AGENDA
Executive Committee
ECU Board of Trustees
Allied Health Lobby, LAHN Building
July 25, 2006

Report Items

Acted on by the Full Board since the last meeting:

--Request for Approval of Tenure for Dr. Patrick J. Pellicane, Dean of the Graduate School and Professor, College of Technology and Computer Science.

--Request for Approval of Purchase of Parcel of Land on MacGregor Downs Road.

Discussion/Action Items

1) Approval of Minutes
   --May 5, 2006 (Full Board Meeting)
   --June 7, 2006 (Joint Meeting of Board of Trustees/Board of Visitors, Raleigh)
2) Election of Officers for the Board of Visitors (Austin Bunch)
3) Nomination for Board of Visitors Appointments for the Class of 2010 (Austin Bunch)
4) Bylaw Change for the Board of Visitors (Austin Bunch)
5) 2005-2006 ECU Lifetime and Five-Year Research and Creative Activity Awards (Deirdre Mageean)
6) Distinguished Professor of Microbiology and Immunology (Deirdre Mageean)
7) Appendix C of the ECU Faculty Manual (Mark Taggart)
8) Appendix D of the ECU Faculty Manual (Mark Taggart)
9) Invitation to 2006-2007 Faculty Convocation (Mark Taggart)
MEMORANDUM

TO: ECU Board of Trustees

FROM: John Durham
Assistant Secretary to the Board

DATE: May 15, 2006

RE: Two Approval Requests

Provost Jim Smith and Vice Chancellor Kevin Seitz have asked that I seek your approvals of two items:

1. A request for permanent tenure for Dr. Patrick J. Pellicane, who has been selected as Dean of the Graduate School and Professor in the College of Technology and Computer Science. Backup materials are attached.

2. A request for approval to purchase a parcel of land on MacGregor Downs Road across from the new Allied Health/Nursing Building. A background statement is attached.

Please call 252-328-6105 or fax this page to us at 252-328-0129 as soon as possible to register your votes, Let me know if you have questions.

Check one for each issue:

1. _____ I approve the conferral of permanent tenure for Dr. Patrick J. Pellicane.
   _____ I do not approve the conferral of permanent tenure for Dr. Patrick J. Pellicane.

2. _____ I approve the purchase of the parcel of land on MacGregor Downs Road.
   _____ I do not approve the purchase of the parcel of land on MacGregor Downs Road.

_______________________
Signature
May 11, 2006

Board of Trustees
East Carolina University

RE: Tenure Request for Dr. Patrick J. Pellicane

Dear Chair of the Board:

I am writing to request the urgent approval of tenure for Dr. Patrick J. Pellicane. Dr. Pellicane has been selected as Dean of the Graduate School and Professor in the College of Technology and Computer Science after a national search. Dr. Pellicane has a long and distinguished career as a faculty member in Forest Sciences, including his appointment as Professor with tenure at Colorado State University since 1991. In addition, he served for two years as Dean of the Colorado State University Graduate School in Fort Collins, Colorado.

Dr. Pellicane will be an excellent leader for ECU’s graduate programs. His education, experience, and extensive publication record more than qualify him for appointment as Professor with tenure.

Vice Chancellor Mageean and I consider this particular appointment critical to the university as the senior administrator for all graduate programs. Dr. Pellicane’s acceptance of the position here at East Carolina University is contingent upon the conferral of tenure. Therefore, a tenure decision is necessary at the earliest possible date.

I am sure you understand the need for immediate action on this matter and would appreciate your timely consideration of this request.

Sincerely,

James LeRoy Smith
Provost and Vice Chancellor for Academic Affairs

JLS/wnh
May 3, 2006

Dr. Steve Ballard  
Chancellor  
East Carolina University

Dear Dr. Ballard:

On behalf of Vice Chancellor Deirdre Mageean, the faculty and administration of the College of Technology & Computer Science, I am pleased to submit our recommendation for the new administrative appointment of Dr. Patrick J. Pellicane as Dean of the Graduate School and Professor of Technology Systems with permanent tenure for your consideration. If you approve, we would appreciate your forwarding the enclosed personnel action request to the Board of Trustees for final approval.

If you have questions or need additional information, please contact me. Thank you for your favorable consideration of our request.

Sincerely,

James LeRoy Smith  
Provost & Vice Chancellor for Academic Affairs

cc: Dr. Ralph Rogers  
Vice Chancellor Deirdre Mageean  
Personnel File

JLS/wnh  
Enclosure

Approved  
5/14/06

East Carolina University is a constituent institution of the University of North Carolina. An equal opportunity/affirmative action university, which accommodates the needs of individuals with disabilities.
Personnel Action Requiring Approval of the Board of Trustees

Name of Institution: East Carolina University

Name of Appointee: Patrick J. Pellicane

Department: Technology Systems College: Technology and Computer Science

Current UNC Rank or Title: (if applicable) Proposed Rank: Professor

Indicate Type of Action: (select all that apply)

- Administrative Appointment: X
- New Faculty Appointment: X
- Conferral of Tenure: X
- Other: (describe) new senior administrative appointment as Dean of the Graduate School
- Distinguished Professorship: (provide name of professorship)

Effective Date of Action: July 1, 2006

Contract Period: Administrative Appointment: 9 mo. 12 mo. Faculty Appointment: 9 mo. 12 mo.

Salary: $140,000 Source(s): State Funds: $140,000 *Non-State Funds: $

1. Education Background: (indicate degree, date earned and institution, note additional study & training)

- PhD Forestry (Wood Engineering), Colorado State University, Ft. Collins, CO, 1980
- MS Forestry (Wood Engineering), Colorado State University, Ft. Collins, CO, 1980
- MA Mathematics, St. John's University, New York, NY, 1974
- BS Mathematics, City College of New York, New York, NY 1972

2. Teaching and other professional experience: (Show inclusive dates, rank and/or title, institution or agency, and indicate first appointment at current institution with rank and any changes to date)

Teaching

- July 1991 to present: Professor, Department of Forest Sciences, Colorado State University, Ft. Collins, CO
- Sept 2002- August 2004 Dean of the Graduate School, Colorado State University, Ft. Collins, CO
- April 1996 – Present: President, President, Center for the Advancement of Forest Ecosystem Resources Utilization and Management, Inc. (CAFERUM), Ft. Collins, CO.
- July 1985-June 1991 Associate Professor, Department of Forest and Wood Sciences (F&WS), Colorado State University, Ft. Collins, CO.

Other professional experience

- Aug. 2003 Strategic Planner, International Tropical Timber Organization, Accra/Kumasi/Tekoradi, Ghana
- Aug. – Dec. 1993 Visiting Professor, Division of Steel and Timber Structures, Dept. of Structural Engineering, Chalmers University of Technology, Göteborg, Sweden.

- Aug. 1992 Visiting Professor, College of Engineering, Universiti Teknologi Malaysia, Johor Bahru / Kuala Lumpur, Malaysia.
- Aug. 1991 Visiting Professor, Dept of Structural Engineering, Technical University of Wroclaw, Poland.
- July-Aug 1989 Visiting Fellow, College of Engineering, Chisholm Institute of Tech., Caulfield East, Australia.

Page 1 of 2
3. Scholarly & Creative Activities:

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4. Prior Recommendations/Personnel Actions:
(please check appropriate responses)

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5. Membership in professional organizations:

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<tr>
<td>FPS</td>
<td>Forest Products Society</td>
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6. Professional service on campus:

New Faculty Member

7. Professional service off campus:

Member, Board of Directors, The Interior West Center for the Innovative Use of Small Diameter Wood, CSU, Fort Collins (2002-present)
Member, Science Advisory Board, Consortium for the Advancement of Monitoring Ecosystems for Sustainability in the Americas (CAMESA) (2002-present)
Appointment(1994-present), International Corresponding Member of the Timber Engineering Centre, Dept. of Civil Eng, MARA Institute of Technology, Shah Alam, Malaysia
Fifth Plenary Meeting of the EEC Forest Project (1993). "Silvicultural Control and Non-destructive Assessment of Plantation-grown Spruce and Douglas-fir." Göttingen, Germany,
Rocky Mountain Calculus Project (1988). Biology Session Moderator. Univ. of Northern Colorado, Greeley, CO,
General consulting: Consultation with more than twenty technical and legal organizations related to wood technology and engineering.
ACTION ITEM
Approval to purchase tax parcel #39863 located at 2034 MacGregor Downs Road for $85,000 from the Harold Harris Family. Source of funds shall be from Medical Faculty Practice Plan: Fund: 314012 Org: 61001 Acct: 72410 Prog: 1420.

BACKGROUND INFORMATION
The University has attempted to negotiate this purchase for many years, since we own all surrounding properties, and the parcel is across MacGregor Downs Road from the new Allied Health/Nursing complex.

This parcel is the sole remaining property we have yet to acquire in this tract. Although .0356 acres out of the total .0431 acre parcel is within a Blue Line steam buffer zone offering limited utility value, this property is considered strategic in nature due to its location, allowing the University to control a whole and contiguous tract of land.

The State Property Office has negotiated a purchase price of $85,000 with a 30-day option.

RECOMMENDED ACTION
We recommend the Executive and Audit Committee members approve this request. Contingent upon your approval, we will seek Board of Governors, Joint Commission on Governmental Operations, and Council of State approvals.
Executive and Audit Committee Meeting
Executive Summary
May 5, 2006

Mr. Bodenhamer and Mrs. Ward were absent. At the conclusion of the presentation of the Succeed Sooner/Degree in Three students at approximately 10:20 a.m., Mr. Showfety called on secretary Mike Kelly for reports on action taken during Closed Session on several items of tenure.

Mr. Kelly moved that permanent tenure be approved for Joanne Bath and Dr. Thomas Bruce Ferguson, Jr.

Mr. Butler seconded the motion and it was approved by a voice vote.

Chairman Showfety then formally called the committee to order and asked for approval of the committee minutes of February 24, 2006. Mr. Greczyn moved approval and Mr. Tipton offered the second.

The minutes were approved by a voice vote with no negative votes.

Mr. Showfety asked Kevin Seitz and Stacie Tronto to come forward to brief the Board on the possibility of establishing a separate Audit Committee of the Board. He asked the record to reflect the fact that the Board took proactive measures under Jim Talton’s leadership to take a leadership role within the university system at large with regard to our audit organization on campus.

Mrs. Tronto said it was decided at the February 24th Board meeting that additional materials be provided prior to the establishment of this committee. Background information was provided regarding the incident in 2002 involving the NC School of the Arts. As a result of that, the Board of Governors established a Best Financial Practices Task Force and in November of 2005 the recommendations from this task force were made and adopted. One of these recommendations was that the Board of Governors establish its own separate audit committee. This was approved and is included in your packet.

Another recommendation pertained to Board of Trustees Audit Committees. A number of requirements were established that need to be met by the internal auditors and forwarded to the Board of Governors. This is also included in the packet.

Mrs. Tronto said ECU has been a leader in this area and was one of the first universities to change the internal audit reporting relationship functionally to the
Board of Trustees and administratively to the Chancellor. Additionally, some of the universities have followed suit. There is also a different climate due to the passing of the Sarbanes-Oxley Act which talks about best accounting practices. Mrs. Tronto said she was not sure if the Board was ready to decide this matter. Mr. Tipton asked if this was an option or if Sarbanes-Oxley mandated this. Mrs. Tronto responded that public traded companies have to adhere to this act and the feeling was that non-profit should follow suit.

Mr. Tipton said he felt that this was not an option and that a separate committee should be established.

Mr. Greczyn suggested that the members of the Executive and Audit Committee could also serve as members of the Audit Committee.

Mr. Tipton explained that this act mandated that the committee be separate and apart and there has to be people with the proper credentials to sit on the committee to make it a valid audit committee.

Mr. Greczyn reminded the Board that Board appointees are not controlled by the Board, and one of the challenges would be to assure that the required financial expertise would be available.

Mr. Butler said we could require that in the bylaws.

Chairman Showfety summarized that this would formalize the continuing internal effort by the Board to prioritize the audit process and suggested that the Board would see this emerge throughout the university system as a structural change.

Dr. Smith referred to the documents provided by Mrs. Tronto, specifically the revision of the bylaws, including the definition of a financial expert, that addresses what Mr. Greczyn was referring to. In addition, he recalled that the Board of Governors' audit committee materials go further than this and if there were a need for any consulting or training of any member of the Audit Committee, the BOG funds training and it is presumed we would want to offer that as well.

Mrs. Tronto added that seven of the universities have set up separate audit committee and the other nine are looking at it.

Mr. Tipton moved approval of the bylaw change that will create a separate Audit Committee and a new Audit Committee Charter as presented in the Board materials.

Mr. Greczyn seconded the motion and it passed with no negative votes.

Mrs. Tronto asked for questions on the quarterly activity report (January – March) and pointed out that the Quality Assurance Team is here and is auditing the auditors. She also reminded that ECU had a "reportable condition" with the state
auditors which results in a 90 day notice and management flexibility is questioned. We have been taken off of the 90 day notice by General Administration and they were very pleased with the work that was done. It is even thought that we now have a Financial Aid program that can be used as a model for the other schools. It was commented that ECU went above and beyond what was required. Mrs. Tronto thanked the individuals involved in financial aid, ITCS and internal audit.

Hearing no questions, Chairman Showfety asked John Durham to address the ECU Automobile Policy.

Mr. Durham reminded the Board that a policy for senior administrators was approved at the July 2005 meeting that would apply to senior administrators and others and we were waiting on approval from General Administration, which has now been received with minor editorial changes. A handout with the changes was distributed and he drew attention to the materials in the Board book specifically recommending retroactive allowances for Chancellor Ballard, Vice Chancellors Moore, Seitz and Sheerer. Mr. Durham asked for approval of a motion to this recommendation. Approval was moved and seconded, and there was unanimous approval.

