools whose unit codes describe  
91 departmental structures, departmental chairs are the unit administrators. In schools that do not  
92 have departments described in their unit codes, the dean of the school is the unit administrator.  
93

94 I. Tenure

95 Academic tenure serves to insure academic freedom by guarding faculty members against  
96 negative consequences of expressing unpopular points of view. Academic tenure refers to the  
97 conditions and guarantees that apply to a faculty member's professional employment. Tenure  
98 protects a faculty member against involuntary suspension or discharge from employment or  
99 reduction in rank except upon specified grounds and in accordance with the procedures  
100 provided in Section VI.; or against termination of employment except as provided for in  
101 Section VII. During the term of such guarantees, the faculty member may be discharged or  
102 suspended from employment or diminished in rank only for reasons of incompetence, neglect  
103 of duty, misconduct of such a nature as to indicate that the individual is unfit to continue as a  
104 member of the faculty, or demonstrable, bona fide institutional financial exigency or major  
105 curtailment or elimination of a teaching, research, or public service program as detailed in  
106 Sections VII.A.1 and VII.A.2. (Faculty Senate Resolution #03-44, March 2004)  
107

108 A. Tenure While Under Contract to East Carolina University

109 A faculty member who does not have permanent tenure has the protection of tenure until  
110 the expiration of the faculty member's employment contract.  
111

112 B. Permanent Tenure

- 113 1. Permanent tenure may be conferred only by action of the ~~President and the Board of~~  
114 ~~Governors of the University of North Carolina~~ Board of Trustees of East Carolina  
115 University, and is always held with reference to employment by East Carolina  
116 University rather than to employment by The University of North Carolina. The  
117 conferral of permanent tenure is allowed only as the result of the processes enunciated  
118 in this document.  
119 2. Conferral of permanent tenure shall be based on the faculty member's demonstrated  
120 professional competence in teaching, research and creative activity, and service; a

121 potential for future contributions; and the institution's needs and resources. While  
122 teaching is the first consideration, neither teaching nor research and creative activity  
123 nor patient care nor service is the sole measure of a faculty member's competence and  
124 contribution, ~~teaching is the first consideration~~. Permanent tenure is independent of  
125 promotion but sound academic practice supports the concept that an assistant  
126 professor eligible for tenure should qualify for promotion to associate professor.  
127

## 128 II. Faculty Appointments

### 129 A. General Provisions

#### 130 1. Categories of Appointments

131 There are three kinds of faculty appointments:

- 132 (a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 604C  
133 and ECU Faculty Manual, Appendix C.]. Fixed-term appointees do not hold  
134 professorial ranks, ~~but are appointed with titles such as lecturer~~ but are appointed  
135 with the following titles: visiting instructor, visiting assistant professor, visiting  
136 associate professor, visiting professor, teaching instructor, teaching assistant  
137 professor, teaching associate professor, teaching professor, research instructor,  
138 research assistant professor, research associate professor, research professor,  
139 clinical instructor, clinical assistant professor, clinical associate professor, clinical  
140 professor, artist in residence, writer in residence, adjunct instructor, adjunct  
141 assistant professor, adjunct associate professor, and adjunct professor, visiting  
142 assistant professor, visiting associate professor, or clinical professor. Fixed-term  
143 appointments are without permanent tenure and do not entitle the faculty member to  
144 consideration for reappointment or conferral of permanent tenure. No obligation  
145 exists on the part of East Carolina University to give any notice before a current  
146 fixed-term appointment expires as to whether ~~re-employment will be offered for a~~  
147 ~~succeeding term~~ the contract will be renewed (except as specified in Section II.B.1).  
148 (b) Probationary Appointments and Reappointments. Probationary appointments are  
149 made at the professorial ranks of instructor, assistant professor, associate  
150 professor, or professor. Probationary appointees are entitled to reappointment  
151 reviews and, if reappointed throughout the probationary period, are entitled to a  
152 tenure review. The timing of these reviews is explained below.  
153 (c) Appointments with Permanent Tenure. Appointments with permanent tenure are  
154 continuous until retirement, resignation, or removal according to the provisions of  
155 Section VI or VII of this document. Appointments with permanent tenure may be  
156 made at the professorial ranks of assistant professor, associate professor, or  
157 professor.

#### 158 2. Criteria for Initial Appointment and Reappointment

159 All appointments, including fixed-term appointments, and all reappointments of  
160 candidates to probationary-term positions shall be based on assessments of  
161 candidates' demonstrated professional competence, potential for future contributions,  
162 and the institution's needs and resources.

#### 163 3. Terms and Conditions for Appointment and Reappointment

164 The chancellor or the chancellor's designee<sup>1</sup> shall set out in writing, with a copy to the  
165 faculty member, the terms and the conditions of each appointment, including fixed-term

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<sup>1</sup>References to the chancellor's designee shall include and be limited to the vice chancellor for academic affairs and the vice chancellor for health sciences.

166 appointments, and each reappointment. The terms shall incorporate by reference  
167 appropriate sections of the *Faculty Manual* and shall state any conditions placed on the  
168 appointment or reappointment.<sup>2</sup> The responsibility for initiating the inclusion of special  
169 terms and conditions in documents of appointment is with the unit administrator. Prior  
170 to initial appointment the unit administrator shall provide a copy of the unit's criteria for  
171 evaluating faculty performance to persons offered a faculty appointment in the unit.  
172 ~~Criteria for evaluating faculty performance shall be discussed by the unit administrator~~  
173 ~~in a meeting with each probationary-term faculty member at the beginning of academic~~  
174 ~~year in which a reappointment or tenure decision is made. A record of the discussion~~  
175 Criteria for evaluating faculty performance shall be discussed by the unit administrator  
176 in a meeting with each fixed-term and probationary-term faculty member at the  
177 beginning of the first term of employment and at the beginning of each academic year  
178 thereafter. A summary of this discussion shall be placed in the faculty member's  
179 personnel file. The responsibility for calling this meeting is with the unit administrator.  
180

181 Notice of reappointment or non-reappointment to probationary-term persons shall be  
182 written. The decision not to reappoint probationary term faculty shall not be based  
183 upon (1) the faculty member's exercise of rights guaranteed by either the First  
184 Amendment to the United States Constitution or Article I of the North Carolina  
185 Constitution; (2) discrimination based upon the faculty member's race, color, national  
186 origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or  
187 disability; or (3) personal malice. (Faculty Senate Resolution #03-37, March 2004)

#### 188 4. Continued Availability of Special Funding

189 The appointment or reappointment of a faculty member to a position funded in whole or  
190 in substantial part from sources other than continuing state budget funds or permanent  
191 trust funds shall specify in writing that continuance of the faculty member's services,  
192 whether for a specified term or for permanent tenure, shall be contingent upon  
193 continuing availability of such funds. This contingency shall not be included in a faculty  
194 member's contract if the faculty member held permanent tenure in the institution on  
195 July 1, 1975, and the contract was not then contingent upon the continuing availability  
196 of sources other than continuing state budget or permanent trust funds.

#### 197 5. Notice of Resignation

198 A fixed-term or probationary-term faculty member should provide the unit administrator  
199 with 90 days advance notice, in writing, of resignation from employment. A  
200 permanently tenured faculty member should provide the unit administrator with 120  
201 days advance notice in writing of resignation from employment. In no case should a  
202 resignation occur in mid-semester.  
203

### 204 B. Fixed-Term Appointments [cf. Special Faculty Appointments, The UNC Code, 604C]

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<sup>2</sup>The chancellor, in consultation with the office of the Faculty Senate, is responsible for the publication of the *Faculty Manual*. The Senate office shall be responsible for the maintenance of the *Faculty Manual*. The *Faculty Manual* shall contain the tenure and personnel policies and regulations of East Carolina University, including the complete text of Chapter Six of The Code of The University of North Carolina. The *Faculty Manual* shall be provided to new faculty and changes as they occur shall be distributed to each faculty member.

205 ~~These special~~ Fixed-term faculty appointments are without permanent tenure and do not  
206 entitle the faculty member to consideration for ~~reappointment or~~ conferral of permanent  
207 tenure. No obligation exists on the part of East Carolina University to give any notice  
208 before a current fixed-term appointment expires as to whether ~~an appointment will be~~  
209 ~~offered~~ the contract will be renewed for a succeeding term, except as specified below.

210 1. Contract and Notice

211 A contract for a fixed-term appointment shall set forth in writing the beginning and  
212 ending dates of the term. This specification of the length of the appointment constitutes  
213 full and timely notice of non-reappointment when the term expires. Whenever possible  
214 multi-year contracts, of up to five years, with eligibility for renewal, will be offered to  
215 fixed-term faculty members who have demonstrated their effectiveness and  
216 contributions and/or who have outstanding credentials. The provisions of 604 A and  
217 602(4) of The Code of The University of North Carolina do not apply to these special  
218 faculty appointments. No obligation exists on the part of East Carolina University to  
219 give any notice before a current fixed-term appointment expires as to whether ~~an~~  
220 ~~appointment will be offered~~ a contract will be renewed for a succeeding term. ~~A second~~  
221 ~~or subsequent appointment of a fixed-term faculty member does not constitute a~~  
222 ~~reappointment of the faculty member. Only probationary-term faculty members are~~  
223 ~~entitled to consideration for reappointment. However,~~ If the fixed-term faculty member,  
224 not earlier than 180 calendar days nor later than 90 calendar days before the current  
225 term expires, provides the unit administrator with a written request for ~~an appointment~~  
226 ~~for the following academic year~~ contract renewal, the unit administrator shall so notify  
227 the chair of the unit Personnel Committee. Within 30 calendar days of receiving the  
228 request the Personnel Committee and the unit administrator shall notify the faculty  
229 member in writing of their respective recommendations and that any recommendation  
230 is subject to the availability of position, funding, administrative approval, and continued  
231 effective performance. ~~The unit administrator may but is not required to respond to a~~  
232 ~~written request for an appointment for the following academic year that is received later~~  
233 ~~than 90 calendar days before the current term expires.~~

234 2. Fixed-Term Employment Evaluation Policy [cf. Special Faculty Appointments, The  
235 UNC Code, 604C]

236 Any faculty member employed in a fixed term position shall be evaluated annually in  
237 accordance with the provisions of the employment contract. A fixed-term faculty  
238 member should submit a portfolio to the Personnel Committee and the unit  
239 administrator prior to the unit administrator and the Personnel Committee  
240 recommending contract renewal. The portfolio should contain information that  
241 demonstrates the effectiveness of the fixed-term faculty member in carrying out the  
242 duties specified in the contract. The specific contents of the portfolio shall be  
243 determined by the unit. ~~However, a fixed-term faculty member does not have to~~  
244 ~~submit a Personnel Action fr to the Personnel Committee and unit administrator prior to~~  
245 ~~the Personnel Committee and unit administrator recommending a second or~~  
246 ~~subsequent fixed-term appointment.~~

247 3. Initial recommendations for advancement in title for faculty holding fixed term  
248 appointments is the responsibility of the unit Personnel Committee (see Section IV,  
249 A.1.).

250  
251 C. Probationary Appointments

252 [~~Please refer to interpretations #196-5 and #196-4.]~~

253 Probationary appointments are made at the professorial ranks of instructor, assistant  
254 professor, associate professor, and professor. Persons appointed as instructors shall not  
255 be considered for reappointment with permanent tenure until promoted to a higher rank.  
256 Persons appointed as assistant professors, associate professors, and professors are  
257 eligible for permanent tenure. In accordance with the UNC Code, 604A1, the faculty  
258 member shall be notified not later than twelve months before the end of the probationary  
259 period whether he or she will be recommended for permanent tenure. A faculty member  
260 appointed to an administrative position is eligible for permanent tenure only as a faculty  
261 member in one of the professorial ranks. There is no permanent tenure in an  
262 administrative position.  
263

264 During the second year of continuous service at East Carolina University, no fewer than  
265 180 calendar days of notice of reappointment or nonreappointment shall be given before  
266 the employment contract expires. During the third and all succeeding years of continuous  
267 service, the faculty member shall be given not fewer than twelve months notice of  
268 reappointment or nonreappointment before the employment contract expires.

