I. Remarks from the chair

II. Comments from other committee members

III. Remarks from the Provost
   A. Report on campus-wide substance abuse prevention programs
   B. Final Consultant’s report on East Carolina University Disciplinary System

IV. Remarks from the Vice Chancellor for Research and Graduate Studies
   A. University Research Compliance Officer

V. Remarks from the Director of Strategic Enrollment Management

VI. Remarks from the Athletics Director
   A. Football Season Ticket Report
   B. Financial Report:
      1. Fiscal Year 2007 Close Out
      2. Fiscal Year 2008 Budget
A harm-reduction approach is utilized in programming efforts to address Alcohol, Tobacco, and other Drug (ATOD) issues on campus. Six units in Student Affairs provide ATOD prevention programs to the ECU student community. These units are: The Center for Counseling and Student Development, Campus Recreation and Wellness, the ECU Police Department/Campus Safety, Campus Living, Student Legal Services, and the Office of Victim Services. These six entities collaborate closely with each other in order to optimize resources and reach as many campus constituents as possible. These offices do outreach programming both jointly and separately. Additionally, from Academic Affairs, the Department of Health Education and Promotion provides an ATOD education module that all students receive in Health 1000. This program incorporates ECU statistics, themes and issues. An on-line, “web-lesson” version of the Health 1000 program is also utilized with students.

**Highlights:**

**Direct programming:**
Educational sessions are conducted with student groups using lecture, multi-media, and interactive participation to engage students “face-to-face” about ATOD issues in the ECU community.

- From August 2006-August 2007: 126 ATOD education presentations were presented to approximately 15,140 students (total number in attendance; “duplicate” student appearances possible.)
- All incoming students participate in a 30 minute interactive ATOD education presentation during Orientation.
- Educational presentations were provided to student leadership groups, including all: Greek leaders and Greek chapters, Orientation Assistants, Residence Hall Assistants, Judicial Board members, Club Sports leaders.
- There were 56 presentations to academic classes completed this year (including many COAD 1000 classes for first-year students). Additionally, all Health 1000 classes receive prevention education as noted above.
- All Residence Halls received ATOD education (targeting younger students). Programs were delivered by Campus Living, ECU Police/Campus Safety, Campus Wellness, Counseling Center staff.
- A Peer Health Program is active and allows students to teach other students about safe behaviors in regard to alcohol and other drugs. Students are trained by staff in Student Affairs and receive academic credit through the Department of Health Education and Promotion. Peer Health students regularly conduct classroom and other presentations along with professional staff members.

**“Passive” Programming:**
A large number of individuals are also reached with prevention approaches other than direct face-to-face contact.
- A brochure was sent to all parents/guardians of incoming, first year students about ATOD issues that are of concern on U.S. college campuses, including strategies to speak with their student in a helpful manner about such issues.
A 21st Birthday card is sent to all ECU students just prior to the student turning age 21. Research has shown that many students drink hazardingously on their 21st birthday. This is an effort to provide safety information.

Several articles were placed in The East Carolinian to further disseminate knowledge about ATOD issues. Many of the messages given via the articles utilized the “social norms” approach addressing student misperception issues vis-à-vis alcohol.

There were 3 “Health Fairs” conducted by peer health students, “Healthy Pirates”, and staff in which ATOD information was given to over 750 students.

**Additional Efforts:**
Past taskforce efforts have led to the following initiatives:

- Research Triangle Institute, The Brody School of Medicine, and the ECU Center for Counseling and Student Development are joined in a federally-funded research grant to impact first year and freshmen alcohol use. Entitled the FACT Project, this five-year program will target 1000 first year ECU students in an attempt to positively influence decision-making about alcohol consumption via “motivational interviewing”.
- “Safe Rides”, operated by ECU Student Transit Authority (ECUSTA), provides students with free transportation home. This is a safe alternative for students who have been drinking and/or just desire to go home and are without other options. Other ECUSTA transportation initiatives, such as “Pirate Express”, also assist with safe transportation needs for our students.
- A new committee on campus, tentatively titled the “Alcohol, Tobacco, and other Drug Taskforce,” was initiated this semester. This group is comprised of key individuals throughout campus and will look at our current prevention efforts and seek to identify specific strategies that may enhance what is currently being done.
- A joint City of Greenville and ECU taskforce charged by the Mayor of Greenville and Chancellor Ballard at ECU is looking at ways to address undergraduate drinking in our community utilizing this “town-gown” approach.

**Early Intervention, Education, and Counseling:**
Intervention and counseling work are used in addition to prevention programming to address ATOD issues.

- All students who violate the ECU Code of Conduct for Alcohol and other drug offenses are required to participate in an education and/or counseling program. A tiered, progressive educational and counseling response is employed for students who violate ECU alcohol and other drug rules and laws.
- The ECU Police Department, local law enforcement (Greenville P.D., ALE, ABC Commission), the Pitt County District Attorney’s Office, Campus Living, the Office of Student Rights and Responsibilities, the Office of Student Legal Services, and the Center for Counseling and Student Development all coordinate efforts to ensure a fair and measured educational response to students who have violated our code of conduct with ATOD issues. Additionally, the Center for Counseling and Student Development offers free, confidential counseling services to any ECU student who self-identifies a desire to work on his/her own ATOD issues.
- Students that are treated in the emergency room at Pitt County Memorial Hospital for over-consumption of alcohol are sent information about counseling services and harm-reduction practices for safety.
Donna D. Gehring & Assoc., Inc.
P.O. Box 21645
Saint Simons Island, Ga. 31522
July 23, 2007

Dr. Marilyn Sheerer
Provost East Carolina University
113 Spilman Bldg.
Greenville, N.C. 27858

Dear Marilyn,

Enclosed is a copy of my report with an Executive Summary. I am also returning the web pages I downloaded and on which I made notes that may be of help to you as you review the code for legalistic language. My report is written so that it may be shared with others if you choose to do so. Some of my recommendations will require discussions among students and the faculty. I suggest that you use the 2007-2008 academic year to have those discussions and plan on having a revised code ready for printing in the summer ’08 and implementation in fall ’08. There will need to be a good deal of training to take place early on in the fall. Both students and faculty will need to understand the revised system. I also recommend that you simply scrap the old code and begin anew. You may want to use some of the old code to incorporate into a new code, but I would suggest rewriting a new code.

The SGA will most likely have problems with eliminating the position of Attorney General and Student Advocate, but their constitution assumes a judicial function and cites no legal authority for it – no delegation from the Chancellor. On the other hand the Chancellor has, according to the Code of the University of North Carolina, “...the duty ... to exercise full authority in
the regulation of student affairs and student conduct and discipline.” (Code of UNC 502 D (3). Unless he has delegated those functions to the SGA, he is accountable to the BOG for them. I believe the SGA simply assumed those functions and were never questioned about them. Their Constitution also states that “The supreme judicial power shall be vested in the Review Board” (Article IV, I), but the Chancellor has the supreme judicial power as designated in Article IV, VII of their constitution. More importantly, the Chancellor has this duty as delegated by the BOG. I also note for you that the Attorney General’s duty, under their own Constitution is simply to “coordinate the judicial system” (Article IV, IX). Only in Article IV, IX, B, 5 does it speak about the “adjudication” of cases”. Nowhere else does it say that if a student disagrees with the decision of the OSRR or does not accept responsibility then the student can go to the Attorney General for another administrative hearing. One student should not be in the position of deciding responsibility or sanction as the AG is now. If the title is changed to President of the Honor Board and the office is limited to coordinating the system as their Constitution states it may be acceptable to SGA.