Chairman Showfety asked for Dr. Rigsby to come forward regarding proposed changes to the Faculty Manual.

Dr. Rigsby briefed the committee on Part VII, Section II regarding patent procedures stating that this part of the manual had not been updated for at least 15 years and the revisions bring the written policy in line with the practice. Revenue sharing is addressed and the faculty are aware of the changes, she said.

Approval of the changes was moved and seconded. The motion passed with no negative votes.

Chairman Showfety concluded the meeting of the Executive and Audit Committee at 10:35 a.m. and asked Mr. Greczyn to convene the Academic Affairs and Student Life Committee in Mr. Brody’s absence.

Transcribed by Linda B. June-Fowler and Respectfully submitted by

John Durham  
Assistant Secretary to the Board of Trustees

APPROVED:  
Stephen D. Showfety  
Chairman of the Committee
A joint meeting of the ECU Board of Trustees and ECU Board of Visitors was held on Wednesday, June 7, 2006 at 3 p.m. in the Sir Walter Raleigh Room of the Cardinal Club in Raleigh. Chairman Stephen D. Showfety of the ECU Board of Trustees presided.

**BOT members present:** Stephen Showfety, chairman; Bob Greczyn, vice-chairman; Mike Kelly, secretary; Bruce Austin; Bill Bodenhamer; Robbie Hill; Bob Lucas; David Redwine; Mark Tipton; Cole Jones

**BOV members present:** Doug Byrd, chairman; Carl Davis, vice-chairman; Ken Gray; Dale Hall; Phil Mahoney; Betty Speir; Bill Steed; Ben Yeager; Mike Bumpass; Christopher Gauland; Reid Overcash; Johnnie Robbins; David Englert; Brenda Lewis; Billy Mills; Tom Southern; Allen Thomas; Charlie Martin; Fred West

**Others present:** Steve Ballard, Chancellor; Executive Council members Mike Lewis; Terry Holland; Kevin Seitz; John Durham; Austin Bunch; UNC Board of Governors members Phil Dixon and Charles Hayes

**Welcome and opening remarks**
BOT Chairman Showfety welcomed those present. He called for all those present to introduce themselves. He distributed a handout on the structure of the Board of Trustees and called on the various committee chairmen present to comment on the work of the respective committees. Also distributed was a summary of major activities of the Board of Trustees during the past year.

**UNC Board of Governors comments**
Chairman Showfety called on Phil Dixon, Board of Governors member and liaison with East Carolina University. Mr. Dixon reported on a number of activities and perceptions related to ECU in which he had been involved. Of particular note were his comments on the need for more representation of ECU on the Board of Governors and of the high regard that President Bowles holds East Carolina University.

**Board of Visitors comments**
Chairman Doug Byrd expressed appreciation for the assistance the members of both boards have provided in working with members of the North Carolina General Assembly with particular attention to the matter regarding the dental school at ECU. He expressed particular appreciation for the joint meeting with the ECU Board of Trustees and suggested that this be an annual occurrence. Chairman Byrd noted that the Board of Visitors would be asking the Board of Trustees to amend the Board of Visitors charter to provide an attendance policy fashioned after the policy of the Board of Trustees. He also expressed the importance of expanding the membership of the Board of Visitors geographically across the state and of expecting financial or other critical support of the university by Board of Visitors members.
Chancellor Ballard joined Chairman Byrd in presenting certificates of appreciation to those members of the Board of Visitors whose terms expire at the end of June.

**Chancellor’s comments**

Chancellor Ballard commented on the importance of this legislative session and expressed appreciation to the various people who have been so helpful in that task – Chairman Doug Byrd, Billy Mills and Joel Butler. He delineated the major items in the legislative session important to ECU and noted that each of these items has the support of President Bowles and the UNC Board of Governors:

- a joint proposal with UNC-Chapel Hill for dental education (capital funds)
- a shared academic building for education and business
- indigent care reimbursement

The Chancellor outlined a “design for our future.”

- requires great leadership (comments on new hires of Mickey Dowdy as Vice Chancellor for University Advancement and John Durham as Executive Director of University Communications and upcoming transition leadership of Marilyn Sheerer as Interim Vice Chancellor for Student Life)
- the future will mean ECU will be a different institution than it is today
  -- a national university with global implications
  -- a competitive institution
  -- rankings for outstanding programs (US News as an example)
- ECU will have to focus in order to make a difference
- the future may require considerable alignment changes

He commented on where we are with regard to this design for the future through discussion of the three major activities in which we are most heavily engaged: 1) developing a mission statement; 2) determining our strategic directions; and 3) requiring excellence at the unit level. With regard to mission, Chancellor Ballard noted that we must define ourselves where we'll make the biggest difference. With regard to strategic directions, he noted six directions currently in draft: 1) being a first class academic health center; 2) enhancing cultural development through the visual and performing arts; 3) being the best in the state and nationally recognized for teacher preparation; 4) building student success through leadership development; 5) ensuring athletic success with integrity; and 6) being innovative and creative in our endeavors. With regard to excellence at the unit level, he noted that each unit must develop plans for success and define how the unit can make a difference.

He urged the members present to assist ECU in making a difference by helping tell our story at every opportunity in every appropriate venue.

**Closing comments**

Chairman Showfety thanked everyone for their attendance and support. He asked that members attending the UNC reception for member of the General Assembly at 5:30 to speak with the legislators about our requests (note cards were distributed with key messages). All members attending the reception were given purple and gold boutonnieres to wear at the event.

The meeting adjourned at approximately 4:45 p.m.

Respectfully submitted
Austin W. Bunch
Chief of Staff
MEMORANDUM

TO:       Members of the ECU Board of Trustees
FROM:     Steve Ballard, Chancellor
DATE:     June 26, 2006
SUBJECT:  Board of Visitors officers

I am asking your approval of the following persons to be appointed as officers of
the ECU Board of Visitors for 2006-07. This will be an agenda item at the July
25 Board of Trustees meeting. These three officers served for the past year, and I
recommend their reelection.

Chair:    Doug Byrd
Vice-Chair: Carl Davis
Secretary: Robert Brinkley

Thank you for your consideration of these nominees.

pc:      Dr. Austin W. Bunch, Chief of Staff
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<th>Person Nominating</th>
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<td>Dr. Jim Galloway</td>
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<td>Daniel Hardy</td>
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<td>Benson Porter</td>
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<td>Terry Yeargan</td>
<td>Robert Brinkley</td>
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</table>
ECU BOARD OF VISITORS NOMINATION FORM

Name of nominee: Judge Gerald Arnold

Home mailing address: 1206 Ballyhask place
Raleigh, N.C. 27607
919-593-3366
Phone: Fax:

E-Mail:

Business mailing address:

Phone: Fax:

E-Mail:

Preferred contact address: (Please check one) ___ Home e-mail
___ Business e-mail
___ Home regular mail
___ Business regular mail

Profession: Lawyer - Full Time with Lawyers Mutual

Title: Retired Court of Appeals

Areas of particular interest in higher education (Example - student recruitment, marketing, academic programs, student scholars, athletics, etc.):

Academie - Athletics

ECU Alum: (please check one) ___ Yes ___ No

If yes, year: 1963 Degree(s): Major:

Spouse's name: Sue

___ Nominee has agreed to serve if appointed.

Name of sponsor: W.D. Mills (Bill)

(Please attach resume to this form, if possible.)

Bill Mills 910-383-7577
910-383-7577
ECU BOARD OF VISITORS NOMINATION FORM

Name of nominee: Robert Franklin "Bob" Bird

Home mailing address: PO Box 1165
Cary, North Carolina 27512

Phone: 888-274-6897  Fax:  
Cell: 919-414-0438  
E-Mail: bbird@iianc.com

Business mailing address: 

Phone:  Fax:  
E-Mail:  

Preferred contact address: (Please check one)   Home e-mail  XX  Business e-mail  XX  Home regular mail  XX  Business regular mail

Profession:  

Title: Executive Director, Independent Insurance Agents of NC

Areas of particular interest in higher education (Example — student recruitment, marketing, academic programs, student scholars, athletics, etc.):  

Business Department, Athletic Program

ECU Alum: (please check one)  XX Yes  ____ No  
If yes, year: 1969  Degree(s):  Major: Business: BS & BA  

Spouse's name: Tracy (ECU Alum: 1965, Education  

XX Nominee has agreed to serve if appointed.

Name of sponsor: W.D. Mills

(Please attach resume to this form, if possible.)
Daniel F. Hardy
172 S. Dogwood Trail
Southern Shores, NC 27949

October 27, 2005

Mr. Mike Kelly

FAX COMMUNICATION: 252-480-2665

Dear Mr. Kelly,

The purpose of this letter is to introduce myself as a candidate for the East Carolina University Board of Visitors. I am a 1987 graduate of East Carolina University where I received a Bachelor of Science Degree in Urban and Regional Planning. I am married and have an eight year old son. My wife, Patricia, is also a graduate of East Carolina University.

My wife and I have been members of the Pirate Club since 1995. We try to take our son Daniel to every home football game as well as several baseball and basketball games each year. We all share tremendous feelings for East Carolina and enjoy the atmosphere and sense of family that it provides. I am excited about the future for our university and the region it supports.

Upon graduating from East Carolina, I took a position with the Town of Nags Head Planning and Development Department where I served as the Zoning Administrator from April 1988 to July 1995. My duties there included site plan review for all residential and commercial development, subdivisions of land, zoning amendments and variance requests. I attended all monthly meetings and presented all development proposals to the Planning Board, Board of Commissioners and the Zoning Board of Adjustment.

In July 1995, I began working for Joe Lamb Jr. & Associates, Inc. located in Kitty Hawk. I am currently the President and Managing Broker in Charge. Our company specializes in vacation rental management and we presently represent close to 500 Outer Banks properties. I oversee a staff of 14 full time employees and am involved in all facets of the business. I look forward to serving East Carolina University in any capacity and I am honored to be considered for a position on the Board of Visitors.

Sincerely,

[Signature]

Daniel F. Hardy
ECU BOARD OF VISITORS NOMINATION FORM

Name of nominee: Mike Hughes

Home mailing address: 4021 Huckleberry Drive
Raleigh, NC 27612

Phone: 919-782-8521 Fax: 919-546-6615 (business)

E-Mail: mike.hughes@pgnmail.com

Business mailing address: 410 S. Wilmington St. – PEB 1402
Raleigh, NC 27602

Phone: 919-546-7274 Fax: 919-546-6615

E-Mail: mike.hughes@pgnmail.com

Preferred contact address: (Please check one) Home e-mail
☑ Business e-mail

Profession: Business Communications director

Title: Director - Business Communications - Progress Energy

Areas of particular interest in higher education (Example - student recruitment, marketing, academic programs, student scholars, athletics, etc.):

Athletics, marketing

ECU Alumn: (please check one) ☑ Yes ___ No

If yes, year: 1982 Degree(s): B.A. Major: English

Spouse's name: Susannah Hughes

☑ Nominee has agreed to serve if appointed.

Name of sponsor: Doug Byrd

(Please attach resume to this form, if possible.)
PROFESSIONAL EXPERIENCE

May 2005-present – Director-Energy Delivery Communications, Progress Energy, Raleigh, N.C.

Promoted. Responsibilities include management and direction for Corporate Communications' strategy and support related to Fortune-250 company’s customer-facing utility operations in the Carolinas and Florida. Section provides internal and external communication strategy and support to the Progress Energy Carolinas and Progress Energy Florida business units that serve 3 million residential, commercial, industrial and wholesale customers. Major functions include strategic planning and executive counsel; issue and reputation management; customer, media and employee communications; coordination of philanthropy and advertising, etc. Manage staff of 11 in North Carolina and Florida and budget of $3 million.


Managed Corporate Communications' strategic business unit support organization. Section provided internal and external communication support to four business units with operations in eight states: Energy Delivery (utility and customer service operations in the Carolinas), Rail & Telecom, Progress Ventures (coal- and natural gas-related businesses) and Service Company (corporate support organization). Managed staff ranging from four to seven employees.

February 1999-November 2000 – Manager-Generation Communications, CP&L (Progress Energy predecessor)

Promoted. Responsibilities included media and employee communications, crisis communication and strategic communication planning for Fortune-500 electric utility company's system of nuclear, coal, gas and hydroelectric plants and related environmental issues in two states. Managed staff of nine at three nuclear sites in Carolinas and in corporate headquarters.

February 1997-July 1999 - Manager-Media Relations, CP&L

Promoted. Served as primary company spokesman and media contact. Directed five-person section managing complete media relations shop, including 24-hour CP&L news bureau, crisis and storm communication, strategic media planning, financial and operational communications (M&A, earnings, etc.), media training activities, speech writing and senior management media relations counsel and positioning. Function handled 1,500-2,000 media contacts per year.

June 1995-February 1997 – Manager-Media and Employee Communications, CP&L

Promoted. Directed 11-person section, which included employee communication and media relations functions. Responsible for all facets of employee and external publications and communications (for 7,000 employees), including strategic planning for $1.5 million budget, employee mentoring, and serving as liaison with senior management, primary company spokesman and media contact.

March 1992-June 1995 – Senior media/employee communication specialist, Carolina Power & Light (CP&L)

Responsibilities included internal and external communications and counsel on issues and events: i.e., news releases, articles, op-ed pieces, executive speeches, Q&As, position papers. Served as secondary company spokesman. Wrote and edited print and electronic employee communications, including daily still-video news program for three nuclear plants.
PROFESSIONAL EXPERIENCE (cont.)

February 1989-March 1992 - Editor/General Manager, Western Wake Herald, Apex, N.C.

Responsible for all aspects of award-winning, 3,100-circulation suburban newspaper: writing, photography, editing, advertising, local business and community relations, managing staff of five full-time employees.