#### 269 1. Probationary Terms

270 Although the chancellor may recommend that a faculty member be granted permanent  
271 tenure at any time, the normal probationary term for the professorial ranks, as  
272 established at the time of initial appointment, shall be as follows:

- 273 (a) Instructor. The rank of instructor is reserved for persons who lack the qualifications  
274 for appointment as assistant professor. Faculty members appointed as instructors  
275 are eligible for an initial three-year appointment and one successive reappointment  
276 of two years. Instructors promoted to the rank of assistant professor no later than  
277 the beginning of the fourth year of employment are eligible for a final two-year  
278 probationary appointment in the higher rank. The maximum probationary term is  
279 seven years.
- 280 (b) Assistant Professor. The maximum probationary term is seven years, consisting of  
281 an initial three-year appointment and two successive two-year appointments.
- 282 (c) Associate Professor. The maximum probationary term is five years, consisting of  
283 an initial three-year appointment followed by a two-year appointment.
- 284 (d) Professor. The probationary term is three years, consisting of one three-year  
285 appointment.  
286

287 All time served in a probationary appointment at East Carolina University must be  
288 continuous, excluding any leaves of absence as noted in Section II.C.3.  
289

290 When a faculty member in probationary appointment requests and is awarded  
291 promotion in rank before the end of the probationary term, the original contractual  
292 probationary term shall not be altered.  
293

294 In order to afford the maximum opportunity for tenure, the probationary term for  
295 personnel hired at the professorial ranks, whose contract date occurs earlier than the  
296 beginning of the Fall semester (or July 1 for faculty in the Health Sciences and  
297 Academic Library Services), will be measured from the beginning of the subsequent  
298 Fall semester (or July 1 for faculty in the Health Sciences and Academic Library  
299 Services).  
300

#### 300 2. Reduction of the Normal Probationary Term for Previous Academic Employment

301 Reduction of the normal probationary term may be granted for previous full-time faculty  
302 employment at the time of initial appointment as assistant professor, or associate  
303 professor. The granting of such reduction shall require the agreement of the appointee,  
304 a simple majority of the unit Personnel Committee, the unit administrator, the dean, and  
305 the appropriate vice chancellor. The maximum reduction at each professorial rank  
306 shall be as follows:

- 307 (a) For a candidate appointed at the rank of instructor, no reduction is allowed.
- 308 (b) For a candidate appointed at the rank of assistant professor, a maximum reduction  
309 of three years is allowed.
- 310 (c) For a candidate appointed at the rank of associate professor , a maximum reduction  
311 of two years is allowed.
- 312 (d) For a candidate appointed at the rank of professor, no reduction is allowed.

### 313 3. Extensions of the Probationary Term

314 Leaves from all employment obligations which are granted to probationary-term faculty  
315 may include extension of the length of the probationary term. (Leaves of absence  
316 normally should be for not more than two academic years or occur more often than  
317 once in three years). Extensions of the probationary term should be requested by the  
318 faculty member and shall be granted only in cases of severe personal exigency, such  
319 as illness, childbirth, child care, or other compelling personal circumstances, and shall  
320 be limited to a total of no more than two years. Probationary term faculty who have  
321 received paid leave of at least 15 weeks under the ECU Serious Illness and Disability  
322 Leave Policy shall receive an extension of the probationary term if requested.

323 Extensions of the probationary term must be expressly stated in appointment or  
324 reappointment documents or added by a written memorandum of amendment by the  
325 unit administrator during the term of an appointment. The probationary term may be  
326 extended in increments of one or more academic years: one year for leaves of one or  
327 two semesters, two years for leaves of three or four semesters. All such extensions  
328 must be approved in writing by the faculty member, the unit Personnel Committee, the  
329 unit administrator, the dean, the appropriate vice chancellor, and the chancellor or the  
330 chancellor's designee. A probationary-term faculty member who assumes a full-time  
331 administrative position for one or more semesters may be granted extensions of the  
332 length of the probationary term in the same way.

### 333 4. Progress Toward Tenure Letters

334 Each Spring semester, the unit Tenure Committee and unit administrator will review the  
335 annual report of each probationary term faculty member. On the basis of this review,  
336 the unit administrator, in consultation with the unit Personnel Tenure Committee, will  
337 write a progress toward tenure letter to each probationary term faculty member having  
338 a probationary appointment. In the event the unit Personnel Tenure Committee and  
339 the unit administrator cannot agree on the contents of the letter, the next higher  
340 administrator shall confer jointly with the Personnel unit Tenure Committee and unit  
341 administrator, determine at his or her discretion the content of the letter, and prepare  
342 the progress toward tenure letter. Copies of the progress toward tenure letter will be  
343 placed in the faculty member's personnel file, and a copy will be sent to the unit  
344 Personnel Tenure Committee and to the next higher administrative level. The unit  
345 administrator and a representative of the unit Tenure Committee will discuss the  
346 progress toward tenure letter with the faculty member. In the event that the faculty  
347 member disagrees with the contents of the progress toward tenure letter, it is the  
348 responsibility of the faculty member to make this disagreement known in writing  
349 addressed to the unit administrator for inclusion in the personnel file and the PAD.

350 Copies of this letter will be placed in the faculty member's personnel file, and a copy will  
351 be sent to the unit ~~Personnel~~ Tenure Committee and to the next higher administrative  
352 level. (See Section IV.C.3.)

353 5. Request for Permanent Tenure Prior to the End of the Probationary Term  
354 During the Spring semester of the academic year, a faculty member who has not  
355 completed the probationary term (see Section II.C.1-3) and who requests in writing that  
356 consideration be given to conferral of permanent tenure will  
357 be considered for permanent tenure during the Fall semester of the next academic  
358 year.<sup>3</sup>

359  
360 D. Initial Appointment with Permanent Tenure  
361 A faculty member whose initial appointment is to a professorial rank with permanent tenure  
362 shall be regarded as having permanent tenure until retirement, resignation, or removal  
363 according to the provisions of Sections VI or VII of this document.

364  
365 E. Joint Appointments  
366 Joint appointments are made when faculty members are appointed with responsibilities in  
367 more than one unit. The source of funds for joint appointments may come solely from one  
368 unit, or it may come separately from two or more units to which the faculty member has a  
369 joint appointment.

370  
371 Faculty members who hold joint appointments in more than one unit or center within East  
372 Carolina University shall be assigned to a primary academic unit with a greater than half-  
373 time appointment in the primary academic unit. The letter of appointment will specify the  
374 terms of the appointment, will identify the primary academic unit and will reference all units  
375 in which the faculty member holds joint appointments. A single appointment letter signed  
376 by all supervising administrators is preferable, but in instances where a jointly appointed  
377 faculty member has disparate duties in the various units, a separate joint appointment  
378 letter may be issued by the administrators of the units in which the faculty member holds  
379 joint appointments, provided that a copy of each joint appointment letter is forwarded to the  
380 unit administrator(s) of the other supervising unit(s).

381  
382 Each appointment letter issued by the primary and joint appointment units will specify the  
383 faculty member's responsibilities, performance expectations, and compensation, if any, for  
384 that department and/or program. Annual, written evaluations of the faculty member will be  
385 prepared by the unit administrator of the faculty member's primary academic unit, in  
386 consultation with the administrator(s) of the unit(s) to which the faculty member is jointly  
387 appointed. If the administrators of the units to which the faculty member is jointly

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<sup>3</sup>A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for early consideration for permanent tenure, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor. Because a faculty member will be considered for permanent tenure if he or she reaches the end of the probationary term, denials of requests for permanent tenure made before the end of the probationary term are not subject to appeal.

388 appointed disagree on the annual evaluation, the next higher administrator to the primary  
389 academic unit will arbitrate the disagreement and will write the final annual faculty  
390 evaluation, if agreement cannot be reached among all joint appointment units.

391  
392 For probationary faculty appointments and permanently tenured faculty appointments, the  
393 policies and procedures of the primary academic unit shall be used for reappointment,  
394 tenure, and promotion of the faculty member, as appropriate to the appointment type.  
395 Annual progress toward tenure letters for probationary faculty will be prepared by the unit  
396 administrator of the primary academic unit, in consultation with the administrator(s) of the  
397 unit(s) to which the faculty member is jointly appointed, and in consultation with the  
398 ~~Personnel~~ Tenure Committee of the primary academic unit. If there is disagreement on  
399 the progress toward tenure letter, the next higher administrator of the primary academic  
400 unit will confer with the ~~Personnel~~ Tenure Committee of the primary academic unit and  
401 with the administrators of the units to which the faculty member is jointly appointed,  
402 determine at his or her discretion the content of the letter, and prepare the progress toward  
403 tenure letter.

404  
405 For all faculty on joint appointments, annual salary increase recommendations will be  
406 made on each funding source of the appointment according to the guidelines of the units,  
407 the ~~Office of the President~~ General Administration, and those of the University. If there is  
408 one source of funding, the administrators of the separate portions of the appointment will  
409 consult and recommend together. If there is disagreement, it will be appealed to the next  
410 higher administrator of the primary academic unit.

411  
412 All faculty members who hold joint appointments are governed by the *ECU Faculty*  
413 *Manual*, and all provisions of each faculty appointment must be consistent with relevant  
414 sections of the *ECU Faculty Manual*.  
415 (Faculty Senate Resolution #02-05, October 2002)

### 416 417 III. Promotion

418 Persons holding the professorial rank of instructor, assistant professor, or associate professor  
419 may be promoted to the next professorial rank. Promotion shall be based primarily on the  
420 faculty member's demonstrated professional competence and achievement. See *Appendix C*,  
421 *Personnel Policies and Procedures for the Faculty of ECU*. Promotion is governed by the  
422 policies and procedures set forth in Section IV, below. By the first week of March of every  
423 During the Spring semester of the academic year, a faculty member who wishes to be  
424 considered who requests in writing consideration for promotion to the next professorial rank  
425 shall write a letter requesting a personnel action of promotion in rank to her or his unit  
426 administrator. The request for promotion shall be considered for promotion by the appropriate  
427 unit committee during the Fall semester of the next academic year.<sup>4</sup>

### 428 429 IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, 430 Promotions, and the Conferral of Permanent Tenure

431 Recommendations for appointments, reappointments, promotion, and the conferral of  
432 permanent tenure to faculty are the responsibility of unit committees and the unit

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<sup>4</sup> A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for promotion, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor.

433 administrator. Evaluation of faculty for appointment, reappointment, promotion, and the  
434 conferral of permanent tenure shall be initiated by the appropriate unit committee on notice  
435 from the unit administrator and higher administrative authority. The appropriate unit  
436 committee shall also evaluate faculty for promotion and the early conferral of permanent  
437 tenure at the request of the faculty member. Once the evaluation has been completed, the  
438 committee's recommendation and the recommendation of the unit administrator shall be  
439 forwarded to the next higher administrator above the unit level for initiation of administrative  
440 review of the recommendations. The pertinent structures and processes are set forth in this  
441 section. The timeline for these processes is set forth in Part XIII. of the *ECU Faculty Manual*.

442  
443 Confidentiality must be maintained when conducting any substantive business pertaining to  
444 initiation, review, conferral of permanent tenure, and approval of appointments,  
445 reappointments, and promotions. Email should be used with discretion because it does not  
446 guarantee confidentiality. Formal correspondences relating to any substantive business  
447 pertaining to initiation, review, conferral of permanent tenure, and approval of appointments,  
448 reappointments, and promotions should be maintained in paper form.

#### 449 450 Description of "voting faculty"

451 For the purposes of Section IV, **voting faculty members are determined by the**  
452 **permanently tenured faculty of the unit using the following criteria;** [~~Please refer to~~  
453 ~~interpretations #100-14.~~]

454  
455 A voting faculty member of a unit is someone who:

- 456 • holds a full-time faculty position with East Carolina University and a greater than one-half  
457 time position in the unit, and
- 458 • ~~holds regular professorial rank (instructor, assistant professor, associate professor, or~~  
459 ~~professor), and~~
- 460 • **is either a probationary term (tenure track) faculty member or a permanently tenured**  
461 **faculty member.**
- 462 • has at least one-half of the teaching/research duties normally assigned in the unit, **as**  
463 **determined by the permanently tenured faculty of the unit using standards**  
464 **appropriate to their discipline.**
- 465 • is in at least the twelfth consecutive calendar month of appointment to the faculty of the  
466 unit **as either a probationary term (tenure track) faculty member or a permanently**  
467 **tenured faculty member.**
- 468 • **is not a unit administrator or an individual with one half or more of his/her load**  
469 **assigned to administrative duties as determined by the permanently tenured faculty**  
470 **in consultation with the unit administrator.**
- 471 • or **normally** meets the above conditions and is on leave of absence from all university  
472 duties but is in attendance at the meeting of the appropriate committee at the time of the  
473 committee's vote on a personnel action (reappointment, promotion, or tenure  
474 recommendation). (Faculty Senate Resolution #03-30 April 2003)

475  
476 Related faculty within the same academic department (or other comparable institutional  
477 subdivision of employment) shall not participate, either individually or as a member of a  
478 committee, in the evaluation of related persons for appointment, reappointment, promotion,  
479 the conferral of permanent tenure, cumulative review, salary recommendations, or any other  
480 personnel action. A faculty member made ineligible for participation in the evaluation of a

481 related person does not count for quorum purposes and his/her ineligibility does not constitute  
482 a recommendation against the proposed personnel action.  
483

484 A. Unit Committees<sup>5</sup>

485 1. Personnel Committee ~~[Please refer to interpretations #197-7, #101-16 and #103-18.]~~

486 a. Function

487 The Personnel Committee shall be responsible for making recommendations  
488 regarding initial probationary appointments and initial and additional special fixed-  
489 term appointments (for other functions of the Personnel Committee, see Section  
490 IV.B.).

491 b. Composition

492 The composition of each unit's Personnel Committee shall be determined by the  
493 unit but shall consist of at least three members. The membership of the committee  
494 shall be composed of some or all of the permanently tenured and probationary-term  
495 voting faculty members of the unit, including those who are on leave but in  
496 attendance at the meeting at the time of the committee's vote, but excluding the unit  
497 administrator. At least two thirds of the unit Personnel Committee membership shall  
498 be permanently tenured voting faculty. When there are not enough permanently  
499 tenured voting faculty members in the unit to satisfy this requirement, additional  
500 permanently tenured faculty shall be appointed according to the procedures in  
501 Section IV.A.1.b. above. All other members of the unit Personnel Committee shall  
502 be elected by the permanently tenured and probationary-term voting faculty of the  
503 unit. The chair of the unit Personnel Committee shall be permanently tenured and  
504 shall be elected annually by and from the committee's membership.