I hope my report helps in simplifying the process at ECU. Again, thank you for your hospitality and if you have any questions please feel free to contact me.

Sincerely,

Donald D. Gehring
President

908.433.4912
Executive Summary

of

Report on East Carolina University Disciplinary System

by

Donald D. Gehring, Ed.D.

The review of the East Carolina University disciplinary system was conducted by interviewing students, faculty and administration on the campus as well as a review of materials supplied by the University, web pages of ECU and the Policy Manual of the University of North Carolina.

Based on a philosophy of student discipline embraced by the courts and scholars, and within the parameters of the policies of the Board of Govenors several suggestions and recommendations are provided.

The current ECU disciplinary system is complex, cumbersome, adversarial and legalistic. A good system is none of these. Recommendations are made to streamline the system and make it non-adversarial and non-legalistic. These recommendations included the following:

1. With minor modifications maintain the separate system for the medical school.

2. Eliminate several currently existing judicial boards and have the Honor Board hear all cases of alleged violations of the Code of Conduct including disruption and cheating.

3. Include faculty on the Honor Board.
4. Utilize graduation assistants in appropriate fields to serve as Hearing Officers and as advisors to the Honor Board.

5. Including graduate student representation on the Honor Board and the Review Board.

6. Streamline the process by allowing students to elect an administrative hearing or go directly to the Honor Board. Decisions in both instances would be appealable to the Review Board. There would be no appeals beyond that except as provided by the Code of the University of North Carolina.

7. Academic integrity violations would be heard either by the Department Chairs or their designee or the Honor Board as the student elects. Both decision would be appealable to the Review Board for a final determination unless further appeal is provided by the Code of the University of North Carolina.

8. Maintain the separate Housing Administrative Hearing Procedures with minor modifications.

9. Preliminary Conferences should only be conducted by University administrators.


11. Eliminate all legalistic language from the Code of Conduct.

12. Make hearings less adversarial by eliminating the Student Advocate and the Attorney General. Retitle Attorney General President of the Honor Board and limit the functions of the office to those in the SGA Constitution.
13. Add an XF grade for cheating.


15. Clarify “Interim Suspension”.

16. Have a central depository for all discipline records.

17. Require faculty to reference violations of academic integrity policy in syllabi.

18. Retain records of hearings until the Statue of Limitations has expired for civil suits.

19. Review the current Code of Conduct to ensure current practices and terminology are in accord with it.

20. Revise current “zero tolerance” policy to apply only to those who present a risk to self, others or property.


22. Consider a consultant to train Boards in conducting “Developmental Dialogs”.

23. Consider a consultant in “Restorative Justice” to help build a sense of community.

24. Ensure all students are oriented to what constitutes cheating and plagiarism.

25. Work with SGA to develop a positive campaign to inform students of the Code of Conduct.

26. More clearly specify who is the Title IX Compliance Officer.
27. More clearly state in the Code of Conduct that rules of evidence do not apply in student discipline cases.

28. Work with local police to inform them of FIPG Policies.
Report on the Student Disciplinary Procedures
at
East Carolina University
by
Donald D. Gehring, Ed.D.

At the request of Dr. Marilyn Sheerer, Vice Chancellor for Student Life at East Carolina University (ECU), I visited the campus on July 11, 12 and 13, 2007 to meet with and interview individuals concerning the ECU student disciplinary procedures. A list of individuals interviewed and a copy of my schedule are attached at the end of this report. In preparation for my visit I reviewed a variety of documents and policies on the ECU Website (http://www.ecu.edu/studenthandbook) and those sent to me in advance of my visit by the Director of the Office of Student and Responsibilities (OSSR). A list of the latter are also attached. After my visit, I have also reviewed appropriate sections of the UNC Policy Manual [100.3.7 (2004), 700.4.1 (2007) 1300.1 (1988)] and the Code of the Board of Governors of UNC [502,D (3)(2003), 608 (1975), 700.3.1 (2002), 700.4.1 (2007)] In the course of my review of materials and interviews several themes emerged which I address in my Suggestions and Recommendations.

Section I

ORGANIZATION OF THIS REPORT

This report is organized into two additional sections. Section two discusses the generally accepted philosophy of student discipline in tax support institutions of higher education. Both federal and state judicial bodies as
well as attorneys and other scholars in higher education espouse this philosophy. Major suggestions and recommendations are discussed in Section III. Section III is subdivided into suggestions and recommendations for each of four different areas – (1) the Medical School process, (2) simplification of the undergraduate and graduate process, (3) adversarial and legalistic processes and language, (4) sanctions and (5) other concerns.

Section II

PHILOSOPHY OF STUDENT DISCIPLINE

Federal and state judicial bodies as well as leading scholars in the field of campus discipline have argued that the primary purpose of student discipline in higher education should be teaching in the furtherance of the lawful missions of the institution. The international organization of campus conduct administrations has stated in the preamble to its constitution “The development and enforcement of standards of conduct for students is an educational endeavor which fosters students personal and social development (Association for Student Judicial Affairs, 1998). Pavla (1985) has stated that “...effective discipline requires just punishment” (p.47), but the purpose of that punishment is to enable the student to “...be most receptive to ethical instruction” (p. 47). A Federal district court sitting en banc has concluded that.” The discipline of students in the educational community is in all but the case if irrevocable expulsion, a part of the teaching process” (General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Support Institutions of Higher Education, 1968 at 142). This same court pointed out that “...the lawful aim of discipline may be teaching in performance of a lawful mission of the institution” (p. 142).
Furthermore, campus disciplinary processes should never mirror criminal adversarial procedures. Several courts, both Federal and State, have reiterated this basic axiom of student discipline. They have stated that they “...do not believe there is a good analogy between student discipline and criminal procedure” (Norton v. Discipline Committee, East Tennessee St. University, p. 200, 1969). Four other different Federal courts of appeals have echoed this sentiment (Gorman v. University of Rhode Island, 1988; Wright v. Texas Southern University, 1968; Eatebban v. Central Missouri State College, 1969; and Nash v. Auburn University, 1987 United States v. Miami University, 2001) as well as the supreme court of Vermont (Nzuve v. Castleton State College, 1975). A Federal district court has also stated that “...the disciplinary process is not equivalent to the criminal processes of federal and state criminal law... The attempted analogy of student discipline to criminal proceedings against adults and juveniles is not sound” (General Order p. 142, 1968).

