Faculty Manual

(Reformatted July 2013)
Every effort has been made to ensure the accuracy and completeness of the online ECU Faculty Manual. Please call the Faculty Senate office at 252.328.6537 if you find errors or need assistance.

Part I  Introduction

Part II  East Carolina University Organization and Shared Governance
   I.  University Organization and Vision, Mission Statement, and Strategic Directions of ECU
   II.  Faculty Constitution and By-Laws  Revised 2-15
   III.  Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty  Revised 12-17
   IV.  Graduate School Organization  Revised 5-16
   V.  Faculty Involvement in Selection and Evaluation of Administrators

Part III  UNC System and UNC Code
   I.  UNC Policy Manual and the UNC Code (UNC Board of Governors)
   II.  The Faculty Assembly of the University of North Carolina
   III.  East Carolina University Faculty Assembly Delegation

Part IV  Academic Units, Codes, and Seven Year Program Evaluation
   I.  Academic Code Units
   II.  Unit Codes
   III.  Seven Year Unit Program Evaluation  Revised 5-17

Part V  Academic Freedom and Statement on Professional Ethics
   I.  Academic Freedom
   II.  Statement on Professional Ethics

Part VI  Teaching and Curriculum Regulations, Procedures, and Academic Program Development
   I.  Teaching Regulations and Guidelines Relating to Faculty  Revised 1-18
   II.  Academic Integrity
   III.  Distance Education Policies  Revised 5-16
   IV.  Student Privacy, Conduct, and Complaints  Revised 5-16
   V.  Graduation Policies  Revised 1-16
   VI.  Emergency Notification and Evacuation Procedures
   VII.  Curriculum Procedures and Academic Program Development  Revised 3-17

Part VII  Faculty Research and Scholarship
   I.  Faculty Research, Creative Activity, Scholarship, Innovation, Engagement, and Outreach
   II.  Scholarship/Research/Creative Activity Guidelines  Revised 5-15
   III.  Ethics and Conduct in Research, Creative Activity, and Scholarship

Part VIII  Personnel Policies and Procedures for Faculty
   I.  Personnel Policies and Procedures for the Faculty of East Carolina University  Revised 3-14
   II.  Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff
Part IX Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty
   I. Appointment, Tenure, Promotion, and Advancement Policies and Procedures Effective July 1, 2017
   II. Performance Review of Tenured Faculty of East Carolina University Revised 10-15

Part X Personnel Action Dossier and Tenure and Promotion Schedule
   I. Personnel Action Dossier
   II. Tenure and Promotion Schedule

Part XI General Faculty Employment Guidelines and Benefits
   I. Employment Policies Revised 1-14
   II. Benefits and Leave
   III. Institutional Services Available to Faculty
   IV. Equal Employment Opportunity/Affirmative Action Policy and University Commitment to Diversity
   V. Substance Abuse and Weapons Policies Revised 6-14

Part XII Faculty Grievance Policies and Procedures
   I. Faculty Grievance Policies and Procedures of East Carolina University Revised 5-14
   II. Harassment and Discrimination Policies and Procedures of East Carolina University
   III. Policy on Improper Relationships between Students and Faculty
   IV. Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination, or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status Revised 3-14

2009-2012 Review of the ECU Faculty Manual
PART I

Introduction
PART I
INTRODUCTION

The *ECU Faculty Manual* is the product of many years of faculty participation in shared governance at East Carolina University. The contents of the Manual require the approval of the Faculty Senate and the Chancellor, and for some sections, the approval of the Board of Trustees, UNC General Administration, and UNC Board of Governors. The Faculty Senate, through its standing University Academic and Appellate Committees, continues to periodically review and develop academic and faculty welfare policies and procedures when necessary.

All faculty are provided an overview and online access to the *ECU Faculty Manual* contents upon initial employment at East Carolina University and receive timely notification of updates/revisions to the Manual throughout the academic year. The Faculty Senate office coordinates the online publication and maintenance of the Manual and can be contacted for any questions about its contents.

In 1964, President Leo Jenkins established the Faculty Senate “as an organized voice for the faculty of East Carolina University to enable faculty to play a broader role in the decisional mainstream of the institution.” He constituted a committee of administrators and faculty to develop the ECU Faculty Constitution, that read in part “The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committee of East Carolina or initiate any policies in such matters which it deems desirable.”

In 1974, a decade after the establishment of the Faculty Senate, President Leo Jenkins remarked “The result had been a constructive relationship between faculty and administration which has, in only a few years, resulted in the most representative and responsible Faculty Senate in the entire university system.”

In 1998, in his last term as Chair of the Faculty, Professor Don Sexauer stated “Shared governance in an academic setting is a fragile balancing act that takes place between the administration of the university and its faculty. It is the attempt by the administration and the faculty to solve problems and implement policies in a manner that benefits all the constituencies of the university.”

In 2009, Chancellor Steve Ballard charged the Faculty Senate, through the Chair of the Faculty, to conduct a complete review of the *ECU Faculty Manual* and revise the manual as necessary. During 2009-2012, major changes were made to the manual, including reorganization and deletion of outdated information. The *ECU Faculty Manual* has been redesigned to provide faculty members and administrators with policies and procedures in relation to faculty matters. The *ECU Faculty Manual* provides links to relevant UNC Board of Governors’ policies and procedures, as well as ECU Administrative Policies, Rules, and Regulations (PRRs).

Where *ECU Faculty Manual* policies are unclear or ambiguous, requests for interpretation of the manual are submitted to the Chair of the Faculty and/or Provost and Senior Vice Chancellor for Academic Affairs for a joint conditional interpretation. The Chair of the Faculty and Provost will also consult with the Vice Chancellor for Health Sciences and/or Vice Chancellor for Research and Graduate Studies, in matters pertaining to their purview. A conditional interpretation will be in effect until a permanent interpretation is adopted through normal procedures and incorporated into the
contents of *ECU Faculty Manual* as needed. The Faculty Senate office maintains an index of interpretations provided for in the *ECU Faculty Manual*. (FS Resolution #12-65, April 2012)
PART II
EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

SECTIONS

I. University Organization and Vision, Mission Statement, and Strategic Directions of East Carolina University

II. Faculty Constitution and By-Laws Revised 2-15

III. Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty Revised 12-17

IV. Graduate School Organization Revised 5-16

V. Faculty Involvement in Selection and Evaluation of Administrators

(Text moved from former Part II, Appendix A, Appendix F, and Appendix L)
I. The Organization of the University of North Carolina

In North Carolina, all the public educational institutions that grant baccalaureate degrees are part of The University of North Carolina. East Carolina University is one of seventeen constituent institutions of the multi-campus state university.

The University of North Carolina, chartered by the NC General Assembly in 1789, was the first public university in the United States to open its doors and the only one to graduate students in the eighteenth century. The first class was admitted in Chapel Hill in 1795. For the next 136 years, the only campus of The University of North Carolina was at Chapel Hill.

In 1877, the NC General Assembly began sponsoring additional institutions of higher education, diverse in origin and purpose. Five were historically black institutions, and another was founded to educate American Indians. Several were created to prepare teachers for the public schools. Others had a technological emphasis. One is a training school for performing artists.

In 1931, the NC General Assembly redefined The University of North Carolina to include three state-supported institutions: the campus at Chapel Hill (now the University of North Carolina at Chapel Hill), North Carolina State College (now North Carolina State University at Raleigh), and Woman's College (now the University of North Carolina at Greensboro). The new multi-campus University operated with one board of trustees and one president. By 1969, three additional campuses had joined the University through legislative action: the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington.

In 1971, the General Assembly passed legislation bringing into The University of North Carolina the state’s ten remaining public senior institutions, each of which had until then been legally separate: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, The North Carolina School of the Arts, Pembroke State University (now the University of North Carolina at Pembroke), Western Carolina University, and Winston-Salem State University. This action created the original sixteen-campus University. (In 1985, the North Carolina School of Science and Mathematics, a residential high school for gifted students, was declared an affiliated school of The University; in July 2007 NCSSM by legislative action became a constituent institution of the
University of North Carolina [http://www.northcarolina.edu/about/mission.htm], making it the seventeenth campus of the University of North Carolina.)

The University of North Carolina Board of Governors is the policy-making body legally charged with the general determination, control, supervision, management, and governance of all affairs of the constituent institutions. It elects the president, who administers The University (https://www.northcarolina.edu/policy/index.php). The thirty-two voting members of the board of governors are elected by the General Assembly for four-year terms. Former board chairs and board members who are former governors of North Carolina may continue to serve for limited periods as emeritus nonvoting members. The president of The UNC Association of Student Governments, or that student’s designee, is also a nonvoting member.

Each of the seventeen constituent institutions is headed by a chancellor, who is chosen by the board of governors on the president's nomination and is responsible to the president. Each institution has a board of trustees, consisting of eight members elected by the board of governors, four appointed by the governor, and the president of the student body, who serves ex-officio. (The NC School of the Arts has two additional ex-officio members.) Each board of trustees holds extensive powers over academic and other operations of its institution on delegation from the board of governors.

University of North Carolina General Administration http://www.northcarolina.edu/

Board of Governors for the University of North Carolina http://www.northcarolina.edu/bog/index.htm

Constituent Institutions of the University of North Carolina http://www.northcarolina.edu/campus_profiles/index.php

( FS Resolution #12-04, January 2012)

II. Vision, Mission Statement, and Strategic Directions of East Carolina University

The effective formulation of East Carolina University’s vision and mission demands the broadest possible exchange of information and opinion among the Board of Trustees, the Chancellor, Administration, and the Faculty. Each should have a voice in the determination of ECU’s vision and mission. Therefore, because of their educational, research, service, clinical, and other functions, the faculty should participate in the creation of ECU’s vision, mission, and other strategic planning documents. (FS Resolution #11-101, December 2011)
PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

SECTION II

Faculty Constitution and By-Laws of East Carolina University
(Text moved from former Appendix A)

CONTENTS

Faculty Constitution

I. Purpose
II. Organization of the General Faculty
III. Functions of the General Faculty
IV. Meetings of the General Faculty
V. Academic Units
VI. Organization of the Faculty Senate
VII. Method of Election of the Faculty Senate
VIII. Officers of the Faculty and Faculty Senate
IX. Duties of the Officers of the Faculty Senate
X. Meetings of the Faculty Senate
XI. Functions of the Faculty Senate
XII. Agenda of the Faculty Senate
XIII. Order of Business for the Faculty Senate
XIV. Limitations upon Functions of the Faculty Senate
XV. Amendments to the Faculty Constitution
XVI. Adoption and Changing of By-laws of the Faculty Constitution

By-laws of the Faculty Constitution of East Carolina University

I. Attendance, Seating, and Participation
II. Minutes of the Faculty Senate
III. Special Committees
IV. Faculty Senate, Academic and Administrative Committees, Membership, and Structure
V. Administrative Board of the Graduate School
VI. Faculty Assembly Delegates and Alternates

FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY

I. Purpose
The purpose of the faculty organization shall be to provide the means by which the faculty is enabled to fulfill its function with respect to academic and educational policies and other affairs of East Carolina University. The faculty organization shall be comprised of the general faculty and the Faculty Senate. The general faculty shall be the general electorate, and the Faculty Senate shall be a legislative and advisory body representing the general faculty and shall consist of elected and ex-officio members. The functions, duties, and privileges of these two bodies, stipulated in the following document, shall be exercised under the authority of the Chancellor of East Carolina University.
The Faculty Senate and the various committees on which the faculty serve shall be the primary media for the essential joint effort of faculty and administration in the government of East Carolina University. The Chancellor and the Chair of the Faculty shall facilitate communication which will enable continuing and effective faculty participation.

