The Board of Trustees met in regular session in the Great Room, Mendenhall Student Center, on Friday, September 24, 2004, at 1:05 p.m. Mr. James R. Talton, Jr., Chair, presided and called for any items approved in Closed Session, which took place before the full Board meeting.

Hearing none, Chairman Talton called the meeting to order. Mr. Dan V. Kinlaw, Secretary, called the roll.

Roll Call

Members present:

William H. Bodenhamer, Jr.  Shannon L. O’Donnell
Robert O. Hill, Jr.  E. David Redwine
Michael W. Kelly  Stephen D. Showfety
Dan V. Kinlaw  James R. Talton, Jr.
J. Fielding Miller  Margaret C. Ward

Members absent:

David S. Brody  Willie C. Martin
Robert J. Greczyn, Jr.

Also present:

Chancellor Steve Ballard
Vice Chancellor Michael J. Lewis
Vice Chancellor Garrie W. Moore
Interim Vice Chancellor and Assistant Secretary to the Board
James LeRoy Smith
Senior Associate Vice Chancellor George W. Harrell
Senior Associate Vice Chancellor Chuck Hawkins
Acting Vice Chancellor for Research and Graduate Studies
John Lehman
Vice Chancellor William E. Shelton
Director of Institutional Planning, Research and Effectiveness and Interim Director of Economic Development and Community Engagement Robert J. Thompson
Interim Chief Information Officer Jack Brinn
Chief of Staff Austin W. Bunch
Interim Athletics Director Nick Floyd
University Attorney Ben G. Irons, II
EEO Officer Taffye Benson Clayton
President, ECU Foundation James L. Lanier
Director, Internal Audit Stacie Tronto
Chair of the Faculty Catherine Rigsby

APPROVAL OF MINUTES

It was moved by Mr. Bodenhamer and seconded by Mr. Kinlaw that the minutes of the July 13, 2004 full meeting of the Board of Trustees be approved as submitted. The motion passed with no negative votes.

CHANCELLOR’S REPORT

Mr. Chairman and members of the Board, I would like to give an overview at a little higher level. In the future, expect my reports to be more specific about projects and directions of the institution but we recently submitted our annual report to the Office of the President – you should have that in front of you somewhere -- and that is a good occasion, I think, for me to address a “Preliminary State of the University.” Please treat it as preliminary, but I will not repeat the annual report that we submitted to the Board but I would like to talk about my four month impressions and assessments of ECU and talk about that from a point of view of our mission and our vision and then say just four points, where I think that annual report takes us to the future. So that is the nature of my remarks today.

I think any annual report or any statement from me about the health and the status of ECU has to be done in terms of our vision and mission of this institution so let me start with just a word about both our vision and our mission.

We do not have, in my view, a vision that is finalized or that is appropriate for the quality of our institution at this point and, as some of you know, I will be working with our entire community to articulate the vision that reflects both the quality and the opportunities that we have at ECU to make a difference in North Carolina. That vision cannot come from me. It really has to come from our community and be articulated by – really – hundreds of people at ECU to both take ownership and to craft something that
communicates adequately to our constituents about who we are and what we stand for.

Having said that, I know that our vision will have some components to it even if the words are entirely different. The kinds of components that I have heard in my first four months have something to do with ECU being a national institution with a state responsibility and a state focus. There are at least two critical elements of that. One is the national institution connotes that we are an institution of high quality and that recognition is being seen by people all over the state of North Carolina and indeed, throughout the eastern US. At a minimum, we are a national University and you have heard many indicators of that throughout the morning discussion. I’ll give you a few more in a few minutes.

So part of our vision will have to address the quality of who we are and the importance of quality programs and quality people to the future of ECU. In addition, we will have a state focus and particularly within that state focus, an eastern North Carolina focus. That means words like an engaged University, a catalysis for the growth of our community, responsive to the needs of eastern North Carolina, the engine for the economy of eastern North Carolina – those kinds of concepts will be critical to this evolving developing mission that our whole community will put together.

So I do not have a vision statement for you here today but I have 100% commitment that this Board and this community will have a vision statement put together as soon as we feel comfortable that we have the right words to reflect both the quality and the responsiveness of ECU.

Having said that, our annual report must also address the missions of a public university as almost everyone in this room I’m sure knows. There are three classic missions that virtually any doctoral institution has and it’s a portfolio and we are certainly no exception to that. We have missions related to teaching and learning. We have a second mission related to research and we have a third mission related to service and all of those are important. They are also very traditional. We are the same as 4 of our 500 other institutions in that respect. In addition to those missions there are cross cutting missions that I think will increasingly be part of how we think about ourselves, whether or not we reflect them in a vision or a mission statement is yet to be determined. But two of the cross cutting elements, it seems to me, are economic development and leadership development. I believe ECU can be known as a national leader as a national model for developing tomorrow’s leaders and especially the leadership training we give our students. That goes beyond the normal quality of what happens in the classroom or what happens as they get engaged in other activities on campus. It means a focused attempt to ensure that our students are ready to be leaders in tomorrow’s world. That includes a lot of practical experiences in applying the knowledge skills and
competencies that they learn otherwise at ECU to a very complex and difficult world. And we expect to be a major contributor to our student’s ability to do that. We already have a BB&T program in leadership development and Provost Smith and I – and many others – are making a commitment to expand that amount of money that we have in BB&T through a variety of other financial resources so that leadership development for both our undergraduate and graduate students will continue to be a major contribution we make at ECU. Again, I think looking out over the next five years that aspect of what value we add to education will increasingly be known as a major contribution that we make.

So given that little bit of mission and vision, let me talk for just a few minutes about some things that were in the annual report but also my impressions of the quality of the institution.

My conclusion is simple. We have a great institution here. In some ways, some of our quality is hidden but it is less and less hidden every day. We will pay a lot more attention to making sure that the great things that we do across the board, across our missions, are well known by our constituents and that we do everything we can to market those. We are the emerging institution, not only in the North Carolina system but it seems to me, in the Eastern US. Let me say a few reasons why I think that is the case.

Let’s take first the mission of teaching and learning which is central and I think the most traditional but also the single most important thing we do at ECU. We create learning environments where not only our students are prepared for tomorrow but all of us are engaged in the challenge and the excitement of learning more and being able to do more with the knowledge that we have.

Let me just say a few things. Some of these have been summarized or touched on in other reports but I think the picture that is presented across teaching, learning, research and service is an extremely exciting one at East Carolina University.

As Provost Smith and Vice Chancellor Moore have said, our enrollments are at an all time high at 21,756, a 6% increase and I think a 1,000 increase and if we choose, we can gave that kind of increase in enrollments virtually every year. I am certainly not indicating that we have chosen to do that. I think that is a very serious question that we will all need to address and do in a very strategic way, but students are voting with their feet in terms of what they receive here at ECU and the value that we add to them in really thousands of ways.

We also had an 11% increase in graduate enrollments and that increase, at a time when international students are less and less likely to come to ECU, is a major statement about the quality of our professional degrees and the need that students have in order to do well in tomorrow’s economy for advanced degrees and
professional degrees. People see ECU as – not just an institution of choice at the undergraduate level but also at the graduate level.

Just take distance education for a second. A little bit of this was summarized this morning. Of the new money that was provided by the system this past year, I think it was 10 or 12 million dollars, perhaps 14, ECU received 81% of the systems distance education money. That reflects the commitment of hundreds of people here at ECU, reaching out to all of North Carolina but especially eastern North Carolina to provide the access and the programs that make a difference for the future of our residents.