Criminal procedures are adversarial, college discipline should not be! Adversaries are enemies or antagonists. It is unreasonable to believe an adversarial relationship can promote learning in furtherance of the missions of the institution. When advocates are pitted against one another it naturally evokes confrontation and contentiousness. As one court noted about the adversarial nature of criminal and civil litigation, “with alarming frequency, we find that valuable judicial and attorney time is consumed in resolving unnecessary contention and sharp practices between lawyers. Judges and magistrates of this court are required to devote substantial attention to refereeing abusive litigation tactics that range from benign incivility to
outright obstruction.” (Dondi Properties Corp. v. Commerce Savings and Loan Association, p. 4, 1988).

Finally, the use of criminal language, for example “guilty”, “court”, plead”, “due process”, “victim”, ”evidence” and other legalistic language in campus codes should be eliminated. The use of such language is confusing to attorneys and judges when the institution is arguing that its procedures are not criminal in nature. Evidence of this confusion was noted by the supreme court of Georgia in deciding that an institutions campus hearing must be open. The court observed that the University’s Organization Court was conducted “…by formal procedural rules, similar to those of trial courts, including: the right to council for the defendant, filing of pleadings, notice of hearings, presentation of witnesses under oath, right of cross-examination, burdens of proof (the defendant is presumed innocent and must be proven guilty by clear and convincing evidence), and appeals. Student justices are subject to a code of ethics consisting of ten commons. The Organization Court’s hearings are quite similar to those in criminal cases. We note our state’s strong policy against secret criminal trials. Indeed, our constitution requires that criminal trials be public.” (The Red & Black Publishing Company, Inc. et al v. The Board of Regent el al, 1993).

With this philosophical background as a basis and within the parameters established by the Board of Governors, I submit my suggestions and recommendations relative to the disciplinary system and Code of Conduct at ECU.

Use of the term ”suggestion” implies that you should discuss what has been suggested and decide if it fits ECU. The use of the term “recommendation”
implies that I believe very strongly that the change should be made to bring you into conformance with best practices.

Section III
SUGGESTIONS AND RECOMMENDATIONS

School Of Medicine Procedures
And Code Of Conduct
The School of Medicine disciplinary procedures incorporated in the Code of Student Conduct are straightforward, streamlined, non-legalistic, non-adversarial and provide an opportunity to be educational and developmental. Medical students are a special population and it is reasonable to have a separate process for them.

Suggestions and recommendations to this Code are minimal and included the following:

1) Definition 10 – Suggest you add the Code of Professional Ethics. Would faculty not be disciplined for violating their Code of Ethics as a practicing physician?

2) Article II #3 – Recommend that you add, “The chair shall rule on what information can be introduced and on all questions of procedure. The chair’s decision is final.”

3) Article 11 #5 – Reference to “Article IV, D” is not accurate. I believe it should be Article IV, G.
4) Article III – **Suggest** you add violations of the Code of Professional Ethics as “Proscribed Conduct”. I also **recommend** language such as “The audio or video taping of another without consent or the taking of pictures without consent which would cause injury or distress.” This is recommended by Stoner & Lowery (2004) (see p. 31) to maintain currency with the electronic age.

5) Article IV, A – This may be an outdated section of the Code – Board of Governors, The University of North Carolina. I could only find Section 700.4.1 of The UNC Policy Manual, “Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings.” If it is an outdated section I **recommend** expunging it from your policy as it contains legalistic language.

6) Article IV, B, 1 – **Suggest** you consider language that gives you jurisdiction for off-campus violations of your Code. This section only allows you to discipline for violations on School of Medicine or University Medical Center premises. With this restriction you may not currently discipline a medical student for being arrested for possession or sale of illegal drugs, public intoxication, physical abuse of another or other serious offenses off-campus.

7) Article IV, B, 4, b – **Recommend** you add “and in compliance with FERPA.”

8) Article IV, B, 4, d – Your statement on the involvement of the advisor is excellent. I would, however, **recommend** that you not allow attorneys even as advisors unless the student is also charged with a crime arising from the same set of facts (**Gabrilowitz v. Newman**, 1978). Medical
students are certainly mature enough to present their own defense without assistance of a legal advisor. Remember, your hearings are not civil or criminal procedures.

9) Article IV, B, 4, f – **Recommend** you eliminate “as evidence for consideration.” Sentence will be clear with a period after “statements” and be less legalistic.

10) Article IV, B, 4, f – Why not use “preponderance”? I would **recommend** it.

11) Article IV, B – There are two “B” sections. **Recommend** that you renumber.

12) Article IV, B – **Recommend** that you not provide a written transcript upon request, but only allow students to review it in your office and make notes. You don’t want students with a copy sharing it all over the school.

13) Article IV, D – **Recommend** that you eliminate “due process and” in first line. The term “due process” has a legal meaning. Your process provides “due process” for student discipline but if you are challenged in civil court the judge may interpret the term to mean more than you provide. Eliminate “guilty” and “know the evidence” in second line. These are legal terms. Use “until found responsible, the right to hear the information in support of a violation and…”

14) Article IV, D – Reference to IV, A, 4, d is not correct. I think it should be IV, B, 4, d.
15) Article IV, E, 4, a – Reference to Section B is not correct. I think it should be Section E.

16) Article IV, E, 5 – Since Professional Conduct Committee only recommends to the Dean a sanction to be imposed by the Dean for Student Affairs, I recommend you state who makes the final decision.

17) Article IV, F, 1 – Need to specify what happens after a student is suspended on an interim bases. I recommend wording to the effect “Students who are suspended on an interim basis will be granted a hearing within 5 to 15 days after notice of an interim suspension at which time they will be given an opportunity to show cause why their suspension should not continue.” (See Gardenhire v. Chalmers, 1971).

18) Article IV, G, 2, b – Recommend that you replace term “evidence” with “information” same suggestion with item “d” in same section.

19) Article IV, G, 4 – Recommend that you eliminate this section. The UNC Policy Manual specifies that only one level of appeal is required (700.4.1, VI, A, 17) and the law does not require any appeals in student discipline. In addition this section places the Dean in a precarious political position as the final decision maker. It makes the Dean vulnerable to external pressures. Recommend that you also add a sentence stating, “Further appeals shall be governed by the Code of UNC.

20) Article IV, G, 5 & b – Recommend you eliminate these two sections. See reasons above.
Undergraduate and Graduate Disciplinary Process and Code of Conduct.

The current procedures to resolve instances of student misconduct are complex, cumbersome, adversarial and legalistic. I was informed that some cases are 2 ½ years old. This is unfair to students and the institution. The procedures were difficult for me to understand and I am familiar with campus systems. The system must be extremely difficult for students and their parents to comprehend. The adversarial nature of the process is the antithesis of education and the legalistic language will work against you if you are sued in civil court (see Stoner, E. and Lowery, J. 2004). The process needs to be streamlined, and eliminate the adversarial nature of the process and have legalistic language replaced. Current practices also need to be consistent with the Code.