II. Organization of the General Faculty
The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold an academic title, including those on special faculty appointment.

The general faculty shall have as its presiding officer the Chair of the Faculty, who shall be responsible for calling its meetings and for keeping a record of its proceedings. The presence of a majority of the members shall constitute a quorum, except in special cases provided for in this constitution. Each member of the general faculty shall have one vote. A vote by voice will be the regular method of voting on any motion that does not require more than a majority vote for its adoption. Upon the request of ten percent of those present, a secret ballot will be in order.

III. Functions of the General Faculty
The general faculty shall be empowered to perform the following functions: consider reports from and make recommendations to the Chancellor, the appropriate vice chancellor, and the Faculty Senate; discuss any matter relating to the welfare of East Carolina University or of the members thereof; amend or rescind the articles establishing the Faculty Senate as provided for in this constitution; amend or rescind the action of the Faculty Senate as provided for in this constitution.

IV. Meetings of the General Faculty
The general faculty shall meet at the pleasure of the Chancellor or the Faculty Senate of East Carolina University or upon petition to the Chancellor by at least fifteen percent of the general faculty.

V. Academic Units
The academic units shall be organized into autonomous code units according to guidelines approved by the Faculty Senate and the Chancellor. Except for the academic libraries, each code unit shall be responsible for at least one degree program.

VI. Organization of the Faculty Senate
Electoral units for the Faculty Senate shall be the academic code units. All full-time faculty members of East Carolina University are eligible to vote for faculty senators. All full-time faculty members of East Carolina University in at least their second year of appointment to the electoral unit which they will represent are eligible for election to the Faculty Senate. The membership of the Faculty Senate shall consist of elected representatives and of ex-officio members.

The number of elected faculty senators shall not exceed 58 nor be fewer than 52. Prior to the election in February of each academic year, the ratio of faculty members to elected faculty senators will be determined by the Chair of the Faculty, Vice Chair of the Faculty, and the Secretary of the Faculty. The number of faculty within each department/school/college will be gathered from part of a personnel data file that is prepared and submitted to the UNC General Administration by the Office of Institutional Planning, Research, and Effectiveness in January of each year.

Faculty members included in the University's annual personnel data report who satisfy all of the following criteria shall be counted in determining the number of each electoral unit’s faculty senators:

East Carolina University Faculty Manual 12
(1) currently employed (as of the date of the report), (2) permanent employee (including those on leave with or without pay), (3) EPA employee, (4) full time employee, (5) included in the occupational activity categories of 10 (executive, administrative and managerial) or 20 (instructional faculty), (6) holding a professorial rank or title (modified or unmodified) of instructor, assistant professor, associate professor, or professor. Faculty members meeting these criteria will be counted as belonging to their department/school/college of rank (not home department) where these two differ. When a faculty member’s department of rank is part of a professional school or college, and the school or college is the recognized electoral unit, the faculty member will, for purposes of Faculty Senate representation, be counted as a member of the school or college which is his or her electoral unit.

Each electoral unit represented will then be informed as to the number of elected faculty senators to which that electoral unit is entitled. No electoral unit will be allocated more than 15 percent of the elected Faculty Senate members. Electoral units for the purpose of this constitution shall be the various professional schools and colleges, Academic Library Services, Health Sciences Library, and the departments of the College of Arts and Sciences. In the event that an electoral unit must reduce its existing number of faculty senators, it shall do so by following democratic procedures.

Each department of the College of Arts and Sciences shall have at least one elected faculty senator and will elect its faculty senator as an electoral unit. The various professional schools and colleges, Academic Library Services, and the Health Sciences Library will have at least one elected Faculty Senator. Each department/school/college may choose to elect its senators from the department/school/college as a whole or in the alternate manner described as follows. Each department within the school/college shall be allowed to nominate the number (less the number whose terms are not expired) to which it would be entitled if it were considered as a separate electoral unit. The persons nominated by each department shall be placed on a ballot for the election of the number allotted to the electoral unit by the faculty of the electoral unit.

The count of faculty members for the purpose of apportionment shall include those members who are absent from the campus because of illness or leave of absence, unless replaced by a full-time instructor or above under annual contract.

The ex-officio members of the Faculty Senate shall include the following representatives of the East Carolina University administration: Chancellor, Provost/Vice Chancellor for Academic Affairs, Vice Chancellor for Health Sciences, Vice Chancellor for Research and Graduate Studies, and an academic dean elected by the Chancellor’s Cabinet in a manner determined by the Cabinet. The immediate past Chair of the Faculty and the elected representatives of East Carolina University to the Faculty Assembly of the University of North Carolina, including elected Faculty Assembly officers, who are not members of the Faculty Senate shall also be ex-officio members. These ex-officio members shall have a vote in all Senate matters except the election of officers and committee members.

VII. Method of Election of the Faculty Senate
The Secretary of the Faculty shall request that each electoral unit proceed to elect its representatives. Elections shall be held in February of each year with members-elect to take office on the day following the last regular meeting of the Faculty Senate in the spring semester. To obtain nominations, each department/school/college shall develop a ballot that lists every eligible member of that department/school/college. Each member of the faculty shall vote by secret ballot for twice as many nominees as that faculty member’s department/school/college is entitled to elect. That
group of nominees equal to twice the number of representatives to be elected that receive the largest number of votes shall then be placed on a separate ballot for the election of representatives. An alternate method of nominating Senators by the schools is found in Section VI.

To elect representatives each faculty member shall then vote by secret ballot for the number of representatives allotted that electoral unit. Votes shall be counted in accordance with procedures agreed upon by the electoral unit.

The administrative officer of each electoral unit shall report the results of the election to the Secretary of the Faculty.

Each senator shall serve a two-year term. Senators may be elected to succeed themselves twice. After a lapse of one year following the expiration of this third term, they will again be eligible for election. The seat of an elected senator who fails to attend more than three consecutively held meetings of the Faculty Senate shall be declared vacated by the Chair of the Faculty. If a senator is awarded a research or medical leave and an alternate senator attends in his or her place, the three consecutive meeting rule will not be invoked. (Faculty Senate Resolution #09-06)

Each electoral unit concerned shall hold special elections to fill unexpired or vacated terms. The Senate may establish and promulgate procedures for selecting alternates for elected and ex-officio members. The administrative office of each electoral unit so affected shall certify to the Secretary of the Faculty the credentials of individuals thus elected.

VIII. Officers of the Faculty and Faculty Senate
The officers of the faculty and Faculty Senate shall consist of the following: the Chair of the Faculty, the Vice Chair of the Faculty, and the Secretary of the Faculty. Other officials may be established as they become advisable or necessary. All officers shall be elected by a majority vote of the elected members of the Faculty Senate present. All full-time, permanently tenured faculty are eligible to serve as Chair or Vice Chair of the Faculty. All full-time faculty members of East Carolina University in at least their second year of appointment are eligible to serve as Secretary of the Faculty. In the event that a Faculty Officer is also a faculty senator, the electoral unit having elected the Senator is invited to elect a replacement. Officers of the Faculty, who are not members of the Faculty Senate will not have a vote, count toward a quorum, or vote and occupy a seat assigned to a Faculty Senator. The term of faculty officers shall be one year with the privilege of reelection.

At the second regular meeting of the spring semester the elected members of the Faculty Senate shall nominate and elect a nominating committee to consist of five members. The nominating committee shall be elected from the ranks of elected members of the Faculty Senate by a majority of those present and voting. Voting for members of the nominating committee shall be by written, secret ballot. The nominating committee elected by the Faculty Senate shall submit to the Secretary of the Faculty a slate of candidates for each office of the Faculty Senate at an organizational meeting to be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Further nominations, from the ranks of the elected membership and by the elected members, will be accepted from the floor. Officers will be elected by a majority of those present and voting. They shall assume their duties on July 1 following election. If the office of the Chair of the Faculty shall become vacant, the position shall be assumed by the Vice Chair of the Faculty. If other offices shall become

East Carolina University Faculty Manual 14
vacant, they shall be filled by a special election conducted by the Faculty Senate. Voting for all officers shall be by written, secret ballot.

IX. Duties of the Officers of the Faculty Senate
The Chair of the Faculty shall preside at all meetings. He or she is empowered to call special meetings as hereinafter provided. The Chair is an ex-officio member of all academic committees and various administrative committees. The Chair may delegate to the Vice Chair or an appointed representative his or her seat on any of the academic or various administrative committees. He or she shall appoint persons to fill unexpired terms of committees.

Before the first regular meeting of the Faculty Senate, the Chair will appoint the Parliamentarian of the Faculty. The Parliamentarian need not be a member of the Faculty Senate, but shall advise the Chair and the faculty on the parliamentary matters according to the latest edition of *Robert's Rules of Order, Newly Revised* and the Faculty Constitution and its By-Laws.

The Chair of the Faculty supervises the Faculty Senate office personnel, and with their assistance, plans the General Faculty Convocation. The Chair is responsible for conveying greetings of the Faculty at commencement exercises and representing the Faculty at university functions and Board of Trustee meetings. For the length of his/her term as Chair, the Chair of the Faculty serves as a Delegate to the Faculty Assembly (but not exceeding six consecutive years), with duties as a delegate described in the Bylaws of the Faculty Assembly of the University of North Carolina, and referenced in the *ECU Faculty Manual*.

The Vice Chair of the Faculty shall perform all of the duties of the Chair in the absence or incapacity of the Chair. The Vice Chair of the Faculty shall serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees. The Vice Chair of the Faculty shall succeed to the office of Chair of the Faculty in the event that office should become vacant during the term of the incumbent.

The Secretary of the Faculty, with assistance of the office personnel, shall keep accurate minutes of all regular and special meetings, ensure distribution of copies of the minutes to all members of the general faculty, keep an accurate list of membership of the Faculty Senate, keep an accurate record of attendance, inform the Chair of the Faculty when a seat becomes vacant, serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees, and perform such other appropriate duties as directed by the Faculty Senate.

X. Meetings of the Faculty Senate
Four regular meetings of the Faculty Senate will be held each fall and spring semester according to a schedule prepared by the Agenda Committee and approved by the Senate in the Fall Semester of the preceding year.

The organizational meeting of the Faculty Senate will be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Upon written petition of fifteen members of the Faculty Senate, the Chair shall call a special session of the Faculty Senate within four days. In an exceptional situation in which the regular procedures for scheduling a meeting of the Faculty Senate are clearly inadequate and would occasion undue delay, the Chair of the Faculty shall be empowered to call a special session of the Faculty Senate. A notice
stating the purpose of the special session shall be distributed to the members of the Faculty Senate and the general faculty twenty-four hours prior to the meeting.