Twenty six masters degrees programs are taught through distance education at ECU, which is a vital statistic in terms of our ability to train tomorrow’s workforce. That is a statistic that everyone should recognize as a major reflection of the quality of the instruction and the commitment that ECU has made to eastern North Carolina. Advanced degrees will be essential to jobs of tomorrow and we are providing those degrees. Even more so than the access, which is critical. Access and affordability will be among the major issues in public education in the next ten years. We are doing more than our part to address that fundamental mission of public universities but even more important than bringing students in to our institution or making our resources available to them in distance education, is the question of student success. What value do we add to the student experiences here?

As I said in my convocation speech and many other places, I am much, much more concerned with the value we add to the education than any of the indicators of the wealth of our students, who when they come in here or their social economic status, which unfortunately are the primary determinates behind ratings like US News and World Report and other national rankings of institutions. We have had a long term commitment to student success here at ECU, across the board. Nick Floyd reported on how successful our student-athletes are. That’s no accident. What that means is that we have devoted resources to making sure that students are able to succeed in whatever endeavors they choose to pursue.

The recent report by The Education Trust gives us a more systemic and national perspective on the success that we generate and that we have in student success. We are 13 points above our national peers in terms of overall graduation rates. That is not the only way we can think of student success but 13% points better than our peers in graduation rates is a significant – statistically and substantively significant – difference in graduation rates. Perhaps even more remarkable, we have virtually doubled the graduation rates for minority students compared to our peers. Our peers are graduating minority students on average of 32%. Our minority students are graduating at the rate of 60%. That is a tremendous message about the quality of what is happening at ECU.
Just so everybody understands some of the implications of what happens because of graduation rates and what happens after graduation rates, students today with a professional degree, masters degrees and beyond, can expect over their lifetime three times more earning power than a high school graduate. Three times more earning power for students with masters degrees plus, than students with high school degrees. I think every study that’s addressed that gap – that earnings gap – created by the quality and the success of education but will do nothing but widen in the future. So things like our distance education programs will make a major economic impact on eastern North Carolina and North Carolina. We have a challenge to keep those students here but we are doing our part for the 4, 5 or 6 years that they are here.

Part of the success of students, of course, has already been mentioned and it has to do with student engagement so I won’t go back through that but I will say that one of the most important statistics related to what we add to students outside of the classroom is that over a third of our students approximately 8,000 of our total student body are engaged in volunteer activities and community engagement activities. That is an extremely high percentage of students who go beyond the classroom to get both practical experiences for their own learning but equally significantly making an impact to non-profit organizations, people less fortunate and other responsibilities in our locality, our region and our state.

So those kinds of statistics tell me that we can continue to have a great impact on leadership development because it’s already a part of our culture. It’s part of the way that we think about our responsibilities to students and our students in fact, are self-initiated in terms of pursuing those kinds of outside of the classroom engagement opportunities that make all of the difference to their ability to succeed tomorrow and to be tomorrow’s leaders.

Let me go back to some of John Lehman’s remarks and just say a few things in talking about teaching and learning let me talk now about research for just a second because it is the second of our missions, or one of three major missions. We take it very seriously. As we said this morning, we have some work to do on that. We have great leadership going on here at ECU to provide the infrastructure, the focus and the resources necessary for us to be successful but our research this past year increased by 18%. I was not here so this has to do with lots of other people.

An 18% increase in sponsored program research. That amount of increase can be expected in the future, maybe not on the same percentage basis but we will set the goal steep to make sure that our research is moving forward in the right way.

Last year in license income, income we receive for licensing our intellectual property—the know how that we create here at ECU was $400,000. By national standards that amount of money isn’t great but there is some great news on that. There is an association called the Association for University and Technology
Mangers that measured the efficiency and the ability of any institution to take it’s knowledge, it’s intellectual property, it’s know how and translate it into commercial products and commercial value that people want to buy. Our ranking on that, on a national level, is truly exceptional. We are second in the country. All this is based on standards that reflect the amount of research that we do, but we are second in the country in the number of start up companies for our research profile. We are third in the country in inventions disclosed for the category of research that we are in and we are sixth in the nation in patent applications for the size of our research infrastructure.

What that means folks, is that we already have the ability, the culture, and the people on board to ensure that the research that we do can make a difference economically to North Carolina and to eastern North Carolina. There are many, many examples of that but the speech easy is one. Our researchers along with some researchers from Chapel Hill have invented a way to freeze dry blood plasma that can have a huge impact on shock and trauma victims ranging from the battlefield to car accidents and that can be made available in a powdered substance so that it lasts three years rather than a day or so which is the problem with transporting blood plasma in any other way and a major company is being developed to market this – called hemocellular therapeutics – and the question is where the company will be located. We are hoping that it will be in Pitt County and the people in Chapel Hill are hoping it will be here. But the challenge for ECU is not our ability to create the know how or to translate that into valuable products but to make sure that we work with the private sector and business companies so that those kinds of start up companies more and more want to locate in this region of North Carolina. There may be few things – only one or two – more significant to the next 20 years of economic growth in eastern North Carolina than our ability to work with the private sector to ensure that that kind of capability—that many of them get located here in our own region.

So technology transfer is not something that we typically talk about at ECU but our national rankings in that are truly exceptional both from the point of view of the inventions but also our ability to take the inventions a step further.

As important as any of that, even though those are specific results that make a difference, I want to talk for just a second about our national reputation because I heard before I took the job here that we were known as a party school and I can personally tell you that since moving here I’ve only been to one party – however, many people on Fifth Street have invited me to their parties which are frequently in Fifth Street or right behind our house. In all seriousness, it did bother me that that reputation I think which must have come from Chairman Talton’s undergraduate days or something along those lines, stays with us. It’s not that parties are bad, but we are anything but a party school. Our SAT scores are higher than the national average, our students succeed better than the national average and we are doing many things to ensure the academic quality, rigor and applicability of our academic programs to tomorrow’s economy continue.
Just to give you a few examples of the quality of our programs, our Sociology department was ranked first nationally in scholarly publications. I wonder how many of you knew that. Every university has a sociology department, none does better than ours in terms of one measure of scholarly publications. This morning we heard about our medical school. I don’t know if you caught the indicators on the board but we ranked fourth nationally, even though it’s the US News and World Report data. Fourth nationally in rural medicine and fifteenth nationally in Family Medicine. Those are great statistics. Our School of Medicine is of national quality. As I’ve said before, not one question emerged in the three months of debate – not to me -- the three months working on the cardiovascular center – about whether we could deliver that service that we were promising for the $60 million of state support. Not one time did a staff member or legislator ask me if we could really deliver on a truly exceptional cardiovascular center and the reason for that – I don’t think there’s any question that we can deliver on that promise.

We have many other programs that rank in the top 10, the top 15, the top 20 in terms of national reputation. As some of you know, our College of Education was one of 15 schools invited to Austin, Texas this summer as part of teaching and the future of America. I might not have the exact words on that but I think that is essentially it. The Carnegie Foundation sponsored program—15 universities among 600 who teach education were invited to come to this summit on how we can prepare tomorrow’s teachers. Through the work of our College of Education we were one of those and I believe Marilyn Sheerer was one of two or three stars at that summit because of what we are doing and the Wachovia Partnership East – Austin, did I get that name right this time?—good – and other things that we have already created here.

Last but not least, and my own personal favorite – everyone knows that our baseball team was ranked as high as third in the country at one point during the last year.

What does this mean for tomorrow? Let me just give you a few teasers and say two things that I think reflect the quality, the impact and the commitment that people at ECU have toward the state of North Carolina.

We will continue our work on student leadership development because I think we can be as good as anybody in the country on that particular thing and I think student leadership development will increasingly be a measure for the quality of undergraduate education. Not the wealth of the students that come in here but the leadership qualities that they have when they leave and we are committed to being better at that.