Streamlined Processes
1) I recommend the current three boards that deal with fraternity cases (NPC, NPHC & IFC) be collapsed into one board to hear allegations of infractions with representatives of all three groups.

2) I recommend eliminating the “Board of Inquiry” which currently hears alleged cases of disruptive conduct. Such cases constitute alleged violations of the Code of Conduct and should be referred to the Office of Student Rights and Responsibilities (OSRR) to be handled in the same manner as other offenses. I recommend the elimination of “Hearing Boards” for the same reason.

3) I recommend eliminating the “Academic Integrity Board.” Again, these cases are alleged violations of the Code of Conduct and should be heard
by the Honor Board. The Honor Board should include faculty as well as students. This will mean increasing the pool of faculty to serve in the Honor Board. Both faculty and students will benefit from this arrangement.

4) I **recommend** eliminating the “Joint Judicial Board” which reviews the state of the judiciary and recommends changes to the student legislature. This has not been effective. The Vice Chancellor for Student Life should, in consultation with SGA and the Faculty Senate, establish an *ad hoc* committee every three years to review the Code of Conduct and disciplinary procedures.

5) I **suggest** eliminating the Recreation Services Advisory Council. Disruptive and disorderly behavior in programs and services of the Department of Recreational Services are alleged violations of the Code of Conduct and I would **suggest** they be referred to the Honor Board. This should be discussed as the Council may deal with minor infractions and use sanctions only involving participation in recreational programs and services. Maintaining the Council may filter minor violations much like the Housing System does. This is something you must decide. I did not speak to anyone in the Recreation Department about this.

6) I **recommend** that you maintain the Honor Board as per recommendation #3. I also **recommend** that you maintain the Review Board, but only to hear appeals from the Honor Board (including appeals of academic integrity cases) or departments in the case of academic integrity violations. The Review Board should include faculty and students. Decisions of the Review Board should be final unless provided for in the
Code of the University of North Carolina. The SGA should establish its own Constitutional Review Board to decide questions related to the interpretation of its constitution.

7) I recommend that students who are disruptive in class be called out of class by the faculty and informed that they are being referred to OSRR for disruptive behavior and may not reenter class until the OSRR notifies the faculty that they may reenter. The alleged violation will be handled in the same manner as other offenses. Disruptive conduct is a violation of your Code of Conduct.

8) I recommend that OSRR employ Hearing Officers to conduct administrative hearings. These individuals can be graduate students/graduate assistants in appropriate fields of study who could also serve as advisors to the Honor Board. I was told the backlog of cases was caused because of the difficulty of scheduling an advisor for the Board. This would eliminate that problem.

9) I recommend that students be given the option of selecting an administrative hearing before a hearing officer (Director or Assistant Director of OSRR and Graduate Student Hearing Officers) or go directly to the Honor Board. Once students make this election the Hearing Officer will review the information provided as a result of the investigation and the information provided by the accused student and make a decision of whether the student is responsible or not responsible for violating the Code of Conduct and determine a sanction. Only full-time employees of the OSRR will deal with cases involving possible sanctions of suspension or expulsion. The decision of the Hearing Officer may be appealed to the
Review Board. The decision of the Review Board is final unless provided for in the Code of the University of North Carolina.

10) Since graduate students are subject to the Code of Conduct, I suggest that consideration be given to adding graduate students as members of both the Honor Board and the Review Board.

11) I recommend that faculty not make the initial decision of whether a student has committed an act of academic dishonesty. The Faculty has a vested interest in the outcome and even if not biased the process has the appearance of bias. Also most faculty members are not familiar with the rights of students and may unknowingly violate those rights opening themselves to personal liability under 42 USC 1983 (the most common Federal Code section for student suits against faculty and the institution). I recommend that the faculty should notify students of the allegation of academic dishonesty after which the student would have a choice of having the Department Chair (could also be the Dean of the School or an Academic Integrity Representative in the Department all of whom could be trained by OSRR) hear the case and make a decision or go directly to the Honor Board. If the Dean hears the case (an informal give and take in which the Dean hears both sides in considerable detail) and renders a decision an appeal may be made to the Review Board. Decisions of the Honor Board may be appealed to the Review Board also. The decisions of the Review Board are final unless provided for in the Code of the University of North Carolina. For a second or subsequent alleged violation a student would not have the option of having the case heard by the Department Chair (or other designated individual) but the case would be reported directly to the OSRR where it would be investigated and sent
to the Honor Board. The decision of the Honor Board could be appealed to the Review Board. The decision of the Review would be final. Further appeals would need to be in accordance with the Code of the University of North Carolina.

12) The OSRR would provide training to the Deans, Department Chairs or Academic Integrity Representatives whomever the University elects.

13) I recommend that the Administrative Hearing Procedures in Housing be maintained to resolve minor offenses including first time alcohol offenses, which do not result in personal injury or property damage. Eliminate all paragraphs after Residence Life Administrative Hearing Procedures, from item “E” to Judicial Appeals Procedure, and replace with the following. “Students may appeal decisions of the Coordinator to the Assistant Director and from decisions of the Assistant Director to the Director of Residence Life. The decision of these individuals is final.”

14) I recommend that the Director or Assistant Director of OSRR conduct the Preliminary Conference. The student Attorney General should not be vested with the responsibility for accomplishing these tasks. These are major tasks that must be accomplished and a student (the Attorney General) cannot be held accountable for accomplishing these. Failure to accomplish these tasks can lead to a civil suit against the University. Also see my comments on web pages.

Adversarial and Legalism

(1) The title of Attorney General is a term used in legal circles and creates an adversarial situation, especially where there is also a Student Advocate. It’s an “us against them” situation, which precludes using discipline as a teaching function. I recommend President of the Honor Board replace the title of Attorney General. Even under the SGA Constitution (Article IV, B) the Attorney General does not have the authority to decide cases in which the student does not agree with the sanctions approved by OSRR. In fact, SGA only has the authority in student discipline delegated to it by the Chancellor ([Code of BOG 502 D (3)] and they do not cite any such authority in their constitution. I believe they simply assumed that authority. As President of the Honor Board the student would convene the Board to hear cases, work with OSRR to investigate cases and train the Board. The president would, in coordination with OSRR, present the results of the investigation to the Board in a written format prior to the hearing, but would not “prosecute” the case at the hearing. The President would prepare a list of individuals for the Board to call to provide pertinent information in support of the allegations. The hearing should be a fact-finding hearing in which the Board asks questions of individuals brought before it. The accused student may also ask questions of those called before the Board, but only through the Chair of the Board. The accused may also call individuals to provide information who also may be questioned by the Board. The individual who brought the charges would also have an opportunity to question all parties who appear before the Board in a like manner. I also recommend that the Student Advocate
position be eliminated. Students have a right to have an advisor present to assist them, so the Advocate seems superfluous.