Meetings of the Faculty Senate shall be open to all members of the general public in accordance with the North Carolina Open Meetings Law.

The general faculty shall be informed of the time, place, and agenda of all regular and special meetings.

XI. Functions of the Faculty Senate

The Faculty Senate may, at its own discretion, seek the advice and counsel of any member of the general faculty. In exercising its function the Faculty Senate shall establish whatever procedures are necessary.

The Faculty Senate shall be authorized to set up such committees as are necessary for the performance of its duties.

The legislative powers of the general faculty are delegated to the Faculty Senate and the Faculty Senate shall have the powers of the general faculty, subject to the limitations stated in this constitution, in formulating the policies of East Carolina University.

The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committee of East Carolina University, or initiate any policies in such matters which it deems desirable.

XII. Agenda of the Faculty Senate

The Faculty Senate shall be free to establish its own agenda, provided that all matters of academic policy brought before the Agenda Committee by action of the general faculty, any senator, or any standing or special committee shall be placed on the agenda not later than the time of the second regular meeting of the Faculty Senate after receipt of the recommendation.

Matters to be brought before the Faculty Senate shall ordinarily be considered in the order set forth by the Agenda Committee. Matters for consideration may be taken out of order and/or new matters considered in any order upon a two-thirds vote of faculty senators present and voting at any meeting of the Faculty Senate.

The Agenda Committee, with assistance of the office personnel, collects all recommendations and reports from academic committees, including all standing and ad hoc committees of the Faculty Senate. The committee draws up the agenda, on the basis of the recommendations and reports received from the committees, as well as from the officers and members of the Faculty Senate, for each regular and special meeting of the Faculty Senate. The committee has the responsibility of providing each member of the faculty a copy of the agenda for each meeting of the Faculty Senate one week before the date of the meeting.

The membership of the Agenda Committee shall consist of five elected Senators, elected to the Committee by the Faculty Senate for one-year terms at the organizational meeting of the Faculty Senate each spring semester, plus ex-officio: Chair and Vice Chair of the Faculty and Secretary of the Faculty. The immediate past Chair of the Faculty, in residence, the Parliamentarian of the Faculty, and the Faculty Assembly Delegates, including elected Faculty Assembly officers, shall serve.
as members without vote. The Chair of the Agenda Committee shall be chosen by the members from among its elected membership. The quorum shall be three elected committee members.

The Agenda Committee reports to the Faculty Senate on any matter within its charge requiring Faculty Senate action.

XIII. Order of Business for the Faculty Senate
The following order of business shall be observed in meetings of the Faculty Senate unless Senators vote to change the procedures as provided in this constitution: (I) call to order, (II) approval of the minutes, (III) special order of the day, (IV) unfinished business, (V) report of Graduate Council, (VI) reports of committees, (VII) new business.

Each elected member of the Faculty Senate shall have one vote. Unless otherwise indicated, the ex-officio members shall have one vote each. Voting by the Faculty Senate shall ordinarily be by voice vote. All matters shall be decided by a majority vote of those Senators present and voting except as stated in this constitution.

A quorum shall consist of three-fifths of the elected faculty members of the Faculty Senate.

XIV. Limitations Upon Functions of the Faculty Senate
The general faculty shall be empowered to amend or rescind any act of the Faculty Senate, provided that a majority of the total membership of the general faculty at a regular or special meeting at which a quorum of at least two-thirds of the general faculty vote.

Acts or decisions of the Faculty Senate shall be considered approved unless vetoed within thirty days of the action by the Chancellor of East Carolina University by written notice to the Chair of the Faculty or unless the Chancellor notifies the Chair of the Faculty in writing that the proposal has been forwarded to the Board of Trustees or to the Board of Governors.

XV. Amendments to the Faculty Constitution
All proposed amendments to the Faculty Constitution shall be presented first at a regular meeting of the Faculty Senate for discussion, amendment or substitution. At the next regular meeting of the Faculty Senate the amendment will be voted upon for submission to the general faculty for approval.

As the creating body, the general faculty shall be empowered to amend or abolish these articles establishing the Faculty Senate. Any amendment to these articles or any action abolishing them shall require a vote of two-thirds of those present and voting at the annual Fall Faculty Convocation.

XVI. Adoption and Changing of By-Laws of the Faculty Constitution
The Faculty Senate shall establish whatever by-laws are necessary. A motion to amend the by-laws shall be presented first at a regular meeting of the Faculty Senate for discussion only. At the next regular meeting of the Faculty Senate the motion to amend the by-laws will be acted upon, requiring a vote of two thirds of those elected senators present and voting for approval. An amendment to the By-Laws of the Faculty Constitution shall be effected only by action of the Faculty Senate.

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Approved: Faculty Senate Resolution #05-18, September 21, 2005, Chancellor
Amended: Faculty Senate Resolution #12-79, April 2012
Editorially revised: Faculty Governance Cmte. 9-26-12, subsection XII. Agenda of the Faculty Senate
I. Attendance, Seating, and Participation
A. To facilitate the efficient flow of business, Senators shall be seated as follows:
   1. Ex-officio members shall be assigned seats on one row.
   2. Elected members shall be assigned seats in alphabetical order by electoral units.
B. Only elected and ex-officio members (including alternates, representing their electoral units) may answer the roll call, vote, or occupy seats assigned to senators.
C. Faculty members visiting the Senate shall seat themselves in the back of the meeting room, behind the seats assigned to Senate members.
D. Visitors may not participate in Senate discussions and business except by advance invitation of the Senate Agenda Committee or the Chair of the Faculty. Such an invitation will be announced to the Senators prior to the meeting.
E. Each electoral unit of the University may elect a number of alternate representatives equal to its allotment of senators, not to exceed the electoral unit’s number of apportioned senators. If more than one alternate is elected, they should be elected to two-year terms. The alternate(s) will be elected in the same manner as faculty senators at the time of regular election of senators, and will serve for a two-year term. Alternates shall be eligible for re-election. The alternate will represent that electoral unit at the discretion of any Senator within the electoral unit, and in such a situation, shall notify the Secretary of the Faculty or Faculty Senate office that he or she is representing that electoral unit prior to the convening of the Senate session in question.

II. Minutes of the Faculty Senate
A. There shall be a Faculty Senate Committee on Minutes composed of the Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty.
B. Minutes shall become official on approval by the Faculty Senate Committee on Minutes. The official minutes shall be distributed to all faculty as soon as possible after a Senate meeting. Any corrections to the minutes by the Senate shall be made a part of the official minutes of the subsequent meeting.
C. Incorporation into the official minutes of verbatim remarks shall be allowed or disallowed at the discretion of the Faculty Senate Committee on Minutes. The Chair of the Faculty may request that verbatim remarks be submitted in writing to the Secretary of the Faculty.

III. Special Committees
A. Special committees shall be established by the Senate at the discretion of the Chair of the Faculty, in consultation with the Faculty Officers.
B. Members of the special committees may be appointed by the Chair of the Faculty or he or she may ask the Senate to elect committee members. At least one senator shall be on each special committee.
C. The Chair of the Faculty may appoint the chair of special committees or these chairs may be elected by the committee members.
D. Non-Senate faculty members as well as Senators may serve on special committees.
E. Appellate Committee members, excluding the Faculty Grievance Committee, must be permanently tenured, voting faculty holding no administrative title (ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures).
F. The process for election of Appellate Committees (ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures of ECU) will be as follows:
1. The Appellate Committee preference form will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed preference form is due in the Faculty Senate office in February.
2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Appellate Committee members will be elected at the Faculty Senate Organizational meeting in April. Election will be by majority present and voting.
3. This by-law may be suspended in accordance with procedures specified in Robert's Rules of Order, Newly Revised.
4. Members of the Faculty Governance Committee cannot be elected concurrently to an appellate committee.

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

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

Members of committees serve in accordance with their ability, training, and experience rather than as representatives of their electoral unit.

The process for election of academic and selective administrative committees will be as follows:

1. The Academic and Administrative Committee preference forms will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed forms are due in the Faculty Senate office in February.
2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the floor of the Faculty Senate. Election of Academic and Administrative Committee members will take place at the Faculty Senate Organizational Meeting in April. Election will be by majority present and voting.

Members are elected to staggered three-year terms, which may extend to the beginning of the fall semester. Faculty members are not eligible to serve as an elected regular member on more than one standing university academic committee at a time. Service on a single academic or administrative committee is limited to election to two consecutive 3-year terms with ineligibility for election to the same committee for at least one year. Student members are nominated by the Student Government Association for appointment by the Chancellor.

Faculty Senate and Academic Committees meet on a standard schedule, set and revised by the Committee on Committees. When a Faculty Senate academic committee deals with matters which directly concern any administrator these matters should be discussed with the administrator during the development of a proposed policy. Further, the administrator should have adequate input.
before the finished resolution is presented to the Senate. This not only would involve ex-officio committee members but also would involve working with any administrator involved in a particular policy under consideration.

All University Academic Committees are Standing Committees of the Faculty Senate. Information relating to each committee is available in the Faculty Senate office and electronically on the Faculty Senate web site.

Officers: Officers of each committee are elected from the membership of the committee, excluding ex-officio, by the members of the committee, for a term of one year. Previous service as a committee officer shall not prejudice a member's election to any committee office. Under normal circumstances each committee shall have a chairperson, a vice chairperson, and a secretary. Upon organization of the new committees, at the Committees' Organizational meetings beginning in the Fall, the former chairperson if available will turn over committee records to the new chairperson. The Chair of the Faculty may declare an elected member's seat vacant upon the occurrence of three consecutive absences of that member. The Chair of the Faculty will appoint faculty members to fill vacancies of any University Academic Committee that may occur during the academic year. Interim elections may be held to fill an office that has become vacant or to replace an officer that two-thirds of the full committee membership deems is not fulfilling the obligations of the office.

The charge of each Faculty Senate and academic committee is on file in the Faculty Senate office and available electronically on the Faculty Senate web site. Many administrative committee charges are available on the East Carolina University web site.

Each committee shall operate according to the latest version of Robert's Rules of Order, Newly Revised. Minutes of each committee are on file in the Faculty Senate office and available electronically on the Faculty Senate web site and shall be sent to members of the committee and Chair of the Faculty.

A file on each committee’s activities, minutes, and other records shall be maintained in the Faculty Senate office. All committees and subcommittees, unless prohibited explicitly by the committee’s charge, University policies, or state statutes, shall hold their regular and special meetings in open session in accordance with the North Carolina Open Meetings Law, and the chairperson of committees shall inform the Senate office of the time and place of such meetings so they may be placed on the Senate calendar and publicized in order that interested faculty may attend.

The committees' annual reports shall be composed by the committee officers according to the official form and submitted to the Faculty Senate office for duplication and distribution to the Chair of the Faculty, the Chair of the Committee on Committees, the present members of the committee, and the new members of the committee whose terms begin next academic year. Copies of the committees' annual reports will be kept on file in the University Archives, Faculty Senate office, and made available electronically on the Faculty Senate web site. Upon request, copies of committees' annual reports shall be made available by the Faculty Senate office.