505 c. Additional Roles of Unit Personnel Committee

506 In addition to making recommendations to the unit administrator on initial and  
507 additional fixed-term appointments and initial probationary-term appointments, the  
508 unit Personnel Committee has the following responsibilities:

- 509 1. Notifying fixed-term faculty members that the Personnel Committee will or will  
510 not recommend an additional fixed-term appointment when the fixed-term faculty  
511 member requests notification not earlier than 180 calendar days nor later than  
512 90 calendar days before the current term expires.
- 513 2. Reviewing requests for reduction in the normal probationary term at the time of  
514 initial appointment (see Section II.C.2).
- 515 3. Reviewing requests for the extension of the normal probationary term (see  
516 Section II.C.3).
- 517 ~~4. Consulting with the unit administrator in the preparation of the progress toward~~  
518 ~~tenure letter (see Section II.C.4).~~
- 519 5. Consulting with faculty members who are considering requesting conferral of  
520 permanent tenure prior to the end of the probationary term (see Section II.C.5).
- 521 6. Consulting with faculty members who are considering requesting promotion (see  
522 Section III.).
- 523 ~~7. Producing a list of possible external reviewers and selecting external peer~~  
524 ~~reviewers from lists produced by the Committee and by the candidate (see~~  
525 ~~Section IV.E).~~

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<sup>5</sup> Except as provided herein, meetings of the committees shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*.

- 526 ~~8. Selecting, with the unit administrator, the research and creative activity materials~~  
527 ~~to be sent to external peer reviewers (see Section IV.E).~~
- 528 9. Reviewing additional materials submitted by faculty members for inclusion in  
529 their personnel action dossier; consulting with the unit administrator regarding  
530 responses to such materials (see Section IV.f.2.).
- 531 10. The personnel committee may elect a search committee of voting faculty to fulfill  
532 the responsibilities of soliciting and screening applicants and recommending to  
533 the unit's Personnel Committee candidates for initial appointments.
- 534 11. Making recommendations for advancement in title for fixed term faculty.

535  
536 d. Role of the Chair of the Unit Personnel Committee

537 The chair of the unit Personnel Committee shall be permanently tenured and shall be  
538 elected annually by and from the committee's membership. The chair shall ~~preside~~  
539 ~~over all committees making personnel recommendations for the faculty, and may~~  
540 participate in the decisions of any committee of which the chair is a member, except as  
541 noted below. If the chair of the unit Personnel Committee holds a professional rank  
542 lower than that to which a faculty member requests promotion, the unit Personnel  
543 Committee chair shall not be eligible to participate and shall only be responsible for  
544 calling the meetings of such committees and facilitating the election of a chair of the  
545 committee from among its membership. In such cases where the Chair of the unit  
546 Personnel Committee is ineligible to participate, he/she shall not attend any meetings  
547 of the committee except to facilitate the election of the chair as noted above. The  
548 elected chair of the committee shall obtain and distribute materials to be used during  
549 the deliberation of such bodies, insure that a valid vote has been taken, communicate  
550 the results of such votes to the appropriate faculty and to the unit administrator, and  
551 perform other duties as designated by the unit. chair the Promotion Committee but  
552 shall not have a vote on that committee. The chair shall be responsible for calling the  
553 meetings of such committees, obtaining and distributing materials to be used during  
554 deliberation of such bodies, insuring that a valid vote has been taken, communicating  
555 the results of such votes to the appropriate faculty and to the unit administrator, and  
556 performing other duties as designated by the unit.

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2. Promotion Committee ~~[Please refer to interpretation #197-8.]~~

a. Function

The Promotion Committee shall be responsible for making recommendations for promotions in rank and for recommending the ranks of initial appointments at the associate professor or professor level.

**This boxed section was left out of the earlier revised version distributed to faculty.**

b. Composition

The membership of the Promotion Committee shall be composed of those permanently tenured and probationary-term voting faculty members who hold rank at least equal to the rank for which the candidate is being considered, including those on leave but in attendance at the committee's meeting at the time of the committee's vote, but excluding the unit administrator. The composition of the committee shall thus vary with the rank to which a faculty member is being considered for promotion. ~~When a unit has fewer than three permanently tenured or probationary-term voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit shall appoint additional permanently tenured and probationary-term faculty to increase the membership of the committee to three, with at least two-thirds of the members being permanently tenured faculty. These appointments to the committee shall be from a list of candidates selected by a vote of the permanent tenured and probationary-term faculty having rank at least equal to the candidate(s) being considered for promotion.~~ When a unit has fewer than three permanently tenured voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty at the required rank from other units across the university to increase the committee's membership to three, with at least two-thirds of the members being permanently tenured faculty. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty having rank at least equal to the candidate(s) being considered for promotion. The list forwarded to the next higher administrator by the faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the chair of the committee will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

Meetings of the promotion committee shall be convened by the Chair of the unit's Personnel Committee. The first order of business for a newly convened Promotion Committee shall be to elect a Chair from among its membership.

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3. Tenure Committee

~~[Please refer to interpretation #197-7.]~~

a. Function

The Tenure Committee shall be responsible for making recommendations regarding initial appointments with permanent tenure, reappointments of probationary-term faculty members, and the granting of permanent tenure. for reappointments of probationary-term faculty members, the granting of permanent tenure, and conferral of tenure for initial appointments with permanent tenure. The unit administrator, in consultation with the unit Tenure Committee (or properly constituted subcommittee), will write a progress toward tenure letter to each probationary term faculty member as described in Section II.C.4.

**This boxed section was left out of the earlier revised version distributed to faculty.**

b. Composition

The membership of the Tenure Committee shall be composed of the permanently tenured voting faculty of the unit, including those who are on leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit administrator. When a unit has fewer than three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty from other units to increase the committee's membership to three. These appointments to the committee shall be from a list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit. When a unit has fewer than three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty from other units to increase the committee's membership to three. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

c. Additional roles of the unit Tenure Committee.

A Code Unit may establish, in its Code of Operation, procedures for fulfilling their additional roles; however, if the Code of a unit is silent in this regard, it is hereby established that the entire membership of the unit Tenure Committee will participate in these additional roles. In accordance with the unit code, if the unit's Tenure Committee has more than five members, the unit Tenure Committee may elect a subcommittee of at least five members to participate in these additional roles. The unit Tenure Committee (or properly constituted subcommittee):

1. Consults with the unit administrator who writes a progress toward tenure letter to each probationary term faculty member as described in Section II.C.4.

2. Produces a list of possible external reviewers and selects external peer reviewers from lists produced by the Committee and by the candidate (see Section IV.E).
3. Selects, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers (see Section IV.E).
4. Prepares a cumulative evaluation of the candidate's teaching, research, service, and any other relevant duties at least two weeks prior to their vote.

#### ~~B. Additional Roles of Unit Personnel Committee~~

~~In addition to making recommendations to the unit administrator on initial and additional fixed-term appointments and initial probationary-term appointments, the unit Personnel Committee has the following responsibilities:~~

- ~~1. Notifying fixed-term faculty members that the Personnel Committee will or will not recommend an additional fixed-term appointment when the fixed-term faculty member requests notification not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.~~
- ~~2. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).~~
- ~~3. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).~~
- ~~4. Consulting with the unit administrator in the preparation of the progress toward tenure letter (see Section II.C.4).~~
- ~~5. Consulting with faculty members who are considering requesting conferral of permanent tenure prior to the end of the probationary term (see Section II.C.5).~~
- ~~6. Consulting with faculty members who are considering requesting promotion (see Section III.).~~
- ~~7. Producing a list of possible external reviewers and selecting external peer reviewers from lists produced by the Committee and by the candidate (see Section IV.E).~~
- ~~8. Selecting, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers (see Section IV.E).~~
- ~~9. Reviewing materials submitted by faculty members for inclusion in their personnel action dossier; consulting with the unit administrator regarding responses to such materials (see Section IV.f.2.).~~

#### ~~C. Role of the Chair of the Unit Personnel Committee~~

~~The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership. The chair shall preside over all committees making personnel recommendations for the faculty, and may participate in the decisions of any committee of which the chair is a member. If the chair of the unit Personnel Committee holds a professional rank lower than that to which a faculty member requests promotion, the unit Personnel Committee chair shall chair the Promotion Committee but shall not have a vote on that committee. The chair shall be responsible for calling the meetings of such committees, obtaining and distributing materials to be used during deliberation of such bodies, insuring that a valid vote has been taken, communicating the results of such votes to the appropriate faculty and to the unit administrator, and performing other duties as designated by the unit.~~

#### B. Role of Unit Administrator

702 The unit administrator serves to provide leadership, support, and guidance to the total  
703 functioning of the unit. As indicated at the beginning of this section, the personnel  
704 recommendations of the unit administrator shall be forwarded to the next higher  
705 administrator along with the recommendation of the appropriate faculty committee.  
706

707 The unit administrator is responsible for maintaining the personnel files, providing timely  
708 notification to the chair of the unit Personnel Committee on all personnel actions required  
709 or expected, and distributing all personnel documents and materials to the appropriate  
710 location. ~~The unit administrator is jointly responsible with the unit Personnel Tenure~~  
711 ~~Committee for preparation of the progress toward tenure letters.~~ The unit administrator, in  
712 consultation with the unit Personnel Tenure Committee (or properly constituted  
713 subcommittee), will write a progress toward tenure letter to each probationary term faculty  
714 member as described in Section II.C.4. The unit administrator prepares a cumulative  
715 evaluation of the candidate's teaching, research, service, and any other relevant duties at  
716 least two weeks prior to the unit Tenure Committee's vote.  
717

718  
719 Unit administrators are excluded from all unit committee discussions concerning  
720 candidates for appointment, re-appointment, promotion, or permanent tenure, and must be  
721 excluded from any meeting when such matters are considered. However at the invitation  
722 by a majority vote of the membership of the Personnel Committee a unit administrator may  
723 meet with the committee to discuss initial appointments. Further, the administrator can  
724 meet with the Tenure Committee (or properly constituted subcommittee) in reference to  
725 progress toward tenure letters as noted in II.C.4.  
726

727 In personnel matters, the unit administrator functions as an administrator rather than a  
728 faculty member. Consequently, the unit administrator does not have a faculty vote in  
729 personnel matters.  
730

### 731 C. External Peer Review for Promotion and the Conferral of Permanent Tenure

732 "External peer review" means a review of a candidate's research and creative activity by  
733 persons who are not faculty or employees of East Carolina University. External peer  
734 review of the quality of the research and creative activity material submitted by the  
735 candidate for promotion or conferral of permanent tenure or both will be used by the  
736 appropriate committee in conjunction with its own evaluation of the material. Qualifications  
737 of the reviewers and criteria for their selection are to be determined by the faculty of each  
738 unit. According to the provisions of unit codes, other materials that reflect the candidate's  
739 scholarly activities may be included in the selection to be sent to external reviewers.  
740

741 ~~In~~ By the last week of March of the Spring term prior to the academic year in which a  
742 promotion or tenure decision is scheduled, the unit Personnel Tenure Committee shall  
743 produce a list of possible external reviewers. The candidate for promotion and/or  
744 permanent tenure shall provide a similar list, noting for each name the professional  
745 relationship, if any, between the reviewer and the candidate. The candidate shall also  
746 provide similar relationship information for each name on the unit Personnel Tenure  
747 Committee's list. [Please refer to interpretation #100-15.] ~~These two lists must be~~  
748 independently compiled and if the two lists contain a common set of prospective external  
749 reviewers, the unit Personnel Tenure Committee list shall be revisited and new possible  
750 external reviewers shall be identified as replacement for those originally on both lists.

751  
752 The unit ~~Personnel~~ Tenure Committee shall select a sufficient number of names from the  
753 unit ~~Personnel~~ Tenure Committee's list and the candidate's list to insure a minimum of  
754 three external reviewers, two from the unit ~~Personnel~~ Tenure Committee's list and one  
755 from the candidate's list. Code units that require more than three external reviewers shall  
756 make special provisions in their unit codes. These provisions must clearly indicate the  
757 number of external reviewers required by the unit. In those cases where a unit requires  
758 more than three reviewers, the choice of reviewers must reflect, as nearly as possible, the  
759 two to one ratio of reviewers proposed by the unit Tenure Committee to those proposed by  
760 the candidate.

761  
762 The unit administrator will notify the reviewers that they have been nominated to conduct  
763 the review and will ascertain their willingness to serve as reviewers. Selected material with  
764 a cover letter prescribed by the appropriate vice chancellor shall be sent to the reviewers.  
765 Correspondence with the reviewers shall be written in neutral terms, serving to neither  
766 support nor oppose the candidate and shall not deviate substantially from the prescribed  
767 cover letter. Copies of the prescribed letters are available on the Faculty Senate website at  
768 <http://www.ecu.edu/cs-acad/fsonline/fg/facultygovernance.cfm>. Copies of all  
769 correspondence with the reviewers and the reviews shall be made a part of the Personnel  
770 Action Dossier (hereinafter, "the dossier") (see Section IV.F.2).