We will also right size our growth and be very careful that we are a growing institution because that is a fundamental mission that has a long term economic benefit to this state but we will also do it in a strategic fashion so that we are not
growing in a way that reduces the value that we add to undergraduate education. That’s a commitment that we have.

We will also continue to be an excellent partner. Our partnerships with University Health Systems with teacher preparation, with 20 community colleges and certainly with the City of Greenville are certainly examples of partnerships that are not good just because they are partnerships, they are examples of our ability to achieve the results that we want because we are engaged with many others who can help us achieve those results. So we will focus on outcomes and results but we know that many of them will have to come with partnerships.

Two things are extremely exciting about the coming year and down the road that I just want to mention. I know there is an agenda item on one of them in a few minutes. One is the ECU downtown project that we will report on in a few minutes. I won’t steal the thunder for that but we have a major opportunity with the City of Greenville to make a difference, not just on downtown but on the growth, the expansion and the quality of programs and the facilities that ECU contributes to our community. The future of ECU and the future of Greenville are one in the same and the ECU downtown project is an opportunity for us to look out 10 or 15 years and make a huge difference both for ECU and for the City of Greenville. So we have work left to do on that but I could not be more excited about anything that we are doing than the possibility of really making a huge difference to the west end of our campus and in working with the city of Greenville to have a strong economic development impact.

Speaking of economic development, I am also extremely pleased to announce – he’s not here, he’s meeting with his own Board – but we have initiated the beginnings of the task on economic development. I’ve asked Dean Rick Niswander of the School of Business to chair that task force. That task force will take 6-9 months to make very specific and strategic recommendations on the ways we can make the most difference for economic development in eastern North Carolina. We are already doing some excellent things in economic development. Bob Thompson has made an excellent contribution to that over the past year as have others but we will add to the resources and we will ask the question, what do we need to do to really make sure that that is a central contribution of ECU and that we have the resources to do that and that we have addressed the appropriate organizational structure to make sure our economic development opportunities including the transfer of our intellectual property are having the most impact they possibly can.

So both the ECU downtown project and the task force on economic development to be chaired by Dean Niswander are extremely significant things that reflect our commitment to the state of North Carolina and get back to my fundamental belief that we are an institution of truly national quality as much data indicates but we will address and use that quality and those intellectual resources to make a difference for our state.
So that is my excitement about this institution and everybody in this room and hundreds of other partners make it possible but our future is in front of us so Tomorrow does start Here.

Thank you.

Chairman Talton thanked Chancellor Ballard for his report and stated his enthusiasm was contagious. He stated the reports that had been given and the partnerships that have been discussed along with the initiatives to build research efforts and results – along with a host of other items Dr. Ballard mentioned – were extremely exciting to the Board of Trustees as well as to the entire community of Greenville and all of Pirate Land – wherever they may be!

Hearing no comments or questions, Chairman Talton introduced former Board Chair Phil Dixon and asked him to come forward and address the Board regarding the City Bond Referendum.

Mr. Phillip R. Dixon

Mr. Dixon stated he too attended ECU and met his wife here and now lives on Fifth Street. They walk their dog nightly and are excited to see the progress on campus. Mr. Dixon recently visited Washington, DC with the Chancellor and the Chamber group and got to spend some time with him and on behalf of all of the people Mr. Dixon represents around town – particularly public bodies – all are excited about the Chancellor and the vision of the downtown area. There is a great deal to look forward on the horizon.

Mr. Dixon reported on a planning conference held in Virginia in 1987 entitled “Step into the Past to Plan for the Future” in which bold predictions were made of what ECU would be like approaching the 100th anniversary. Enrollment was predicted to be 18,000 with a population in Greenville of about 57,000. City Manager Marvin Davis confirmed that the population is about 65,000 with predictions of 100,000 in 2012. Retail sales have increased in the first six months of this year of 26%. With enrollment booming, there is quite an impact on the community. Bond issues for higher education that passed amount to about a quarter of a million dollars and with the cardiovascular center another quarter of a
million dollars being spent the area between east and west campus as well as the uptown/downtown area are all affected.

Mr. Dixon is here today to ask for the Board’s support for a bond referendum which will make some very valuable improvements that it is thought we have a very positive impact on the City and ECU.

A Tenth Street corridor is being planned to connect the medical campus and downtown. Along this corridor, other people have expressed an interest in partnering as well. For example, the School Board is planning improvements to Sadie Sautler School. Other thorofares will also see improvement.

Mr. Dixon stated that the last bond issue was in 1992, $25 million which passed overwhelmingly. On November 2\textsuperscript{nd}, the citizens are being asked to support this $20.8 million bond issue. There are currently needs for $153 million. Flooding and storm water has been a problem. Outdated systems and infrastructure are other problems.

Mr. Dixon informed the Board of a 1983 visit to the University of Missouri with similar circumstances as Greenville (population, medical school, etc.) and explained how they incorporated the downtown area into their planning. The result was a booming, revitalized downtown area.

Mr. Dixon then updated the Board on efforts in the West Greenville area which has been mostly rental units. The idea is for the tenants to purchase the properties within a 45 block area resulting in substantial improvements. This effort is different from the past in which structures were torn down in hopes that someone would build.

The bond is for $20.8 million over a seven year period with, hopefully, no tax increase. Our credit rating has just been increased which shows we are good stewards of public dollars and this is a good time to borrow money.

This effort is driven a great deal by the growth that is taking place on campus; therefore, the Board -- it seems -- would play a major role in what happens in these areas. As the crow flies, it is a very short distance between the east campus, downtown area and the west campus. We hope that you will support this effort.

The Chamber of Commerce is endorsing this effort as well as Uptown Greenville and the Committee 100—which is our economic development arm.

Mr. Dixon thanked the Chancellor, Dr. Shelton and Don Leggett, who have all been involved in this effort. He then asked for questions and stated Marvin Davis, the City Manager, was also available for questions or comments.
Chairman Talton thanked Mr. Dixon for taking the time to be available for the Board and agreed that the geographic location and the relationship with the City of Greenville was important. We will grow and prosper together. He said his feeling was that the Board would be more than happy to go on record as supporting the bond referendum.

Mr. Showfety then moved that the Board adopt the following resolution:

Whereas East Carolina University was founded in 1907 to alleviate a shortage of teachers in eastern North Carolina,
Whereas East Carolina University now offers more than 100 bachelor degree programs and 13 doctoral programs,
Whereas East Carolina University has significant enrollment growth which is now approaching 22,000 students and
Whereas substantial construction has occurred on the campus of East Carolina University in the last decade,
Whereas campus enrollment is anticipated to significantly increase in the next five years,
Whereas the City of Greenville has experienced a 40% population growth since 1992,
Whereas the City Council and the City of Greenville has called for a bond referendum on November 2, 2004,
Whereas the bond referendum will have four sections of street improvements, the west Greenville revitalization, the center city revitalization and storm water drainage improvements totaling $20.8 million,
Whereas these improvements will improve the quality of the City and assist in providing for the increased population,
Whereas these improvements have a positive impact on the University facilities and the University community enhancing the livability of the University community and the entire City,

Now, therefore it be resolved that the Board of Trustees of East Carolina University does hereby express its support for the City of Greenville Bond Referendum which will be held on November 2 and the beneficial impact it will have on East Carolina University and the City of Greenville.

Mr. Bodenhamer seconded the motion and it carried with no negative votes.

Chairman Talton thanked Mr. Dixon and Mr. Davis again for their time and asked Faculty Chair Catherine Rigsby for her comments.