(2) I **recommend** that the entire Code of Conduct be reviewed to eliminate legalistic language such as “guilty”, “plead”, “victim”, “due process”, “judicial”, etc. I have included my copy of the web pages with comments to assist you. You should also check your definitions against those provided by Stoner and Lowery (2004). Ambiguous language should also be clarified.

(3) The Draft of a Revised Code of Conduct contains non-legalistic language, but lacks definitions and is not well organized.

(4) **Recommend** that you add language to the Code of Conduct that allows you to screen students alleging sexual assault from the alleged perpetrator at the hearing if they are fearful or intimidated. You can also use a video set up. (See Stoner and Lowery, 2004; *Gomes and Minor v. University of Maine*, 2005).

(5) **Recommend** that you add language to the Code of Conduct that makes it an offense for anyone to make an audio or video or picture of another without permission when it would cause injury or distress (see p 31 Stover and Lowery, 2004).

**Sanctions**

(1) I **suggest** you consider an XF grade for violations of academic integrity. The X could be expunged if the student successfully completes an Academic Integrity Seminar but the F would always stay on the
transcript. The XF would be stated on the transcript to mean cheating just as an A is excellent, etc. Students who are failing a class figure they might as well cheat to try to pass the class. If they are caught they only receive an F but if they are not caught they might pass the course. If you adopt this grade it should be well advertised.

(2) I suggest you adopt a definition of “Expulsion” more in keeping with the Code of the University of North Carolina.

“When imposed the sanction of expulsion …shall mean: permanent dismissal, unless at a later date the chancellor who imposed or approved the sanction (or his or her successor) concludes on the basis of the former student’s petition and any supportive documentation that the individual should be given a new opportunity, to pursue “higher education”. (100.3.7 [G] [2]) (emphasis added).

The sanction of expulsion without leave to return upon a showing that the individual has been a contributing member of society and can now benefit from a higher education essentially says the individual can never learn. This is the opposite of what we, as educators, believe. We are in the business of changing behavior and believe it can be done. I actually like the sanction of “Indefinite Suspension” rather than expulsion. An Indefinite Suspension could be for 3, 4 or 5 years minimum with leave to reapply, at which time the individuals could be given an opportunity to show cause why they should be readmitted.

(3) I recommend that you more clearly state what constitutes an Interim Suspension (see Medical School statement and my comments for them).
Other Concerns

(1) There must be a central depository for all disciplinary files. I recommend the OSRR. Every disciplinary action, no matter by whom must be copied to the OSRR. This is important enough to call for a policy of the Board of Trustees.

(2) I heard differing stories about whether definitions of cheating and plagiarism were required to be contained in faculty syllabi. If it is not already mandated by Trustee policy, I recommend that it be made so. It can be by direct quote from the Code of Conduct or by reference to the specific section of the Code. Faculty should also discuss the issue of academic integrity at their first class. If an XF grade is adopted this should also be discussed.

(3) I recommend that the record of a hearing be maintained by the OSRR until the statue of limitations for a civil suit has run out. You will want that transcript if you are a defendant in a civil suit.

(4) Make all language, references and practices consistent with the Code of Conduct and its procedures. The current procedures refer to the Office of Student Conduct Resolution, the Association Vice Chancellor for Student Success/director of student judicial affairs, etc.

A. While the Code provides that suspension and expulsion will be noted on the transcript understand that is not done in practice. I recommend those sanctions be placed on the transcript of an offending student.
B. I understood that the “Zero Tolerance” policy in Residence Life meant that if you were found with illegal drugs no matter how little you would, after a hearing, have your Campus Living Contract cancelled and be subject to “judicial action by the University” (see Campus Living Handbook). This seems excessive to me for two reasons. First I don’t think you should cancel a student’s contract unless they present a danger to self, others or property. Certainly a student with enough marijuana or other illegal drugs to be considered “for sale” should be excluded, but someone with one joint on a first offense should be sanctioned but not put out of the halls. By removing them from the halls where there is some supervision you have placed them in a position without any controls or support. This is like throwing Ber Rabbit in the briar patch! I suggest you consider eliminating the Zero Tolerance Policy and handle infractions on case-by-case bases. You may want to add a statement to the housing contract (which I have not seen) that students who constitute a threat to self or others will immediately have their housing contract cancelled pending an administrative hearing in accord with Housing procedures at which time they will have an opportunity to show cause why they should be allowed to reinstitute their housing contract (similar to an “Interim Suspension” from Housing). You need to be sure this process conforms to an eviction process under your State landlord-tenant laws.

(5) I suggest that all new students and especially foreign students (many foreign cultures allow using the words of others without reference or
working on papers together) have an orientation on what constitutes cheating and plagiarism. This could be during new student orientation. Graduate students must be included in this orientation.

(6) I **recommend** working with SGA in a public relations campaign to make students more aware of the Code of Conduct in a positive way (See University of South Carolina “Carolina Creed” and a similar document at Western Kentucky University). The officers of SGA are already discussing such a program. This would be a good opportunity to work together.

(7) The Title IX Compliance Officer was not clearly stated in the materials I read. Federal law mandates that this person be designated with an office location, title and phone number.

(8) I **recommend** you clearly state in the Code of Conduct that federal, state and local rules of evidence do not apply to disciplinary hearings.

(9) I **recommend** that the OSRR work with local police to train them on FIPG policies so that when they report fraternity disturbances or violations of law off-campus they will also be aware of rules governing Greek letter organizations.

(10) I heard from several sources that there was hazing on campus. This is something that extends beyond Greeks. I **suggest** you establish a “Hazing Hotline” where individuals can call in information about hazing without identifying themselves. The information can then be investigated.
(11) Training of all individuals and Boards that meet out sanctions should include exercises in using a “Developmental Dialogue.” I recommend Dr. Daisy Waryold, professor at Appalachian State University.

(12) I also suggest that beginning in the residence halls you consider bringing in a consultant in “Restorative Justice.” This model is used in several institutions across the country. I recommend Jennifer Schrage, Director of the Office of Student Conflict Resolution, University of Michigan, 734-936-6308, Schrage@Umich.edu. This program builds community and uses that in the disciplinary process.

(13) When rewriting the Code use APA style for eliminating awkward or sexist language (repeat the noun or use the plural. Do not use he/she or other awkward forms).
References


Gorman v. University of Rhode Island, 837 F. 2d 7 (1st Cir. 1988).

Hardison v. Florida A &M University, 706 So. 2d 111 (FL. App. 1998).

Nash v. Auburn, 812 F. 2d 655 (11th Cir. 1987).

Norton v. Discipline Committee, East Tennessee State University, 419 F. 2d 195 (6th Cir. 1969).

Nzuve v. Castleton State University, 335 A. 2d 321 (Vt. 1975).