771  
772 Only the unit administrator will communicate with the external reviewers and only on  
773 procedural matters for the duration of the personnel action.

774  
775 The unit administrator and the unit ~~Personnel~~ Tenure Committee shall select the material  
776 from the dossier to be sent to external reviewers. The candidate may include additional  
777 published or accepted material if he or she disagrees with the initial selection. Inclusion of  
778 such additional items in the materials sent to reviewers shall be noted by memorandum of  
779 the unit administrator in the dossier and the candidate's personnel file.

780  
781 Upon receipt of a review, the unit administrator will place the original review in the  
782 candidate's personnel file and copies of the review in the candidate's dossier. The unit  
783 administrator shall then notify the members of the appropriate committee and the  
784 candidate that the review is available.

785  
786 When fewer than three external reviewers respond, this information, by memorandum from  
787 the unit administrator, shall be made a part of the candidate's personnel file and dossier.

#### 788 789 D. Documentation for Personnel Actions

##### 790 1. Employment Applications

791 Information on job applicants is to be kept in a file available to the appropriate  
792 committee (see Section IV.A).

##### 793 2. Personnel Action Dossier for Reappointment, Promotion, and Permanent Tenure

794 The Personnel Action Dossier is a file containing materials for evaluating a faculty  
795 member's professional activity. The dossier is compiled by candidates for  
796 reappointment, promotion, and/or permanent tenure in consultation with the unit  
797 administrator and the chair of the unit Personnel Committee. The dossier will be used  
798 by the appropriate

799 committee in making personnel recommendations. A fixed-term faculty member  
800 seeking to be recommended for a second or subsequent fixed-term appointment need  
801 not compile the dossier.

802 3. Disagreements as to inclusion or removal of documents

803 The dossier shall include the required documents and lists relevant to the faculty  
804 member's teaching, research/creative activity, and service as described above. If the  
805 faculty member disagrees with the unit administrator and/or the unit personnel  
806 committee as to the inclusion of relevant documents, the documents will be included  
807 and each may include a statement about the document in the dossier.

808

809 For details on organization, content and limitations of the dossier, see Part XII. of the *ECU*  
810 *Faculty Manual*.

811

812 E. Initiation of Recommendations by Unit Personnel, Tenure and Promotion Committees

813 [~~Please refer to interpretation #199-11.~~]

814 1. Procedural Rules for conducting committee business

815 The unit administrator shall give timely notice to the chair of the unit Personnel  
816 Committee when personnel actions are to be initiated, and of the date by which the  
817 committee's recommendation must be communicated to the unit administrator. After  
818 being notified by the unit administrator that a personnel action is required, the chair of  
819 the unit Personnel Committee shall make at least three attempts at intervals of no less  
820 than five working days each to hold a committee meeting of the appropriate committee  
821 for the pending personnel action. In order to conduct business a committee shall not  
822 meet without a quorum.

823

824 A quorum is defined as two thirds of the membership for a committee that has twenty  
825 or fewer members; and a quorum is defined as a majority (50% plus one) of the  
826 membership for a committee that has more than twenty members.

827

828 The purpose of this meeting is to hold a vote by secret ballot on the pending personnel  
829 action. All materials pertaining to the pending personnel action (see Section IV.D) must  
830 be available for inspection at least five business days prior to the meeting. Members of  
831 the committee(s) having authority over the pending personnel action shall review the  
832 materials individually in preparation for discussion at the meeting. A faculty member on  
833 leave and not in attendance at a meeting shall not be counted for the purposes of  
834 determining a quorum for that meeting. A faculty member on leave but in attendance  
835 at a meeting shall be counted for the purposes of determining a quorum for that  
836 meeting. If the committee fails to meet the unit administrator's deadline for receipt of  
837 the committee's recommendation, this outcome shall count as a recommendation by  
838 the committee against appointment, reappointment, promotion, or tenure. In such a  
839 case, the chair of the unit Personnel Committee shall report in writing to the unit  
840 administrator that after at least three attempts the committee has failed to meet due to  
841 a lack of a quorum, and that this outcome constitutes a recommendation against  
842 appointment, reappointment, promotion, or tenure. The unit administrator shall forward  
843 the committee's recommendation and the unit administrator's recommendation to the  
844 candidate and to the next higher administrator.

845

846 2. a. In the case of initial appointment recommendations, each member of the unit  
847 Personnel Committee will indicate by secret ballot his or her choice for the

848 appointment. A candidate who receives a majority vote of the committee members  
849 present shall be recommended for appointment. See Section IV.A.4. above.

850  
851 b. Faculty recommendations for reappointment, promotion, and conferral of permanent  
852 tenure shall come from the appropriate committee (see Section IV.A). ~~If the~~  
853 ~~appropriate committee consists of ten or more eligible voting members,~~ The committee  
854 members may choose to vote by mail according to the latest edition of *Robert's Rules*  
855 *of Order, Newly Revised*. Within ~~ten~~ fifteen working days of notification by the unit  
856 administrator of the need to initiate a personnel action, the chair of the unit Personnel  
857 Committee shall convene a meeting of the appropriate committee (see Section IV.E.1).  
858 At this meeting, the chair of the unit Personnel Committee shall to ascertain whether or  
859 not the committee will vote by mail. If a motion to vote by mail is approved by a  
860 majority of the committee members present and voting, voting shall be by mail. If a  
861 committee chooses to vote by mail, all members must vote by mail.

862  
863 c. In the case of ~~re-employment~~ contract renewal recommendations for faculty  
864 members holding fixed-term appointments, each member of the unit Personnel  
865 Committee will indicate by secret ballot his or her choice for or against recommending  
866 ~~re-employment~~ contract renewal. **This vote may be taken at a committee meeting**  
867 **or by mail ballot as described in Section IV.G E.2b.** A vote for the recommendation  
868 by a majority of the committee members present and shall constitute a  
869 recommendation for reemployment. A member who is present when a vote is taken  
870 but who does not vote counts as part of the membership of the committee for the  
871 purposes of determining what constitutes a majority vote. Failure to obtain a majority  
872 vote constitutes a recommendation against re-employment contract renewal. (Faculty  
873 Senate Resolution #03-30, April 2003)

874  
875 d. If a committee votes by mail, the ballots shall be sent by ~~certified mail~~ a method that  
876 provides delivery verification and is consistent with UNC Policy 101.3.3 or distributed  
877 by the committee chair. The refusal by a committee member to receive the  
878 correspondence containing the ballot within five business days of the first delivery  
879 attempt shall count as a vote against appointment, reappointment, promotion, or tenure.  
880 If ballots are distributed, the committee chair shall assure that recipients acknowledge  
881 receipt in writing. The acknowledgment must include the date of receipt. A ballot either  
882 shall be returned by ~~certified mail~~ a method that provides delivery verification and is  
883 consistent with UNC Policy 101.3.3 or shall be personally returned by hand to the  
884 committee chair, at the discretion of the individual committee member. Committee  
885 members returning ballots by hand shall sign a confirmation form that is retained by the  
886 committee chair. Ballots not returned within twenty working days of ~~certified~~ verified  
887 receipt shall count as a vote against recommending appointment, reappointment,  
888 promotion, or tenure. If a committee votes by mail, a faculty member on leave may  
889 choose either to vote or not to vote, at his or her discretion. The unit administrator shall  
890 ascertain and shall inform the chair of the unit Personnel Committee in writing as to  
891 whether or not a faculty member on leave will participate in a mail ballot. If a faculty  
892 member on leave chooses to participate in a mail ballot, the faculty member shall count  
893 in determining what is required for a majority vote in favor of the recommendation. If  
894 the faculty member on leave chooses not to participate in a mail ballot, the faculty

895 member shall not count in determining what is required for a majority vote in favor of  
896 the recommendation. ~~(Faculty Senate Resolution #03-30, April 2003)~~

897

898 3. In the case of reappointment, promotion, and conferral of permanent tenure, each  
899 member of the appropriate committee will indicate by secret ballot his or her vote for or  
900 against recommending that the candidate be reappointed, promoted, and/or granted  
901 permanent tenure. **This vote may be taken at a committee meeting or by mail**  
902 **ballot as described in Section IV.G E.2d.** A vote for the recommendation by a  
903 majority of the committee members present ~~(see IV.A.1.b., IV.A.2.b. and IV.A.3.b.) ;~~  
904 ~~which includes those voting faculty members on leave but in attendance at the meeting~~  
905 ~~at the time of the committee's vote,~~ shall constitute a recommendation for  
906 reappointment, promotion, and/or conferral of permanent tenure. A member of a  
907 committee who is ~~not present when a vote is taken and who is not on leave at the time~~  
908 ~~of the vote or who is present when a vote is taken but who does not vote~~ counts as part  
909 of the membership of the committee for the purposes of determining what constitutes a  
910 majority vote. ~~of the membership of the committee.~~ Failure to obtain a majority vote ~~of~~  
911 ~~the entire membership of the appropriate committee~~ shall constitute a recommendation  
912 against reappointment, promotion, and/or the conferral of permanent tenure. ~~(Faculty~~  
913 ~~Senate Resolution #03-30, April 2003)~~

914

915 4. The recommendation of the appropriate committee shall be communicated by the chair  
916 of the unit Personnel Committee to the candidate and the unit administrator (see  
917 IV.A.1.d.).

918

#### 919 F. Notification of Recommendations

920 The faculty member shall be informed of all recommendations at every level, beginning  
921 with the unit administrator's recommendation and continuing up to the level where the final  
922 decision is made.

923

#### 924 G. Procedure for Concurring Recommendations

925 In the case of disagreement at any level refer to the procedures outlined in H. below.

926

927 If the recommendations of the appropriate committee and unit administrator agree, the  
928 next higher administrator shall either concur or not concur, then notify the unit  
929 administrator and the chair of the unit Personnel Committee of the recommendation and  
930 forward all recommendations to the immediate supervisor. This procedure shall be  
931 repeated at each administrative level until the recommendation reaches the appropriate  
932 vice chancellor.

933

934 Immediately after the completion of each level of administrative review, the administrator's  
935 recommendation shall be communicated to all appropriate lower administrators, the  
936 candidate, and the committee of the unit which made the initial recommendation.

937

938 If the vice chancellor concurs in a recommendation for promotion and/or conferral of  
939 permanent tenure, he or she shall forward the recommendation to the chancellor. The  
940 chancellor shall consider the recommendation from the vice chancellor to promote and to  
941 confer permanent tenure.

942

943 If the vice chancellor concurs in a decision not to recommend reappointment, promotion,  
944 and/or conferral of permanent tenure, he or she shall give the faculty member being  
945 considered a simple, written statement of the decision. This decision is final except as it  
946 may later be reviewed in accordance with the provisions of Section V or the grievance  
947 procedure of Appendix Y.

948  
949 If the chancellor concurs in a recommendation to confer permanent tenure, he or she shall  
950 submit the recommendation to the Board of Trustees for final approval. If the chancellor  
951 concur in a recommendation for promotion, the chancellor's approval shall be final.  
952 ~~consult with the Board of Trustees and, unless dissuaded, forward the recommendation to~~  
953 ~~the President and the Board of Governors for final approval. The chancellor shall submit~~  
954 ~~all recommendations for faculty promotions to the Board of Trustees for final approval~~  
955 ~~unless that Board delegates to the chancellor the authority to give final approval.~~

956  
957 ~~If the chancellor decides not to recommend promotion or the conferral of permanent~~  
958 ~~tenure, the chancellor shall give the faculty member being considered a simple, written~~  
959 ~~statement of the decision. This decision is final except as it may be reviewed in~~  
960 ~~accordance with the provisions of Section V or the grievance procedure of Appendix Y.~~

961  
962 H. Procedure for Nonconcurring Recommendations

963 ~~[Please refer to interpretation #199-12.]~~

964 If the recommendations ~~of an~~ from the unit administrator and the appropriate committee  
965 disagree, that administrator shall ~~the unit administrator's immediate supervisor shall seek~~  
966 ~~resolution of the disagreement~~ discuss the potential nonconcurrence at the unit committee  
967 level before forwarding the committee's recommendation and his or her concurrence or  
968 nonconcurrence to the next higher administrator. If the unit administrator and the  
969 appropriate committee do not agree, their conflicting recommendations shall be forwarded  
970 through each administrative level, together with the recommendation of the administrator  
971 at each level, until they reach the appropriate vice chancellor. In the case of fixed term  
972 employment recommendations the decision of the appropriate vice chancellor is final. ~~The~~  
973 All other personnel actions shall then be handled in accordance with the procedures  
974 provided in Section IV.G. Procedures for Concurring Recommendations.