CHAIR OF THE FACULTY REPORT

Thank you, Mr. Chairman, for the opportunity to speak to the Board. I am honored to represent the faculty in this setting.
Today, I would like to do 2 things: (1) introduce myself and (2) give you a snapshot of the “mood” of the faculty and the major initiatives the faculty are undertaking this academic year.

My name is Catherine Rigsby and I’m the incoming Chair of the Faculty. My term actually started in July – when Professor Niswander became Dean of the College of Business and stepped down from this position. I was in the high deserts of the South America Altiplano at the time, so Rick had to hold down the fort for a while longer than he expected. (Thanks Rick.)

I am an Associate Professor of Geology and have been at ECU for 11 years. Although I now do what most people would call “pure” research, I’ve had a variety of “real-world” experiences – including working in the private sector as a development geologist in Texas and as an exploration geologist in California. Yes, I’ve spent many days and nights in the oil patch – on and around drill rigs! After several years, I went back to school and earned my Ph.D. in Earth Sciences from the University of California, Santa Cruz. My first faculty appointment was at California State University, Long Beach. I came to ECU (in 1993), just after being promoted to Associate Professor at Cal State.

My research still occasionally involves drill rigs. I am a sedimentologist – I study modern and ancient earth surface environments (beaches, rivers, lakes, and the like) and the way those environments respond to changing conditions. Whether working in coastal and river systems of eastern North Carolina, or benchmarking changes in the environments of South America my federally funded fieldwork and research focuses on geologic evidence that leads to new knowledge.

My next major project will be in Tibet. By studying in places where one of the variables (in this case climate change) is well understood, we can learn much. Once we understand the relationships between climate change and landscape/environmental change, we can apply that understanding to other areas (like eastern North Carolina).

In short, I’m just like most of the faculty here at ECU. We all have a wealth of knowledge and experience (both “real-world” and “academic”) to share with our students and the community as a whole. We work hard in our classrooms, our labs, our studios, and in our field areas (near and far). Although our experiences and knowledge provide a rich atmosphere for teaching and research, they also make us capable when participating in other aspects of university life, including the governance and decision-making in which you (the Board) are engaged.

I believe that a strong system of shared governance is built upon mutual understanding. If we understand and appreciate each other’s
strengths and knowledge, we will be more likely to work openly and well together toward common goals. My hope for this year is to help enhance understanding and to continue to grow our tradition of shared governance for this university.

When I asked, “What does the Board want to hear from the Chair of the Faculty,” I got two responses: (1) that you like to hear about faculty work/research and (2) that you want to know about the “mood” of the faculty. I hope I’ve given you a snapshot of my own research today. I can, of course, tell you MUCH more. But I’ll save that for those who ask!

As to the mood of the faculty, I think its safe to say that this Fall the faculty is “guardedly optimistic.” It is not in the nature of faculty to be completely positive. As academics, no matter what our experience or what our disciplines, we are trained to question, debate, and consider all of the alternatives (even the worse case scenario!). I urge you to remember that debate, and questioning, are not really negative things. They promote thinking and discussion; they require us to listen to other points of view – to be open to alternative ways of thinking and doing. They often lead to new ideas, to better ways of operating. Even though sometimes loud and difficult to endure, the debate is almost always a worthwhile endeavor.

The faculty have recently come through some “rough patches,” where the debate was loud and sometimes harsh. Through it, we learned much about ourselves and our willingness to participate. And now, we are here today with new leadership. Leadership that is willing to listen, to consider faculty input as seriously as other inputs, and to include faculty in major decision-making. This is a very good thing. It has elevated the “mood” of the faculty. Although it is dangerous to make predictions, I’ll venture to predict that – as long as the lines of communication remain open, as long as faculty continue to see their efforts are appreciated, and as long as administration continues to raise the “status” of faculty in the minds of the university and the community – the “mood” of the faculty will remain positive.

To help ensure this continued positive ‘mood,” this year – in addition to the important “normal business” of the Senate, the faculty are working on 3 major initiatives. I discussed these recently – at convocation. But, because many of you on the Board were not present for convocation, I’d like to briefly summarize them for you today.

They are . . .

First, Faculty Input into Administrative Hiring
Second, Faculty Mentoring
and
Third, University-wide Standards of Excellence.
First, . . . faculty are becoming more involved in searches for upper-level administrators. I was very pleased this summer, when Chancellor Ballard pledged his support for full faculty participation in the searches for Provost and for VC Research and Graduate Studies. This is very important to faculty – and is the real meaning of true shared governance.

At the September 14th Faculty Senate meeting, three faculty members were elected for each of these search committees. Since then, Dr. Ballard and I have worked together to complete the search committee rosters. I’m very happy with the level of cooperation and collegiality we are able to bring to this process. It represents a great step toward full shared governance at ECU and shows the enhanced faculty awareness and appreciation that I think our new Chancellor brings to the university.

The second initiative we are undertaking this year concerns faculty mentoring.

We have an excellent faculty at ECU. They do great things. With appropriate cooperation between faculty and administration, with appropriate incentives, and with appropriate mentoring – at ALL levels – faculty can achieve even greater things and our university’s positive reputation can grow.

Too many times, good colleagues have been given less guidance than they deserved. Too often, the energy and aspirations upon which our university is built are squandered as faculty attempt to move forward in their scholarly careers. This doesn’t happen through overt policy decisions, or through a focused attempt to diminish faculty. It comes from overlooking the wealth that exists within the walls of our institution, and by focusing too tightly on the goals, as opposed to how we achieve these goals.

We have the depth and breadth at ECU – in research, in teaching, and in service – to build our great university from within.

For new faculty, building from within requires good mentoring. AND, it means providing resources – space, money, and time – to aid in their success.

For our seasoned faculty, building from within requires incentives to grow with the university (to not be left behind) and it requires providing rewards and recognition for the entire range of contributions these faculty bring to the university.

We have seen the beginnings of recognition and reward in the recently approved raises. But, it’s important to remember that recognition and rewards are not just about the money!
If we value and effectively mentor our faculty we will KEEP and PROMOTE the great people we have at ECU.

The Faculty Welfare committee has started to evaluate the state of mentoring on our campus. Once they have completed this study, they will review current “best practices” in faculty mentoring across the nation and come up with a set of recommendations to aid in raising ECU to the next rung of faculty achievement. The committee is also studying “faculty perks” – those non-salary rewards that could enhance the status of our faculty and keep our best faculty here at ECU. I expect to see recommendations from both studies by early Spring.

The third initiative faculty are undertaking this year involves the consideration of university-wide standards of excellence . . .

Although there are many different routes to success in a university, it is always the faculty who define and are the gatekeepers of that success.

ECU faculty have always set standards for excellence and advancement within their own disciplines. But, as we continue to explore the breadth of our status as a research institution, we must strive for institutional standards of excellence that extend beyond disciplinary boundaries.

I have challenged faculty and administration to work together toward this goal – to come up with a mechanism to ensure university-wide standards of excellence in tenure and promotion decisions.

Of course, any changes that are made to our tenure and promotion procedures will go through our normal faculty committees and procedures. Formal change must be initiated by the Faculty Governance Committee – as recommended changes to Appendix D of the Faculty Manual.

To help the committee in its deliberations, Interim Provost Jim Smith and I are putting together an ad hoc committee of faculty and administrators to study the possibility of creating school/college- and university-level tenure and promotion committees.