Covered two eastern N.C. counties for then-160,000-circulation daily newspaper.


Responsible for writing news, features and columns and editing Pulitzer Prize-winning 10,000-circulation daily newspaper, and coordinating news staff of six reporters.

December 1982-February 1984 - Design Editor, Greenville Ad-Vantage, Greenville, N.C.

Responsible for all aspects of biweekly 16-page newspaper.

EDUCATION

1982 - B.A. English (journalism minor), East Carolina University, Greenville, N.C.  
Magna cum laude.

PROFESSIONAL DEVELOPMENT


May 2000 – Business and Strategic Concepts – CP&amp;L

February 1999 – Introduction to Natural Gas Industry – Princeton Energy Programme

June 1996 - Supervisory Development Training – CP&amp;L

PROFESSIONAL AWARDS/HONORS

- 2001 Award for Excellence (Progress Energy's highest employee honor).
- 1992 N.C. Press Association award, community newspaper division – editorial writing
- 1992 N.C. Press Association award, community newspaper division – general excellence (top award given in division)
- 1988 N.C. Press Association awards, under-15,000 circulation daily division – column writing, feature writing

PROFESSIONAL MEMBERSHIPS

- N.C. Press Association (former)
- S.C. Press Association (former)

REFERENCES

Available upon request
Richard Jones
*Eastern Region Community Banking Sales Team Manager*

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**Professional role:** Involved in all Community Banking operations to include 14 Community Banking markets East of I-95.

**Full name:** James Richard Jones, II

**Joined the company:** October 1976

**In current position since:** January 2002

**Previous positions at the company:** Area Executive, Northeastern Area, Regional Commercial Banking Manager, Eastern Region; Regional Agribusiness Manager, Eastern Region; Retail and Commercial Credit Administration; Credit Manager, Eastern Region Sales Finance

**Education:** B.S. in Industrial Technology, East Carolina University

**Born:** October 17, 1952

**Community Involvement:** *Member,* East Carolina Pirate Club; *Member of the board,* Wachovia Partnership East, East Carolina University; *Member of the board,* The Rural Center’s Agricultural Advancement Consortium; *Former member of the board,* Pitt County United Way; *Former chairman and member of the board,* Northeast North Carolina Committee of 1000

**In addition:** A native of Farmville, N.C., Jones is married to the former Ann Hardee of Elizabethtown, N.C. They have two children and two grandchildren. Jones and his wife reside in Chocowinity, N.C., and are members of First United Methodist Church in Washington, N.C.

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**Jones at a Glance**

*Eastern Region Community Banking Sales Team Manager*

With the company since 1976

Born 10/17/52
Steve Jones
President, RBC Centura

Education:
• 1991 Finance Degree from East Carolina University

Professional Experience:
• 1991- Wachovia Bank, Sales Finance Department
• 1993 - Pierce Insurance, Commercial Insurance Sales
• 1994 - Wachovia Bank, Retail Branch Manager
• 1995 - Wachovia Business Banking.
• 1996 Wachovia Wealth Management Group, Private Banker and team leader.
• 2000 - Centura Bank, Regional Manager for commercial banking for the Eastern Sandhills region. Responsible for a $450MM in deposits and $375MM in loans.
• 2002 - Regional Manager for Personal and Business Banking for the Eastern Sandhills region, consisting of 13 branches in 4 counties.
• 2004 - Regional President, Florida for Personal and Business Banking. Responsible for the integration of two community banks, with 27 branches throughout the state with plans for 35 denovo branches. Responsible for 1,000MM in deposits and $350MM in loans.
• 2005 – President, RBC Centura Responsible for all retail sales and market management, primarily focused on the coordination and integration of all retail sales activities throughout RBC Centura’s Southeastern footprint. Jones is also directly responsible for RBC Centura Mortgage.

Community Service:
• Current Donorschoose Board Member
• Past Board Member of Seminole Community College Foundation Board
• Past Member of Executive Committee, Orlando Chamber of Commerce
• Past President, YMCA of Greater Fayetteville, North Carolina 2003
• Large corporate giving coordinator United Way of Fayetteville 2003
• Past Treasurer of the Boy Scouts of America, Central Region, North Carolina 2003
• Past President of the East Carolina University Boosters Club 2000
• Past Board Member of the American Lung Association. 2000

Personal:
• Married with 3 children, Connor, Holden and Evan
• Hobbies include Golf, running and swimming
**Management Team**

About RBC Centura > Who We Are > Management Team

**Scott Custer**, based in Raleigh, NC, is chief executive officer of RBC Centura where he is responsible for guiding RBC Centura's overall strategy and operations, managing for growth and stronger returns. He is also responsible for RBC Centura’s branch network, Commercial Markets and Investment Sales groups, as well as Builder Finance business. In his previous role as president of RBC Centura’s retail and commercial banking business, he oversaw the delivery of retail and commercial banking services through RBC Centura’s branch network.

Custer has 25 years of experience in the financial services sector. Before joining RBC Centura, he was a commercial banking manager for First Union National Bank and began his career as a commercial banking manager at Wachovia Bank. Scott holds a bachelor’s degree in economics and business administration from the University of North Carolina at Chapel Hill.

**Dan Wall** was appointed chief credit and risk officer for RBC Centura Banks, Inc., in 2009. In this role, he oversees risk management for RBC Centura Bank and RBC Build. He is responsible for the quality of loan portfolios and all risk, including credit, operations, market, and economic risk.

Prior to joining RBC Centura, Wall held a variety of line and staff positions at BNP Paribas, including chief credit policy, project management, international, middle market, and lending. He also oversaw and coordinated the integration of Fleet Boston and Bank of America’s central risk functions, as well as served as Risk Management Reporting and Risk Management Officer.

Wall has a Master’s degree in Business Finance from the University of South Carolina and a Bachelor of Science in Business Administration from the University of North Carolina at Chapel Hill.

**Ron Day** is chief operating officer for RBC Centura. In that role, he is responsible for leading the bank’s Operations & Service Delivery, Information Technology, Development & Management, Marketing, Human Resources & Training, Corporate & Centura Securities. Prior to assuming his current position, Day was region chief operating officer for First Union National Bank in Georgia. In that role, he was responsible for retail, commercial, and corporate banking, as well as leading the Finance, Treasury, and Enterprise Initiatives teams.

Day holds a bachelor’s degree in business administration with a concentration in finance from North Carolina at Chapel Hill.

**Terry Earley** was appointed chief financial officer in October 2003. In that role, financial analysis for the bank, as well as development support and guidance for acquisitions. In addition to his responsibilities as chief financial officer, Earley’s Enterprise Information Management and Secondary Marketing within RBC Centura as well as leading the Finance, Treasury and Enterprise Initiatives teams. Immedia named CFO, he served as vice president, Strategic Initiatives, where he oversaw marketing, corporate communications, physical channels, and mergers and acquisitions functions. Among his accomplishments in that role, he is credited with helping Centura’s naming rights of the RBC Center in Raleigh, NC.

Earley holds a bachelor’s degree in business administration with a concentration in accounting from North Carolina at Chapel Hill.

**Robin Lyle**, based in Charlotte, NC, is head of commercial banking where he is responsible for all commercial banking activities in North Carolina. Lyle has 30 years of experience in commercial banking, including 20 years with RBC Centura. He joined the company in 1991 as a loan officer in Raleigh, NC, and held various roles in Charlotte and Raleigh before being promoted to head of commercial banking.

RBC Centura: Management Team
Commercial Markets team including Commercial Regional Presidents, Commercial Capitol Advisors, Investment Banking, Treasury Management and Trade, the National Divisi Based Industries and Public & Institutional Finance. Since joining Centura in 1993, Lyle has held management positions in Commercial and Private Banking. Lyle has an MBA and a bachelor's degree from Wake Forest University.

Andrea Nixon, head of Personal Banking Strategy, is responsible for the development of programs and strategies within the personal banking sector. Since Bank in 1982 as an economist in the Global Energy and Minerals Group, Nixon has held numerous senior management positions in Oil & Gas, Risk Management, Business Sales Management and Client Strategies. Nixon has a bachelor's degree and master's in economics from the University of Calgary.

Steve Jones, president of Personal and Business Banking (PBB), is responsible for sales and market management, primarily focused on the coordination and integration of sales activities throughout RBC Centura's Southeastern footprint. Jones is also responsible for RBC Centura's sales and marketing initiatives. He brings more than 14 years of banking experience with him in his new position. Most recently, Jones served as regional president, Florida Per Business Banking. A native of Fayetteville, N.C., he served as regional manager prior to relocating to Florida in 2002 as regional president. Before joining RBC Centura, Jones was a private banker with the Wachovia Wealth Management Group. Jones holds a bachelor's degree in finance from East Carolina University.

Kevin McNamara, head of Business Banking Strategy, is responsible for creating RBC Centura's Business Banking strategy. He has overall responsibility for the development of the banking platform, including service delivery, product offerings, training and development, sales, and overall capabilities. Since joining Centura in 1996, McNamara has held many management positions in Commercial Banking. He most recently served as regional president for RBC Centura's Southeast region. Before joining Centura, he was a corporate banker with Wachovia Bank, Wilmington, NC. McNamara holds a bachelor's degree from George Mason University.

RBC Builder Finance

Drew Putt, based in Houston, TX, serves as CEO and managing director of RBC Builder Finance where he guides RBC Builder Finance's overall strategy and operations to deliver favorable returns. Prior to this position, she was general counsel for the Commercial Markets Group for RBC Centura where she was responsible for overseeing the day-to-day operations and future expansion of RBC’s commercial banking activities. Putt has over 20 years of commercial banking experience in the Southeast. Before joining RBC Centura she was the Southeast Business Banking Executive for Wachovia where she worked for two regional Business Banking segments across three states.

Putt holds a bachelor's degree in finance from the University of South Carolina.

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June 14, 2006

F. Douglass Byrd, Jr.
Chair, ECU Board of Visitors
209 Woodrow Street
Fayetteville, NC 28303

Dear Doug:

Steve Jones, an ECU graduate, is currently President of Personal Business Banking for RBC Centura Bank. He would like to get involved as a member of the Foundation Board, or the Board of Visitors, or some other worthwhile organization on campus. He is a strong ECU fan and supporter, and feels he is now in a position to help the University. RBC Centura is encouraging his involvement.

Jim Brown, also an ECU grad who works with RBC Centura Bank, with whom I played football in high school in Raleigh (Jim was the quarterback and I was the center, and we had a very intimate relationship), advises me that RBC is interested in talking to us about the naming rights for our Performing Arts Building, and is interested in providing some substantial scholarship support for needy students to attend college here in Eastern North Carolina who otherwise might not be able to attend college.

Please consider Steve’s application for the various Foundation Boards and the Board of Visitors. I believe he could be a good choice, and his involvement might allow us to tap into some of the resources of RBC Centura Bank. Best wishes.

Sincerely,

DIXON, CONNER & ALLEN, PLLC

Phillip R. Dixon

PRD: SC
cc: Dr. Steve C. Ballard, Chancellor
East Carolina University
103 Spilman Administration Building
Campus
Greenville, NC 27858-4353

Dr. James LeRoy Smith, Provost
East Carolina University
106 Spilman Administration Building
Campus
Greenville, NC 27858-4353

Dr. Austin Bunch, Chief of Staff
East Carolina University
106 Spilman Administration Building
Campus
Greenville, NC 27858

Dr. Marilyn Sheerer
Interim Vice Chancellor for University Advancement
East Carolina University
Greenville Centre, Suite 1100
2200 S. Charles Boulevard
Greenville, NC 27858-4353

Terry Holland, Athletic Director
East Carolina University
Ward Sports Medicine Complex
Room 365
Campus
Greenville, NC 27858-4353
ECU BOARD OF VISITORS NOMINATION FORM

Name of nominee: Thomas A. Morrow

Home mailing address: 106 Cypress Bay
Washington, North Carolina 27889

Phone: 252-940-1010     Fax:    

E-Mail: tomriver@earthlink.net

Business mailing address: 

Phone:    Fax:    

E-Mail:    

Preferred contact address: (Please check one) XX Home e-mail
___ Business e-mail
XX Home regular mail
___ Business regular mail

Profession: 

Title: Director of Governmental Relations - Sprint

Areas of particular interest in higher education (Example - student recruitment, marketing, academic programs, student scholars, athletics, etc.):

Marketing

4 terms: East Carolina Foundation Board

ECU Alum: (please check one)     Yes     XX No

If yes, year:             Degree(s):             Major:

Spouse's name: Evelyn

XX Nominee has agreed to serve if appointed.

Name of sponsor: W.D. Mills

(Please attach resume to this form, if possible.)
Terry K. Yeargan

PO Box 176
6325 Hilltop Road
Willow Spring, NC 27592
Phone: 919-552-2912
Cell: 919-618-8517
TerryYeargan@earthlink.net

Bovis Lend Lease, Inc.
8540 Colonnade Center Dr., Suite 201
Raleigh, NC 27615
Phone: 919-841-5138
Facsimile: 919-841-5200
Terry.Yeargan@BovisLendLease.com

Personal Information
Married to Julia R. Yeargan (ECU 1980)
Three children: Rowland (13); Bennett (9); and Marshal (8)
Members of Fuquay Varina United Methodist Church

Current Personal and Professional Affiliations
Willow Springs Elementary PTA
Raleigh-Durham Airport Authority Board – Treasurer
Wake Medical Center – Foundation Champions
International Society for Pharmaceutical Engineers
East Carolina University Educational Foundation
East Carolina University Commerce Club
North Carolina General Contractor License
North Carolina Real Estate License – Sales
North Carolina Economic Developers Association
YMCA Indian Guides
Raleigh Chamber of Commerce

Former Affiliations
Wake County Planning and Zoning Board (Chairman – 3 years)
Wake County Schools Citizens Advisory Committee Facilities – Plan 2000
Wake County Schools-Advisory Committee for Facilities & Equity – 2003
Raleigh & Fuquay-Varina Jaycees
Aircraft Owners and Pilots Association

Education and Career Training
• American Management Association
• FAILS Management Institute
• East Carolina University, 1979, Greenville, NC
  B.S., Business Administration – Marketing
• Apex High School, 1975, Apex, NC
  High School Diploma

Professional Experience
1999 to present
Bovis Lend Lease, Inc. Vice President — Raleigh, NC
A global real estate, financial services and construction management firm.
1986 – 1998
Sutliff Construction Company, Vice President — Raleigh, NC
A regional design/build construction services firm.
1980 – 1986
Termell Inc., Sales/Marketing — Raleigh, NC
A local construction services firm.