The Chair of the Faculty shall each year compile the Annual Report of the Faculty Senate. This report, among other things, shall contain a summary of Senate and Senate committees' activities for the immediate past year.
The Annual Report of the Faculty Senate will be distributed to the Chancellor, academic Vice Chancellors and made available on the Faculty Senate web site. Copies of the report will also be kept on file in the University Archives and the Faculty Senate office. In addition, copies of the Annual Report of the Faculty Senate will be distributed to the members of the Faculty Senate not later than the first regular Faculty Senate meeting of the next academic year.

Currently there are two Faculty Senate committees (Agenda Committee and Committee on Committees), five appellate committees (Due Process Committee, Faculty Grievance Committee, Grievance Board, Hearing Committee, and Reconsideration Committee), and 20 academic committees as follows:

- Academic Awards Committee
- Admission and Retention Policies Committee
- Calendar Committee
- Distance Education and Learning Technology Committee
- Educational Policies and Planning Committee
- Faculty Governance Committee
- Faculty Welfare Committee
- Foundations Curriculum and Instructional Effectiveness Committee
- Libraries Committee
- Research/Creative Activities Committee
- Service Learning Committee
- Student Academic Appellate Committee
- Student Scholarships, Fellowships, and Financial Aid Committee
- Teaching Grants Committee
- Unit Code Screening Committee
- University Athletics Committee
- University Budget Committee
- University Curriculum Committee
- University Environment Committee
- Writing Across the Curriculum Committee

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

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

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

A. The Faculty Assembly nomination form will be distributed to all faculty by the Committee on Committees with assistance of the office personnel in November. The completed nomination forms are due in the Faculty Senate office in December.

B. The Committee on Committees will review the nominations and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may
also be made from the Faculty Senate floor. Faculty Assembly representatives will be elected by the Faculty Senate at its January regular meeting. Election will be by majority present and voting. One Faculty Assembly Delegate will be the Chair of the Faculty, holding a term for each year he/she is elected to serve as Chair of the Faculty. No Chair of the Faculty may serve as a Faculty Assembly Delegate for more than six consecutive years.

Approved:
FS Resolution #05-18 (Appendix A) September 2005, Chancellor
FS Resolution #05-19 (By-Laws) April 2005, Chancellor

Amended:
FS Resolution #09-06, September 2009
FS Resolution #12-79, April 2012
FS Resolution #14-88, December 2014
PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

SECTION III

Academic Policy, Administrative Policy, and
Vetting of Administrative PRRs in Matters Relating to Faculty

CONTENTS

I. Academic Policy
II. Administrative Policy
III. Vetting of Administrative PRRs in Matters Relating to Faculty  Revised 12-17

I. Academic Policy

The faculty organization of East Carolina University comprises the general faculty. As provided in Section 502D of The Code of UNC, the BOG requires the Chancellor to ensure that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. The Faculty Senate is the legislative and advisory body which represents the general faculty and provides the means by which faculty are enabled to fulfill their function with respect to faculty welfare and academic and educational policies exclusive of graduate programs. The Faculty Senate acts upon reports and recommendations of its standing academic committees (and ad-hoc committees). Please refer to the ECU Faculty Manual, Faculty Constitution and By-Laws of East Carolina University for the detailed list of responsibilities and activities of the Faculty Senate. Graduate faculty governance and organizational matters are also outlined in the ECU Faculty Manual.

According to ECU Regulation 01.15.01 regarding recommendations for new PRRs or Changes to Existing PRRs, the Faculty Senate, the Graduate Council, Staff Senate, Student Government Association, any standing or ad hoc committee of East Carolina University or any administrative or academic officer, including Executive Officers, may recommend new PRRs or changes to existing PRRs. Any member of the University Community may forward recommendations for new or revised PRRs to any of the above entities/individuals. At East Carolina University, the general faculty are the general electorate and the Faculty Senate is the legislative and advisory body representing the general faculty. The Chancellor and the Chair of the Faculty facilitate communication that enables continuing and effective faculty participation in all aspects of the University community. The Chancellor is a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any legislative bodies of the faculties of the institution.

Academic policies pertaining to faculty shall be housed in the Faculty Manual, in particular matters relating to tenure and promotion, curriculum, degree requirements, instructional standards and grading, and faculty welfare. In the spirit of shared governance, before the Chancellor either adopts with revisions a regulation or recommends to the Board of Trustees a proposed policy that differs from a recommendation of the Faculty Senate regarding matters of tenure and promotion, curriculum, degree requirements, instruction standards, and grading, the Chancellor will seek additional advice from the Faculty Senate to be provided within a period the Chancellor establishes in the best interest of the University.(FS Resolution #12-67, April 2012)
II. Administrative Policy

Administrative policy, as distinct from academic policy, is determined by the chancellor in consultation with other administrative officers. Administrative committees are appointed by the chancellor (or the Chancellor’s designee) and report to the chancellor or to his or her designee. These committees, councils, and boards are not responsible to the Faculty Senate because of their jurisdictions and functions; however, the chair of the faculty (or an appointed representative) serves as an ex-officio member on most of the administrative committees. The complete list of current standing University administrative committees are linked here. (FS Resolution #12-06, January 2012)

III. Vetting of Administrative Policies, Rules, and Regulations (PRRs) in matters relating to Faculty

The following outlines the internal Faculty Senate process for obtaining Formal Faculty Advice on Administrative Policies, Rules, and Regulations (PRRs).

Based on the East Carolina University Policy Manual, the official repository of all approved PRRs at East Carolina University, and the regulation that governs Formatting, Adopting, and Publishing Policies, Regulations, and Rules, the following process has been established for the solicitation and provision of faculty advice on matters involving faculty in the areas of academic policies, faculty welfare, and university governance.

When the need for an administrative PRR is determined the appropriate delegated authority forwards the proposed PRR to the Chair of the Faculty. The Chair of the Faculty reviews and consults with Faculty Officers to determine whether the proposed PRR pertains to faculty and requires faculty review and vetting by Faculty Senate. If it is determined by the Faculty Officers that the proposed PRR does not pertain to faculty, the Chair provides written notification to the University Policy Committee (UPC). If a proposed PRR requires faculty review, the Chair of the Faculty asks the appropriate university academic/appellate committee to review and provide recommendations to the Chair and Faculty Senate as a means of formal faculty advice. During the faculty review, the appropriate Vice Chancellor will determine whether an interim PRR shall be posted online. If the committee determines that no formal faculty advice is required, the committee provides written notification to the Chair of the Faculty who reports to the UPC.

Those PRRs considered by Faculty Officers not to pertain to faculty, and those for which a Senate committee determines no formal advice is required, will be reported as announcements that provide the full Senate an opportunity to reconsider whether formal advice is needed.

When a committee determines that revisions are necessary to a proposed PRR, recommendations are forwarded to the Chair of the Faculty and Faculty Senate as formal faculty advice. The Chair of the Faculty forwards the committee recommendations to the delegated authority responsible for the proposed PRR to facilitate discussion and agreement.

If edits are made to a proposed PRR during faculty review or after Faculty Senate action, a new proposed PRR will be forwarded to the Chair of the Faculty who consults with the Faculty Officers to determine if the edits necessitate further faculty review and Faculty Senate action. If the Officers determine that further review is not necessary, the Chair provides written notification to the UPC. If additional review is necessary, the Chair asks the appropriate committee to review and provide recommendations to the Chair and Faculty Senate as additional formal faculty advice.
The Faculty Senate votes on university committee recommendations as formal faculty advice. If formal advice on a proposed PRR is approved by the Faculty Senate, it will be submitted to the Chancellor following the normal established approval/review process. The Chancellor will act according to the established process and notify the Chair of the Faculty that the faculty’s formal advice has been received.

Formal faculty advice on PRRs will be documented following the same recordkeeping process as all other Faculty Senate actions and resolutions. A history of the Faculty Senate recommendation/formal advice will be maintained in the Faculty Senate office in the same manner as all other Senate actions and resolutions and maintained as feedback to the PRR policy when published in the University Policy Manual. (FS Resolution #12-66, April 2012; FS Resolution #17-74, November 2017)
PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

SECTION IV

Graduate School Organization
(Text moved from former Appendix F)

CONTENTS

I. The Graduate Faculty
   A. Functions and Jurisdictions
   B. Meetings
   C. Canvass
   D. Privileges
   E. Implementation
   F. Membership
   G. Removal of Graduate Faculty Members Prior to Expiration of Their Term

II. Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee
   A. Coordinators of Graduate Programs
   B. Graduate Council
   C. Graduate Council Executive Committee
   D. Graduate Curriculum Committee

III. The Dean of the Graduate School - Functions and Jurisdiction

IV. Modifications to the Graduate School Organization
   A. Graduate Council
   B. Graduate Faculty

I. The Graduate Faculty

A. Functions and Jurisdictions
The graduate faculty exercises the authority within the university for development of general policies and procedures for all graduate courses and programs. The graduate faculty may recommend modifications to this document, “Graduate School Organization”, directly or through the concurrent approval of the Graduate Council using the procedure in Part IV of this document.

B. Meetings
The graduate faculty may meet in plenary session. Meetings may be called by the Graduate Council, or upon petition of 15% or more of the graduate faculty to the Dean. Notice of a plenary session with time, place, and agenda will be distributed to members of the graduate faculty at least a full week prior to the meeting.

One-half or more of the graduate faculty will constitute a quorum for purposes of transacting such business as appears on the printed agenda. A simple majority of those graduate faculty members in
attendance will govern unless decision to the contrary is made prior to a ballot. When a quorum is not present at a called meeting, agenda items will be referred to the Graduate Council for action. A plenary session will be conducted according to the most recent edition of Robert's Rules of Order. Minutes will be kept and distributed to all members of the university faculty not later than ten days following the session.

C. Canvass
Business and opinion polls may be conducted through canvass when approved by the Graduate Council. This canvass may be conducted either electronically or using paper ballots. If paper methodology is used, ballots or other materials will be addressed to each graduate faculty member and sent through campus mail or delivered by messengers. To transact business through a canvass, at least one-half of the total graduate faculty must vote. A simple majority will govern unless the Graduate Council establishes a different criterion when it approved a canvass. When a less than one-half of the total graduate faculty vote in a canvass, business items with the result of the canvas, will be referred to the Graduate Council for action.

When the graduate faculty is canvassed in this manner, each ballot will provide space in which each member can indicate his or her preference for a plenary session dealing with the issue to be decided. If 15 percent or more of the graduate faculty indicates preference for a session, the canvass will be nullified, and a plenary session will be called.

D. Voting Privileges
Only Graduate Teaching Faculty, Associate Graduate Faculty, and Graduate Faculty members may vote on university-wide graduate issues.

E. Implementation
Each code unit with a graduate program will develop a procedure for obtaining faculty input to the process of nominating graduate faculty and report this procedure to the Graduate Council. In addition, each code unit with a graduate program will examine the educational objectives of their graduate degrees, which were prepared for the SACS accreditation and articulate the types of research, creative activity, or other activities that are appropriate for graduate faculty in their discipline. Each code unit will then submit its articulation to the Graduate Council for approval. Once the articulation is approved, it will be used to evaluate nominations for the graduate and associate graduate faculty from the submitting code unit.