975  
976 ~~J. Procedures for Nonconcurrence of a Tenure or Promotion Recommendation by Vote of the~~  
977 ~~Appropriate Faculty Committee~~

978 In the event that the vice chancellor is considering a recommendation that is contrary to  
979 the vote of the appropriate unit committee, the vice chancellor shall meet with the  
980 committee to discuss the potential nonconcurrence ~~recommendation.~~ If the vice chancellor  
981 concurs with the committee vote but the chancellor is considering a recommendation that  
982 is contrary to the vote, the chancellor shall meet with the committee to discuss the  
983 chancellor's potential nonconcurrence ~~recommendation.~~

984  
985 If the chancellor decides not to recommend promotion or the conferral of permanent  
986 tenure, the chancellor shall give the faculty member being considered a simple, written  
987 statement of the decision. This decision is final except as it may be reviewed in  
988 accordance with the provisions of Section V or the grievance procedure of Appendix Y.

989  
990 V. Procedure for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure  
991 A. Deadlines for Appeals

992 Failure to submit the appeals documents specified in this section within the time periods  
993 allotted constitutes a waiver of the right to appeal the decision. However, before the  
994 expiration of the deadline the faculty member may request an extension, provided that the  
995 request is made in writing and presented to the individual or committee who is next to  
996 consider the appeal. Within 10 working days of receiving a request for extension, decisions  
997 on requests for extension of time shall be made by the individual or committee who is next  
998 to consider the appeal.

999 B. Request for Hearing with the Faculty Hearing Committee

1000 Within 25 working days of receiving written notice from the vice chancellor or chancellor of  
1001 non-reappointment or non-conferral of permanent tenure, a faculty member (hereinafter,  
1002 the complainant) may request a hearing before the Faculty Hearing Committee.

1003 1. The Hearing Committee

1004 The Hearing Committee shall be composed of five members and five alternates each  
1005 of whom is a full-time, permanently tenured voting faculty member without  
1006 administrative appointment. Members shall be elected in accordance with the  
1007 procedures for election of appellate committees specified in the Bylaws of the East  
1008 Carolina University Faculty Senate. Members and alternates shall be elected to three-  
1009 year terms. A quorum for the committee shall be the five members or their alternates.

1010  
1011 Upon organization, the members of the Hearing Committee shall elect a chair and a  
1012 secretary. ~~The chair and the secretary of the~~ **The members of the committee are**  
1013 **to be appropriately trained in accordance with guidelines and procedures jointly**  
1014 **established by the faculty officers and chancellor.** Should any committee officer be  
1015 absent at the beginning of a hearing, the committee shall elect an alternate officer for  
1016 the purposes of the hearing. **(Faculty Senate Resolution #03-49, pending final**  
1017 **approval)**

1018  
1019 When the committee is convened to consider any matter associated with a  
1020 complainant's request for a hearing, those committee members who hold an  
1021 appointment in the complainant's academic unit, those who might reasonably expect to  
1022 be called as witnesses, those who might reasonably expect to be asked to serve as  
1023 advisors (see Section V.D.2, Conduct of the Hearing) to any party of the ~~request for a~~  
1024 hearing, or those who may have any other conflict of interest should disqualify  
1025 themselves from participation in the activities of the committee related to this specific  
1026 request for a hearing. The complainant and those individuals or groups who are  
1027 alleged to be responsible for the action or actions described by the complainant in the  
1028 request for the hearing (hereinafter, the respondents) are permitted to challenge  
1029 committee members for cause. The other members of the committee will decide on  
1030 any potential disqualifications if a committee member is so challenged but wishes to  
1031 remain.

1032  
1033 When, between elections, membership of the committee falls below the specified five  
1034 members and five alternates, the chair of the faculty, in consultation with the  
1035 Committee on Committees, shall appoint members to the committee. Vacancies on  
1036 the committee will be filled by first moving alternates to members and by making  
1037 appointments as alternates.  
1038

1039 Upon receipt of a request for a hearing, the chair of the committee shall determine the  
1040 availability of the elected members and alternates, and shall select from those  
1041 available one or more alternates, as necessary. The ranking of the available alternates  
1042 for selection shall be determined by their years of service to the University. That  
1043 available alternate who is most highly ranked shall attend all sessions of the hearing  
1044 and shall replace a regular member should that member be unable to attend the entire  
1045 hearing.

1046  
1047 The committee may at any time consult with an attorney in the office of the University  
1048 Attorney who is not presently nor previously substantively involved in the matter giving  
1049 rise to the hearing, nor will advise the University administrator(s) following the  
1050 committee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)  
1051

## 1052 2. Initiation of the Hearing Process

1053 The basis for a request for a hearing must be found in one or more of the following  
1054 reasons: (a) the decision was based on any ground stated to be impermissible in  
1055 Section 604B of The Code of The University of North Carolina; (b) the decision was  
1056 attended by a material procedural irregularity.<sup>6</sup>  
1057

1058 Section 604B of The Code of The University of North Carolina states: "In no event shall  
1059 a decision not to reappoint a faculty member be based upon (a) the exercise by the  
1060 faculty member of rights guaranteed by the First Amendment to the United States  
1061 Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty  
1062 member's race, sex, religion, national origin, age, disability, or honorable service in the  
1063 armed services of the United States, or (c) personal malice."  
1064

1065 "Material procedural irregularity" means a departure from prescribed procedures  
1066 governing reappointment and conferral of permanent tenure that cast reasonable doubt  
1067 upon the **integrity** ~~validity~~ of the original decision not to reappoint or not to confer  
1068 permanent tenure. Whether a material procedural irregularity occurred shall be  
1069 determined by reference to those procedures which were in effect when the initial  
1070 decision not to reappoint or not to confer permanent tenure was made and  
1071 communicated. The Hearing Committee shall ask the chancellor to certify what  
1072 procedures were then in effect if that question is a matter of dispute. **(Faculty Senate**  
1073 **Resolution #03-49, pending final approval)**  
1074

1075 The complainant's request for a hearing must specifically identify and enumerate all  
1076 reasons for the request. The request must include (a) a description that is as complete  
1077 as possible of the actions or the failures to act which support each specified  
1078 contention; (b) the identification of the respondents; (c) an enumeration and description  
1079 of the information or documents which are to be used to support the contention (copies  
1080 of the described documents are to be made a part of the request for a hearing); (d) the  
1081 identification of persons who may be willing to provide information in support of the  
1082 contention; and (e) a brief description of the information those persons identified in (d)

---

<sup>6</sup> Appeals based on material procedural irregularity shall refer only to personnel actions which are initiated after the approval of material procedural irregularity as a basis for a request for a hearing.

1083 may provide. The complainant's request for a hearing shall be made to the chair of the  
1084 Hearing Committee.

1085  
1086 C. Validation of the Request for Hearing.

1087 Validation of the complainant's request for a hearing is the first step in the hearing process.  
1088 The Hearing Committee shall convene within 15 days after receipt of the complainant's  
1089 request for a hearing. The committee shall notify the complainant of the meeting date by  
1090 ~~registered mail, return receipt requested~~ a method that provides delivery verification and is  
1091 consistent with UNC Policy 101.3.3. The committee shall meet in executive session and  
1092 the meeting will be conducted according to the latest edition of *Robert's Rules of Order,*  
1093 *Newly Revised.* The committee's evaluation of the complainant's request for a hearing  
1094 shall be limited solely to the documents and information submitted as part of the  
1095 complainant's request for a hearing.

1096  
1097 The complainant may submit additional documentation and information supporting the  
1098 request for a hearing up to 72 hours prior to the committee meeting. All documentation  
1099 and information submitted after the original request for a hearing must (a) support  
1100 contentions set forth in the original request for a hearing and (b) be delivered to the chair in  
1101 the same manner as the original request for a hearing. Such information or documentation  
1102 shall be made a part of the original request for a hearing.

1103  
1104 Documentation and information that do not meet criteria set forth in the previous paragraph  
1105 will not be accepted and will be returned to the complainant.

1106  
1107 The Hearing Committee's review of the complainant's request for a hearing shall be limited  
1108 solely to determining whether the facts alleged by the complainant, if established, would  
1109 support the contention that the decision not to reappoint or not to confer permanent tenure  
1110 was based upon any of the grounds stated as impermissible in Section 604B of The Code  
1111 of The University of North Carolina or was attended by a material procedural irregularity.  
1112 Based on their review and evaluation of the submitted material, the committee shall decide  
1113 whether the request for a hearing is to be validated.

1114  
1115 If the request for a hearing is not validated, the complainant shall be notified by ~~registered~~  
1116 ~~mail, return receipt requested~~ a method that provides delivery verification and is consistent  
1117 with UNC Policy 101.3.3, within 10 calendar days of the committee meeting. Such a  
1118 determination confirms the decision not to reappoint or not to confer permanent tenure.  
1119 (Faculty Senate Resolution #99-4, February 1999)

1120  
1121 The complainant may accept the decision of the Hearing Committee not to validate or  
1122 appeal to the chancellor within 10 calendar days of receipt of the Hearing Committee's  
1123 decision. The chancellor, within 14 days of the complainant's appeal shall decide to  
1124 confirm the committee's decision or shall support the complainant's request for a hearing.  
1125 (Faculty Senate Resolution #99-4, February 1999)

1126  
1127 The complainant may accept the chancellor's confirmation of the committee's decision not  
1128 to validate the request for a hearing, or the complainant may appeal to the Board of  
1129 **Governors** ~~Trustees~~ within 10 calendar days following receipt of the Chancellor's decision.  
1130 ~~as provided in Section 501C (4) of the Code of the University of North Carolina and the~~  
1131 ~~regulations of the Board of Governors implementing that provision.~~ (Faculty Senate

1132 Resolution #99-4, February 1999) (**Faculty Senate Resolution #03-49, pending final**  
1133 **approval**)

1134  
1135 If the committee validates the request for a hearing, or the decision not to validate the  
1136 request for a hearing is not supported by the chancellor, the committee shall so notify the  
1137 complainant by ~~registered mail, return receipt requested~~ a method that provides delivery  
1138 verification and is consistent with UNC Policy 101.3.3 and begin the processes necessary  
1139 to set the time and date for the hearing.

1140  
1141 D. Procedures for the Hearing.

1142 1. Time and Date of Hearing

1143 If the request for a hearing is validated, the committee shall provide a complete copy of  
1144 the request for a hearing to the individuals named in the request for a hearing. The  
1145 committee shall set the time, date, and place for the hearing. The date for the hearing  
1146 must be within 30 working days of the notification to the complainant that the request  
1147 for a hearing was validated. The committee shall then notify the complainant, the  
1148 respondents, the chair of the faculty, and the chancellor, of the time, date, and place of  
1149 the hearing. At least 15 working days before the hearing, the complainant shall notify  
1150 the committee, the respondents, the chair of the faculty, and the chancellor of the  
1151 identity of the complainant's advisor, if any, and whether or not the advisor is an  
1152 attorney. ("Attorney" is defined as anyone with a Juris Doctor, or other recognized law  
1153 degree, regardless of whether or not that person is licensed to practice law in the State  
1154 of North Carolina and/or whether or not that person is "representing" the employee).

1155  
1156 2. Conduct of the Hearing

1157 The chair of the Hearing Committee or an elected member of the committee if the chair  
1158 is unavailable, is responsible for conducting the hearing and for maintaining order  
1159 during the hearing. Except as provided for herein, the hearing shall be conducted  
1160 according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance  
1161 at the hearing is limited to the committee's members and alternates, the complainant,  
1162 one person who may advise the complainant but who may not take an active part in  
1163 the proceedings, the respondents, an East Carolina University faculty member (with or  
1164 without administrative appointment) selected by the chancellor to represent the  
1165 respondents in the conduct of the hearing, an East Carolina University attorney who  
1166 shall advise the respondents and their representative but who may not take an active  
1167 part in the proceedings, the chancellor, and an East Carolina University attorney  
1168 representing the chancellor, who may advise the chancellor but may not take an active  
1169 part in the proceedings. Other persons (witnesses) providing information to the  
1170 committee shall not be present throughout the hearing, but shall be available at a  
1171 convenient location to appear before the committee as appropriate. For any hearing  
1172 from which an appeal may be taken, a professional court reporter must be used to  
1173 record and transcribe the hearing. (Faculty Senate Resolution #03-37, March 2004)  
1174 **Any such record is a part of the personnel inquiry and must be treated with**  
1175 **appropriate confidentiality. Only the immediate parties to the controversy, the**  
1176 **responsible administrators and attorneys, and the members of the University**  
1177 **governing boards and their respective committees and staff are permitted**  
1178 **access to such materials. (Faculty Senate Resolution #03-49, pending final**  
1179 **approval)**

1180  
1181 The hearing shall begin with an opening statement by the committee member chairing  
1182 the hearing. This statement shall be limited to explaining the purpose of the hearing  
1183 and the procedures to be followed during the hearing. The hearing chair explicitly will  
1184 note that the committee shall consider only information bearing on the allegations  
1185 presented in the complainant's request for the hearing.  
1186

1187 Following the opening remarks by the committee hearing chair, the complainant shall  
1188 present his or her contentions and any supporting witnesses and documentary  
1189 evidence. The respondent(s), through their representative, may then reply to these  
1190 contentions and present any supporting witnesses and evidence. During these  
1191 presentations, the complainant, and the respondent(s), through their representative,  
1192 may cross-examine opposing witnesses. Committee members may question witnesses  
1193 for purposes of clarification. At the conclusion of the hearing, the complainant and  
1194 then the respondent(s) will be given the opportunity to provide summary statements.  
1195