Wright v. Texas Southern University, 392 F. 2d 728 (5th Cir. 1968).
Individuals Interviewed

July 11, 12, 13, 2007

Ms. Brandy Alexander, Student, Honor Board Member
Ms. April Baer, Student, Graduate Student Council President
Mr. Guillaume Bagal, Student, SGA Treasurer
Dr. Steve Ballard, Chancellor
Ms. Kristen Bonatz, Assistant University Attorney
Ms. Keri Brockett, Student, President SGA
Ms. Susan Chapman, Assistant V.C. for Admin. & Finance
Ms. Kay Christian, Assoc. Dir. Greek Life
Ms. Abey Dessie, Student, Attorney General
Mr. Patrick Dixon, Student, President Black Student Union
Dr. Maureen Ellis, Assistant Professor, Business, Career and Technical Education, Member Academic Integrity Bd.
Mr. William Gee, Assistant Professor, Library Science, Member Academic Integrity Bd.
Ms. Dawn Gibbs, Student
Mr. Timm Hacket, Visiting Lecturer, English, Member Academic Integrity Bd.
Dr. Virginia Hardy, Interim Chief Diversity Officer
Ms. Janice Harris, Interim Chief of Police
Ms. Janet Johnson, Assistant Director of Residence Life
Mr. Todd Johnson, Assoc. V.C. for Campus Living and Dining
Mr. Corey King, Assistant V.C. for Student Experiences
Ms. Nancy Mize, Assistant V.C. for Campus Recreation and Wellness
Mr. Thomas Myers, Student, Student Advocate
Mr. Wayne Newman, Dir. of Marketing
Dr. Maggie Olszewska, Directory of Student Rights and Responsibilities
Mr. Ion Outherbridge, Director of Greek Life
Ms. Jennifer Perry, Student
Dr. Randy Renegar, Assistant Dean for Student Affairs, Medical School
Dr. Dot Rentsteler, Nursing
Dr. Lynn Roeder, Associate Vice Chancellor and Interim Dean of Students
Mr. Peter Romary, Director of Legal Services for SGA
Mr. Stephen Shaheen, Student, Honor Board Member
Dr. Marilyn Sheerer, Provost
Mr. Steve Thames, Student, Secondary Attorney General
Mr. Keith Tingley, Assistant Director Greek Life
Dr. Lathan Turner, Assistant V.C. for Intercultural Student Affairs
Ms. Kitty Wetherington, University Attorney
Mr. Augustus Willis, former Student Advocate
Ms. Ashley Yopp, Student, Speaker of SGA Congress
MATERIALS REVIEWED PRIOR TO VISIT

Flowchart of our disciplinary process for non-academic and academic cases. These two processes are slightly different, hence the two charts.

Printout of the current policies and procedures governing the judicial system. The Student Code of Conduct and some sections of the policies are part of the Student Government Association (SGA) constitution; others are not. There is an SGA connection with my office since the Judicial Board I advise is the third branch of SGA.

Draft of the proposed, revised Student Code of Conduct. This draft had undergone a review by University attorneys, who recommended various modifications to align this document with University of North Carolina System mandates. The modifications have not yet been incorporated into this draft.

Flowchart of the Housing contract violation process and its description. The Campus Living Department (Housing) handles housing contract violations as well as minor to medium Student Code of Conduct violations. At times, violations fall under the contract as well as the Code, such as drug violations occurring in the residence halls.

The Campus Living contract for the 2007-2008 academic year along with the “Zero Tolerance Policy” statement signed by students at move-in.

Policies from the Campus Living Handbook pertaining to the housing contract.

Judicial Action Report used to summarize Code violations and Contract Violation Form used to summarize contract violations (with additional information given to students who are being removed from Housing for drug violations).

The following East Carolina University Web sites
http://www.ecu.edu/studentlife;
www.ecu.edu/studenthandbook/judicial.htm;
www.ecu.edu/studenthandbook/I.htm;
www.ecu.edu/studenthandbook/II.htm;
www.ecu.edu/studenthandbook/III.htm;
www.ecu.edu/studenthandbook/IV.htm;
www.ecu.edu/studenthandbook/V.htm;
www.ecu.edu/studenthandbook/VI.htm;
www.ecu.edu/studenthandbook/IX.htm;
www.ecu.edu/studenthandbook/racial.htm;
www.ecu.edu/studenthandbook/sexual.htm;
www.ecu.edu/studenthandbook/computer.htm;
www.ecu.edu/studenthandbook/exploitation.htm
MATERIALS REVIEWED AFTER VISIT

Constitution and General Statutes of the Student Government Association, East Carolina University.

The UNC Policy Manual web site pertaining to students and student discipline.  
http://www.northcarolina.edu/content.php/legal/policymanual/contents.htm

Dr. Donald Gehring
Judicial Review
East Carolina University
July 11 – 13, 2007

Wednesday, July 11

2:06 pm  Arriving at PGV (Flight 2384) Dr. Marilyn Sheerer, Vice Chancellor for Student Life, will pick you up at the airport.

3:00 pm  Reservations at The 5th Street Inn; 1105 E. 5th Street, Greenville, NC 27858 (252-355-0699) Website: The5thStreetInn.com

6:00 pm  Dinner w/Chancellor Ballard and Dr. Marilyn Sheerer at Christinne’s at the Hilton in the Wine Cellar (Marilyn will pick you up for dinner at 5:45 pm and take you back to the Inn after dinner)

Thursday, July 12

8:00 – 10:00 am  Breakfast w/Dr. Maggie Olszewska, Director of Student Rights and Responsibilities (Maggie will pick you up for breakfast at 7:45 am)

10:00 – 11:00 am  Meet with Dr. Virginia Hardy, Interim Chief Diversity Officer – MSC 212

11:00 – 11:30 am  Janet Johnson, Assistant Director for Residence Life – MSC 212

11:30 am – 1:00 pm  Lunch w/the Judicial Board Leadership and other Judicial Board members – MSC Great Room 3

1:00 – 2:00 pm  Meet with Dr. Lynn Roeder, Associate Vice Chancellor, and Interim Dean of Students – MSC 212

2:00 – 3:00 pm  Academic Integrity Board Faculty Members – MSC 212
    Dr. Maureen Ellis, Assistant Professor, Business, Career & Technical Education
    Mr. William Gee, Assistant Professor, Library Services
    Mr. Timm Hacket, Visiting Lecturer, English
    Dr. Kimberly Heidal, Assistant Professor, Human Nutrition (conflict)
    Dr. Donna, Kain, Assistant Professor, English (conflict)
    Dr. Steven Mark, Assistant Professor, Business, Career & Technical Education
    Dr. Gail Ratcliff, Chairperson, Mathematics
    Dr. David, Rosenthal, Assistant Professor, Management Information Systems, College of Business
3:00 – 4:00 pm  Meet with Greek Life – **MSC 212**
Ms. Kay Christian, Associate Director of Greek Life
Mr. Keith Tingley, Assistant Director of Greek Life
Mr. Ercy Barnes, Assistant Director of Greek Life

4:00 – 5:00 pm  Meet with Peter Romary, Director of Legal Services for SGA; SGA
students and others not affiliated with SGA – **MSC 212**