F. Membership
The following paragraphs address the general qualifications for membership, rights, privileges and responsibilities; method of appointment; and method of reappointment of each category of membership on the graduate faculty; and the methods of implementing these policies.
There are four types of membership in the graduate faculty. They are (1) graduate faculty member, (2) associate graduate faculty member, (3) graduate teaching faculty member, and (4) ex-officio graduate faculty member.

Graduate Faculty Members. Qualifications for graduate faculty members include:
• The highest earned degree in the field.
• Demonstrated evidence of success in research/creative activity.
• Demonstrated evidence of successful graduate teaching.
• Demonstrated evidence of successful supervision of research or creative activity, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate faculty members are eligible to serve on the Graduate Curriculum Committee, may serve as a Graduate Program Coordinator, may teach graduate classes, and may be a member of doctoral or master’s committees. Graduate faculty members with a terminal degree in an appropriate field of study may chair a master’s thesis committee or doctoral dissertation committee. Graduate faculty members not possessing a terminal degree may co-chair a master’s thesis committee when the other co-chair has associate graduate faculty status or higher and possesses a terminal degree in an appropriate field of study. Exceptions to this requirement may be granted by the Dean of the Graduate School prior to the formation of the committee. Code units may define additional criteria for eligibility to serve in doctoral programs. (FS Resolution #15-18)

Appointment to the graduate faculty occurs as the result of the following procedure. Upon recommendation of the graduate faculty of the code unit (the procedure for which has been outlined as described under Implementation, below), the appropriate unit administrator forwards a nomination to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School. Each nomination should state the type of appointment and contain evidence that the nominee has satisfied the criteria for the type of membership sought in a manner consistent with the code unit’s interpretation of those criteria. The Dean of the Graduate School will review the recommendation of the academic unit to determine that it is consistent with the unit’s criteria and appointment procedures. If the dean concurs, he or she will notify the academic unit and the faculty member of his or her appointment. If the dean does not approve the unit’s recommendation the application will automatically be referred to the Graduate Council. A two-thirds majority of the Graduate Council will be required to overturn the administrative decision.

Appointment to the graduate faculty is for five years. At the end of the term, the appointment will be reviewed within the unit in the manner outlined for initial appointments, except that the focus will be on the activity during the five years immediately preceding the evaluation. If it is the opinion of the code unit graduate faculty that the appointment should be renewed, the appropriate unit administrator will add his/her opinion and submit the appropriate renewal application to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School who will review the application. To be reappointed, it is not necessary for an individual to have participated in all phases of graduate education. Individuals appointed to major administrative assignments (department chairs or above) who are members or associate members of the graduate faculty at the time of their appointment are exempt from the re-nomination process until five years after the expiration of the administrative appointment. Individuals with other administrative appointments may be considered for a waiver by Graduate Council upon nomination by their code units.

For faculty on probationary appointments, the term on the graduate faculty is coterminous with the length of that appointment or four years, whichever is longer. Tenure track faculty will be re-nominated for the graduate faculty as part of the contract renewal process immediately prior to the expiration of the term on the graduate faculty. The appropriate dean or chair will provide information on the faculty member’s accomplishments during the period to the appropriate graduate faculty in the unit and the nomination process will proceed as outlined above.

Associate Graduate Faculty Members.
Qualifications for associate graduate faculty members include:
• Highest earned degree in the field.
• Demonstrated evidence of success or the potential for success in research/creative activity.
• Demonstrated evidence of successful graduate teaching or the potential of such success.
• Demonstrated evidence of successful supervision of research or creative activity or the potential of such success, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Associate graduate faculty members may serve as Graduate Program Coordinators, may teach graduate classes, and may be a member of doctoral or master’s committees. Associate graduate faculty members with a terminal degree in an appropriate field of study may chair a master’s thesis committee or doctoral dissertation committee. Associate graduate faculty members not possessing a terminal degree may co-chair a master’s thesis committee when the other co-chair has associate graduate faculty status or higher and possesses a terminal degree in an appropriate field of study. Exceptions to this requirement may be granted by the Dean of the Graduate School prior to the formation of the committee. Code units may define additional criteria for eligibility to serve in doctoral programs. Code units must define criteria for associate graduate faculty members to chair doctoral committees in their unit codes of operation. All procedures for appointment and reappointment as well as terms of office for the associate graduate faculty will be the same as those for the graduate faculty members. (FS Resolution #15-18)

Graduate Teaching Faculty Members.
Qualifications for graduate teaching faculty members include:
• Highest earned degree in the field.
• Professional certifications or licensure as specified by the code unit.
• Demonstrated evidence of success or the potential for success graduate teaching.
• Evidence of professional growth, e.g., completion of continuing education, participation in relevant seminars, or other professional activity. In some instances, especially for clinical faculty, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate teaching faculty members may teach masters or doctoral classes as appropriate for their background, certification, and experience and may be the fourth member of a thesis or dissertation committee upon certification of appropriate experience or expertise by the unit administrator.

All tenure-track faculty members who hold the appropriate terminal degree for the discipline in which they hold their appointments are deemed to be members of the graduate teaching faculty upon their initial appointments. Code units are responsible for notifying the dean of the college or professional school, as appropriate, and the Dean of the Graduate School of these individuals and requesting an appointment to the graduate teaching faculty. As part of their first evaluation for contract renewal of a probationary appointment, if the code unit wishes the person to become a member or associate member of the graduate faculty, it would use the information gathered in the process of contract renewal to provide the nominations as outlined above. If the code unit wishes the person to remain a member of the graduate teaching faculty, it renews the appointment by notifying the dean of the college or professional school, as appropriate, the Dean of the Graduate School, and the individual involved. If the code unit wishes to remove the person from responsibilities for graduate teaching, it notifies the person, the dean of the college or professional school if appropriate, and the Dean of the Graduate School.
Other appointments to the graduate teaching faculty are made by the appropriate code unit administrator, the graduate faculty of the code unit, and the Dean of the Graduate School, in accordance with procedures approved by the graduate faculty of the code unit. These appointments are valid for the terms of the individuals’ contracts.

Ex-officio Members.
Administrators with responsibilities for graduate programs who do not hold other appointments to the graduate faculty will be appointed to an ex-officio membership commensurate with background and experience and will hold that appointment for the duration of their administrative appointment.

External Thesis and Dissertation Committee Members.
Individuals external to ECU with demonstrated expertise in the area of study in a thesis or dissertation may serve on, but not chair a thesis or dissertation committee. The external member should have a terminal degree in an appropriate discipline or extensive professional experience. This appointment must be approved by the Dean of the Graduate School. The procedure for appointing a person to serve in this role will require approval by the Graduate Program Director and the unit graduate faculty members serving on the thesis or dissertation committee. The Graduate Program Director will submit a letter of request to the Dean of the Graduate School outlining the person’s credentials (academic CV or resume) as related to the specific thesis or dissertation.

G. Removal of Graduate Faculty Members Prior to Expiration of Their Terms
If a graduate faculty member is found to be deficient in carrying out expected roles and responsibilities based on guidelines present in the Unit Code, every effort should be made to remediate the problems identified through normal faculty evaluative procedures. If a faculty member continues to demonstrate serious deficiencies, and/or fails to perform his or her duties professionally or ethically as a graduate faculty member, the unit head or one-half of the members of the graduate faculty at the same graduate faculty status or higher of the original nominating code unit may initiate a process to recommend removal of a faculty member from the graduate faculty prior to the end of the appointment period. Any such recommendation shall include the reasons for the recommendation in writing from the Graduate Program Director or Coordinator of the original nominating code unit. A two-thirds majority of the members of the graduate faculty at the same graduate faculty status or higher of the original nominating code unit must vote to confirm the recommendation. The recommendation shall be shared with the faculty member in question who has ten working days in which to respond in writing to those making the recommendation. Should a two-thirds majority of the members of the graduate faculty at the same graduate faculty status or higher of the original code unit wish to proceed, both their recommendation and the response of the faculty member shall be forwarded to the Unit head who will review this recommendation and response in consultation with the faculty member’s College Dean and Graduate Program Director or Coordinator. If the Unit Head and College Dean concur that the faculty member should no longer be a member of the graduate faculty, the Unit head makes this recommendation to the Dean of the Graduate School. The Dean of the Graduate School is then authorized to remove the individual from the graduate faculty. If the Unit Head and/or College Dean do not concur with the recommendation of the unit graduate faculty, the non-concurring recommendations of the graduate faculty and administrator(s), and the response of the faculty member, shall be forwarded to the Dean of the Graduate School for final decision. The removed faculty member shall have the right to appeal through general grievance procedures detailed in Part XII of the Faculty Manual.

Before a faculty member is removed the Graduate Program Director must confirm to the Dean of the Graduate School that students under supervision of the removed faculty member have been assigned...
to appropriate graduate faculty members in a manner specific to the program/department. If at some point in the future the removed faculty member chooses to apply to return to graduate faculty status, documentation regarding the removal of graduate faculty status will be included for consideration along with the request. (Faculty Senate Resolution #16-29, May 2016)

II. Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee

A. Coordinators of Graduate Programs
Each Graduate Program and Graduate Certificate will have a designated Graduate Program Director or Coordinator who must be a Graduate or Associate Graduate Faculty member, approved by the unit chair and college dean and qualified to lead development and review of the program’s curriculum. Meetings of Graduate Program Directors and Coordinators will be held at least twice per regular academic term and chaired by the Dean of the Graduate School or designee. These meetings will provide a forum where Graduate Program Directors and Coordinators may provide input to the Graduate School, the Graduate Council and the Graduate Curriculum Committee on any matters related to policies, practices, implementation, and administration of graduate education.

B. Graduate Council
The Graduate Council is comprised of 20 directors or coordinators of graduate programs elected to represent their respective colleges; 4 Graduate Faculty (who are not program Directors) elected by the Faculty Senate (each from a different college or the Brody School of Medicine); plus 3 at-large-appointments by the Dean of the Graduate School. In addition there will be 6 ex-officio members with a vote, including the Chair of the Graduate Curriculum Committee (GCC), Chair of the Faculty or designee, a representative of the faculty senate, a representative of the Provost and Senior Vice Chancellor for Academic Affairs, a representative of the Vice Chancellor for Health Sciences, and the President of the Graduate and Professional Student Senate (GPSS) or designee. The Dean of the Graduate School will be an ex-officio member without a vote. Graduate councilor allocations will be reviewed every three years starting at the beginning of the fall 2015 semester and allocated 50% in proportion to the number of graduate faculty and 50% in proportion to the graduate SCH production in their respective colleges.

Faculty Senate and college representatives are elected to fill expired or vacated terms according to procedures defined by the Senate and each college, at a time appropriate for each unit. All Graduate Council members are elected to serve three-year staggered terms for continuity. Regular terms begin with first Graduate Council meeting in the fall semester. The seat of an elected Graduate Council member who fails to attend more than three consecutively held meetings of the Graduate Council shall be declared vacated by the Chair of the Graduate Council. The Chair of the Graduate Council will contact the unit and request a replacement. The Graduate Council will annually elect a Council Chair and Vice-Chair as well as four persons to serve on the Graduate Council Executive Committee from the elected members of the Graduate Council during its April organizational meeting. (FS Resolution #15-18)

The Graduate Council will be responsible for consideration, debate, and voting on all graduate academic policies, and upon recommendation of the GCC, graduate curriculum and degree programs. Any member of the graduate faculty may recommend agenda items concerning graduate academic policy to the Graduate Council Executive Committee for inclusion on the Graduate Council agenda. New graduate degree programs, new certificates, new concentrations, degree title changes,
and moving or discontinuing programs are also submitted to the Educational Policies and Planning Committee (EPPC) for review.