#### 1196 E. Procedures After the Hearing

1197 After the hearing, the committee shall meet in executive session and begin its deliberations  
1198 or shall adjourn for no more than two working days, at which time it shall reconvene in  
1199 executive session to determine whether it sustains or does not sustain the allegations  
1200 stated in the request for the hearing. In reaching its decisions the committee shall  
1201 consider only the testimony and other materials entered or presented as evidence during  
1202 the hearing. The complainant shall have the burden of proof by the greater weight of the  
1203 evidence to establish that a basis for his or her contentions is found in one of the reasons  
1204 listed in Section V.B.2. Initiation of Hearing.  
1205

1206 Within 10 working days of finishing its deliberations the committee shall provide the  
1207 complainant, respondents, and the chancellor with a copy of the committee's report and a  
1208 copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37,  
1209 March 2004)  
1210

1211 If the Hearing Committee determines that the complainant's contention has not been  
1212 established, it shall, by simple, unelaborated statement, so notify the complainant, the  
1213 respondents, the chair of the faculty, and the chancellor. Such a determination confirms  
1214 the decision not to reappoint or not to confer permanent tenure.  
1215

1216 If the Hearing Committee determines that the complainant's contention has been  
1217 satisfactorily established, it shall notify the complainant, the respondents, the chair of the  
1218 faculty, and the chancellor by written notice and shall recommend further substantive  
1219 review.  
1220

1221 Within 30 working days after receiving the recommendation of the Hearing Committee, the  
1222 chancellor shall notify the complainant, the respondents, the chair of the faculty, and the  
1223 chair of the Hearing Committee what further substantive review, if any, will be made of the  
1224 original decision not to reappoint or not to confer permanent tenure.  
1225

1226 ~~The complainant may appeal an adverse decision to the Board of Trustees within 10~~  
1227 ~~calendar days as provided in Section 501C (4) of the Code of The University of North~~  
1228 ~~Carolina and the Board of Governors regulations implementing that provision. (Faculty~~

1229 ~~Senate Resolution #99-4, February 1999)~~ **(Faculty Senate Resolution #03-49, pending**  
1230 **final approval)**

1231  
1232 **If the chancellor is considering taking action inconsistent with the committee's**  
1233 **recommendations, the chancellor shall request that a joint meeting with the**  
1234 **committee occur within 10 working days. At the joint meeting, the chancellor will**  
1235 **communicate his or her concerns and the committee will have an opportunity to**  
1236 **respond. The joint meeting must occur within the 30 working day period in the**  
1237 **preceding paragraph. The chancellor must base his or her decision on a thorough**  
1238 **review of (1) the record evidence from the hearing and (2) the report of the**  
1239 **committee. While the chancellor should give deference to the advice of the faculty**  
1240 **committee, the final campus-based decision is the chancellor's.**

1241  
1242 **The chancellor will inform the complainant of his or her decision in writing by a**  
1243 **method that produces adequate evidence of delivery. In the event of an adverse**  
1244 **decision, the chancellor's notice must inform the complainant: (1) that, within 10**  
1245 **calendar days of the complainant's receipt of the decision, the complainant may file**  
1246 **a notice of appeal with the president requesting review by the Board of Governors**  
1247 **in accordance with the Board of Governors Policy 101.3.1, (2) that a simple written**  
1248 **notice of appeal with a brief statement of its basis is all that is required within this**  
1249 **ten-day period, and (3) that, thereafter, a detailed schedule for the submission of**  
1250 **relevant documents will be established if such notice of appeal is received in a**  
1251 **timely matter. (Faculty Senate Resolution #03-49, pending final approval)**

1252  
1253 ~~The exercise of the Board of Governors' jurisdiction under Section 501C (4) of the Code is~~  
1254 ~~refined to insure that primary emphasis remains properly focused on the campus~~  
1255 ~~grievance procedures. Requests for appellate review will be screened to determine~~  
1256 ~~whether the Board should consider the issues raised in a petitioner's request for review.~~  
1257 ~~The following basic standards will guide that screening process:~~

- 1258 ~~1. The Board will grant requests to review contentions that the grievance procedures~~  
1259 ~~followed by the campus in a particular case did not comport with University~~  
1260 ~~requirements that affect the credibility, reliability, and fairness of such inquiries,~~  
1261 ~~thereby arguably depriving the grievant of a valid opportunity to establish his or her~~  
1262 ~~contentions.~~  
1263 ~~2. The Board will grant requests to review University policy issues implicated by a~~  
1264 ~~particular grievance, when the question appears to require intervention by the~~  
1265 ~~governing board to clarify the definition, interpretation, or application of such~~  
1266 ~~policies.~~  
1267 ~~3. The Board will review questions about the sufficiency of the evidence to sustain the~~  
1268 ~~conclusion reached only if (a) the case involves a substantial interest of the~~  
1269 ~~grievant,~~  
1270 ~~e.g., tenure or reappointment and/or (b) the history of the case reveals~~  
1271 ~~disagreement, with respect to the sufficiency of the evidence to sustain the~~  
1272 ~~grievant's contentions, among the responsible decision makers, i.e., the hearing~~  
1273 ~~committee, the chancellor, or the board of trustees; or the board of trustees<sup>7</sup>; if~~

---

<sup>7</sup>The board of trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmance of a faculty committee decision) was clearly erroneous.

1274 the responsible decision makers are in accord, normally no such appeal will be  
1275 entertained by the Board of Governors. (**Faculty Senate Resolution #03-49,**  
1276 **pending final approval**)

1277  
1278 Under the foregoing prescriptions, it is necessary for prospective petitioners to  
1279 evaluate their circumstances carefully, to understand the purposes of permissible  
1280 appellate review, and to formulate clearly and concisely their statement of the one or  
1281 more grounds on which they believe the Board should exercise its appellate  
1282 jurisdiction. Thus, the first step in any appeal to the Board of Governors will be an  
1283 evaluation by the Board, through a designated subcommittee, with staff assistance, of  
1284 the grievant's written statement of grounds for appeal, to determine whether the issues  
1285 sought to be raised warrant Board attention, as judged by the three basic standards.  
1286

## 1287 VI. Due Process Before Discharge or Imposition of Serious Sanction

### 1288 A. Penalties

1289 A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy  
1290 protection against unjust and arbitrary application of disciplinary penalties. During the  
1291 period of such guarantees, the faculty member may be discharged or suspended from  
1292 employment or diminished in rank only for reasons of incompetence, neglect of duty, or  
1293 misconduct of such a nature as to indicate that the individual is unfit to continue as a  
1294 member of the faculty. These penalties may be imposed only in accordance with the  
1295 procedures prescribed in this section. For purposes of these  
1296 regulations, a faculty member serving a stated term shall be regarded as having tenure  
1297 until the end of the term. These procedures shall not apply to non-reappointment (Section  
1298 V) or termination of employment (Section VII).

### 1299 B. Notice

1300 Written notice of intent to discharge or to suspend from employment or to diminish in rank  
1301 (these penalties hereinafter in Section VI are referred to as "the penalty") shall be sent by  
1302 the vice chancellor with supervisory authority or by the vice chancellor's designee to the  
1303 faculty member by ~~registered mail, return receipt requested~~ a method that provides  
1304 delivery verification and is consistent with UNC Policy 101.3.3. The statement shall  
1305 include notice of the faculty member's right, upon request, to both written specification of  
1306 the reasons for the intended penalty and a hearing by the Due Process Committee  
1307 (Section VI.E.). (Faculty Senate Resolution #99-10, March 1999)

### 1308 C. Penalty Without Recourse

1309 If, within 10 working days after the faculty member receives the notice referred to in  
1310 Section VI.B. above, the faculty member makes no written request for either a specification  
1311 of reasons or a hearing, the faculty member may be penalized without recourse to any  
1312 institutional grievance or appellate procedure.

### 1313 D. Specification of Reasons and Hearing Request

1314 If, within 10 working days after the faculty member receives notice referred to in Section  
1315 VI.B. above, the faculty member makes a written request to the vice chancellor with  
1316 supervisory authority, ~~registered mail, return receipt requested~~ a method that provides  
1317 delivery verification and is consistent with UNC Policy 101.3.3, for a specification of  
1318 reasons, the vice chancellor with supervisory authority or the vice chancellor's designee  
1319 shall supply such specification in writing by ~~registered mail, return receipt requested~~ a  
1320 method that provides delivery verification and is consistent with UNC Policy 101.3.3, within  
1321 10 working days after receiving the request.

1322 A faculty member's request for a hearing is to be directed to the vice chancellor with  
1323 supervisory authority in writing by ~~registered mail, return receipt requested~~ a method that  
1324 provides delivery verification and is consistent with UNC Policy 101.3.3. Upon receipt of  
1325 such a request the vice chancellor with supervisory authority shall, within ten working days,  
1326 notify the chair of the Due Process Committee of the need to convene a hearing in  
1327 accordance with Section VI.F.1. If the faculty member makes no written request to the  
1328 vice chancellor with supervisory authority for a hearing within 10 working days after  
1329 receiving the specification, the faculty member may be penalized without recourse to any  
1330 institutional grievance or appellate procedures. (Faculty Senate Resolution #99-10, March  
1331 1999)

1332 E. Due Process Committee

1333 The Due Process Committee shall be composed of five members and five alternates each  
1334 of whom is a full-time, permanently tenured voting faculty member without administrative  
1335 appointment. Members shall be elected in accordance with the procedures for election of  
1336 appellate committees specified in the Bylaws of the East Carolina University Faculty  
1337 Senate. Members and alternates shall be elected to three-year terms. A quorum for the  
1338 committee shall be the five members or their alternates. Upon organization, the members  
1339 of the Due Process Committee shall elect a chair and a secretary. Should any committee  
1340 officer be absent at the beginning of a hearing, the committee shall elect an alternate  
1341 officer for the purposes of the hearing.

1342  
1343 When the committee is convened to consider any matter associated with a faculty  
1344 member's request for a hearing, those committee members who hold an appointment in  
1345 the faculty member's academic unit, those who might reasonably expect to be called as  
1346 witnesses, or those who may have any other conflict of interest should disqualify  
1347 themselves from participation in the activities of the committee related to this specific  
1348 request for a hearing. The faculty member and the vice chancellor with supervisory  
1349 authority are permitted to challenge committee members for  
1350 cause. The other members of the committee will decide on any potential disqualifications  
1351 if a committee member is so challenged but wishes to remain. (Faculty Senate Resolution  
1352 #99-10, March 1999)

1353  
1354 When membership of the committee falls below the specified five members and five  
1355 alternates, the Faculty Senate will elect additional faculty members to the committee.  
1356 Vacancies on the committee will be filled first by moving alternates to member status and  
1357 by electing new alternates and/or members as needed to fill the committee roster.

1358  
1359 Upon notification by the vice chancellor with supervisory authority or the vice chancellor's  
1360 designee that a faculty member has requested a hearing, the chair of the committee shall  
1361 determine the availability of the elected members and alternates, and shall select from  
1362 those available one or more alternates, as necessary (see Part XI of the ECU  
1363 Faculty Manual, UNC Code, Section 603). The ranking of the available alternates for  
1364 selection shall be determined by their years of service to the University. That available  
1365 alternate who is most highly ranked shall attend all sessions of  
1366 the hearing and shall replace a regular member should that member be unable to attend  
1367 the entire hearing. (Faculty Senate Resolution #99-10, March 1999)

1368  
1369 The committee may at any time consult with an attorney in the office of the University  
1370 Attorney who is not presently nor previously substantively involved in the matter giving rise

1371 to the hearing, nor will advise the University administrator(s) following the committee  
1372 action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)  
1373

1374 F. Procedures for the Hearing

1375 1. Time and Date of Hearing

1376 The Due Process Committee shall set the time, date, and place for the hearing. The  
1377 date for the hearing must be within 30 working days of the time the committee receives  
1378 the vice chancellor with supervisory authority's notification of the faculty member's  
1379 written request for a hearing. The committee shall notify the affected faculty member,  
1380 the vice chancellor with supervisory authority, and the chair of the faculty of the time,  
1381 date, and place of the hearing. The committee may, upon the faculty member's written  
1382 request and for good cause, postpone the date of the hearing by written notice to the  
1383 faculty member.