6/8/06
Austin, here is a previous email I received from Terry Yeargan, a
classmate/fraternity brother at ECU who is interested in serving on the Board of Advisors.
I recommend him personally and hope that his skill set is one that we can use either now
or in the near future. I am also attaching the bio that he forwarded to me.

After you review this, please drop me an email as to what you think about it. Thanks
much. Robert

Robert,

Great to catch up with you.

Thanks for keeping me in mind for future ECU-Board of Visitors openings.
I've attached my personal information for review.

Since we were at ECU back in the late 70's, I've been busy with family, a commercial
construction career, and civic/volunteer activities.
Civic involvement here in Raleigh has been with The Wake County Planning & Zoning Board-Chair 3 years, served a total of 8: The Wake County Public School System-Citizens Advisory
Committee Plan 2000-served under Jim Talton: Wake Medical Center Foundation Champions-
currently serving in my 5th year: The Raleigh-Durham Airport Authority-Treasurer -in my
2nd year.

I interested in serving East Carolina because I've come to realize just how critical the
University was to my success as a person, husband, father and professional.
I know I can help advance East Carolina's goals, especially with whatever needs the
University may have here in Raleigh -government or civic circles.

Let me know when you're in Raleigh again or perhaps we can get together in Greenville-
we're building The School of Nursing and Allied Health and getting ready to start The
Cardiovascular Institute, so I travel to Greenville a bit.

Thanks,

Terry

Terry K. Yeargan
Vice President
Bovis Lend Lease, Inc.
8540 Colonnade Center Drive Suite 201
Raleigh, North Carolina 27615
Office 919.841.5138
Cell 919.618.8517
email: terry.yeargan@bovislendlease.com
BOV Charter Revision Request

For the upcoming Board of Trustees meeting, the recommendation from the Board of Visitors is for an amendment to the by-laws of the BOV charter:

If for any reason other than ill health or service in the interest of the State or nation, a member fails to be physically present for three (3) successive regular meetings of the Board of Visitors, his/her place as a member shall be deemed vacant.
Charter of the Board of Visitors  
East Carolina University  

Approved by the East Carolina University Board of Trustees  
March 18, 1994  

CHARTER  

The Board of Trustees of East Carolina University by action at a meeting held on March 18, 1994, has approved this Charter providing as follows:  

ARTICLE I: Organization and Duration  

1. There is hereby created an unincorporated association to be known as the EAST CAROLINA UNIVERSITY BOARD OF VISITORS.  

2. The association shall continue in existence at the pleasure of the East Carolina University Board of Trustees.  

ARTICLE II Purpose and Functions  

1. The EAST CAROLINA UNIVERSITY BOARD OF VISITORS shall be a service organization of East Carolina University.  

2. In this role, the association shall have the following functions:  

   (a) to assist the Board of Trustees and the Chancellor in maintaining and improving the excellence and effectiveness of East Carolina University;  

   (b) to advise and assist the Board of Trustees and the Chancellor in conveying to the people of North Carolina the mission, programs, accomplishments, and aspirations of East Carolina University;  

   (c) to assist in informing the Board of Trustees and the Chancellor of the attitudes, beliefs, concerns, and expectations of the people of North Carolina with respect to East Carolina University; and  

   (d) to advise and assist the Board of Trustees and the Chancellor with respect to the developmental activities of East Carolina University.
ARTICLE III  Membership

1. The EAST CAROLINA UNIVERSITY BOARD OF VISITORS shall consist of fifty elected members, to include the President of the Alumni Association, the President of the Parents’ Council, the Chairman of the ECU Foundation, the President of the Educational Foundation, the Chairman of the Medical Foundation, the Mayor of the City of Greenville or his/her designee, the Chairman of the Pitt County Commissioners or his/her designee, and, for liaison purposes, a member of the Board of Trustees and the Chancellor or his designee, all of the latter who shall serve as EX OFFICIO members with full participatory privileges.

2. There shall be but one qualification for membership in the association: a willingness to help East Carolina University fulfill its general, educational, research, and service missions.

3. Members shall be elected to the association by the Board of Trustees by such a process as it may determine, on nomination by the Chancellor and the Executive Committee of the Board of Trustees.

4. As terms expire, members shall be elected annually at the July meeting of the Board of Trustees. After the initial formation of the association with eight members having a 1-year term, eight having a 2-year term, eight having a 3-year term, and seven having a 4-year term, each subsequently elected member will serve one 4-year term ending June 30th of the appropriate year. Any person initially elected for less that a 4-year term is immediately eligible for re-election to a 4-year term. Any person who has served one 4-year term shall be ineligible for re-election for a period of one year. Any vacancy that occurs in the membership shall be filled for the balance of the unexpired term in the manner specified in paragraph 3 of this Article.

5. Vacancies in membership may be declared by the Board of Trustees for any cause determined by the Board at their discretion.

ARTICLE IV: Officers

1. There shall be a Chairman, a Vice Chairman, and a Secretary of the Association.

2. The officers of the association shall be elected each July by the Board of Trustees by such process as it may determine, on nomination by the Chancellor and the Executive Committee of the Board of Trustees.

3. Such officers shall serve until June 30 of the year following their election as officers. An officer may be re-elected for an unlimited number of terms. Any vacancy in an office shall be filled for the balance of the unexpired term in the manner specified in paragraph 2 of this Article.
ARTICLE V: Meetings

1. Meetings of the association shall be called by its Chairman in consultation with the Chancellor and shall normally occur twice a calendar year.

2. Such meetings may be held at any time and place specified in the call of the meeting.

3. Members of the Board of Trustees and the Chancellor or the Chancellor’s delegate may attend and participate fully in all meetings of the association.

ARTICLE VI: Amendments

1. This Charter may be amended at any time by action of the Board of Trustees.

2. Amendments may be made by the Board of Trustees on its own initiative or in response to suggestions made by the Chancellor or by the association.

AMENDMENTS MADE TO THE BYLAWS

1) The East Carolina University Board of Visitors be expanded by ten members and set appointments be made at the next appointment cycle.

   Approved by the Board of Trustees on December 6, 1996.

2) Article III, 4. changed. The word “ten” deleted and the sentence read, “As terms expire, members shall be elected annually at the July meeting of the Board of Trustees.

   Authorized by Dr. James LeRoy Smith, Assistant Secretary, East Carolina University Board of Trustees February 1, 1999.

3) The suspension of the Board of Visitors Charter stipulation that Board of Visitors be elected in July so that we can conduct that election today and also that we hereby modify that charter to indicate that such elections take place prior to July 1st of each year.

   Approved by the Board of Trustees on May 14, 1999.

4) Upon the conclusion of a term of service on the ECU Board of Visitors, any member who has served in the capacity of Chair will be designated as an emeritus(a) member. Members Emeritus(a) will serve in an ex-officio capacity of the ECU Board of Visitors in perpetuity. In the event the person is appointed to a subsequent term by regular appointment, emeritus(a) status will be held in abeyance pending conclusion of the regular term. This action will increase the total membership of the ECU Board of Visitors in accordance with the number of members holding emeritus(a) status.

   Approved by the Board of Trustees on December 16, 2005.
TO:       Steve Ballard  
Chancellor

FROM:    Deirdre M. Mageean  
          Vice Chancellor

DATE:  June 6, 2006

RE:       2005-2006 Lifetime and Five-Year Research and Creative Activity Awards

The Academic Awards Committee of the Faculty Senate has completed review of nominations for the ECU Lifetime and Five-Year Achievement Awards in Research and Creative Activity. The Committee recommends the following faculty members, and I enthusiastically concur with their recommendation.

**Lifetime Achievement Award**
James A. McCubrey, Professor  
Department of Microbiology & Immunology

**Five-Year Achievement Award**
Derek Alderman, Associate Professor  
Department of Geography

D. Reide Corbett, Assistant Professor  
Department of Geology

In addition, I would request that you nominate to the Board of Trustees Dr. McCubrey for a Distinguished Professor of Microbiology & Immunology Award.

Should you require additional information, please let me know.

/mtp

cc: Paul J. Gemperline, Chair, AAC Subcommittee
James A. McCubrey

Educational Experience:
1973-1977, Purdue University, West Lafayette, IN. (Degree: BS), Graduate in Honors Program with Distinction. Member Phi Beta Kappa, Phi Kappa Phi, Phi Eta Sigma. Honor Societies. Research in Biology 1977-1982. Degree Ph.D. McArdle Laboratory for Cancer Research, University of Wisconsin.

Professional Experience:
July 1988-June 1993. Assistant Professor, Department of Microbiology, East Carolina University.
July 1993-June 2000. Associate Professor, East Carolina University.
July 2000-Present. Professor, East Carolina University.
October 2003-Present, Visiting Professor, University of Catania, Catania, Italy

Research Accomplishments while at East Carolina University, 1988-Present:
- Received substantial funding from NIH (n=3 grants) ($2,858,035), North Carolina Biotechnology Center (n=4 grants) ($236,321), Monsanto-Searle (n=2 grants) ($238,492), Eisai Inc ($71,750), Wellcome Visiting Scientist Award ($3,000), also various competitive ECU grants ($119,000, not including substantial department support over the years) (Total =$3,526,308).
- Written over 100 full length original manuscripts and review articles since arriving at ECU.
- Graduated 11 PhD students, 10 obtained high profile post-doctoral positions, mentored 4 post-doctoral fellows, mentored 5 undergraduate University of the West of England exchange students (1 year each student). Mentored 3 ECU undergraduate honors students, mentored 1 summer high school student. Served on the advisory committee of 31 doctoral and 12 masters of science committees. Chairman of 10 doctoral student committees. Chairman of 7 masters of science committees.
- Selected to serve on various grant review panels including NIH (permanent member of DMP [Drug Discovery and Molecular Pharmacology] study section), US Army DOD Breast Cancer Program, American Cancer Society Institutional Grants, European Community Multinational Grants, Science Foundation Ireland, Cancer UK (United Kingdom).
- Currently on the editorial boards of 6 different journals (Leukemia, International Journal of Oncology, Cell Cycle, Expert Opinion Therapeutic Targets, Cancer Biology & Therapy, Recent Patents on Anti-Cancer Drug Discovery, served two terms on editorial board of Oncology Reports). Provided peer review reports for many journals (n= 26 different journals).
- Effectively taught in 14 courses at the Doctoral, Masters and Undergraduate Levels at ECU.
- Aided in the career development of numerous junior faculty members.
- Co-Investigator on numerous faculty members grants from ECU as well as other national and international universities.
- Awarded grants (n=4) from various agencies (n=3) for publication of peer reviewed manuscripts ($17,530).
- Awarded travel grants (n=6) to attend international meetings (n =6) ($11,100).
- Received materials transfer agreements from 3 biotechnology companies ($37,000).
- Ad hoc reviewer for numerous agencies including: US Veterans Administration, Phillip Morris Foundation, National Science Foundation, Oak Ridge Foundation, Austrian Science Fund, Swiss Science Foundation, Italian Ministry for Education, University and Research, Italian Association for Cancer Research, United States-Israel Science Foundation, Health Research Board Ireland, New Zealand Science Foundation.
- Awarded prize for scientific presentation at the World Congress on Oncology, Athens, Greece 1997.
- Established productive collaborations with universities in the United States, Italy and Germany which have resulted in manuscripts and aided in grant funding.
- Invited to give research presentations at many international scientific meetings (n=100) and seminars at many external universities (total=41) in USA (n=22) and Europe (n =25).
- Evaluated the promotion and tenure packages of 11 scientists at external universities in the USA and Europe.
Derek Alderman Biography

Derek H. Alderman is Associate Professor of Geography. He received his Ph.D. from the University of Georgia in 1998 and joined the faculty of East Carolina University in 2000. Alderman is a cultural and historical geographer specializing in the politics of public commemoration and symbolic landscapes in the American South. For the past several years, he has studied the politics of naming streets after Martin Luther King, Jr., establishing himself as a national authority on the issue. In addition, he has a general interest in southern popular culture, having written about the geography of NASCAR, Internet as electronic folklore, Graceland as a pilgrimage landscape, the politics of Wal-Mart’s expansion, and the cultural history of kudzu.

Alderman is the author (or co-author) of over 30 journal articles, book chapters, reviews, and commentaries. He has published in respected journals such as *Annals of the Association of American Geographers*, *Urban Geography*, *Area*, *Southern Cultures*, *Journal of Geography*, and *Geographical Review*. He is co-editor of peer-reviewed journal, *The Southeastern Geographer*. Distributed by UNC Press, the journal is widely considered to the best regional geography journal in the United States. Since coming to East Carolina University, Dr. Alderman has presented over 20 research papers at professional conferences and organized over 17 special paper sessions, panels, and lectures at conferences.