5:30 – 7:30 pm  Dinner with Division of Student Life Executive Council – **MSC Great
Room 3**
Dr. Marilyn Sheerer, Vice Chancellor for Student Life
Mr. Tony Campione, Director of Development (out)
Ms. Susan Chapman, Assistant Vice Chancellor for
Administration & Finance
Ms. Janice Harris, Interim Chief of Police
Mr. Todd Johnson, Associate Vice Chancellor for Campus
Living & Dining
Mr. Corey King, Assistant Vice Chancellor for Student
Experiences
Ms. Sue Martin, Assistant Vice Chancellor for Career Services
Ms. Nancy Mize, Assistant Vice Chancellor for Campus
Recreation & Wellness
Mr. Wayne Newnam, Director of Marketing
Dr. Lynn Roeder, Interim Dean of Students
Dr. Lathan Turner, Assistant Vice Chancellor for Intercultural
Student Affairs

**Friday, July 13**

7:30 – 9:00 am  Breakfast with University Attorney and Assistant Attorney – Ms. Kitty
Wetherington and Ms. Kristen Bonatz (Kitty will pick you up at 7:20
am for breakfast and take you to your next meeting after breakfast)

9:00 – 10:00 am  Exit interview with Dr. Marilyn Sheerer – **Spilman 113** (after exit
interview Marilyn will take you to PGV for your 11:05 am flight)
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>March 24</td>
<td>578</td>
<td>180</td>
<td>1,210</td>
<td>1,085</td>
<td>-10.33%</td>
<td>March 24</td>
<td>$68,387</td>
<td>$20,520</td>
<td>$220,520</td>
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<td>March 31</td>
<td>1,309</td>
<td>823</td>
<td>1,888</td>
<td>2,182</td>
<td>15.57%</td>
<td>March 31</td>
<td>$154,729</td>
<td>$99,070</td>
<td>$342,800</td>
<td>$394,490</td>
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<td>April 7</td>
<td>1,842</td>
<td>1,773</td>
<td>2,802</td>
<td>3,289</td>
<td>17.38%</td>
<td>April 7</td>
<td>$217,689</td>
<td>$213,795</td>
<td>$507,320</td>
<td>$605,660</td>
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<td>April 20</td>
<td>3,132</td>
<td>2,999</td>
<td>5,039</td>
<td>6,728</td>
<td>33.52%</td>
<td>April 20</td>
<td>$370,512</td>
<td>$423,495</td>
<td>$909,260</td>
<td>$1,270,110</td>
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<td>April 27</td>
<td>5,286</td>
<td>6,206</td>
<td>8,054</td>
<td>10,301</td>
<td>27.90%</td>
<td>April 27</td>
<td>$623,522</td>
<td>$743,420</td>
<td>$1,439,930</td>
<td>$1,942,070</td>
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<tr>
<td>May 5</td>
<td>9,981</td>
<td>9,326</td>
<td>11,180</td>
<td>14,778</td>
<td>32.18%</td>
<td>May 5</td>
<td>$1,171,520</td>
<td>$1,114,445</td>
<td>$1,977,860</td>
<td>$2,763,940</td>
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<td>May 12</td>
<td>11,556</td>
<td>9,820</td>
<td>11,713</td>
<td>15,222</td>
<td>29.96%</td>
<td>May 12</td>
<td>$1,353,270</td>
<td>$1,173,795</td>
<td>$2,073,010</td>
<td>$2,849,870</td>
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<td>May 26</td>
<td>11,944</td>
<td>10,614</td>
<td>12,218</td>
<td>15,875</td>
<td>29.93%</td>
<td>May 26</td>
<td>$1,397,524</td>
<td>$1,267,945</td>
<td>$2,162,880</td>
<td>$2,964,260</td>
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<td>June 15</td>
<td>12,077</td>
<td>11,059</td>
<td>12,556</td>
<td>16,672</td>
<td>32.78%</td>
<td>June 15</td>
<td>$1,412,278</td>
<td>$1,321,445</td>
<td>$2,209,970</td>
<td>$3,101,660</td>
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<td>June 30</td>
<td>12,379</td>
<td>11,425</td>
<td>12,883</td>
<td>17,563</td>
<td>36.33%</td>
<td>June 30</td>
<td>$1,446,158</td>
<td>$1,364,995</td>
<td>$2,256,980</td>
<td>$3,246,180</td>
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<td>July 15</td>
<td>12,548</td>
<td>11,782</td>
<td>13,053</td>
<td>18,252</td>
<td>39.83%</td>
<td>July 15</td>
<td>$1,466,809</td>
<td>$1,406,795</td>
<td>$2,276,410</td>
<td>$3,351,260</td>
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<tr>
<td>Aug. 1</td>
<td>12,778</td>
<td>12,261</td>
<td>13,507</td>
<td>19,108</td>
<td>41.47%</td>
<td>Aug. 1</td>
<td>$1,489,393</td>
<td>$1,447,895</td>
<td>$2,333,140</td>
<td>$3,479,050</td>
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<tr>
<td>Aug. 15</td>
<td>13,338</td>
<td>13,352</td>
<td>13,953</td>
<td>20,539</td>
<td>47.20%</td>
<td>Aug. 15</td>
<td>$1,533,290</td>
<td>$1,523,740</td>
<td>$2,383,350</td>
<td>$3,692,300</td>
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<tr>
<td>Sept. 1</td>
<td>13,601</td>
<td>14,846</td>
<td>14,520</td>
<td>20,963</td>
<td>44.37%</td>
<td>Sept. 1</td>
<td>$1,559,205</td>
<td>$1,627,935</td>
<td>$2,449,020</td>
<td>$3,766,990</td>
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<tr>
<td>Sept. 8</td>
<td>13,873</td>
<td>14,921</td>
<td>14,779</td>
<td>20,963</td>
<td>41.84%</td>
<td>Sept. 8</td>
<td>$1,579,333</td>
<td>$1,635,905</td>
<td>$2,479,270</td>
<td>$3,766,990</td>
<td></td>
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<tr>
<td>Sept. 15</td>
<td>14,075</td>
<td>14,947</td>
<td>15,133</td>
<td>20,963</td>
<td>38.53%</td>
<td>Sept. 15</td>
<td>$1,593,458</td>
<td>$1,639,005</td>
<td>$2,527,170</td>
<td>$3,766,990</td>
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<tr>
<td>Dec. 1</td>
<td>14,081</td>
<td>14,947</td>
<td>15,258</td>
<td>20,963</td>
<td>37.39%</td>
<td>Dec. 1</td>
<td>$1,594,294</td>
<td>$1,639,005</td>
<td>$2,541,210</td>
<td>$3,766,990</td>
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</table>

ECU PIRATE FOOTBALL
WEEK TO WEEK SALES COMPARISON

TOTAL SOLD
TOTAL REVENUE
ECU PIRATE FOOTBALL
WEEK TO WEEK SALES COMPARISON

2004 vs. 2005 vs. 2006 vs. 2007

Total # sold

Date

May 12 May 26 June 15 June 30 July 15 Aug. 1 Aug. 15

2004 2005 2006 2007

Total Revenue

Date

May 12 May 26 June 15 June 30 July 15 Aug. 1 Aug. 15

2004 2005 2006 2007
MEMORANDUM

TO: Board of Trustees Athletics Committee
FROM: Nick Floyd
DATE: August 30, 2007

This financial report contains two documents for your review.