1384 2. Conduct of Hearing

1385 The hearing shall be on the written specification of reasons for the intended penalty.  
1386 The chair of the Due Process Committee, or an elected member of the committee if the  
1387 chair is unavailable, is responsible for conducting the hearing and for maintaining order  
1388 during the hearing. Except as provided for herein, the hearing shall be conducted  
1389 according to the latest edition of *Robert's Rules of Order, Newly Revised.* Attendance  
1390 at the hearing is limited to the committee's members and alternates, the faculty  
1391 member requesting the hearing, counsel for the faculty member, the vice chancellor  
1392 with supervisory authority, and counsel for the vice chancellor. Other persons  
1393 (witnesses) providing information to the committee shall not be present throughout the  
1394 hearing, but shall be available at a convenient location to appear before the committee  
1395 as appropriate. For any hearing from which an appeal may be taken, a professional  
1396 court reporter must be used to record and transcribe the hearing. (Faculty Senate  
1397 Resolution #03-37, March 2004)  
1398

1399 The hearing shall begin with an opening statement by the hearing chair of the  
1400 committee limited to explaining the purpose of the hearing and the procedures to be  
1401 followed during the hearing. Following the opening remarks by the hearing committee  
1402 chair, the vice chancellor with supervisory authority or his/her counsel shall present the  
1403 university's contentions and any supporting witnesses and documentary evidence.  
1404 The faculty member or the faculty member's counsel may then reply and present any  
1405 supporting witnesses and documentary evidence. During these presentations, the vice  
1406 chancellor with supervisory authority or his or her counsel, and the faculty member or  
1407 his or her counsel, may cross-examine opposing witnesses. Committee members may  
1408 question witnesses for purposes of clarification. At the conclusion of the hearing, the  
1409 faculty member and then the vice chancellor with supervisory authority will be given the  
1410 opportunity to provide summary statements. (Faculty Senate Resolution #99-10, March  
1411 1999)  
1412

1413 G. Procedures After the Hearing

1414 After the hearing, the committee shall meet in executive session and begin its deliberations  
1415 or shall adjourn for no more than two working days, at which time it shall reconvene in  
1416 executive session. In reaching its decisions the committee shall consider only the  
1417 testimony and other materials entered or presented as evidence during the hearing.  
1418

1419 Within 10 working days of finishing its deliberations the committee shall provide the faculty  
1420 member and the chancellor with a copy of its report, including materials entered as  
1421 evidence, and a copy of the court reporter's transcript of the hearing. In its report the  
1422 committee shall state whether or not it recommends that the intended penalty be imposed.  
1423 (Faculty Senate Resolution #03-37, March 2004)  
1424

1425 In reaching a decision, the chancellor shall consider only the written transcript of the  
1426 hearing and the report of the Due Process Committee. Within 30 working days of  
1427 receiving the report, the chancellor's decision shall be conveyed in writing to the Due  
1428 Process Committee and the affected faculty member by ~~registered mail, return receipt~~  
1429 ~~requested~~ a method that provides delivery verification and is consistent with UNC Policy  
1430 101.3.3.  
1431

#### 1432 H. Appeal

1433 If the chancellor concurs in a recommendation of the committee that is favorable to the  
1434 faculty member, the decision shall be final. If the chancellor rejects a finding, conclusion,  
1435 or recommendation of the Due Process Committee, the chancellor shall state the reasons  
1436 for doing so in a written decision. If the chancellor either declines to accept a Committee  
1437 recommendation that is favorable to the faculty member or concurs in the committee  
1438 recommendation that is unfavorable to the faculty member, the faculty member may  
1439 appeal the chancellor's decision to the Board of Trustees.  
1440

1441 This appeal shall be transmitted through the chancellor and shall be addressed to the chair  
1442 of the Board. Notice of appeal shall be received by the chancellor within ten working days  
1443 after the faculty member receives the chancellor's decision. The appeal to the Board of  
1444 Trustees shall be decided by the full Board of Trustees; however, the Board may delegate  
1445 the duty of conducting a hearing to a standing or ad hoc committee of at least three  
1446 members.  
1447

1448 The Board of Trustees, or its committee shall consider the appeal on the written transcript  
1449 of the hearing held by the Due Process Committee, but it may, in its discretion, hear such  
1450 other evidence as it deems necessary, with the opportunity for rebuttal. The Board of  
1451 Trustees' decision shall be made within 45 working days after the chancellor has received  
1452 the faculty member's request for an appeal to the Trustees.  
1453

1454 This decision shall be final except that the faculty member may, within ten days after  
1455 receiving the trustees' decision, file a written petition for review with the Board of  
1456 Governors if he or she alleges that one or more specified provisions of the Code of The  
1457 University of North Carolina have been violated. Any such petition to the Board of  
1458 Governors shall be transmitted through the President, and the Board shall, within 45  
1459 working days, grant or deny the petition or take such other action as it deems advisable. If  
1460 it grants the petition for review, the Board's decision shall be made within 45 working days  
1461 after it notifies the faculty member by ~~registered mail, return receipt requested~~ a method  
1462 that provides delivery verification and is consistent with UNC Policy 101.3.3, that it will  
1463 review the petition.  
1464

1465 The exercise of the Board of Governors' jurisdiction ~~under Section 501C(4) of the Code~~ is  
1466 refined to insure that primary emphasis remains properly focused on the campus  
1467 grievance procedures. Requests for appellate review will be screened to determine

1468 whether the Board should consider the issues raised in a petitioner's request for review.  
1469 The following basic standards will guide that screening process:

- 1470 1. The Board will grant requests to review contentions that the grievance procedures  
1471 followed by the campus in a particular case did not comport with University  
1472 requirements that affect the credibility, reliability, and fairness of such inquiries, thereby  
1473 arguably depriving the grievant of a valid opportunity to establish his or her contentions.
- 1474 2. The Board will grant requests to review University policy issues implicated by a  
1475 particular grievance, when the question appears to require intervention by the  
1476 governing board to clarify the definition, interpretation, or application of such policies.
- 1477 3. The Board will review questions about the sufficiency of the evidence to sustain the  
1478 conclusion reached only if (a) the case involves a substantial interest of the grievant,  
1479 e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement,  
1480 with respect to the sufficiency of the evidence to sustain the grievant's contentions,  
1481 among the responsible decision makers, i.e., the due process committee, the  
1482 chancellor, or the board of trustees<sup>8</sup>; if the responsible decision makers are in accord,  
1483 normally no such appeal will be entertained by the Board of Governors.

1484 Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate  
1485 their circumstances carefully, to understand the purposes of permissible appellate review,  
1486 and to formulate clearly and concisely their statement of the one or more grounds on which  
1487 they believe the Board should exercise its appellate jurisdiction. Thus, the first step in any  
1488 appeal to the Board of Governors will be an evaluation by the Board, through a designated  
1489 subcommittee, with staff assistance, of the grievant's written statement of grounds for  
1490 appeal, to determine whether the issues sought to be raised warrant Board attention, as  
1491 judged by the three basic standards.

#### 1492 I. Suspension During a Period of Intent to Discharge

1493 When a faculty member has been notified of the institution's intention to discharge the  
1494 faculty member, the chancellor may suspend the faculty member at any time and continue  
1495 the suspension until a final decision concerning discharge has been reached by the  
1496 procedures prescribed herein. Suspension during a period of intent to discharge shall be  
1497 exceptional and shall be with full pay and benefits.  
1498  
1499

### 1500 VII. Termination of Faculty Employment

#### 1501 A. Reasons Justifying Termination and Consultation Required

##### 1502 1. Reasons for Terminating Employment

1503 The employment of a faculty member with permanent tenure or of a faculty member  
1504 holding a fixed-term or probationary appointment may be terminated by East Carolina  
1505 University because of (1) demonstrable, bona fide institutional financial exigency, or (2)  
1506 major curtailment or elimination of a teaching, research or public service program.  
1507

1508 Financial exigency is defined as a significant decline in the financial resources of the  
1509 institution that is brought about by decline in institutional enrollment or by other action  
1510 or events that compel a reduction in the institution's current operations budget. The  
1511 determination of whether a condition of financial exigency exists or whether there shall  
1512 be a major curtailment or elimination of a teaching, research, or public service program

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<sup>8</sup>The board of trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmation of a faculty committee decision) was clearly erroneous.

1513 shall be made by the chancellor, after consulting with the academic administrative  
1514 officers and faculties as required by Section VII.A.2. below.

1515  
1516 This determination is subject to concurrence by the President and then approval of the  
1517 Board of Governors. If the financial exigency or curtailment or elimination of a program  
1518 is such that the institution's contractual obligation to a faculty member cannot be met,  
1519 the employment of the faculty member may be terminated in accordance with Section  
1520 605 of The Code of The University of North Carolina and the institutional procedures  
1521 set out in subsection B below.

1522 2. Consultation with Faculty and Administrative Officers

1523 When it appears that the institution will experience an institutional financial exigency or  
1524 when it is considering a major curtailment in or elimination of a teaching, research, or  
1525 public service program, the chancellor or the chancellor's delegate shall forthwith  
1526 prepare a report which identifies specifically the state of financial exigency or the  
1527 program change. The report must outline the options readily apparent to the chancellor  
1528 at the time, including any options which would or might involve terminations of faculty  
1529 employment.

1530  
1531 The chancellor's report shall be directed to the Educational Policies and Planning  
1532 Committee for their written advice and recommendations. In considering this report the  
1533 Educational Policies and Planning Committee shall have access to information on  
1534 which the chancellor's report was based. The Committee may interview appropriate  
1535 persons. The Educational Policies and Planning Committee shall prepare a report in  
1536 response to the chancellor, to be submitted at a time determined by the chancellor.

1537  
1538 Should the chancellor decide, following receipt of the Educational Policies and Planning  
1539 Committee's report, to consider reducing a unit's faculty for reasons of financial  
1540 exigency or major curtailment or elimination of a program, the chancellor shall promptly  
1541 establish and convene an ad hoc Faculty Advisory Committee to advise the chancellor  
1542 regarding the contemplated reduction.

1543  
1544 Whenever such a Committee is created, it shall consist of two members and two  
1545 alternates elected by the unit; the unit's administrator as an ex officio member; and four  
1546 members and four alternates from disciplines complementary to the unit, nominated by  
1547 the University Committee on Committees and elected by the Faculty Senate. Except  
1548 for the ex-officio member, membership on an ad hoc committee shall be limited to full-  
1549 time permanently tenured faculty without administrative appointment. Upon  
1550 organization, the committee shall elect a chair and a secretary. The ad hoc Faculty  
1551 Advisory Committee, following procedures according to the most recent edition of  
1552 *Robert's Rules of Order, Newly Revised*, shall submit a report of its advice and  
1553 recommendations, at a time determined by the chancellor. In preparing this report, the  
1554 committee shall have access to information considered in any prior reports, and the  
1555 committee may interview appropriate persons.

1556 B. Termination Procedures

1557 1. Consideration in Determining Whose Employment is to be Terminated

1558 In determining which faculty member's employment is to be terminated, the primary  
1559 consideration of the chancellor and the ad hoc advisory committee shall be the  
1560 maintenance of a sound and balanced educational program that is consistent with the  
1561 functions and responsibilities of the institution. Where no conflict with this primary

1562 consideration exists, priority for retention shall be given the permanently tenured faculty  
1563 who are senior in years of service to the University.

1564 2. Timely Notice of Termination

- 1565 a. When a faculty member's employment is to be terminated because of major  
1566 curtailment or elimination of a teaching, research, or public service program and  
1567 such curtailment or elimination of program is not founded upon financial exigency,  
1568 the faculty member shall be given timely notice as follows: One who has permanent  
1569 tenure shall be given not less than twelve months notice; and one who does not  
1570 have permanent tenure shall be given notice in accordance with the requirements  
1571 specified in Section II.C.
- 1572 b. When a faculty member's employment is to be terminated because of financial  
1573 exigency, the institution will make every reasonable effort, consistent with the need  
1574 to maintain sound educational programs and within the limits of available resources,  
1575 to give the same notice as set forth in the preceding paragraph.

1576 3. Type of Notice to be Given

- 1577 a. Should the chancellor decide to terminate employment following receipt of the  
1578 report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's  
1579 delegate shall send the faculty member whose employment is to be terminated a  
1580 written statement of this fact by ~~registered mail, return receipt requested~~ a method  
1581 that provides delivery verification and is consistent with UNC Policy 101.3.3. This  
1582 notice shall include a statement of the conditions requiring termination of the faculty  
1583 member's employment; a general description of the procedures followed in making  
1584 the decision; a disclosure of pertinent financial or other data upon which the  
1585 decision was based; a statement of the faculty member's right, upon request, to a  
1586 reconsideration of the decision by a faculty committee if the faculty member alleges  
1587 that the decision to terminate employment was arbitrary or capricious; and a copy of  
1588 this procedure on termination of employment.
- 1589 b. For a period of two years after the effective date of termination of a faculty  
1590 member's contract for any of the reasons specified in Section VII.A.1., the institution  
1591 shall not replace the faculty member without first offering the position to the person  
1592 whose employment was terminated. The offer shall be sent by ~~registered mail,~~  
1593 ~~return receipt requested~~ a method that provides delivery verification and is  
1594 consistent with UNC Policy 101.3.3 to the address last furnished to the chancellor's  
1595 office, and the faculty member will be given thirty calendar days after transmission  
1596 of the notice in which to accept or reject the offer. The offer to resume a terminated  
1597 position shall provide for tenure status, rank, and salary at least equal to those held  
1598 by the faculty member at the time of termination.
- 1599 c. The institution, when requested in writing by a faculty member whose employment  
1600 has been terminated, shall give reasonable assistance in finding other employment.  
1601 Such assistance shall include secretarial assistance, access to the telephone  
1602 (including long distance), University/unit stationary and postage, travel funds to  
1603 professional meetings, and other assistance as deemed reasonable and  
1604 appropriate in the profession.

1605 4. Termination if Reconsideration is Not Requested

1606 If, within 10 working days after receipt of notice required by Section VII.B.3 above, the  
1607 faculty member makes no written request for a reconsideration hearing, employment  
1608 will be terminated at the date specified in the notice given pursuant to Section VII.B.3,  
1609 and without recourse to any institutional grievance or appellate procedure.