The process – through the ad hoc committee, then the Faculty Governance committee, and on to the Faculty Senate, will lead to campus-wide discussion. It will be controversial. It will involve significant debate and time, and it will require the cooperation of both faculty and administration. As with all serious university discussions, it may not always be pretty or comfortable. The result of all of this debate, however, will be a well-considered, balanced, fair, and widely accepted policy that raises up the institution to a new level, and recognizes the diverse abilities and strengths from which East Carolina University was, is, and will be built.
Mr. Chairman, this concludes my remarks. I will be pleased to take any questions.

Hearing none, Mr. Talton congratulated Dr. Rigsby and thanked her for her role of leadership for the Faculty Senate and her comments regarding the initiatives and her comments about the collegiality, representation, participation and value. Mr. Talton said, as a Board, they value very highly the faculty of East Carolina University. The faculty and the student body are what make up our great University. He further stated he liked hearing the discussion about initiatives to improve relations, improve morale and improve retention and attractibility as well. If this University is going to continue to grow in number but in quality, quantity and outputs, we need more like Dr. Rigsby. He said he looked forward to sharing thoughts and ideas and debating with her.

Chairman Talton asked Steve Showfety to report on action items taken since the last Board meeting for the Executive and Audit Committee.

COMMITTEE REPORTS and RECOMMENDATIONS

EXECUTIVE and AUDIT COMMITTEE REPORT

Mr. Showfety stated there were 15 items approved by the full Board since the last meeting. It was decided that in the interest of time, that they not be read. However they are listed below.

The following items were acted on by the full Board since their July 13, 2004 meeting.

1) approval of Annual Summary Report on Management Flexibility Plan
2) approval of the naming of a classroom in the College of Education
3) approval of the naming of the Pirate Club Deck
4) approval of contracts of the Athletic Director and Senior Associate Athletic Director.

The following items were acted on by the Executive and Audit Committee on behalf of the full Board since the last meeting:

1) approval of request for property acquisition—942 East 14 Street
2) approval to accept two tracts of property for Student Recreation Playing Field
3) approval of recommendation of initial appointment with permanent tenure for:
   --Wayne E. Cascio, MD, Professor, Dept. of Internal Medicine
   --Timothy A. Jones, MD, Professor, Dept. of Communication Sciences and Disorders
   --Sy Atezaz Saeed, MD, Professor and Chair, Psychiatric Medicine
   --Robert H. Schosser, MD, Professor, Dept. of Internal Medicine
   --Maura S. McAuliffe, Ph.D., Professor/Director, Nursing Anesthesia Program
   --Timothy A. Johnson, Ph.D., Professor, Dept. of Internal Medicine
   --Daniel W. Wong, Ph.D., Professor, Dept. of Rehabilitation Studies
4) approval of Ms. Stacie Tronto as Director of Internal Audit
5) approval of Dr. Thomas Feldbush as Professor of Biology
6) approval of request for property disposition via lease for PCMH Gamma Knife Facility
7) approval of request for office space lease
8) approval of recommendation of initial appointment with permanent tenure for:
   --Dr. Jeffery Scott Elwell, Dean and Professor, College of Fine Arts and Communication
   --Dr. Dilip Das, Professor, Dept. of Criminal Justice
9) approval of Political Activity Authorization for Elizabeth Ward
10) approval of bonds for College Hill Dormitory and Renovations to Dowdy-Ficklen Stadium.

Mr. Showfety then moved approval of Appendix Y to the Faculty Manual as presented in the Board materials and discussed in Committee earlier today. (see Attachment A)

Mr. Kinlaw seconded the motion and it passed with no negative votes.
NAMING OF BUILDINGS, FACILITIES, and OTHER RECOGNITIONS COMMITTEE

Committee Chair Bodenhamer stated there were no action items.

ACADEMIC AFFAIRS and STUDENT LIFE COMMITTEE REPORT

Committee Chair Ward stated there were no action items.

UNIVERSITY ADVANCEMENT COMMITTEE REPORT

Chairman Talton spoke on behalf of Committee Chair Brody for any action items from this Committee. There were none.

FINANCE and FACILITIES COMMITTEE

Mr. Talton asked Committee Chair Kelly for any action items. Mr. Kelly responded that there was one item and moved the Board of Trustees endorse the conceptual partnership between the City of Greenville and East Carolina University by continuing to pursue the feasibility of the University/City Project and to work with the Mayor to develop a Memorandum of Understanding regarding the resources to be provided by the University and City in order to implement a project that will be mutually beneficial to the University and the City of Greenville.

Mr. Hill seconded the motion and it pass with no negative votes.

Chairman Talton responded that this was a very positive message for East Carolina University and the City of Greenville.

HEALTH SCIENCES COMMITTEE REPORT

Committee Chair Hill reported that there were no action items.

ATHLETICS COMMITTEE REPORT
Chairman Talton asked Committee Chair Miller for any action items from his committee. There were none.

RESEARCH, ECONOMIC DEVELOPMENT and COMMUNITY ENGAGEMENT

Mr. Showfety spoke for Committee Chair Greczyn and reported no action items from this Committee

OLD BUSINESS

There was no old business brought before the Board.

NEW BUSINESS

There was no new business brought before the Board.

Hearing no further business, Chairman Talton asked for a motion to adjourn. Mr. Hill moved that the meeting be adjourned and Mr. Showfety seconded the motion. Chairman Talton announced that the next full meeting of the Board would be on Friday, December 10, 2004. The meeting was adjourned at 2:10 p.m.

__________________________________
James R. Talton, Jr. Chairman

__________________________________
Dan V. Kinlaw, Secretary

Minutes of the Committee meetings are on file in the Executive Assistant’s office and shall be retained for the term of this administration.
Faculty Senate Resolution #04-22
Approved by the Faculty Senate: April 20, 2004
Approved by the Chancellor: pending
Approved by the Board of Trustees: pending

REVISED
ECU Faculty Manual
Appendix Y. Grievance Policies and Procedures of East Carolina University

This new text replaces all of the current text located in Appendix Y. and available at: http://www.ecu.edu/fsonline/FacultyManual2/AppendixY/AppY.htm

This appendix establishes structures and procedures for addressing faculty grievances through a formal procedure that includes access to mediation or direct review, and the potential for a committee hearing of the grievance. The following grievance procedures are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Appendix Y beyond the Board of Trustees.

I. Faculty Grievances
Grievances within the scope of this appendix shall be limited to matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. Such grievances shall also be limited to those remediable injuries attributable to the violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges, and responsibilities attending university employment or wrongful conduct that deprived the faculty member of an advantage that he or she otherwise apparently would have received. No grievance that involves matters related to a formal proceeding for the suspension, imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee falls within the scope of this appendix.

A grievant\(^1\) is any faculty member who seeks the remedies afforded by the provisions of this appendix. A respondent\(^2\) is the person identified by a grievant as the person whose action is the object of the grievance and may include the person(s) who requested the action that is the object of the grievance.

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters. This deadline may be extended by a majority vote of the Grievance Committee\(^3\).

II. The Faculty Grievance Committee
A. Membership
The Faculty Grievance Committee shall be composed of eight members and two alternates, each of whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment.
All professional ranks except instructor shall be represented on the committee. The chair of the faculty or, as his or her delegate, the vice-chair of the faculty or the chair of the Faculty Governance Committee shall serve as an ex-officio member of the committee. Members shall be elected in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be five elected members or alternates. Except where otherwise stated in this appendix, the committee shall conduct its business in accordance with the most recent edition of Robert's Rules of Order, Newly Revised.

B. Authorization and Powers
The Committee shall be authorized to provide access to mediation services or Chancellor Review; provide a hearing; and, based on such hearing, to issue reports and recommendations in an effort to resolve the grievances of faculty members.