The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final decision. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

The Chair of the Graduate Council will convene meetings of the Graduate Council, report at each Faculty Senate meeting on graduate matters, and seek Faculty Senate input. Graduate Council meeting agendas will be distributed electronically to all graduate faculty.

The Vice-Chair will assume the duties of the Chair if the Chair is unable to fulfill his or her duties.

The Graduate Council will
• Approve the membership of the Graduate Curriculum Committee;
• Approve Graduate Curriculum Committees (GCC) recommendations;
• Participate in the review of all existing graduate programs;
• Review all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
• Review and develop Graduate School policy including requirements for admission, retention of students, permissible course loads, transfer credit, grading, thesis and dissertation requirements and examinations, and standards for graduate faculty appointment;
• Make recommendations relating to graduate education to the Dean, Academic Council, and the Chancellor;
• Report its actions to the coordinators of graduate programs, graduate faculty, and Faculty Senate. A simple majority of the elected members of the Graduate Council will constitute a quorum.

C. Graduate Council Executive Committee
The Graduate Council Executive Committee (GCEC) is comprised of the Graduate School Dean, the Graduate Council Chair, Vice-Chair, the Graduate Curriculum Committee Chair, and 4 members elected by and from the Graduate Council. The GCEC will meet at least once a month.

The GCEC will
• Review and approve all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements;
• Set the Graduate Council agenda;
• Prepare draft policies for consideration by the Graduate Council;
• Review the Graduate Council meeting minutes for presentation to the Graduate Council.
• Exercise delegated authority from the Graduate Council to consider and make decisions regarding urgent business matters of the Graduate Council during summer months when the full Graduate Council is not in session, with a full written report of any such actions provided to the Graduate Counsel at its first meeting of the Fall term.

(FS Resolution #15-18)

D. Graduate Curriculum Committee
The Graduate Curriculum Committee (GCC) will consist of one graduate or associate graduate faculty member with tenure from each college and the Brody School of Medicine. Members will be nominated by their respective deans through a process established by the school or college. Where possible members will have experience in both masters and doctoral programs. There will be two ex-officio
members with vote including the president of the GPSS or designee and the Associate Provost for Academic Program Development. The Graduate Council will review the credentials of the nominees and approve members to serve on the GCC. Members will serve staggered three-year terms. The Chair and Vice Chair of the GCC will be elected to serve a one-year term by and from the membership of the GCC. GCC members will be limited to serving two consecutive terms.

The GCC will review, consider and make recommendations to the Graduate Council on:
- Proposals for new graduate programs, certificates, concentrations, degree title changes, and moving or discontinuing graduate programs, certificates or concentrations.
- Proposals for new and revised graduate courses;
- Degree-related graduate catalog changes;
- Requests to delete, bank, and unbank graduate courses;
- Other graduate curriculum related matters;
- Changes to its charge;
- Other duties as assigned by the Graduate Council.

The GCC will determine its own methods and procedures to fulfill its charge.

All recommendations of the GCC will be reported to the Graduate Council. Recommendations on new programs, new certificates, new concentrations, degree title changes, and moving or discontinuing programs will be reviewed by both the Graduate Council and the EPPC who then reports to the Faculty Senate. Both negative and positive recommendations will be reported to the Graduate Council and forwarded to the Academic Council and Chancellor.

III. The Dean of the Graduate School - Functions and Jurisdiction

The Dean is the chief executive officer of the Graduate School and chairs plenary sessions of the graduate faculty. The Dean (or designee) will chair meetings of the graduate program coordinators. He or she will be available to advise and assist schools and departments in the planning and development of their graduate programs. He or she will be specifically responsible for coordinating with the general administration of the university all new graduate program proposals advanced by schools and departments.

The Dean will be responsible for the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the Graduate Council. He or she is expected to articulate both the current status and the short-term and long-term concerns and objectives of graduate education at the university and to offer timely and appropriate recommendations for its improvement and greater efficiency in meeting the needs of its constituents.

The Dean will be responsible for the operation of the Graduate School office including the preparation of its annual budget, spending of funds, utilization of allocated office space, assignments of responsibilities to staff, and the establishment of office procedures for effective implementation of all administrative tasks performed by the Graduate School office.

The Dean will develop procedures for consultation with other units of the university and extramural academic, professional, governmental, and community groups.

IV. Modifications to the Graduate School Organization

A. Graduate Council
The Graduate Council may recommend revisions to this document. The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final decision. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

B. Graduate Faculty
The graduate faculty may recommend revisions to this document, “Graduate School Organization,” through a majority vote in plenary session where a quorum is established, through canvass conducted according to Part I.C of this document or through the concurrent approval of the Graduate Council. Recommendations of the graduate faculty will be reviewed by the Dean of the Graduate School and Academic Council and forwarded to the Chancellor for final decision. The Chair of the Graduate Council will communicate graduate faculty recommendations to the Faculty Senate for information, comment, and advice.

Approved by the Faculty Senate: January 24, 2012 (Resolution #12-03)
Accepted by the Chancellor: April 3, 2012 (with approved statement)
Final Document Approved by the Chancellor: May 23, 2013

Revisions:
Approved by the Faculty Senate: February 24, 2015 (Resolution #15-18)
Accepted by the Chancellor: March 31, 2015
The faculty involvement in selection and evaluation of administrators are regulated by the following policies and guidelines:

I. Appointment and Review of Administrative Officers at East Carolina University

   Appointment and Review of Administrative Officers at ECU, Board of Trustee Policy, November 2007.

II. Implementation Guidelines – Appointment and Review of Administrative Officers at East Carolina University

   Implementation Guidelines – Appointment and Review of Administrative Officers at East Carolina University, Board of Trustee Policy, Spring 2009.

III. Annual Evaluation of University Administrators

   Faculty shall evaluate administrators annually, employing an instrument approved by the Faculty Senate and the Chancellor. The results of such evaluations shall be made available to the administrator and the administrator’s supervisor.

   (FS Resolution #11-45, March 2011)
PART III

University of North Carolina System and UNC Code
Part III

UNIVERSITY OF NORTH CAROLINA SYSTEM AND UNC CODE

SECTIONS

I. UNC Policy Manual and the UNC Code (UNC Board of Governors)

II. The Faculty Assembly of the University of North Carolina

III. East Carolina University Faculty Assembly Delegation
As a constituent institution of the University of North Carolina, East Carolina University is subject to the policies in the University of North Carolina Policy Manual, which contains the Code of the Board of Governors of the University of North Carolina (the UNC Code) as section 100.1. The UNC Code is the document that establishes the University of North Carolina, the Board of Governors and its committees, and the Boards of Trustees of each constituent institution. The UNC Policy Manual supersedes the East Carolina University Faculty Manual should there be a conflict between the documents.

Chapter VI of the UNC Code, “Academic Freedom and Tenure,” contains many faculty-related policies, such as Academic Freedom and Responsibility of Faculty; Academic Tenure; Due Process Before Discharge or the Imposition of Serious Sanctions; Appointment, Non-reappointment, and Requirements of Notice and Review; Termination of Faculty Employment; Retirement of Faculty; Faculty Grievance Committee for Constituent Institutions; Students’ Rights and Responsibilities; Appellate Jurisdiction of The Board of Governors; Rights of Special Faculty Members; and Review of Personnel Actions Affecting Specified Employees Exempt from the State Personnel Act (EPA).


(Faculty Senate Resolution #12-09)
The University of North Carolina Faculty Assembly was formed in 1972 when all of the State’s public senior institutions were brought into the University of North Carolina. The Charter of the University of North Carolina Faculty Assembly gives the objectives for the body:

A. The Faculty Assembly of the University of North Carolina shall gather and exchange information on behalf of the faculties of the constituent institutions of The University of North Carolina.

B. The Assembly shall, through appropriate channels, advise the Board of Governors of The University of North Carolina, the General Assembly, and other governmental agencies and officers on matters of university-wide importance.

C. The Assembly shall advise and communicate with the President of the University of North Carolina with regard to the interests of the faculties and other matters of university-wide importance.

Each of the seventeen campuses of the University of North Carolina elects delegates to the Faculty Assembly according to guidelines on delegation size and composition given in the Charter. The Bylaws of the Faculty Assembly of the University of North Carolina establish the procedures by which the Faculty Assembly operates and conducts its business.
A. Composition and Terms of Delegates and Alternates
The procedure by which East Carolina University elects its Faculty Assembly Delegates and Alternate Delegates is contained in Bylaw VI of the Bylaws of the Constitution of the Faculty of East Carolina University. ECU Faculty Assembly Delegates and Alternate Delegates should be full-time faculty, holding no administrative duties outside their departments. Terms are three years, with all regular terms of service beginning on and ending on July 1 of each year. A faculty member may not have served as a Delegate for more than six of the preceding nine years. Time spent while serving as an Alternate Delegate is not counted in the limitation.

B. Attendance of Faculty Assembly Meetings
Faculty Assembly Delegates are expected to attend Faculty Assembly meetings when possible. A Delegate who cannot attend a Faculty Assembly meeting should arrange for an Alternate Delegate to attend in his/her place. The Delegate should also notify the Chair of the UNC Faculty Assembly of the Alternate’s participation.

Generally, travel expenses for Delegates to participate in Faculty Assembly meetings are reimbursed by the UNC General Administration. Delegates are encouraged to carpool and use state vehicles where possible to minimize costs. Delegates must follow defined rules for travel and, to insure proper and timely reimbursement, are advised to turn in all travel paperwork prior to leaving the meeting.

Alternate Delegates participate in meetings only when/if they are asked to do so in place of a Delegate. Upon arrival to a meeting when attending for a Delegate, Alternate Delegates should notify the Chair of the Assembly and the administrative assistant.

C. Faculty Assembly Report to the East Carolina University Faculty Senate
Elected delegates to the UNC Faculty Assembly serve ex-officio on the ECU Faculty Senate with a vote in all Senate matters except the election of officers and committee members, as specified in the Faculty Constitution and By-Laws located in the ECU Faculty Manual. The Faculty Assembly delegation is responsible for compiling a written report of each Assembly meeting and presenting the report to the Senate. Usually, the elected delegates rotate reporting duties among all present. Minutes of the Assembly meeting may or may not be available prior to scheduled Faculty Senate meeting. As such, delegates should take notes and be prepared to provide a written report in addition to a verbal report to the Faculty Senate.