1610 5. Request for Reconsideration Hearing

1611 Within 10 working days after receiving the notice required by Section VII.B.3, the  
1612 faculty member may request by ~~registered mail, return receipt requested~~ a method that  
1613 provides delivery verification and is consistent with UNC Policy 101.3.3 a  
1614 reconsideration of the decision to terminate employment, if the faculty member alleges  
1615 that the decision was arbitrary or capricious. The request shall be submitted to the  
1616 chancellor and shall specify the grounds upon which it is contended that the decision to  
1617 terminate employment was arbitrary or capricious and shall include a short, plain  
1618 statement of facts that the faculty member believes support the contention.  
1619 Submission of such a request constitutes on the part of the faculty member: (1) a claim  
1620 that the contention can be supported by representation of factual evidence, and (2) an  
1621 agreement that the institution may offer in rebuttal of the faculty member's contention  
1622 any relevant data within its possession. Upon receipt of such a request the chancellor  
1623 shall, within 10 working days, notify the chair of the Reconsideration Committee of the  
1624 need to convene a hearing in accordance with Section VII.B.7.

1625 6. The Reconsideration Committee

1626 The Reconsideration Committee shall be composed of five members and five  
1627 alternates, each of whom is a full time permanently tenured voting faculty member  
1628 without administrative appointment. Members shall be elected in accordance with the  
1629 procedures for election of appellate committees specified in the Bylaws of the East  
1630 Carolina University Faculty Senate. Members and alternates shall be elected to three-  
1631 year terms. A quorum for the committee shall be the five members or their alternates.  
1632

1633 Upon organization, the members of the Reconsideration Committee shall elect a chair  
1634 and a secretary. Should any committee officer be absent at the beginning of a hearing,  
1635 the committee shall elect an alternate officer for purposes of the hearing.  
1636

1637 When the committee is convened to consider any matter associated with a faculty  
1638 member's request for a hearing, those committee members who hold an appointment  
1639 in the faculty member's academic unit, those who might reasonably expect to be called  
1640 as witnesses, who participated directly in the decision to terminate the faculty  
1641 member's employment, or those who may have any other conflict of interest should  
1642 disqualify themselves from participation in the activities of the committee related to this  
1643 specific request for a hearing. The faculty member and the chancellor or the  
1644 chancellor's representative are permitted to challenge committee members for cause.  
1645 The other members of the committee will decide on any potential disqualifications if a  
1646 committee member is so challenged but wishes to remain.  
1647

1648 When, between elections, membership of the committee falls below the specified five  
1649 members and five alternates, the chair of the faculty, in consultation with the  
1650 Committee on Committees, shall appoint members to the committee. Vacancies on the  
1651 committee will be filled by first moving alternates to members and by making  
1652 appointments as alternates.  
1653

1654 Upon receipt of a request for a hearing, the chair of the committee shall determine the  
1655 availability of the elected members and alternates, and shall select from those available  
1656 one or more alternates, as necessary. The ranking of the available alternates for  
1657 selection shall be determined by their years of service to the University. That available  
1658 alternate who is most highly ranked shall attend all sessions of the hearing and shall  
1659 replace a regular member should that member be unable to attend the entire hearing.

1660 The committee may at any time consult with an attorney in the office of the University  
1661 Attorney who is not presently nor previously substantively involved in the matter giving  
1662 rise to the hearing, nor will advise the University administrator(s) following the  
1663 committee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)

1664 7. Procedures for the Hearing

1665 a. Time and Date of Hearing

1666 The Reconsideration Committee shall set the time, date, and place for the hearing.

1667 The date for the hearing must be within 30 working days of the time the committee  
1668 receives the chancellor's notification of the faculty member's written request for a  
1669 hearing. The committee shall notify the affected faculty member, the  
1670 chancellor, and the chair of the faculty of the time, date, and place of the hearing.

1671 The committee may, upon the faculty member's written request and for good cause,  
1672 postpone the date of the hearing by written notice to the faculty member.

1673 b. Conduct of Hearing

1674 The Reconsideration Committee's review of the faculty member's appeal shall be  
1675 limited solely to determining whether the decision to terminate employment was  
1676 arbitrary or capricious. The chair of the Reconsideration Committee is responsible  
1677 for conducting the hearing and for maintaining order during the hearing. Except as  
1678 provided for herein, the hearing shall be conducted according to the latest edition of

1679 Robert's Rules of Order, Newly Revised. Attendance at the hearing is limited to the

1680 committee's members and alternates, the faculty member requesting the hearing,  
1681 counsel for the faculty member, the chancellor or the chancellor's delegates

1682 (hereinafter, the chancellor), and counsel for the chancellor. Other persons

1683 (witnesses) providing information to the committee shall not be present throughout  
1684 the hearing, but shall be available at a convenient location to appear before the

1685 committee as appropriate. The faculty member and the committee shall be given  
1686 access, upon request, to documents that were used in making the decision to

1687 terminate the faculty member's employment after the decision was made that the  
1688 position must be terminated. For any hearing from which an appeal may be taken,

1689 a professional court reporter must be used to record and transcribe the hearing.

1690 (Faculty Senate Resolution #03-37, March 2004)

1691  
1692 The hearing shall begin with an opening statement by the chair of the committee  
1693 limited to explaining the purpose of the hearing and the procedures to be followed

1694 during the hearing. Following the opening remarks by the committee chair, the  
1695 faculty member or the faculty member's counsel shall present his or her

1696 contentions and any supporting witnesses and documentary evidence. The

1697 chancellor or the chancellor's counsel may then reply and present any supporting  
1698 witnesses and evidence in rebuttal of the faculty members

1699 contentions or in general support of the decision to terminate the faculty member's  
1700 employment. During these presentations, the faculty member or his or her counsel,

1701 and the chancellor or his or her counsel, may cross-examine opposing witnesses.

1702 Committee members may question witnesses for purposes of clarification. At the  
1703 conclusion of the hearing, the faculty member and then the chancellor or the

1704 chancellor's counsel will be given the opportunity to provide summary statements.

1705 8. Procedures After the Hearing

1706 After the hearing, the committee shall meet in executive session and begin its

1707 deliberations or shall adjourn for no more than two working days, at which time it shall

1708 reconvene in executive session. In reaching its decisions the

1709 committee shall consider only the testimony and other materials entered or presented  
1710 as evidence during the hearing.

1711  
1712 Within 10 working days of finishing its deliberations the committee shall provide the  
1713 faculty member and the chancellor with a copy of its report, including materials entered  
1714 as evidence, and a copy of the court reporter's transcript of the hearing. (Faculty  
1715 Senate Resolution #03-37, March 2004)

1716  
1717 If the Reconsideration Committee determines that the contention of the faculty member  
1718 has not been established, it shall, by a simple unelaborated statement, so notify the  
1719 faculty member, the chair of the faculty and the chancellor. The faculty member may  
1720 appeal the decision to terminate employment to the chancellor within 10 calendar days  
1721 following receipt of the committee's decision. ~~as provided in Section 501C (4) of the~~  
1722 ~~Code of the University of North Carolina and Board of Governors regulations~~  
1723 ~~implementing that provision.~~ (Faculty Senate Resolution #99-4, February 1999)

1724  
1725 If the Reconsideration Committee determines that the faculty member's contention has  
1726 been satisfactorily established, it shall so notify the faculty member, the chair of the  
1727 faculty, and the chancellor by a written notice that shall also include a recommendation  
1728 for corrective action by the chancellor.

1729  
1730 Within 30 working days after receiving the recommendation, the chancellor shall send  
1731 written notice to the faculty member by ~~registered mail, return receipt requested a~~  
1732 method that provides delivery verification and is consistent with UNC Policy 101.3.3,  
1733 with copies to the chair of the faculty, and the chair of the Reconsideration Committee  
1734 giving his decision and stating what modification, if any, the chancellor will make with  
1735 respect to the original decision to terminate the faculty member's employment. If the  
1736 chancellor fails to reverse the original decision, the chancellor shall send written notice  
1737 of such to the faculty member by ~~registered mail, return receipt requested a method~~  
1738 that provides delivery verification and is consistent with UNC Policy 101.3.3, with  
1739 copies to the chair of the faculty, and the chair of the Reconsideration Committee. The  
1740 faculty member may appeal the termination to the Board of Trustees within 10 calendar  
1741 days following receipt of the chancellor's decision. ~~as provided in Section 501C (4) of~~  
1742 ~~the Code of the University of North Carolina and Board of Governors regulations~~  
1743 ~~implementing that provision.~~ (Faculty Senate Resolution #99-4, February 1999)

1744  
1745 The exercise of the Board of Governors' jurisdiction ~~under Section 501C(4) of the Code~~  
1746 is refined to insure that primary emphasis remains properly focused on the campus  
1747 grievance procedures. Requests for appellate review will be screened to determine  
1748 whether the Board should consider the issues raised in a petitioner's request for  
1749 review. The following basic standards will guide that screening process:

- 1750 a. The Board will grant requests to review contentions that the grievance procedures  
1751 followed by the campus in a particular case did not comport with University  
1752 requirements that affect the credibility, reliability, and fairness of such inquiries,  
1753 thereby arguably depriving the grievant of a valid opportunity to establish his or her  
1754 contentions.
- 1755 b. The Board will grant requests to review University policy issues implicated by a  
1756 particular grievance, when the question appears to require intervention by the

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governing board to clarify the definition, interpretation, or application of such policies.

- c. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision makers, i.e., the reconsideration committee, the chancellor, or the board of trustees<sup>9</sup>; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate their circumstances carefully, to understand the purposes of permissible appellate review, and to formulate clearly and concisely their statement of the one or more grounds on which they believe the Board should exercise its appellate jurisdiction. Thus, the first step in any appeal to the Board of Governors will be an evaluation by the Board, through a designated subcommittee, with staff assistance, of the grievant's written statement of grounds for appeal, to determine whether the issues sought to be raised warrant Board attention, as judged by the three basic standards.

If the chancellor concurs in the recommendation of the committee that is favorable to the faculty member, the decision is final and written notification thereof shall be sent to the faculty member, the chair of the faculty, and the chair of the Reconsideration Committee.

### VIII. Effective Date

- A. These policies and regulations supersede all other institutional documents governing the matters covered herein.
- B. Except as otherwise provided below, all provisions of these policies and regulations shall become operative on the date they are approved by the President and the Board of Governors of the University of North Carolina.

These regulations as amended shall apply only to those appeals following nonreappointments and nonconferrals of tenure in which the original decision not to reappoint or not to confer permanent tenure was made after the effective date of these regulations. Regulations applicable to appeals following nonreappointment or nonconferral of tenure in which the original decision not to reappoint or not to grant permanent tenure was made prior to the effective date of these regulations are those rules in effect at the time that the original decision was made.

- ~~1. Sections II C(1) entitled "Probationary Terms" and II C(2) entitled "Reduction of the Normal Probationary Term for Previous Academic Employment" shall apply only with respect to those persons employed after the effective date of these regulations. These sections shall not modify the terms of employment for persons holding current untenured appointments made under previous forms of these regulations.~~

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<sup>9</sup>The board of trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmation of a faculty committee decision) was clearly erroneous.

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**Approved: Faculty Senate Resolution #94-18  
September 14, 1995  
UNC Board of Governors**

**Amended: Faculty Senate Resolution #99-4 (Sections V.C., V.E., VII.B.8) February 1999  
Faculty Senate Resolution #99-10 (Section VI. B., D., E., F) March 1999  
Faculty Senate Resolution #01-19 (Section IV.F) August 2001  
Faculty Senate Resolution #02-05 (Section II.E) October 2002  
Faculty Senate Resolution #03-30 (Section IV) April 2003  
Faculty Senate Resolution #03-37 (Sections II.A.3, D.2, V.E, VI.F.2, VI.G,  
VII.B.7.b, VII.8) March 2004  
Faculty Senate Resolution #03-44 (Section I) March 2004  
Faculty Senate Resolution #03-49 (Section V) *pending final approval***

**Editorial Revisions:**

**Faculty Senate Resolution #95-13 (throughout the document) February 1996  
(Sections II.A.3, IV.G.2, VI.E., VIII.) August 1997**

**Interpretations:**

**Interpretation I96-4 and I96-5 (Section II.C) March 1996  
Interpretation I97-7 and I97-8 (Section IV.A.1., IV.A.2., and IV.A.3) October 1997  
Interpretation I99-11 (Section IV.G) Faculty Senate Resolution #99-9,  
March 1999  
Interpretation I99-12 (Section IV.I) Faculty Senate Resolution #99-28,  
December 1999  
Interpretation I00-14 (Section IV) Faculty Senate Resolution #00-21, April 2000  
Interpretation I00-15 (Section IV.E) Faculty Senate Resolution #00-31,  
November 2000  
Interpretation I01-16 (Section IV.A.3) Faculty Senate Resolution #01-11,  
February 2001  
Interpretation I03-18 (Section IV.A.3) Faculty Senate Resolution #03-33,  
April 2003**

(According to UNC Code 602(1) final approval involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs/General Counsel, and President of UNC System.)