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. Excessive delays in the completion of Steps One through Three may result in the committee’s decision to terminate the grievance process, with no further review available under this Appendix. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair.

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to him or her information that may be controlled or in the possession of another party to the grievance or the administration. Upon request by a party to the grievance, the other party to the grievance or the administration shall provide the requesting party with information bearing on the grievance that is not otherwise privileged. The requested information shall be distributed to all parties to the grievance. The committee chair shall be informed of any request for information among the parties to the grievance.

The committee may seek such information or documentation not provided by the grievant or respondent but considered necessary by the committee to provide a fair and complete peer hearing of the grievance. Should the committee seek such information or documentation, it shall ask the party most likely to have custody of the documentation or in the best position to obtain it. Such information will be shared by the committee with all parties to the grievance.

The committee chair shall inform the respondent, when the respondent has administrative responsibilities for grievant’s Personnel File, that information gathered to respond to grievant’s charges shall not be placed in grievant’s accumulated Personnel File. Any information collected as part of this grievance shall be placed in a physically separate part of the file, specifically established for this purpose. At the conclusion of the grievance process, this separate file shall be forwarded to the Faculty Senate Office where it will become a part of the grievance file maintained by that office.

The committee and the committee chair shall not function as an advocate for either party to the grievance. The committee chair shall provide only procedural information to the parties of the grievance. The committee’s responsibility is to provide the grievant and respondent a process for a possible resolution of the grievance.
III. Grievance Steps

A. Step One (Meet with Respondent)

Prior to bringing a grievance to the attention of the committee chair, the grievant shall meet with the respondent and shall attempt to resolve the proposed grievance. It is required that as part of this meeting the grievant provide the respondent with a written copy of the proposed grievance. If, in the opinion of the grievant, this attempt to resolve the grievance fails, the grievant shall so inform the respondent in writing. The grievant shall also inform the respondent of his or her intentions to pursue the grievance through Appendix Y in this memorandum.

The grievant shall forward to the chair of the committee a copy of the proposed grievance and a written memorandum indicating his or her intention to seek redress. Upon notification by the grievant, the committee chair shall have under the grievant’s name a grievance file opened in the Faculty Senate Office.

B. Step Two (Petition for Redress)

Based on the grievant’s memorandum to the respondent required in Step One, the committee chair shall inform all parties to the grievance that Step One has been completed and the grievant may move to Step Two. Step Two requires the selection of counselors who will serve as advocates for their respective client and shall provide advice throughout the grievance process. Counselors shall not participate in the hearing nor can they be called as witnesses (Step 5).

Appendix Y is established to provide a peer review of faculty grievances and the use, for any purpose, of attorneys, whether employed by the university or by a party to the grievance, is prohibited. Except that the custodian of the records may seek advice from the office of the University Attorney in determining the privilege of materials as stated in Section II.B. above.

The parties to the grievance shall inform the committee chair of the name of their respective counselor. If a party to the grievance chooses to serve as his or her own counselor, that information must be communicated to the chair of the committee.

The grievant’s counselor will advise and assist him or her in developing the Petition for Redress for the alleged grievance. The Petition for Redress shall set forth the identity of the respondent, the nature of the grievance, and the redress sought. Individual issues must be developed and presented separately in the Petition for Redress. The Petition for Redress shall include all information necessary to support each of the grievant’s charges. The grievant, through the committee chair, may request information bearing on the grievance (See II, B).

Upon completion of the Petition for Redress, the grievant shall provide a copy to the respondent and the chair of the committee and by way of memorandum to the committee chair, indicate his or her intention to continue with the grievance. The Petition for Redress must be provided to the respondent by certified mail or by another means that provides proof of delivery.

The counselor for the respondent shall provide advice as to the grievance process and
help the respondent develop a response to grievant’s Petition for Redress.

C. Step Three (Mediation or Chancellor Review)

When the committee chair receives the memorandum and Petition for Redress required in Step Two, he or she shall ascertain if the grievant has taken Steps One and Two, above. If the grievant has not followed these steps, the committee chair shall inform the grievant that he or she must take these steps prior to any further action being taken by the committee.

If the committee chair determines that Steps One and Two have been completed, he or she shall call a meeting of the committee. The committee shall make a final determination that Steps One and Two have been completed. Based on information contained in grievant’s Petition for Redress, the committee shall determine whether the grievance is within the scope of Appendix Y. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the scope of Appendix Y. Issues not within the scope of Appendix Y will receive no further attention. The committee’s decision concerning grievance issues within the scope of Appendix Y shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee. Except as noted here and below, the Petition for Redress shall not be modified.

Mediation

After the committee determines which, if any, issues raised in grievant’s Petition for Redress are within the scope of Appendix Y, the committee shall so inform the parties to the grievance in writing and offer them the opportunity to seek a resolution through mediation. Each party to the grievance shall be asked to respond within 15 calendar days after the date of notification by the committee chair as to his or her acceptance of mediation. If any party to the grievance rejects mediation, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Mediation is limited solely to the grievant and the named respondent. The rejection of mediation shall have no bearing on decisions or recommendations related to the grievance.

If all parties to the grievance accept mediation\textsuperscript{10}, the committee chair by random selection will select a mediation provider\textsuperscript{11}. The committee chair will contact the mediation provider informing them of the need for their services\textsuperscript{12} and requesting a list of available mediators. The parties to the grievance will be provided this list and asked to designate each available mediator as either A (Acceptable) or U (Unacceptable). The evaluated lists will be returned to the chair of the committee who will make a random selection from mediators evaluated as Acceptable by all parties to the grievance. If there is no Acceptable mediator, a second mediation provider will be contacted by the committee chair and the process repeated. If there is no acceptable mediator after the second effort, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four).

If an Acceptable mediator is identified, the parties to the grievance and the mediation provider will be informed of the selection. The Petition for Redress will be provided to the mediator by the committee chair. The mediator will communicate to the committee chair
the beginning date of the process. The mediator shall inform the committee chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed three months without formal approval of the committee chair or four or more months without the formal approval of the committee. Mediation will involve only parties to the grievance.

Mediation will continue until such time that:
   a. An agreement among the parties is reached (subject to time limits).
   b. A party to the grievance communicates to the chair of the committee that further mediation is unlikely to be successful.
   c. The mediator communicates to the chair of the committee that further mediation is unlikely to be successful.
   d. A party to the grievance communicates to the chair of the committee that he or she has experienced resistance or delaying tactics in scheduling mediation meetings.
   e. A party to the grievance communicates to the chair of the committee that the mediator is no longer acceptable.

Events b. through e., above, will cause the chair of the committee to notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Decisions by the grievant, respondent(s), or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance.

If an agreement is reached, the grievance will be considered closed and a copy of the agreement, signed by all parties to the grievance, will be placed in the grievance file maintained in the Faculty Senate Office. It is expected that most agreements will require only the authority of the respondent for a unit commitment but some may require the authority of the Chancellor. If an agreement is reached between the parties to the grievance but that agreement is rejected by the Chancellor, the grievant may request a hearing on the Chancellor’s decision.

If the mediation process produces a partial settlement, those issues shall be removed from the committee’s letter to the grievant. A signed copy of the partial agreement shall be placed in the grievance file. The grievant may request a hearing for those remaining issues (Step Four).

Chancellor Review

In response to the committee’s offer for mediation, a grievant who, for any reason, believes that mediation or a hearing would not fairly address issues raised by the grievant, may so inform the committee chair. The committee chair shall inform the grievant that he or she may pursue a Chancellor Review, which consists of a review by the Chancellor of grievant’s Petition for Redress and the committee’s memorandum. If the grievant chooses Chancellor Review, he or she may not request mediation or a hearing.