UNC Faculty Assembly Web Page
http://www.northcarolina.edu/facultyassembly/index.htm

The Charter of the Faculty Assembly of the University of North Carolina
http://www.northcarolina.edu/facultyassembly/charter.htm
ECU Faculty Manual Part II, Section II - Bylaw VI. Faculty Assembly Delegates and Alternates

ECU Faculty Manual Part II, Section II- Faculty Constitution of East Carolina University (Faculty Senate Resolution #12-08)
PART IV

Academic Units, Codes, and Seven Year Unit Program Evaluation
PART IV

ACADEMIC UNITS, CODES, AND SEVEN YEAR PROGRAM EVALUATION

SECTIONS

I. Academic Code Units

II. Units Codes

III. Seven Year Unit Program Evaluation  *(Revised 5-17)*

(Text moved from former Appendix L, Part II, and Part V)
I. Definition of Code Unit

By virtue of their professional disciplinary and inter-disciplinary expertise, East Carolina University faculty members are responsible for creating and implementing degree programs, associated curricula, and for performing numerous other activities essential to educating students, advancing knowledge and serving the university and the community. To fulfill this responsibility effectively, faculty members organize into self-governing departments, schools or colleges. The resulting organizational boundaries are neither arbitrary nor a reflection of individual interests. Disciplinary and interdisciplinary boundaries derive naturally from differences in the subjects studied and the methods required to generate new knowledge of these subjects. The operations of a faculty group organized around shared subject matters and research methodologies are governed by a document referred to as a “unit code.” ECU uses the expression “code unit” to refer to a department, school or college whose operations are governed by a unit code. Differences between unit codes arise because of the subject matter and research methods of different code units. These differences require unique procedures that govern teaching, research, service and other assignments as well as the specific code unit’s criteria for appointment, reappointment, promotion and tenure, for example. The unit code document is created by a group of faculty members and approved by the appropriate tenured faculty, the Unit Code Screening Committee, the Faculty Senate, and the Chancellor. In this process, the administrator to whom the unit administrator reports (a dean, vice-chancellor or provost) reviews a draft code and may provide advice.

II. Organizing as a Code Unit

Requirements: To be eligible to organize as a Code Unit, a new or existing department, school or college, (or departments, schools or colleges created by splitting or combining existing code units), shall satisfy the following requirements:

1. Code Units shall contain sufficient faculty members to create and sustain one or more degree programs and their associated curricula (excepting the libraries). What suffices in any given case will be decided by the appropriate Provost or Vice Chancellor for Health Sciences in consultation with the tenured and tenure-track faculty who will be members of the Code Unit if established, the chairperson(s) or director(s) and the appropriate dean.

2. Code units shall be organized so as to distribute faculty and administrative responsibilities as follows (this list is not exhaustive of the duties of faculty members and administrators).
a. Faculty: Faculty members are responsible for providing course instruction in one or more degree programs and in Foundations courses as appropriate, for advising majors, for supervising graduate theses and dissertations and for initiating recommendations on curriculum, degree program requirements, personnel actions, evaluation criteria, the unit’s strategic plan, the unit’s assessment activities, student, faculty and staff awards and the unit’s code of operations.

When the code unit is a college and the college contains departments or schools, some or all of the responsibilities of the code unit’s faculty members may separately be performed by the faculty members of each department or school.

If the code unit is a school and the school contains departments, some or all of the responsibilities of the code unit may separately be performed by the faculty members of each department or school.

If the code unit is a department and the department contains separate disciplines, some or all of the responsibilities of the code unit may be performed separately by the faculty members of each discipline.

b. Administration: The lead administrator is responsible for faculty evaluation, for assigning duties to the unit’s faculty members, for recommendations regarding initial faculty salaries and salary increments, for the use of the unit’s budget, for fundraising, for maintaining the unit’s contracts, records and reports, for managing the unit’s support staff, for the unit’s compliance with all university policies, rules and regulations and for the unit’s compliance with all actions required by higher administration.

III. Creating New Code Units and Making Changes to Existing Code Units

1. Proposals recommending the creation of a code unit or units, or changes to an existing code unit: Proposals shall be initiated by a Code Unit Proposal Committee. A Code Unit Proposal Committee may be self-constituted by action of at least one-fourth of an existing code unit’s faculty members (but no fewer than three faculty members) or may consist of at least three faculty members appointed by a chairperson, director, dean, the vice-chancellor for health sciences, the provost or the chancellor. The faculty members appointed to the committee will be some or all of the faculty members who will be members of the new or changed unit(s) except in a case when the people who will constitute the faculty of a new unit are not yet employed by ECU. In the case of the creation of a new code unit or changes to an existing code unit, proposals will include a provisional code of operations for the new or changed unit(s).

2. A Provisional Code will conform to the ECU Faculty Manual and, as much as is practicable, to the guidelines and requirements for Unit Codes that are set forth in this document [see II.D below]. A Provisional Code will be approved by the Educational Policies and Planning Committee, the Faculty Senate and the chancellor, and will be used for a maximum of three semesters after the formal development of the new unit. No later than three semesters after the creation of a new code unit having a Provisional Code, the faculty of the unit will develop and have approved an official Unit Code.
3. In the case of a provisional code that has been in use for three semesters in a code unit in which there are fewer than three full-time tenured faculty members who have been employed for at least twelve consecutive months in the unit, the deadline for developing and having approved an official unit code shall be extended until there are three faculty members in the unit who are eligible to vote on the unit’s code (see II.C below).

If faculty members will be displaced by the creation of new code units or by changes to existing code units, the proposal must address this situation.

In addition to creating new code units, some of the changes to existing code units that proposals may address include but may not be limited to:

a. dissolving a code unit without terminating the employment of the faculty members in the unit,
b. dividing a code unit into two or more code units,
c. merging a code unit with one or more other units,
d. moving a code unit to another school or college,
e. changing a code unit’s status from a department in a college to a school, or from a school to one or more departments in a college, or the reverse,
f. renaming a code unit, (changes in unit name nomenclature shall be approved by UNC General Administration),
g. moving groups of faculty and/or disciplines from one coded unit to another. (This type of move does not require UNC General Administration approval.)
h. any combination of the above.

Changes in all code units will not be implemented until the faculty members in the units affected and the Faculty Senate have the opportunity to recommend to the Chancellor approval or disapproval of the proposed changes as originally presented or as amended by the affected units or the Faculty Senate.

4. Procedures for creating or changing code units:
   a. The Code Unit Proposal Committee will provide copies of its proposal to all of the faculty members and administrators of the departments, schools or colleges addressed by the proposal.
   b. Within 15 working days after the proposal has been distributed, the Code Unit Proposal Committee will meet to discuss the proposal with the faculty members of affected departments, schools and/or colleges or with representatives elected by each affected unit, with the unit administrators, and with the appropriate deans and vice chancellors (or their representatives).
   c. Within 10 working days after this meeting, the permanently tenured faculty members of each affected unit, including the unit administrator(s), will meet and vote their approval or disapproval of the proposal in its original form or as amended by their action.
   d. Within 10 working days the chair of the Code Unit Proposal Committee will forward to the next higher administrator the results of the unit’s action.
   e. Within 10 working days the next higher administrator will communicate in writing to the Code Unit Proposal Committee and to the appropriate vice-chancellor(s) the following items: the unit faculty’s action and his or her concurrence or non-concurrence with that action.
f. The Code Unit Proposal Committee shall present copies of the proposal, the affected units' faculty recommendations, and the relevant administrators' concurrence or non-concurrence to the chair of the Educational Policies and Planning Committee. The committee shall consult with appropriate deans and vice-chancellors, and, if it deems necessary, with other faculty members and administrators. Within 40 working days (during the regular academic year), the committee will report its recommendations to the Faculty Senate.

g. The Faculty Senate will vote, in a timely manner, to recommend to the Chancellor the approval or disapproval of the proposal as originally received by the Educational Policies and Planning Committee or as amended by the Faculty Senate.

h. If the proposal is approved by the Chancellor (and higher authority if necessary), implementation of the proposal will be overseen by the next higher administrator(s) over the new or changed code units.

Upon approval of new unit codes, the old unit code of a unit that has undergone a change of the sort listed above will become null-and-void.

If faculty members in code units that meet the conditions for splitting into separate code units do not choose to split into separate code units, faculty in individual departments or schools (as appropriate) may democratically develop written rules for their internal organization and operation. These rules will be housed in the department’s or school’s administrative office.
PART IV - ACADEMIC UNITS, CODES, AND SEVEN YEAR UNIT PROGRAM EVALUATION

SECTION II

Unit Codes

(Text moved from former Appendix L and former Part II)

CONTENTS

I. Definition of Unit Code
II. Approval Process for New and Revised Unit Codes
III. Faculty Who May Vote on a Unit’s Code of Operation
IV. Minimal Unit Code Requirements
V. Use of “Guidelines” by a Code Unit
VI. Five Year Review of a Unit Code
VII. Faculty Senate Office Records
VIII. Unit Code Training
IX. Unit Code Availability
X. Acceptable models for code units in reorganization plan

I. Definition of Unit Code
Each Code Unit shall develop a Unit Code of Operations that will provide for the conduct of the unit’s affairs according to Robert's Rules of Order, Newly Revised and the requirements set out below in subsection IV. A new or revised Unit Code shall be approved by a majority of the “Code Unit Voting Faculty Members” of the unit, as defined herein (see subsection III. below). A copy of each Unit Code, after approval, is housed within the Faculty Senate Office, the Code Unit Office, and is available for review by faculty and administrators within the unit.

II. Approval Process for New and Revised Unit Codes
Each Code Unit will develop its own Unit Code of Operations, following the process described in this section of this document. Upon approval at the unit level, the unit administrator shall forward the new or revised Unit Code to the next higher administrator above the unit for advice. The Code Unit shall consider advice received and may amend its proposed code if this is the will of a majority of the Code Unit’s voting Faculty. The Unit Code next is submitted to the Unit Code Screening Committee of the Faculty Senate for review. Upon being approved by the Unit Code Screening Committee, the Unit Code is submitted to the Faculty Senate for review and, if approved, to the Chancellor for final approval. If the Chancellor requires revisions, he or she shall so indicate in writing and shall return the Unit Code to the unit for the required revisions. After revision, the code shall be approved by a majority of the “Code Unit Voting Faculty Members” of the unit and upon approval shall be dealt with as described above, up to and including receiving the chancellor’s approval or request for further revisions.

III. Faculty Who May Vote on a Unit’s Code of Operation
Responsibility for voting on a Unit Code rests with the permanently tenured faculty. A permanently tenured, full-time faculty member who is and has been employed for at least twelve consecutive months in a greater than 50% assignment in a unit counts towards a quorum and may vote on the unit’s new or revised unit code. This includes administrators who meet these conditions. A faculty
member on medical or other leave from a greater than 50% assignment in a unit may vote if the faculty member wishes to do so but does not count towards a quorum unless he or she is present at a vote. Faculty members with 50% or less assignment in a unit do not vote on the unit’s code.

IV. Minimal Unit Code Requirements
To provide consistency, unit codes should be developed following an approved outline that includes at least:

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

V. Use of “Guidelines” by a Code Unit
When a Code Unit maintains separate guidelines stating procedures to be followed with regard to faculty evaluation and/or matters not addressed in the unit’s code, the Faculty Manual, or the ECU Policy Manual, the guidelines shall be approved by a majority of the Code Unit’s voting faculty members (see “III” above). Amendments to Guidelines shall be approved by a majority of the Code Unit’s voting faculty members (see “III” above). Guidelines shall be referenced in the Unit Code, shall be in compliance with all policies in the ECU Faculty Manual and the ECU Policy Manual, shall be housed in the Code Unit’s administrative offices, in the office of the next-higher administrator and in the Faculty Senate office. At the time of the mandatory review of a unit’s code, a unit’s guidelines, if any, shall also be reviewed by the Unit Code Screening Committee for compliance with university policy.