On numerous occasions, he has moved beyond academia to contribute to the national dialogue about Martin Luther King streets. He has been interviewed and quoted in over 60 newspaper stories and radio reports, including the The New York Times, USA Today, the Sacramento Bee, The Boston Herald, BBC Radio News, and on National Public Radio programs Morning Edition and Marketplace. Alderman frequently consults with elected officials, public administrators, and activists from across the country about the politics of naming streets. Previously, he has delivered community education forums on the street naming issue in Grand Rapids, Michigan, Ithaca, New York, High Point, North Carolina as well as here in Greenville.

Derek Alderman has won awards in the past for his research and teaching. In 2002, he received a Distinguished University Teaching Achievement Award from the National Council for Geographic Education. In 2005, Alderman received the Board of Governors Distinguished Professor of Teaching Award from East Carolina University and a Scholar-Teacher Award. Also in 2005, the Association of American Geographers selected Alderman as a national finalist for the Glenda Laws Memorial Award, which recognizes a young scholar who has made significant contributions to the study of a social issue.
Education
1994  B. S.  Chemistry, Florida State University
1996  M.S.  Chemical Oceanography, Florida State University
1999  Ph.D.  Chemical Oceanography/Geochemistry, Florida State University
Dissertation: Tracing groundwater flow into surface waters by application of natural and artificial tracers

Professional Experience
2000-present  Department of Geology, East Carolina Univ  Asst., Assoc. Professor
1999-2000  Department of Geology, Tulane Univ  Postdoctoral Fellow

Research Interests
My overall scientific interest is to better understand the cycling of biologically active constituents (e.g., carbon, nitrogen, phosphorus) in coastal and open ocean environments. I am especially interested in evaluating and quantifying pathways of nutrient delivery to the coastal ocean that have been either under estimated or potentially ignored altogether, such as groundwater discharge and advective transport associated with sediment disturbances. Specific areas of my on-going research include those focused on:

• Sedimentary and geochemical processes in coastal environments
• Naturally-occurring radionuclides as tools for quantifying rates of sedimentary and biogeochemical processes
• Investigations of the discharge of groundwater into the coastal zone
• Deposition, remineralization and burial of carbon and nutrients in coastal margins

Selected Recent Publications

Pertinent Research, Teaching and/or Related Activities
• PI or CO-PI on major research grants (totaling over. $3.3 million in last 5 years) from the NSF, USGS, NC Sea Grant, NOAA, etc.
• Current teaching assignments include Elementary Oceanography and a graduate-level course in Biogeochemistry
• Duke/University of North Carolina Oceanographic Consortium Advisory Board, 2000-present
• ECU Diving and Water Safety Control Board, 2000-present; Chair 2002-present.
• ECU University Research Council, 2005-present
• ECU Coastal and Maritime Council, 2005-present
• UNC Coastal Science Institute Advisory Board, 2006-present
• Inducted into The Honor Society of Phi Kappa Phi and Sigma Xi (Scientific Research Society)

Supervision of  14 Theses and  3 Dissertations. Membership on  14 Graduate Student Committees.
Faculty Senate Resolution #06-11
Approved by the Faculty Senate: March 21, 2006
Approved by the Chancellor: May 5, 2006
Revisions only and reserving judgment on the completeness of the appendix as a whole pending further discussion prior to a formal response.
Approved by the Board of Trustees: pending

Proposed revisions to the ECU Faculty Manual Appendix C. Personnel Policies and Procedures for the Faculty of East Carolina University (including editorial revisions made on 4-26-06)

The Faculty Governance Committee proposes the following revisions and have noted them by additions in underlined print and deletions in strikethrough.

APPENDIX C.
PERSONNEL POLICIES AND PROCEDURES
FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

CONTENTS

I. Selection and Appointment of New Faculty
   A. Determination of Number and Nature of Positions
   B. Selection Procedure
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I. Selection and Appointment of New Faculty

A. Determination of Number and Nature of Positions

Needed allocation of positions is the prerogative of the vice chancellor for academic affairs, the vice chancellor for health sciences and dean of the School of Medicine, and the vice chancellor for student life, as appropriate.

The unit administrator is responsible for recommending through administrative channels to the vice chancellor for academic affairs, the vice chancellor for health sciences and dean of the School of Medicine, or the vice chancellor for student life the number and nature of positions needed to carry on the functions of the unit.

The unit administrator, in keeping with the mission of the unit and the institutional context, shall follow the provisions of the unit code in making recommendations concerning the number and nature of positions needed.

B. Selection Procedure

The unit administrator shall notify the unit personnel committee of the number and nature of positions allocated to the unit. The actual selection process must then proceed in accordance with Appendix D, Tenure and Promotion Policies and Procedures and Part VI, General Personnel Information, the most recently revised Affirmative Action Plan, and applicable unit code provisions.

C. General Criteria

For appointment, as well as reappointment and promotion, the faculty member is evaluated on potential or achievements in:

- Teaching
- Creative Activity/Research
- Service to the university, the profession, and the community. East Carolina University recognizes the primary importance of teaching.

1. Teaching

East Carolina University expects each member of the faculty to have knowledge of subject matter commensurate with one's teaching assignment, to maintain awareness of developments in one's discipline, and to communicate to students one's knowledge of and interest in the discipline. The faculty member will encourage students in responsible and careful inquiry, in appreciation of the interrelation of various disciplines, and in recognition of the uses of learning and the value of the educated mind. Teaching includes activities and responsibilities beyond the classroom setting, e.g., advisement; mentoring; laboratory supervision; clinical rounds by a physician/professor accompanied by students; the direction of research projects and papers, dissertations,

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1For other policies and procedures dealing with persons on fixed term appointment, faculty appointments, see ECU Faculty Manual, Appendix D.

2These criteria are not designed to be used for persons with administrative rank to evaluate their administrative service. Criteria for that purpose shall be developed by proper administrative authority.
and theses; and other contacts and relationships outside the classroom. (Faculty Senate Resolution #97-43, December 1997)

2. Creative Activity/Research
East Carolina University encourages and supports the continuing efforts of faculty to develop a deeper appreciation of the importance of professional competency acquired through scholarship, research, and other creative activities appropriate to one's discipline. A faculty member's research and creative activities shall reflect the high professional standards incumbent upon those who enjoy full academic freedom; such activities must be measured by standards of quality, not merely by quantity.

3. Service
East Carolina University considers service to the university, the academic profession, and the community as an important aspect of academic performance. (See Section III.)

D. Requirements for ranks and titles
Appointments are made at the academic ranks of instructor, assistant professor, associate professor, and professor. These are the only ranks which may involve a permanent tenure commitment. Appointments to all other titles are for a definite term and do not involve a permanent tenure commitment.

The following are the minimum required qualifications which may be considered when making appointments.

2. Ranks of Tenure-Track appointments
   Instructor
   • has evidence of a sound educational background for the specific position, or has equivalent professional experience
   • has completed most or all the requirements for the appropriate terminal degree
   • has demonstrable proof that the degree will be obtained within a short period of time as agreed upon by the academic unit and the appointing officer
   • has demonstrated potential for effective teaching
   • has demonstrated potential for effective clinical practice in disciplines where appropriate

   Assistant Professor
   • has qualifications of the previous rank
   • holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
   • shows evidence of potential for continued professional growth in teaching effectiveness, creative activity, or research
   • has ability and willingness to participate in departmental, college, and university affairs
   • has membership in professional organizations
   • has demonstrated expertise in clinical practice in disciplines where appropriate

   Associate Professor
   • has qualifications of the previous rank
   • has demonstrated teaching effectiveness
• has a record of creative or research activity resulting in publication or comparable productivity
• has demonstrated ability and willingness to participate in department, college, and university affairs
• has a record of effective service to the profession
• has a record of effective clinical practice in disciplines where appropriate

Professor
• has qualifications of the previous rank
• has an established record of excellence in teaching
• has a significant record of creative or research activity resulting in publication or comparable productivity
• has demonstrated excellent ability and willingness to participate in department, college, and university affairs
• has a record of significant service to the profession
• has a record of effective clinical practice in disciplines where appropriate

3. Titles of Fixed-Term Appointments

a. Faculty with duties primarily in instruction

Teaching Instructor
• holds, at a minimum, a master’s degree appropriate to the area of instruction, or has equivalent professional experience
• has demonstrated potential for effective teaching

Teaching Assistant Professor
• has qualifications of the previous title
• holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
• has demonstrated effectiveness in teaching

Teaching Associate Professor
• has qualifications of the previous title
• has demonstrated superior teaching ability
• engages in professional development activities

Teaching Professor
• has qualifications of the previous title
• has demonstrated excellence in teaching
• engages in professional development activities
• has demonstrated a degree of proficiency sufficient to establish an excellent reputation among colleagues
• is qualified and competent in mentoring others (such as graduate students, teaching instructors, etc.)

b. Faculty with duties primarily in research
Research faculty are typically externally funded. Research faculty are encouraged to give seminars and teach occasional courses in their specialty. Teaching is at the discretion of the unit and the availability of funds.

Research Instructor
- holds a minimum of a master’s degree appropriate for the specific position or has equivalent professional experience
- has demonstrated potential for effective research
- should be capable of carrying out individual research or should be trained in research procedures
- should have had the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken

Research Assistant Professor
- has qualifications of the previous title
- holds the appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has demonstrated effectiveness in research
- is qualified and competent to direct the work of others (such as technicians, graduate students, etc)

Research Associate Professor
- has qualifications of the previous title
- has extensive successful experience in scholarly or creative endeavors
- has the ability to propose, develop, and manage major research projects

Research Professor
- has qualifications of the previous title
- has demonstrated a degree of proficiency sufficient to establish an excellent reputation among colleagues
- has demonstrated scholarly production in research, publications, professional achievements or other distinguished and creative activity

c. Faculty with duties primarily in clinical teaching

Clinical Instructor
- holds, at a minimum, a graduate degree appropriate for the specific position or has equivalent professional experience
- has demonstrated potential in clinical practice and teaching in the field

Clinical Assistant Professor
- has qualifications of the previous title
- holds the appropriate professional degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has training and experience in an area of specialization
- has demonstrated expertise in clinical practice and teaching in the field

Clinical Associate Professor
- has qualifications of the previous title
• has extensive successful experience in clinical or professional practice in a field of specializations, or in a subdivision of the field, and in working with and/or directing others (such as professionals, faculty members, graduate students, etc) in clinical activities in the field
• has demonstrated superior teaching ability

Clinical Professor
• has qualifications of the previous title
• has demonstrated a degree of sustained excellence in clinical practice and teaching sufficient to establish an outstanding reputation among colleagues

d. Additional faculty titles
Artist-in-Residence; Writer-in-Residence. These titles may be used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time, and who are not intended to be considered for professorial appointment.

Adjunct Instructor; Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor. These titles are used to appoint outstanding persons who have a primary employment responsibility outside the university or in a different department in the university, and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Affiliate Instructor; Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor. These titles are used in the School of Medicine to appoint outstanding persons who have a primary employment responsibility outside the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Visiting Instructor; Visiting Assistant Professor; Visiting Associate Professor; Visiting Professor. The prefix “visiting” before an academic title is used to designate a short-term full or part-time appointment without tenure. Therefore the visiting title shall not be used for periods of time beyond the initial contract period. It shall be used only for those fixed-term faculty members who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need. Use of the visiting title for an individual for more than 3 years is a misuse of this title.

4. Emeritus status
The titles “emeritus” and “emerita” will be conferred upon those retired faculty, including those on Phased Retirement, who have made a significant contribution to the university through a long and distinguished record of scholarship, teaching, and/or service.

D. Specific Criteria for Appointment
Among the many qualifications which may be considered when making appointments, the following are essential:
Instructor—Evidence of a sound educational background for the specific position, including sufficient progress toward a terminal degree that the degree will be obtained within a short period of time as agreed upon by the academic unit and the appointing officer; and evidence of teaching capacity. (Faculty Senate Resolution #05-09, April 2005)
Assistant Professor—Qualifications of the previous rank; an appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned; evidence of potential for continued professional growth which shall be in part measured by teaching effectiveness, creative activity/research; and membership in professional organizations.

Associate Professor—Qualifications of the previous ranks; evidence of teaching effectiveness; a record of creative or research activity resulting in publication or comparable productivity; a record of participation in organizations; effective service on academic and/or administrative committees, and a record of effective service to the profession.

Professor—Qualifications of the previous ranks; an established record of excellence in teaching; a record of significant publication or creative activity, or research activity; and a record of significant service to the profession, such as contributions to the development of public forums, institutes, continuing education projects, and patient services; consulting in the private and public sectors; and a record of significant contribution as a member of academic and/or administrative committees.

(Faculty Senate Resolution #99-7, March 1999)

Notwithstanding any previous statement that has appeared herein, competence for appointment to a specific rank may be attested to by advanced study, culminating in appropriate graduate degrees, or by extensive work experience in the teaching fields or in a professional practice which is demonstrably of highest quality.

E. Initial Appointment

Appointment to the faculty is made by the chancellor or his/her designee. Criteria for evaluation of faculty performance shall be provided in writing and discussed before initial employment. A record of this discussion shall be placed in the faculty member's personnel file. Any action conferring permanent tenure with the initial appointment requires approval of the board of trustees. The initial contract shall be signed by the chancellor, or his designee, and the appointee. This contract shall be accompanied by and elaborated on by a letter signed by the chancellor, or his designee, and a letter signed by the unit administrator.

The chancellor's letter shall specify rank or title; salary; length of appointment; and tenure status, whether fixed term, probationary term appointment, or appointment with permanent tenure (ECU Faculty Manual, Appendix D). The unit administrator's letter shall establish the specific conditions of employment.

II. Assignments

A. Assignment of Teaching Responsibilities

Prior to making final faculty assignments and at least two weeks prior to the beginning of each semester, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities in teaching, after soliciting faculty teaching preferences. If changes in a faculty member's assignment become necessary, the faculty member shall be notified of such changes prior to the effective date of the amended assignment.