The grievant shall provide copies of the Petition for Redress and the committee’s memorandum along with any information the grievant believes supports his or her contentions to the Chancellor and the committee chair. The Chancellor may request (with a copy to the Faculty Grievance Committee Chair) that the respondent provide within 10 calendar days a written response to the Petition for Redress and any other
documents provided by the grievant. The Chancellor shall provide a response to the grievant within 20 calendar days of the Chancellor’s receipt of all materials. A copy of his or her decision shall be provided to the respondent and the committee chair.

The Chancellor’s decision is final and may not be appealed. A copy of the information submitted by the grievant to the Chancellor and the Chancellor’s decision shall be placed in the grievance file and the grievance closed.

D. Step Four\(^{13}\) (Request for a Hearing)

The grievant shall request, by memorandum to the committee chair with copies to the respondent, a hearing by informing the chair of the Grievance Committee that the grievant has followed the first three grievance steps, that his or her grievance is not resolved, and that he or she requests a hearing by the Grievance Committee.

The committee will review the grievant’s Petition for Redress, the committee’s memorandum to the grievant, and any changes to this memorandum that may have resulted from mediation. The committee may accept all, some, or none of the unresolved issues for a hearing. If the committee decides not to hear certain issues or decides that a hearing will not be granted because the grievant fails to allege an injury that would entitle the faculty member to relief under Section I. of Appendix Y or because the grievance (or a portion thereof) is not within the purview of the Faculty Grievance Committee, this decision will exhaust the administrative appeals process. The committee’s decision shall be communicated by certified mail, return receipt requested to all parties to the grievance.

If the committee determines that a hearing should be granted, the committee chair shall so notify the grievant and respondent and shall set a time, date, and place for a hearing on the Petition for Redress.\(^{14}\) The notification shall also include the names of all committee members and alternates. The date of the hearing shall be within 30 working days of this notification\(^{15}\). A court reporter must be used to record and transcribe any hearing.

A member of the committee shall recuse himself or herself from participating in a hearing if there is reason to believe that such participation will create a conflict of interest. Any party to a grievance may request that a member of the committee recuse himself or herself from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and provided to the committee chair not later than five calendar days after notification of the hearing date. If the member declines, the committee shall determine by a majority vote, the member in question not participating, whether the member shall recuse himself or herself.

The notice of hearing will also request that both parties submit to the committee all information and documents they intend to introduce at the hearing to support or defend their respective positions\(^{16}\). The grievant’s information shall include a copy of the Petition for Redress, a copy of the committee’s memorandum describing the grievance, a brief statement as to the results of the mediation effort\(^{17}\), a list of witnesses, and all information to be used in support of grievant’s charges. The respondent’s information shall include a list of witnesses and all information to be used to defend against grievant’s
charge. The committee may also request information (see II. B) or the inclusion of witnesses from either party to the grievance. A mediator shall not be called as a witness in the hearing of a grievance and no part of the mediation effort (e.g., conversations, offers, proposals, etc.) shall be introduced as evidence to support or defend against grievant's charge.

Thirteen copies\(^{18}\) of all information and documents shall be submitted to the Faculty Senate Office fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to the respondent and one copy of the respondent's (s') information will be provided to the grievant.

Information submitted to the committee shall be numbered in chronological order using Arabic numbers with numbers assigned to all pages that exhibit information\(^{19}\). If the back of a page contains information, it also must be numbered. This number shall be preceded by a G for information submitted by the grievant and an R for information submitted by the respondent. If more than one grievant or more than one respondent is involved, their designation will be communicated by the committee chair. If grievant's Petition for Redress includes more than one grievance, each grievance shall be identified by a Roman Numeral with associated evidence numbered as above in chronological order.

E. Step Five (The Hearing)

The committee shall limit its investigations to the issues presented in the Petition for Redress and confirmed by the committee's memorandum to the grievant. During the hearing, the committee may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress and its confirming memorandum. The committee's responsibility is limited to issuing recommendations based on the information presented as part of Step Four and at the hearing. Except as noted in Appendix Y, II.B and III.D, the power of the committee shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

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

The chair shall then enter into the hearing record information submitted in Step Four by the grievant and the respondent. The submitted information shall include all information necessary to support or defend the grievance. However, with approval of the committee, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the committee, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The burden is on the grievant to establish, by a preponderance of the evidence, that his or her claim and requested redress are consistent with Appendix Y, I.
The grievant is responsible for presentation of his or her case, including the testimony of witnesses. Committee members may question the grievant, the respondent or witness(es) at any time during the hearing. After each of grievant's witness has completed his or her testimony and has responded to questions from the respondent, the witness will be excused from the hearing unless recalled by the hearing committee. At the end of the grievant's presentation of his or her case, the respondent(s) may question the grievant.

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Committee members may question the grievant, the respondent(s), or witnesses at any time during the hearing. When neither the grievant, the respondent, nor the committee has further questions, the grievant is given the opportunity to make a final statement, and then the respondent(s) is given the opportunity to make a final statement.

F. Step Six (Committee Report)

The committee's report shall be based only on facts, documentation, arguments presented at the hearing. Committee recommendations are to be based on but are not limited to grievant's requested redress.

Copies of the committee's report will be sent to the grievant and respondent by certified mail, return receipt requested. A copy of the committee's report, a copy of the written record of the hearing proceedings, and a copy of all evidence submitted will be placed in the grievance file. This file will be open to the committee and all parties to the grievance until the grievance is closed (See below).

If the committee finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, chair of the faculty, and Chancellor. Within 20 calendar days the Chancellor shall in writing inform the grievant, respondent, chair of the faculty, and grievance committee of his/her decision. The decision of the Chancellor is final.

If the committee finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, and Chair of the Faculty. Within 20 calendar days of the recommendations, the respondent shall communicate in writing to the committee chair his or her response to the committee recommendations. If the respondent's adjustments are not consistent with the recommendations of the committee but are satisfactory to the grievant, the grievance will be closed.

If the respondent's adjustments are consistent with the committee's recommendation but are not satisfactory to the grievant, the grievant may appeal to the Chancellor. By memorandum, the grievant shall inform the Chancellor of his or her appeal and include a detailed explanation of the reason for the appeal. A copy of the appeal memorandum shall be sent to the chair of the committee and the faculty chair. The chair of the committee shall forward the committee report along with all supporting documentation to the Chancellor.

If the respondent's adjustments are not consistent with the committee's recommendation and are not satisfactory to the grievant, the committee report along with all supporting documentation shall be forwarded to the Chancellor with the committee's request that the
recommended adjustment be made.

If the grievant appeals or the committee requests the Chancellor to make the recommended adjustment, "the Chancellor shall base his or her decision on the recommendations of the faculty committee and the record from the faculty grievance committee hearing. The Chancellor may, in his or her discretion, consult with the faculty grievance committee before making a decision." (The University of North Carolina, Board of Governors Policies, Section 101.3.2.IV.g) The Chancellor's decision shall be communicated in writing within 20 calendar days to the grievant, respondent, Chair of the Faculty, and Faculty Grievance Committee. The Chancellor's decision shall contain a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information in Section III.G. Step Seven (Appeal to the Board of Trustees), below and shall be signed, in descending order, by all individuals who contributed to the report.

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

Dissenting Chancellor's Report

Should the Chancellor disagree with the committee's report based on its interpretation of Appendix Y, l. or the Faculty Manual, the Chancellor shall withhold the Chancellor's decision, and inform the committee, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 20 days. The committee will then request the Faculty Governance Committee to begin the normal interpretation process as set forth in the procedures of the Faculty Governance Committee. It is expected that the Faculty Governance Committee will expedite this request. Upon completion of the interpretation process, the Faculty Grievance Committee will make any necessary recommendations. The report will be distributed in accordance with Appendix Y, III.F., with the grievant's rights to appeal intact.