The first document provides a final report for Fiscal Year 06-07 which shows a net surplus of $76,278. This is great progress for the athletics program, and is further evidence that the steps that have been taken in recent years to build a firm financial foundation under the program have things going in a positive direction.

Please note that this surplus was achieved while the department also wrote off $175,000 in accounts receivables that had accumulated in the radio, television, and marketing accounts over recent years that had been deemed uncollectible. Now that ISP pays the department a guarantee for the marketing rights (including radio and television), this situation will not occur again in the future.

The second document provides a snapshot of the Fiscal Year 07-08 budget. This budget is $1,457,390 higher than last year's beginning budget (6.77%), which is in accordance with the Board's desire for athletics to continue working toward the $30 million mark, and it projects a budgeted surplus which will be applied to the fund balance deficit.

With football season ticket sales and Pirate Club donations at record levels, the current year has gotten off to an excellent start and we look forward to building on this momentum throughout the year.

As always, thank you for your support of our program, and please let us know if you would like to discuss this information in greater detail.

NF/bs
### EAST CAROLINA UNIVERSITY ATHLETIC FUND

**FINANCIAL REPORT FY 2006 - 07**

**AS OF: 8 - 22 - 07**

#### REVENUE

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgeted 7/1/2006</th>
<th>Actual 6/30/2007</th>
<th>Over/(Under) Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Football Revenue (tickets, game guarantees)</td>
<td>$3,950,000</td>
<td>4,030,312</td>
<td>$80,312</td>
</tr>
<tr>
<td>Football: Bowl Revenue</td>
<td>0</td>
<td>542,642</td>
<td>542,642</td>
</tr>
<tr>
<td>Other Sports Revenue</td>
<td>858,000</td>
<td>950,795</td>
<td>92,795</td>
</tr>
<tr>
<td>Marketing &amp; Promotions</td>
<td>564,500</td>
<td>487,729</td>
<td>(76,771)</td>
</tr>
<tr>
<td>Pirate Club Pledge - Scholarships</td>
<td>3,400,000</td>
<td>3,450,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Student Fees</td>
<td>8,384,000</td>
<td>8,616,009</td>
<td>232,009</td>
</tr>
<tr>
<td>Gift In Kind Accrual (Courtesy Cars, NIKE)</td>
<td>400,000</td>
<td>352,750</td>
<td>(47,250)</td>
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<tr>
<td>Television &amp; Radio Networks</td>
<td>0</td>
<td>(76,635)</td>
<td>(76,635)</td>
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<tr>
<td>NCAA / C-USA Distributions</td>
<td>2,306,000</td>
<td>2,433,105</td>
<td>127,105</td>
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<tr>
<td>Other (Licensing, Interest Earned, Concessions, Pouring Rights, Restricted Private Gifts, Processing Fees, Parking &amp; Misc.)</td>
<td>1,643,225</td>
<td>851,738</td>
<td>(791,487)</td>
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<tr>
<td><strong>Total</strong></td>
<td>$21,505,725</td>
<td>21,638,445</td>
<td>132,720</td>
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#### EXPENDITURES

<table>
<thead>
<tr>
<th>Description</th>
<th>Budgeted 7/1/2006</th>
<th>Actual 6/30/2007</th>
<th>Under/(Over) Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Football</td>
<td>$5,371,125</td>
<td>5,291,329</td>
<td>79,796</td>
</tr>
<tr>
<td>Football: Bowl Game</td>
<td>0</td>
<td>473,079</td>
<td>(473,079)</td>
</tr>
<tr>
<td>Other Men's Sports</td>
<td>3,212,100</td>
<td>3,242,080</td>
<td>(29,980)</td>
</tr>
<tr>
<td>Women's Sports</td>
<td>3,595,600</td>
<td>3,614,619</td>
<td>(19,019)</td>
</tr>
<tr>
<td>Administration/Other Support Areas</td>
<td>7,929,850</td>
<td>7,483,820</td>
<td>446,030</td>
</tr>
<tr>
<td>Game Operations</td>
<td>1,025,325</td>
<td>1,021,173</td>
<td>4,152</td>
</tr>
<tr>
<td>Repairs / Replacements</td>
<td>371,725</td>
<td>436,067</td>
<td>(64,342)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>21,505,725</td>
<td>21,562,167</td>
<td>(56,442)</td>
</tr>
</tbody>
</table>

| Net Operating Income / (Loss)                                               | 0                | 76,278           | 76,278            |

| Fund Balance Increase/(Decrease)                                           | $0               | 76,278           |
| Beginning Fund Balance                                                     | (1,928,292)      | (1,928,292)      |
| Ending Fund Balance                                                        | $(1,928,292)     | $(1,852,014)     |
## EAST CAROLINA UNIVERSITY ATHLETIC FUND
### FINANCIAL REPORT FY 2007 - 08

<table>
<thead>
<tr>
<th>REVENUE</th>
<th>Budgeted 7/1/2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Football Revenue (tickets, game guarantees)</td>
<td>$5,300,000</td>
</tr>
<tr>
<td>Other Sports Revenue</td>
<td>780,000</td>
</tr>
<tr>
<td>Marketing &amp; Promotions</td>
<td>590,000</td>
</tr>
<tr>
<td>Pirate Club Pledge - Scholarships</td>
<td>3,600,000</td>
</tr>
<tr>
<td>Student Fees</td>
<td>9,139,000</td>
</tr>
<tr>
<td>Gifts In Kind Accrual (Courtesy Cars, Nike)</td>
<td>400,000</td>
</tr>
<tr>
<td>NCAA / C-USA Distributions</td>
<td>2,372,000</td>
</tr>
<tr>
<td>Other (Licensing, Interest, Concessions, Pouring Rights, Restricted Private Gifts, Transfers, Processing Fees, Parking, &amp; Miscellaneous)</td>
<td>782,115</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$22,963,115</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>Budgeted 7/1/2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Football</td>
<td>$6,284,550</td>
</tr>
<tr>
<td>Other Men's Sports</td>
<td>3,271,945</td>
</tr>
<tr>
<td>Women's Sports</td>
<td>3,811,775</td>
</tr>
<tr>
<td>Administration/Other Support Areas</td>
<td>7,994,600</td>
</tr>
<tr>
<td>Game Operations</td>
<td>1,017,050</td>
</tr>
<tr>
<td>Repairs / Replacements</td>
<td>261,050</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22,640,970</strong></td>
</tr>
</tbody>
</table>

**Net Operating Income / (Loss)** 322,145

**Fund Balance Increase/(Decrease)** $322,145

Beginning Fund Balance (1,852,014)

Ending Fund Balance $(1,529,869)