B. Assignment of Released Time

Faculty members who are to be granted released time from teaching shall be informed in writing of the purpose of the reduced teaching assignment.

Reference to the chancellor's designee shall include and be limited to the vice chancellor of academic affairs, vice chancellor for student life, or the vice chancellor for health sciences.
III. Evaluation

Each faculty member with a probationary term appointment and each permanently tenured faculty member shall receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data, except that data from the previous year's spring semester survey of student opinion of teaching may be utilized when current spring semester survey data are unavailable. This annual evaluation shall:

- be in writing;
- state the percentage of variable salary increment available to the unit to be recommended by the unit administrator for the faculty being evaluated;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary period appointments, a record of this discussion shall be placed in the faculty member's personnel file; and
- be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The signature of the faculty member signifies that the faculty member has read, but does not necessarily concur in, the evaluation.

The unit administrator shall forward to each faculty member a copy of that member's annual evaluation within ten days after completing the evaluations of unit members.

The unit administrator's annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor (ECU Faculty Manual, Appendix L). The evaluation shall be based upon that year's assigned duties and responsibilities (except, as earlier noted, for the previous year's Spring semester survey of student opinion) and shall consider:

1. teaching
   - The quality of teaching must be evaluated by means of
     a. data from surveys of student opinion, when such data have been gathered in accordance with established procedures of the department or the university which guarantee the integrity and completeness of said data. As part of the effort to evaluate the teaching of faculty members, each unit shall either: develop and use its own instrument(s) as approved by the chancellor to determine student opinion of teaching or utilize the instrument developed by the Teaching Effectiveness Committee to determine student opinion of teaching.
     b. formal methods of peer review, including direct observation of the classroom teaching of new and tenure-track faculty.
     c. procedures provided for in unit codes;

2. research and creative activities;

3. patient care;

4. services rendered on department, school, college, and university committees, councils, and senates; service to professional organizations; service to local, state and national

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4 With respect to Appendix C, Section III. Evaluation, “academic units” are defined as: departments described in the codes of operation of professional schools, the departments in the College of Arts and Sciences, professional colleges and schools without departments, Academic Library Services, Health Sciences Library, and any other units in which faculty evaluations are made. In the College of Arts and Sciences and in professional colleges and schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In professional colleges and schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.
governments; contributions to the development of public forums, institutes, continuing
education projects, patient services and consulting in the private and public sectors; and
5. other responsibilities as may be appropriate to the assignment.

The relative weight given to teaching, research/creative activity, and service in personnel
decisions shall be determined by each unit code. In no case, however, shall service be
weighed more heavily than either teaching or research/creative activity. (Faculty Senate
Resolution #97-43, December 1997)

IV. Professional Advancement

Promotion is a means through which professional achievement is encouraged, recognized,
and rewarded by the university. Evaluation of faculty for purposes of promotion shall accord
with the regulations established in accordance with the unit code and shall employ the criteria
contained in the unit code approved by the chancellor (ECU Faculty Manual, Appendix L).
Departments in professional schools may also establish guidelines for evaluation of faculty for
promotion consistent with the criteria in their school’s unit code. Specific regulations and
criteria governing evaluation of faculty for purposes of promotion may vary from unit to unit.
As a minimum each unit shall:

• apply published criteria in teaching and creative activity and service for evaluating faculty
  for promotion;
• make available procedures which will permit each faculty member to report achievements
  annually or on a more frequent basis;
• assure each faculty member the right to discuss one’s candidacy with the unit
  administrator and/or the personnel committee at any time; and
• notify each faculty member within four days of receipt of the administration’s call for
  promotion recommendations.

Upon request by the faculty member, the unit administrator and the unit personnel committee
shall evaluate the faculty member for promotion. Following such evaluation, the unit
administrator and the personnel committee shall inform the faculty member of their respective
recommendations. Promotion shall be based primarily upon the faculty member’s total
demonstrated professional competence and achievement. Procedures to be followed for
promotion are found in ECU Faculty Manual, Appendix D. Among the many qualifications
which may be considered when making recommendations for promotion, the following are
essential:

Assistant Professor

• has qualifications of the previous rank
• holds the appropriate terminal degree, as evaluated by the academic unit and
  affirmed by the appointing officer and the profession concerned
• shows evidence of potential for continued professional growth in teaching
  effectiveness, creative activity, or research
• has ability and willingness to participate in departmental, college, and university
  affairs
• has membership in professional organizations
• has demonstrated expertise in clinical practice in disciplines where appropriate

Associate Professor

• has qualifications of the previous rank
• has demonstrated teaching effectiveness
• has a record of creative or research activity resulting in publication or comparable productivity
• has demonstrated ability and willingness to participate in department, college, and university affairs
• has a record of effective service to the profession
• has a record of effective clinical practice in disciplines where appropriate

Professor
• has qualifications of the previous rank
• has an established record of excellence in teaching
• has a significant record of creative or research activity resulting in publication or comparable productivity
• has demonstrated excellent ability and willingness to participate in department, college, and university affairs
• has a record of significant service to the profession
• has a record of effective clinical practice in disciplines where appropriate

Assistant Professor - Qualifications necessary to be appointed to the rank of instructor, an appropriate terminal degree, as evaluated by the academic unit and affirmed by the appropriate administrative officer and the profession concerned; a record of progress toward teaching effectiveness; and evidence of a potential for continued professional growth which shall, in part, be measured by creative activity/research and membership in professional organizations.

Associate Professor - Qualifications of the previous rank; evidence of teaching effectiveness; a record of creative or research activity resulting in publication or comparable productivity; a record of participation in professional organizations; effective service on academic and/or administrative committees, and a record of effective service to the profession.

Professor – Qualifications of the previous ranks; an established record of excellence in teaching; a record of significant publication, creative activity, or research activity; a record of significant service to the profession, such as contributions to the development of public forums, institutes, continuing education projects, and patients services; consulting in the private and public sectors; and a record of significant contribution as a member of academic and/or administrative committees. (Faculty Senate Resolution #99-7, March 1999)

Promotion usually should be accompanied by a salary increment which shall be separate from any and all other increments to which the individual may be entitled. Notwithstanding any previous statement that has appeared herein, competence for promotion to a specific rank may be attested to by advanced study, culminating in appropriate graduate degrees, or by extensive work experience in the teaching fields or in a professional practice which is demonstrably of highest quality.

V. Salary
A. Initial Salary

Initial salary shall be based on degree attainment, pertinent experience, professional activity, scholarly publication or its equivalent, and level of responsibility, consideration
being given to the salaries of personnel presently in the unit and salaries within the

discipline in comparable institutions.

B. Determination of Annual Salary Increments

The unit administrator shall recommend annual salary increments to appropriate

administrative officials in accordance with requirements imposed by the North Carolina

General Assembly, The University of North Carolina Board of Governors, and the

university administration, and shall employ any additional criteria that have been

established in this appendix, in units codes, or in policies required by unit codes. Basic
criteria for assessing merit shall include the degree of teaching excellence; creative activity

and research; service to local, state, and national governments; as well as contributions to
the development of public forums, institutes, continuing education projects, and patients' services. The unit administrator shall report annually to the unit, in dollar amounts and

percentages, the total increment allotted, mean salary increment, and range in salary

increments for the unit. Each faculty member shall be informed by the unit administrator of

any salary increment recommendations made on behalf of the faculty member by the unit

administrator.

VI. Faculty Personnel Files

(Please refer to ECU Faculty Manual Interpretation #I90-1.)

North Carolina law defines a personnel file as any information gathered by East Carolina

University that relates to an individual's application, selection or non-selection, promotion,
demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or
termination of employment, wherever located and in whatever form. A faculty member's
primary personnel file shall reside in the code unit office under the supervision of the code
unit administrator. The location and custodian of other files containing personnel records will
be listed in the Personnel File Checklist attached to the inside cover of the primary personnel
file. All evaluative documents will be contained in the primary personnel file. Official copies
of Personnel Action Dossiers shall reside in the primary personnel file. Faculty members are
encouraged to examine their primary personnel file often, subject to certain restrictions of
state law. Faculty members may examine other files containing personnel records subject to
the same restrictions. A faculty member may obtain copies of any materials that are not
restricted by state law in the personnel file and may attach a concise statement in response
to any item therein. This concise statement shall be submitted to the custodian for inclusion
as an attachment to the specific document. A person designated by the faculty member may
examine that employee's personnel file with the written authorization of the faculty member.
No material obtained from an anonymous source shall be placed in the primary personnel file
or any other file containing personnel records except for data from student opinion surveys.
Data from student opinion surveys shall be used in the annual evaluation and shall be
submitted by the authorized surveying agent to the faculty member and the unit
administrator. Evaluative materials or summaries thereof prepared by peer committees as
part of a regular evaluation system may be placed in the primary personnel file when signed
by a representative of the committee. Faculty members must be made aware within a
reasonable time of any change in their personnel file. The procedures of Article 7 of Chapter
126 of the General Statutes of North Carolina shall govern matters relating to personnel files.

Please see the ECU Faculty Manual, Part VI. for further information on state statutes and
ECU policy concerning faculty personnel files. (Faculty Senate Resolution #00-12, March
2000)

VII. Amendment Procedure
Amendments to *ECU Faculty Manual, Appendix C. Personnel Policies and Procedures* may be proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. The proposed amendment(s) shall be submitted to the Faculty Senate for consideration and shall be handled as any other item of legislation which comes before the senate. Such proposed amendments, if approved by the senate, shall be submitted to the chancellor, and then to the board of trustees for its approval.

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**Approved:** pending final approval  
Faculty Senate Resolution #06-11

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**Amended:**  
Faculty Senate Resolution #94-05, March 1994  
Faculty Senate Resolution #96-4, March 1996  
Faculty Senate Resolution #97-20, April 1997  
Faculty Senate Resolution #97-43, December 1997  
Faculty Senate Resolution #99-7, March 1999  
Faculty Senate Resolution #00-12, March 2000  
Faculty Senate Resolution #05-09, April 2005

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**Interpretation:**  
Interpretation made to Section VI. (2-15-90)
Faculty Senate Resolution #06-19
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Revisions only and reserving judgment on the completeness of the appendix as a whole pending further discussion prior to a formal response.
Approved by the Board of Trustees: pending
Approved by the Senior Vice President for Academic Affairs/General Counsel: pending
Approved by the President of UNC System: pending

Proposed revisions to the ECU Faculty Manual
Appendix D. Tenure and Promotion Policies and Procedures of East Carolina University
(including editorial revisions made on 4-26-06)

The Faculty Governance Committee proposes the following revisions and have noted them by additions in underlined print and deletions in strikethrough.

APPENDIX D.
TENURE AND PROMOTION POLICIES AND PROCEDURES
OF EAST CAROLINA UNIVERSITY

CONTENTS

I. Tenure

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

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

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

A. Tenure While Under Contract to East Carolina University
A faculty member who does not have permanent tenure has the protection of tenure until the expiration of the faculty member's employment contract.

B. Permanent Tenure
1. Permanent tenure may be conferred only by action of the President and the Board of Governors of the University of North Carolina Board of Trustees of East Carolina University, and is always held with reference to employment by East Carolina University rather than to employment by The University of North Carolina. The conferral of permanent tenure is allowed only as the result of the processes enunciated in this document.
2. Conferral of permanent tenure shall be based on the faculty member's demonstrated professional competence in teaching, research and creative activity, and service; a potential for future contributions; and the institution's needs and resources. While
teaching is the first consideration, neither teaching nor research and creative activity
nor patient care nor service is the sole measure of a faculty member's competence and
contribution, teaching is the first consideration. Permanent tenure is independent of
promotion but sound academic practice supports the concept that an assistant
professor eligible for tenure should qualify for promotion to associate professor.

II. Faculty Appointments

A. General Provisions

1. Categories of Appointments

There are three kinds of faculty appointments:

(a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 604C
and ECU Faculty Manual, Appendix C.]. Fixed-term appointees do not hold
professorial ranks, but are appointed with titles such as lecturer but are appointed
with the following titles: teaching instructor, teaching assistant professor, teaching
associate professor, teaching professor, research instructor, research assistant
professor, research associate professor, research professor, clinical instructor,
clinical assistant professor, clinical associate professor, clinical professor, visiting
instructor, visiting assistant professor, visiting associate professor, visiting
professor, artist in residence, writer in residence, adjunct instructor, adjunct
assistant professor, adjunct associate professor, and adjunct professor. Fixed-term
appointments are without permanent tenure and do not entitle the faculty member to
consideration for reappointment or conferral of permanent tenure. No obligation
exists on the part of East Carolina University to give any notice before a current
fixed-term appointment expires as to whether re
- employment will be offered for a
succeeding term the contract will be renewed (except as specified in Section II.B.1).

(b) Probationary Appointments and Reappointments. Probationary appointments are
made at the professorial ranks of instructor, assistant professor, associate
professor, or professor. Probationary appointees are entitled to reappointment
reviews and, if reappointed throughout the probationary period, are entitled to a
tenure review. The timing of these reviews is explained below.

(c) Appointments with Permanent Tenure. Appointments with permanent tenure are
continuous until retirement, resignation, or removal according to the provisions of
Section VI or VII of this document. Appointments with permanent tenure may be
made at the professorial ranks of assistant professor, associate professor, or
professor.