G. Step Seven (Appeal to Board of Trustees)

I. Decisions which may be appealed.
   A. If the committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the Chancellor is final and may not be appealed.
   B. If neither the relevant administrative official nor the Chancellor makes an adjustment that is advised by the committee in favor of the grievant, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.

II. The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances submitted pursuant to section 607 of The Code.

III. Timeline for Appeals
   A. A grievant who seeks to appeal the Chancellor's disposition of his grievance must
file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery, within 10 days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the Board agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board or from a committee of the Board which has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the time for compliance or it may dismiss the appeal.

B. If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method which produces adequate evidence of delivery.

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

IV. Annual Report:

The Grievance Committee chair shall report on grievances during the second meeting of the Faculty Senate each academic year. Such reports shall protect the confidentiality of the grievance proceedings and parties. The following form and information shall be used.

Number of Grievants in Grievance Process for Academic Year ______
April 31______ through May 1_______

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<th>Less than One Month</th>
<th>One-Two Months</th>
<th>Two-Three Months</th>
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<td>Step One</td>
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</tr>
</tbody>
</table>

Number of Grievances Filed (Completed Step One) by:

<table>
<thead>
<tr>
<th>Fixed Term Faculty</th>
<th>Probationary Faculty</th>
<th>Tenured Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step Two</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Step Three</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Step Four</td>
<td></td>
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</tr>
</tbody>
</table>
Step Five Hearing

Scheduled for Hearing: ______ Hearings Completed: ______ In Report Stages: ______
Reports Issued: ______ Reports Issued in Favor of: Grievant ______ Respondent ______
Number Appealed to Chancellor: ______ Reports Issued by Chancellor: ______
Number at Faculty Governance: ______ Reports at Rewrite or Reissued by Faculty
Grievance Committee: ______
Number Successful at Mediation: ______ Number Successful at Chancellor Review: ______
Number Terminated by Grievant: ______ Number Terminated by Committee: ______

V. Application

This appendix supersedes other grievance provisions except those contained in *The Code* and other regulations of the University of North Carolina and in other provisions of the East Carolina University Faculty Manual for grievances filed on or after the date of approval of this appendix by the East Carolina University Board of Trustees.

VI. Grievance Committee By-Laws and Procedures

The Faculty Grievance Committee may draft bylaws and detailed procedures that are consistent with the procedures stated above, subject to approval by the Faculty Senate and the Chancellor.

FOOTNOTES

1 A grievant must be a current faculty member of East Carolina University. A grievance may be initiated by multiple grievants. If a faculty member's employment ends during the grievance process, the grievant may request the Chancellor to allow the grievance to continue. Such a request must be made prior to the end of employment. Copies of such a request must be provided to the grievance committee chair, and the Chancellor is to respond to such a request, with a copy to the committee chair, within 20 calendar days.

2 A named respondent must be a current employee of East Carolina University. If the named respondent was a former administrator, the person who presently occupies the administrative position will be named as the substitute respondent and the former administrator as the named respondent. A grievant may name multiple respondents. A faculty member or a departmental or unit committee and/or its chairperson may be named as a respondent. An administrator who concurred with the actions of the respondent may not be named as a respondent.

34 The committee may waive the time requirement for the introduction of evidence; the grievant's requested redress; or both.
The committee may be asked by either party to the grievance to evaluate the basis for such privilege and to evaluate the value of such information to the grievance. If the privileged information bears on the grievance, the committee is required to resolve the issue of privilege. If such information bears on the grievance but cannot be obtained, the committee shall decide whether continuing the grievance/granting a hearing would be unfair to the grievant/respondent. If such a decision is made, the committee shall state its reason(s) and terminate the grievance process; thus, ending the administrative hearing process at East Carolina University.

5. In this instance, procedural advice is limited to the nature of the committee, its charge, the options open to the party to the grievance, and the current membership of the committee.

6. If a grievant does not complete Step One, any information collected by the committee chair will be destroyed. If the grievant completes Step One, all information collected by the committee chair in the administration of the grievance will, at the conclusion of the grievance, be placed in the grievance file.

7. The grievance file maintained in the Faculty Senate Office under the grievant’s name becomes a part of the Personnel File for both grievant and respondent. A note will be placed in grievant’s and respondent’s Personnel File Checklist regarding the location of this file.

8. Unless requested in writing to the committee chair, the parties to the grievance agree that all communications, including e-mail, will be sent to their university addresses.

9. A list of potential counselors is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor and have extensive experience in faculty governance as evidenced by service on university governance/appellate committees. The parties to the grievance may choose eligible ECU current or retired faculty members as their counselors or they may choose to serve as their own counselors.

10. Once all parties to the grievance have accepted mediation, the grievant shall not take his or her grievances to administrative levels higher than that of the respondent. To do so is inconsistent with the mediation process and will result in the termination of the grievance procedures under Appendix Y, ending administrative review of the grievance.

11. To avoid the appearance of a conflict-of-interest all mediation will be performed by third-party groups/organizations/individuals who have no ties to East Carolina University. A list of such providers will be developed and maintained by the Faculty Chair. The provider must provide evidence to the Faculty Chair that the provider’s mediator(s) are certified by the North Carolina Administrative Office of the Courts.

12. Procedures for the origination of purchase orders and payment for services of the mediator will be developed and administered by the Chair of the Faculty.

13. A request for a hearing that continues from another part of the Faculty Manual (e.g. Appendix J, Appendix V, etc.) will be evaluated by the committee. If insufficient information
is available, the committee will request that the grievant and respondent choose a counselor and the grievant complete a Petition for Redress. Presentation of the Petition for Redress will allow the committee to evaluate the grievance. If the committee agrees that the grievance is within the scope of Appendix Y, the grievant will be allowed to choose mediation or request a hearing. A Chancellor Review is not an option.

14 Scheduling a committee hearing during the summer months is complicated by the absence of faculty and teaching schedules. If the committee on its first effort cannot schedule a hearing during the summer, it will be scheduled during the committee's organizational meeting in the fall semester.

15 If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for health reasons or due to a personal emergency, the committee chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for reasons other than health or personal emergency, the committee chair shall determine by telephone or e-mail whether it is the general agreement of the committee to postpone the hearing for one week from the scheduled date.

16 Such information and documents are not limited to written materials but may include sound recordings, video recordings, photographs as well as other forms of information or documentation.

17 This statement shall only include information as to the beginning and ending dates of the mediation and whether mediation was successful, partially successful, or unsuccessful. For a grievant requesting a hearing under Footnote 13, who did not choose mediation, this statement is unnecessary.

18 The department or unit to which a party to a grievance is assigned is responsible for providing access to copy services during the grievance process. These services shall be at no cost to the grievant or respondent.

19 Required Numbering:

One Grievance

Grievant: Petition for Redress G page 1......n
Supporting Information G, page 1...n (In chronological order)

Respondent: Supporting Information R, page 1....n (In chronological order)

Multiple Grievances

Grievant: Petition for Redress:

Grievance I G I page 1...n
Grievance II G page 1...n
Continue for the number of included grievances.

Supporting Information:

Grievance One: G I, page 1....n (In chronological order)
Grievance Two: G II, page 1...n (In chronological order)
Continue for the number of included grievances.

Respondent: Supporting Information:
Grievance One R I, page 1...n (In chronological order)
Grievance Two R II, page 1...n (In chronological order)