2. Criteria for Initial Appointment and Reappointment

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

3. Terms and Conditions for Appointment and Reappointment

The chancellor or the chancellor's designee¹ shall set out in writing, with a copy to the
faculty member, the terms and the conditions of each appointment, including fixed-term
appointments, and each reappointment. The terms shall incorporate by reference
appropriate sections of the Faculty Manual and shall state any conditions placed on the

¹References to the chancellor's designee shall include and be limited to the vice chancellor for
academic affairs and the vice chancellor for health sciences.
appointment or reappointment. ² The responsibility for initiating the inclusion of special
terms and conditions in documents of appointment is with the unit administrator. Prior
to initial appointment the unit administrator shall provide a copy of the unit’s criteria for
evaluating faculty performance to persons offered a faculty appointment in the unit.
Criteria for evaluating faculty performance shall be discussed by the unit administrator
in a meeting with each probationary-term faculty member at the beginning of academic
year in which a reappointment or tenure decision is made. A record of the discussion
Criteria for evaluating faculty performance shall be discussed by the unit administrator
in a meeting with each fixed-term and probationary-term faculty member at the
beginning of the first term of employment and at the beginning of each academic year
thereafter. A summary of this discussion shall be placed in the faculty member’s
personnel file. The responsibility for calling this meeting is with the unit administrator.

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

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

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

B. Fixed-Term Appointments [cf. Special Faculty Appointments, The UNC Code, 604C]
These special Fixed-term faculty appointments are without permanent tenure and do not
entitle the faculty member to consideration for reappointment or conferral of permanent
tenure. No obligation exists on the part of East Carolina University to give any notice

²The 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.
before a current fixed-term appointment expires as to whether an appointment will be
offered the contract will be renewed for a succeeding term, except as specified below.

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

2. Fixed-Term Employment Evaluation Policy  [cf. Special Faculty Appointments, The
UNC Code, 604C]
Any faculty member employed in a fixed term position shall be evaluated annually in
accordance with the provisions of the employment contract. A fixed-term faculty
member should submit a portfolio to the Personnel Committee and the unit
administrator prior to the unit administrator and the Personnel Committee
recommending contract renewal. The portfolio should contain information that
demonstrates the effectiveness of the fixed-term faculty member in carrying out the
duties specified in the contract. The specific contents of the portfolio shall be
determined by the unit. However, a fixed-term faculty member does not have to
submit a Personnel Action form to the Personnel Committee and unit administrator prior to
the Personnel Committee and unit administrator recommending a second or
subsequent fixed-term appointment.

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

C. Probationary Appointments
[Please refer to interpretations #196.5 and #196.4.]
Probationary appointments are made at the professorial ranks of instructor, assistant
professor, associate professor, and professor. Persons appointed as instructors shall not
be considered for reappointment with permanent tenure until promoted to a higher rank.
Persons appointed as assistant professors, associate professors, and professors are
eligible for permanent tenure. In accordance with the UNC Code, 604A1, the faculty member shall be notified not later than twelve months before the end of the probationary period whether he or she will be recommended for permanent tenure. A faculty member appointed to an administrative position is eligible for permanent tenure only as a faculty member in one of the professorial ranks. There is no permanent tenure in an administrative position.

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

1. Probationary Terms

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

   (a) Instructor. The rank of instructor is reserved for persons who lack the qualifications for appointment as assistant professor. Faculty members appointed as instructors are eligible for an initial three-year appointment and one successive reappointment of two years. Instructors promoted to the rank of assistant professor no later than the beginning of the fourth year of employment are eligible for a final two-year probationary appointment in the higher rank. The maximum probationary term is seven years.

   (b) Assistant Professor. The maximum probationary term is seven years, consisting of an initial three-year appointment and two successive two-year appointments.

   (c) Associate Professor. The maximum probationary term is five years, consisting of an initial three-year appointment followed by a two-year appointment.

   (d) Professor. The probationary term is three years, consisting of one three-year appointment.

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

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

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

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

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

(a) For a candidate appointed at the rank of instructor, no reduction is allowed.
(b) For a candidate appointed at the rank of assistant professor, a maximum reduction of three years is allowed.
(c) For a candidate appointed at the rank of associate professor, a maximum reduction of two years is allowed.
(d) For a candidate appointed at the rank of professor, no reduction is allowed.

3. Extensions of the Probationary Term

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

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

4. Progress Toward Tenure Letters

Each Spring semester, the unit Tenure Committee and unit administrator will review the annual report of each probationary term faculty member. On the basis of this review, the unit administrator, in consultation with the unit Personnel-Tenure Committee, will write a progress toward tenure letter to each probationary term faculty member having a probationary appointment. In the event the unit Personnel Committee and the unit administrator cannot agree on the contents of the letter, the next higher administrator shall confer jointly with the Personnel unit Tenure Committee and unit administrator, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter. Copies of the progress toward tenure letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Personnel Tenure Committee and to the next higher administrative level. The unit administrator and a representative of the unit Tenure Committee will discuss the progress toward tenure letter with the faculty member. In the event that the faculty member disagrees with the contents of the progress toward tenure letter, it is the responsibility of the faculty member to make this disagreement known in writing addressed to the unit administrator for inclusion in the personnel file and the PAD. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Personnel Tenure Committee and to the next higher administrative level. (See Section IV.C.3.)

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

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

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

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

Each appointment letter issued by the primary and joint appointment units will specify the faculty member’s responsibilities, performance expectations, and compensation, if any, for that department and/or program. Annual, written evaluations of the faculty member will be prepared by the unit administrator of the faculty member’s primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed. If the administrators of the units to which the faculty member is jointly appointed disagree on the annual evaluation, the next higher administrator to the primary academic unit will arbitrate the disagreement and will write the final annual faculty evaluation, if agreement cannot be reached among all joint appointment units.

For probationary faculty appointments and permanently tenured faculty appointments, the policies and procedures of the primary academic unit shall be used for reappointment,

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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.
tenure, and promotion of the faculty member, as appropriate to the appointment type.

Annual progress toward tenure letters for probationary faculty will be prepared by the unit administrator of the primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed, and in consultation with the Personnel Tenure Committee of the primary academic unit. If there is disagreement on the progress toward tenure letter, the next higher administrator of the primary academic unit will confer with the Personnel Tenure Committee of the primary academic unit and with the administrators of the units to which the faculty member is jointly appointed, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter.

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

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

III. Promotion

Persons holding the professorial rank of instructor, assistant professor, or associate professor may be promoted to the next professorial rank. Promotion shall be based primarily on the faculty member’s demonstrated professional competence and achievement. See Appendix C, Personnel Policies and Procedures for the Faculty of ECU. Promotion is governed by the policies and procedures set forth in Section IV, below. By the first week of March of every academic year, a faculty member who wishes to be considered for promotion shall write a letter requesting a personnel action of promotion in rank to her or his unit administrator. The request for promotion shall be considered for promotion by the appropriate unit committee during the Fall semester of the next academic year.4

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

(Please refer to ECU Faculty Manual Interpretation #106-22.)

Recommendations for appointments, reappointments, promotion, and the conferral of permanent tenure to faculty are the responsibility of unit committees and the unit administrator. Evaluation of faculty for appointment, reappointment, promotion, and the conferral of permanent tenure shall be initiated by the appropriate unit committee on notice

4 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.
Confidentiality must be maintained when conducting any substantive business pertaining to initiation, review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions. Email should be used with discretion because it does not guarantee confidentiality. Formal correspondences relating to any substantive business pertaining to initiation, review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions should be maintained in paper form.

Description of "voting faculty"

For the purposes of Section IV, voting faculty members are determined by the permanently tenured faculty of the unit using the following criteria; [Please refer to interpretations #100-44.]

A voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than one-half time position in the unit, and
- holds regular professorial rank (instructor, assistant professor, associate professor, or professor), and
- is either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- has at least one-half of the teaching/research duties normally assigned in the unit, as determined by the permanently tenured faculty of the unit using standards appropriate to their discipline.
- is in at least the twelfth consecutive calendar month of appointment to the faculty of the unit as either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties as determined by the permanently tenured faculty in consultation with the unit administrator.
- or normally meets the above conditions and is on leave of absence from all university duties but is in attendance at the meeting of the appropriate committee at the time of the committee’s vote on a personnel action (reappointment, promotion, or tenure recommendation). (Faculty Senate Resolution #03-30)

Related faculty within the same academic department (or other comparable institutional subdivision of employment) shall not participate, either individually or as a member of a committee, in the evaluation of related persons for appointment, reappointment, promotion, the conferral of permanent tenure, cumulative review, salary recommendations, or any other personnel action. A faculty member made ineligible for participation in the evaluation of a related person does not count for quorum purposes and his/her ineligibility does not constitute a recommendation against the proposed personnel action.
A. Unit Committees

1. Personnel Committee

a. Function

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

b. Composition

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

c. Additional Roles of Unit Personnel Committee

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

1. Notifying fixed-term faculty members that the Personnel Committee will or will not recommend an additional fixed-term appointment when the fixed-term faculty member requests notification not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.

2. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).

3. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).

4. Consulting with 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).

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5 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.
6. Reviewing additional materials submitted by faculty members for inclusion in their personnel action dossier; consulting with the unit administrator regarding responses to such materials (see Section IV.B, f.2.).

7. The personnel committee may elect a search committee as prescribed by the unit’s code to fulfill the responsibilities of soliciting and screening applicants and recommending to the unit’s Personnel Committee candidates for initial appointments. A majority of the search committee must be voting faculty. For the purposes of this section, administrators may not be a part of the committee.

8. Making recommendations for advancement in title for fixed term faculty.

d. Role of the Chair of the Unit Personnel Committee
The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership. The chair shall preside over all committees making personnel recommendations for the faculty, and may participate in the decisions of any committee of which the chair is a member, except as noted below. If the chair of the unit Personnel Committee holds a professional rank lower than that to which a faculty member requests promotion, the unit Personnel Committee chair shall not be eligible to participate and shall only be responsible for calling the meetings of such committees and facilitating the election of a chair of the committee from among its membership. In such cases where the Chair of the unit Personnel Committee is ineligible to participate, he/she shall not attend any meetings of the committee except to facilitate the election of the chair as noted above. The elected chair of the committee shall obtain and distribute materials to be used during the deliberation of such bodies, insure that a valid vote has been taken, communicate the results of such votes to the appropriate faculty and to the unit administrator, and perform other duties as designated by the unit.

2. Promotion Committee [Please refer to interpretation #I97.8.]

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.

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
memorandum 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.

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.

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 in narrative form of the candidate’s teaching, research, service, and any other relevant duties.

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

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

The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the unit Personnel Committee on all personnel actions required or expected, and distributing all personnel documents and materials to the appropriate location. The unit administrator is jointly responsible with the unit Personnel Tenure Committee for preparation of the progress toward tenure letters. The unit administrator, in consultation with the unit Personnel Tenure Committee (or properly constituted subcommittee), will write a progress toward tenure letter to each probationary term faculty member as described in Section II.C.4. The unit administrator prepares a cumulative evaluation in narrative form of the candidate’s teaching, research, service, and any other relevant duties.

In personnel matters, the unit administrator functions as an administrator rather than a faculty member. Consequently, the unit administrator does not have a faculty vote in personnel matters. Therefore, unit administrators are excluded from all unit committee deliberations concerning candidates for appointment, re-appointment, promotion, or permanent tenure, (for procedure for nonconcuring recommendations, see Appendix D, Part IV.H.). However at the invitation by a majority vote of the membership of the Personnel Committee a unit administrator may meet with the committee to discuss initial appointments. Further, the administrator may meet with the Tenure Committee (or properly constituted subcommittee) in reference to progress toward tenure letters as noted in II.C.4.

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

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

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

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

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

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

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

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

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

D. Documentation for Personnel Actions
   1. Employment Applications
      Information on job applicants is to be kept in a file available to the appropriate
      committee (see Section IV.A).
   2. Personnel Action Dossier for Reappointment, Promotion, and Permanent Tenure
      The Personnel Action Dossier is a file containing materials for evaluating a faculty
      member's professional activity. The dossier is compiled by candidates for
      reappointment, promotion, and/or permanent tenure in consultation with the unit
      administrator and the chair of the unit Personnel Committee. The dossier will be used
      by the appropriate committee in making personnel recommendations. A fixed-term
      faculty member seeking to be recommended for a second or subsequent fixed-term
      appointment need not compile the dossier.
   3. Disagreements as to inclusion or removal of documents
      The dossier shall include the required documents and lists relevant to the faculty
      member's teaching, research/creative activity, and service as described above. If the
      faculty member disagrees with the unit administrator and/or the unit personnel
      committee as to the inclusion of relevant documents, the documents will be included
      and each may include a statement about the document in the dossier.

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

E. Initiation of Recommendations by Unit Personnel, Tenure and Promotion Committees
   [Please refer to interpretation #199-11.]
   1. Procedural Rules for conducting committee business
      The unit administrator shall give timely notice to the chair of the unit Personnel
      Committee when personnel actions are to be initiated, and of the date by which the
      committee's recommendation must be communicated to the unit administrator. After
      being notified by the unit administrator that a personnel action is required, the chair of
      the unit Personnel Committee shall make at least three attempts at intervals of no less
      than five working days each to hold a committee meeting of the appropriate committee
      for the pending personnel action. In order to conduct business a committee shall not
      meet without a quorum.

      A quorum is defined as three quarters of the membership for a committee that has
      twenty or fewer members; and a quorum is defined as a majority, defined as 50% plus
      one, of the membership for a committee that has more than twenty members. A list of
      all committee members who were absent during a vote on a personnel action will be
      forwarded to the unit administrator. The committee may develop policies to designate
      certain absences as excused absences. Unexcused absences should be considered in
      annual evaluations.
The purpose of this meeting is to hold a vote by secret ballot on the pending personnel action. All materials pertaining to the pending personnel action (see Section IV.D) must be available for inspection at least five business days prior to the meeting. Members of the committee(s) having authority over the pending personnel action shall review the materials individually in preparation for discussion at the meeting. A faculty member on leave and not in attendance at a meeting shall not be counted for the purposes of determining a quorum for that meeting. A faculty member on leave but in attendance at a meeting shall be counted for the purposes of determining a quorum for that meeting. If the committee fails to meet the unit administrator’s deadline for receipt of the committee’s recommendation, this outcome shall count as a recommendation by the committee against appointment, reappointment, promotion, or tenure. In such a case, the chair of the unit Personnel Committee shall report in writing to the unit administrator that after at least three attempts the committee has failed to meet due to a lack of a quorum, and that this outcome constitutes a recommendation against appointment, reappointment, promotion, or tenure. The unit administrator shall forward the committee’s recommendation and the unit administrator’s recommendation to the candidate and to the next higher administrator.

2. a. In the case of initial appointment recommendations, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for the appointment. A candidate who receives a majority vote of the committee members present shall be recommended for appointment. See Section IV.A.4. above.

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

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

d. If a committee votes by mail, the ballots shall be sent by certified mail—a method that provides delivery verification and is consistent with UNC Policy 101.3.3 or distributed...
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3. In the case of reappointment, promotion, and conferral of permanent tenure, each member of the appropriate committee will indicate by secret ballot his or her vote for or against recommending that the candidate be reappointed, promoted, and/or granted permanent tenure. This vote may be taken at a committee meeting or by mail ballot as described in Section IV.G E.2d. A vote for the recommendation by a majority of the committee members present (see IV.A.1.b., IV.A.2.b. and IV.A.3.b.), which includes those voting faculty members on leave but in attendance at the meeting at the time of the committee's vote, shall constitute a recommendation for reappointment, promotion, and/or conferral of permanent tenure. A member of a committee who is not present when a vote is taken and who is not on leave at the time of the vote or who is present when a vote is taken but who does not vote counts as part of the membership of the committee for the purposes of determining what constitutes a majority vote. of the membership of the committee. Failure to obtain a majority vote of the entire membership of the appropriate committee shall constitute a recommendation against reappointment, promotion, and/or the conferral of permanent tenure. (Faculty Senate Resolution #03-30)

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

F. Notification of Recommendations

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

The notification letter from the Tenure Committee and the notification letter from the unit administrator shall contain (a) the cumulative evaluation of the candidate’s teaching,
research and service, and any other relevant duties, in accordance with section B.3. Recommendations for Tenure of Part XII. Personnel Action Dossier of the *ECU Faculty Manual* and (b) the statement that the candidate has four working days from the date of the notification letter to include a response to the cumulative evaluation, in accordance with section D. Supporting Materials of Part XII. Personnel Action Dossier.

G. Procedure for Concurring Recommendations

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

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

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

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

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

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

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

H. Procedure for Nonconcurring Recommendations

*[Please refer to interpretation #199-12.]*

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

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

In the event that the vice chancellor is considering a recommendation that is contrary to the vote of the appropriate unit committee, the vice chancellor shall meet with the committee to discuss the potential nonconcurrence recommendation. If the vice chancellor concurs with the committee vote but the chancellor is considering a recommendation that is contrary to the vote, the chancellor shall meet with the committee to discuss the chancellor’s potential nonconcurrence recommendation.

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

V. Procedure for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure

A. Deadlines for Appeals

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

B. Request for Hearing with the Faculty Hearing Committee

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

1. The Hearing Committee

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

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

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

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

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

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

2. Initiation of the Hearing Process
The basis for a request for a hearing must be found in one or more of the following
reasons: (a) the decision was based on any ground stated to be impermissible in
Section 604B of The Code of The University of North Carolina; (b) the decision was
attended by a material procedural irregularity.6

In addition, the University Equal Employment Opportunity policy prohibits employment
discrimination based on sexual orientation.

6 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.
Section 604B of The Code of The University of North Carolina states: “In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, sex, religion, national origin, age, disability, or honorable service in the armed services of the United States, or (c) personal malice.”

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

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

C. Validation of the Request for Hearing.

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

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

Documentation and information that do not meet criteria set forth in the previous paragraph will not be accepted and will be returned to the complainant.
The Hearing Committee's review of the complainant's request for a hearing shall be limited solely to determining whether the facts alleged by the complainant, if established, would support the contention that the decision not to reappoint or not to confer permanent tenure was based upon any of the grounds stated as impermissible in Section 604B of The Code of The University of North Carolina or was attended by a material procedural irregularity. Based on their review and evaluation of the submitted material, the committee shall decide whether the request for a hearing is to be validated.

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

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

The complainant may accept the chancellor's confirmation of the committee's decision not to validate the request for a hearing, or the complainant may appeal to the Board of Governors within 10 calendar days following receipt of the Chancellor's decision. (Faculty Senate Resolution #99-4, #03-49)

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

D. Procedures for the Hearing.

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

2. Conduct of the Hearing
   The chair of the Hearing Committee or an elected member of the committee if the chair is unavailable, is responsible for conducting the hearing and for maintaining order
during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of Robert's Rules of Order, Newly Revised. Attendance at the hearing is limited to the committee's members and alternates, the complainant, one person who may advise the complainant but who may not take an active part in the proceedings, the respondents, an East Carolina University faculty member (with or without administrative appointment) selected by the chancellor to represent the respondents in the conduct of the hearing, an East Carolina University attorney who shall advise the respondents and their representative but who may not take an active part in the proceedings, the chancellor, and an East Carolina University attorney representing the chancellor, who may advise the chancellor but may not take an active part in the proceedings. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

Any such record is a part of the personnel inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators and attorneys, and the members of the University governing boards and their respective committees and staff are permitted access to such materials. (Faculty Senate Resolution #03-49)

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

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

E. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the allegations stated in the request for the hearing. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing. The complainant shall have the burden of proof by the greater weight of the evidence to establish that a basis for his or her contentions is found in one of the reasons listed in Section V.B.2. Initiation of Hearing.
Within 10 working days of finishing its deliberations the committee shall provide the complainant, respondents, and the chancellor with a copy of the committee's report and a copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37)

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

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

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

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

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

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

1. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.
2. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.

3. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant’s contentions, among the responsible decision makers, i.e., the hearing committee, the chancellor, or the board of trustees; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors. (Faculty Senate Resolution #03-49)

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.

VI. Due Process Before Discharge or Imposition of Serious Sanction

A. Penalties

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

B. Notice

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

7The 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.
C. Penalty Without Recourse

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

D. Specification of Reasons and Hearing Request

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

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

E. Due Process Committee

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

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

When membership of the committee falls below the specified five members and five alternates, the Faculty Senate will elect additional faculty members to the committee. Vacancies on the committee will be filled first by moving alternates to member status and by electing new alternates and/or members as needed to fill the committee roster.
Upon notification by the vice chancellor with supervisory authority or the vice chancellor's designee that a faculty member has requested a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary (see Part XI of the ECU Faculty Manual, UNC Code, Section 603). The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. (Faculty Senate Resolution #99-10)

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

F. Procedures for the Hearing
1. Time and Date of Hearing
   The Due Process Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the vice chancellor with supervisory authority’s notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the vice chancellor with supervisory authority, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.

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

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

G. Procedures After the Hearing

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

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

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

H. Appeal

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

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

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

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

The exercise of the Board of Governors’ jurisdiction under Section 501C(4) of the Code is refined to ensure that primary emphasis remains properly focused on the campus grievance procedures. Requests for appellate review will be screened to determine whether the Board should consider the issues raised in a petitioner’s request for review.

The following basic standards will guide that screening process:

1. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.

2. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.

3. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant’s contentions, among the responsible decision makers, i.e., the due process committee, the chancellor, or the board of trustees; 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.

I. Suspension During a Period of Intent to Discharge

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

VII. Termination of Faculty Employment

A. Reasons Justifying Termination and Consultation Required

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8The 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.
1. Reasons for Terminating Employment

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

Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by Section VII.A.2. below.

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

2. Consultation with Faculty and Administrative Officers

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

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

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

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

B. Termination Procedures

1. Consideration in Determining Whose Employment is to be Terminated

In determining which faculty member's employment is to be terminated, the primary
consideration of the chancellor and the ad hoc advisory committee shall be the
maintenance of a sound and balanced educational program that is consistent with the
functions and responsibilities of the institution. Where no conflict with this primary
consideration exists, priority for retention shall be given the permanently tenured faculty
who are senior in years of service to the University.

2. Timely Notice of Termination

a. When a faculty member's employment is to be terminated because of major
curtailment or elimination of a teaching, research, or public service program and
such curtailment or elimination of program is not founded upon financial exigency,
the faculty member shall be given timely notice as follows: One who has permanent
tenure shall be given not less than twelve months notice; and one who does not
have permanent tenure shall be given notice in accordance with the requirements
specified in Section II.C.

b. When a faculty member's employment is to be terminated because of financial
exigency, the institution will make every reasonable effort, consistent with the need
to maintain sound educational programs and within the limits of available resources,
to give the same notice as set forth in the preceding paragraph.

3. Type of Notice to be Given

a. Should the chancellor decide to terminate employment following receipt of the
report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's
delegate shall send the faculty member whose employment is to be terminated a
written statement of this fact by registered mail, return receipt requested a method
that provides delivery verification and is consistent with UNC Policy 101.3.3. This
notice shall include a statement of the conditions requiring termination of the faculty
member's employment; a general description of the procedures followed in making
the decision; a disclosure of pertinent financial or other data upon which the
decision was based; a statement of the faculty member's right, upon request, to a
reconsideration of the decision by a faculty committee if the faculty member alleges
that the decision to terminate employment was arbitrary or capricious; and a copy of
this procedure on termination of employment.

b. For a period of two years after the effective date of termination of a faculty
member's contract for any of the reasons specified in Section VII.A.1., the institution
shall not replace the faculty member without first offering the position to the person
whose employment was terminated. The offer shall be sent by registered mail,
return receipt requested a method that provides delivery verification and is
consistent with UNC Policy 101.3.3 to the address last furnished to the chancellor's
office, and the faculty member will be given thirty calendar days after transmission
of the notice in which to accept or reject the offer. The offer to resume a terminated
position shall provide for tenure status, rank, and salary at least equal to those held
by the faculty member at the time of termination.
c. The institution, when requested in writing by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. Such assistance shall include secretarial assistance, access to the telephone (including long distance), University/unit stationary and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.

4. Termination if Reconsideration is Not Requested
If, within 10 working days after receipt of notice required by Section VII.B.3 above, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date specified in the notice given pursuant to Section VII.B.3, and without recourse to any institutional grievance or appellate procedure.

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

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

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

When the committee is convened to consider any matter associated with a faculty member's request for a hearing, those committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, who participated directly in the decision to terminate the faculty member's employment, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The faculty member and the chancellor or the chancellor's representative are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.
When, between elections, membership of the committee falls below the specified five members and five alternates, the chair of the faculty, in consultation with the Committee on Committees, shall appoint members to the committee. Vacancies on the committee will be filled by first moving alternates to members and by making appointments as alternates.

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary. The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. The committee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) following the committee action(s). (See Part VIII, Responsibilities of Administrative Officers.)

7. Procedures for the Hearing
   a. Time and Date of Hearing
      The Reconsideration Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the chancellor's notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.
   b. Conduct of Hearing
      The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of Robert's Rules of Order, Newly Revised. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

      The hearing shall begin with an opening statement by the chair of the committee limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the committee chair, the faculty member or the faculty member's counsel shall present his or her
contentions and any supporting witnesses and documentary evidence. The chancellor or the chancellor’s counsel may then reply and present any supporting witnesses and evidence in rebuttal of the faculty members contentions or in general support of the decision to terminate the faculty member’s employment. During these presentations, the faculty member or his or her counsel, and the chancellor or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member and then the chancellor or the chancellor’s counsel will be given the opportunity to provide summary statements.

8. Procedures After the Hearing

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

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

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

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

Within 30 working days after receiving the recommendation, the chancellor shall send written notice to the faculty member by registered mail, return receipt requested, a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee giving his decision and stating what modification, if any, the chancellor will make with respect to the original decision to terminate the faculty member’s employment. If the chancellor fails to reverse the original decision, the chancellor shall send written notice of such to the faculty member by registered mail, return receipt requested, a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee. The faculty member may appeal the termination to the Board of Trustees within 10 calendar days following receipt of the chancellor’s decision, as provided in Section 501C (4) of the Code of the University of North Carolina and Board of Governors regulations implementing that provision. (Faculty Senate Resolution #99-4)
The exercise of the Board of Governors' jurisdiction under Section 501C(4) of the Code is refined to insure that primary emphasis remains properly focused on the campus grievance procedures. Requests for appellate review will be screened to determine whether the Board should consider the issues raised in a petitioner's request for review. The following basic standards will guide that screening process:

a. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.

b. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.

c. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision makers, i.e., the reconsideration committee, the chancellor, or the board of trustees, 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.

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9The 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.
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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Approved
Faculty Senate Resolution #06-19
pending final approval
President of UNC System

Amended
Faculty Senate Resolution #94-18 (entire document) September 1995
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) 3-04
Faculty Senate Resolution #03-44 (Section I) March 2004
Faculty Senate Resolution #03-49 (Section V) April 2006

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 I96-04 and I96-05 (Section II.C) March 1996
Interpretation I97-07 and I97-08 (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, February 2003
Interpretation I06-22 (Section IV) Faculty Senate Resolution #06-20, May 2006

Appendix D-39
(According to UNC Code 602(1) final approval of this document involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs/General Counsel, and President of UNC System.)
I. Call to Order

II. Special Order of the Day
   A. Mark Taggart, Chair of the Faculty
   B. Steve Ballard, Chancellor
   C. Jim Smith, Provost and Vice Chancellor for Academic Affairs
   D. Mike Lewis, Vice Chancellor for Health Sciences
   E. Deirdre Mageean, Vice Chancellor for Research and Graduate Studies

III. Recipient of the Board of Governors Award for Excellence in Teaching
   Judith Hunt, College of Business

IV. Closing Announcements and Adjournment