VI. Five Year Review of a Unit Code
The Unit Code Screening Committee shall report to the Faculty Senate at its last regular meeting of the academic year on the status of each unit code reviewed during the academic year, noting whether each code meets the current Faculty Senate guidelines for codes and is in compliance with all university policies, rules and regulations.
VII. Faculty Senate Office Records
A copy of each approved Unit Code shall be maintained in the Faculty Senate office. Included with the approved code shall be a page containing the signatures of the chair of each reviewing body and the Chancellor or the Chancellor's delegate.

VIII. Unit Code Training
The Chair of the Faculty and the Chancellor, or the Chancellor's delegate, shall include an introduction to unit codes and guidelines in the annual new faculty and new administrator orientation sessions.

IX. Unit Code Availability
Every tenured, tenure-track and fixed-term faculty member in a Code Unit shall be provided with a copy of or link to the Unit Code and the unit Guidelines, if any, upon becoming a 51% FTE or greater member of the unit.

(FS Resolution #12-40, March 2012)

X. Acceptable Models for Code Units in Reorganization Plan

The following diagram illustrates acceptable models for the formation of self-governing units within colleges and schools.

1. College Level (one code for all schools and departments within College).

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College (code unit)
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2. Separate Codes for all schools in a college.

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College
   School (code unit)
   School (code unit)
   School (code unit)
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3. Separate Codes for schools and departments within a college (Mixed Model).

4. All Departments in a College: Separate Codes.

5. Code Units not in Colleges.
A. The unit Academic Program Review will be conducted according to the Academic Program Review Guidelines.

B. Changes to these guidelines need to be approved by the Educational Policies and Planning Committee and the Faculty Senate.

C. The unit Academic Program Review shall be used in the development of the unit’s operational and strategic planning.

(FS Resolution #11-45, March 2011)
(FS Resolution #15-63, May 2015)
(FS Resolution #17-39, May 2017)
PART V

Academic Freedom and Statement on Professional Ethics
PART V

ACADEMIC FREEDOM AND STATEMENT ON PROFESSIONAL ETHICS

SECTIONS

I. Academic Freedom

II. Statement on Professional Ethics
PART V - ACADEMIC FREEDOM AND STATEMENT ON PROFESSIONAL ETHICS

SECTION I

Academic Freedom

The East Carolina University faculty and administration believe that in writing or speaking each member of the faculty has the same rights and duties as any other citizen. They believe also that each faculty member in exercising his or her right of free speech must realize that in the minds of many people he or she occupies a representative position and that in consequence the reputation of the university lies partly in his or her hands. Therefore, it is his or her duty to safeguard the reputation of the university and of his or her colleagues with special care.

East Carolina University accepts the following statement of principles as derived from the 1940 Statement of Principles on Academic Freedom and Tenure by the American Association of University Professors.

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but he or she should be careful not to introduce into his or her teaching controversial matter which has no relation to his or her subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he or she speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligations. As a person of learning and an educational officer, he or she should remember that the public may judge his or her profession and his or her institution by his or her utterances. Hence, he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not an institutional spokesperson.

East Carolina University also accepts the following statement concerning "Professors and Political Activity" made in 1969 by the American Association of University Professors.

The college or university faculty member is a citizen and, like other citizens, should be free to engage in political activities so far as he or she is able to do so consistently with his or her obligations as a teacher and scholar.

Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state
legislature, or serving a limited term in a full-time position) may require that the professor seek a leave of absence from his or her college or university.

In recognition of the legitimacy and social importance of political activity by faculty members, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.

A faculty member seeking leave should recognize that he or she has a primary obligation to his or her institution and to his or her growth as an educator and scholar; he or she should be mindful of the problem which a leave of absence can create for his or her administration, his or her colleagues, and his or her students; and, he or she should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in his or her favor are made, such as a reduction of a workload, he or she should expect them to be limited to a reasonable period.

A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.

The policy set forth by the board of governors regarding political activities of university employees can be found in The University Policy Manual with a link to the Board of Governors policy (see item 300.5 http://www.northcarolina.edu/policy/index.php). (FS Resolution #11-44, March 2011)

Student Academic Freedom

The University shall provide opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. The University shall not abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance. All members of the university community shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights and freedom of each member of the academic community are respected.
PART V – ACADEMIC FREEDOM AND STATEMENT ON PROFESSIONAL ETHICS

SECTION II

Statement on Professional Ethics

The East Carolina University faculty and administration expect all ECU faculty to perform all their job responsibilities in conformance with the following Statement on Professional Ethics modified from the American Association of University Professors: Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

1. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

2. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or engage in hostile conduct toward members of the university community. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors give proper acknowledgement to the ideas and data of others and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

3. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity,
professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. (Faculty Senate Resolution #11-93, January 2012)
PART VI

TEACHING AND CURRICULUM REGULATIONS, PROCEDURES
AND ACADEMIC PROGRAM DEVELOPMENT

SECTIONS

I. Teaching Regulations and Guidelines Relating to Faculty Revised 5-15

II. Academic Integrity

III. Distance Education Policies Revised 5-16

IV. Student Privacy, Conduct, and Complaints Revised 5-16

V. Graduation Policies

VI. Emergency Notification and Evacuation Procedures

VII. Curriculum Procedures and Academic Program Development Revised 3-17
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES 
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION I

Teaching Regulations and Guidelines Related to Faculty
(Text moved from former Part V)

CONTENTS

I. Faculty Workload
II. Office Hours
III. Faculty Academic Advising: Undergraduate and Graduate
IV. Ordering Textbooks and Collateral Materials
V. Course Expectations and Requirements (revised 5-17)
VI. Tests and Examinations
VII. Final Examinations
VIII. Grades
   A. Grades and Grading
   B. Posting Grades
   C. Recording of Grades (revised 1-13)
   D. Change of Grade
   E. Grade of Incomplete
   F. Grade Appeal Policy
IX. Academic Progress
X. Class attendance and Participation Regulations (revised 1-18)
XI. Class Roll Verification
XII. Use of Copyrighted Works (revised 5-15)
XIII. Policy to Remove Foundation Curriculum Credit

This section provides a framework that permits the University to perform its academic mission uniformly and efficiently. Faculty members are expected to execute their teaching and advising duties within the context of these policies.

I. Faculty Workload
   A. Faculty Workload is defined by the Faculty Workload Administrative Regulation. This regulation describes how workloads are determined at the university, college, and departmental levels. The Brody School of Medicine and the School of Dental Medicine are governed by separate workload regulations. Refer to the University Regulation on Faculty Workload for more information.
   B. The individual faculty workload is discussed in Part VIII, Section I - Personnel Policies and Procedures for the Faculty, ECU Faculty Manual.
   C. Course reduction and reassigned time – Faculty members may apply for and be granted
course reductions for the relevant period. Faculty who are granted a course reduction, shall be informed in writing by the unit administrator or department chair, including the purpose for the reduction. A faculty member may apply for and receive 100 percent reassigned time for the relevant period, according to the Faculty Scholarly Reassignment Regulation (UNC Policy 300.2.6 - Guidelines on Reassigned Time for Faculty) and upon the recommendation of the faculty member’s department, school, or college personnel committee, the unit administrator and the next higher administrator, and upon the final approval of the appropriate vice chancellor.

D. The summer session, consisting of two summer terms, provides course work equivalent to that of the academic year. No faculty member can be guaranteed a teaching assignment in the summer session; tentative appointments (full time and part time) are made pending enrollment statistics. No faculty member on a nine-month contract will be assigned to more than one summer term in a session except when all faculty (including fixed term faculty) in the unit have had an opportunity to teach one term or in case of curriculum necessity. (FS Resolution #12-37, March 2012)

II. Office Hours

In addition to teaching, each instructor must maintain office hours five hours during a work-week to be available to advisees and to campus and online students who wish to consult with him or her. It is strongly recommended that the instructor be available either on campus or online at least one hour each day during the work-week. Instructors who teach only face-to-face Courses: Instructors must maintain office hours in a designated location for a minimum of five hours during the work-week to be available to counsel students or to answer email.

Instructors who teach only online courses: Instructors must establish a time frame of a minimum of five hours during the work-week in which they are available to answer email from students who wish to consult with them.

Instructors who teach a hybrid online face-to-face course or a combination of online and face-to-face courses: Instructors must maintain office hours in a designated location for a minimum of five hours during the work-week to be available to counsel students to answer the email of their online students.

Each Instructor is to submit to the unit administrator a schedule of their office hours and the unit administrator is to have a complete schedule of the office hours of all Instructors of the unit. The office hour availability schedule is to be posted on the Instructor’s office door and/or on the online course website. (FS Resolution #10-53, April 2010)

III. Faculty Academic Advising: Undergraduate and Graduate

Academic advising is a primary responsibility of faculty which is integral to student success. Student and faculty interaction outside the classroom is associated with greater student engagement and learning. The important contributions of faculty academic advising should be recognized at all levels of the university.

The academic advising process provides the opportunity for faculty members to influence students’ approach to the learning experience and better understand the Liberal Arts Foundations, the major discipline, and related careers.
In those academic units in which faculty are assigned undergraduate academic advising faculty members are expected to meet these responsibilities by:

- Being familiar with the undergraduate catalog, knowing the foundation curriculum requirements and the requirements of the majors in their unit.
- Making advising readily available during the semester.
- Encouraging student decision-making and responsibility for their educational progress.
- Discussing the rationale and integration of the liberal arts foundations with the coursework and experiences in the major and minor field of study.
- Assisting the student in identifying and pursuing educational goals and objectives and in securing information about career opportunities.
- Promoting major-related student organizations, including interest, service, honorary, and professional organizations as available.
- Working closely with students on senior summaries to assure their accuracy.
- Making appropriate referrals to other university resources when necessary to assist the student.
- Maintaining files and notes on student progress.
  
  (FS Resolution #10-64, April 2010)

Graduate Advising
Advising for graduate students involves both mentoring and teaching. Faculty members who advise graduate students are expected to meet these responsibilities by:

- Being familiar with the graduate catalog and university policies that affect graduate students.
- Modeling and maintaining professional and ethical standards of conduct.
- Making advising readily available during the semester.
- Clarifying program requirements.
- Setting clear goals and reasonable expectations for student progress.
- Providing intellectual guidance in support of students’ scholarly/creative activities.
- Proactively addressing student problems and issues.
- Promoting student participation in professional organizations and conferences.
- Assisting students in developing a realistic view of the field and the job market following graduation.
- Making appropriate referrals to other university resources when necessary to assist the student.
- Maintaining appropriate files and notes on student progress.
- Filing the graduation summary documents.

  Note: The faculty member who is the department graduate advisor and has the role expressed above may be different than the thesis/internship/dissertation advisor who has the responsibility of directing the research and writing of the thesis, internship report, or dissertation. (Approved, Graduate School Administrative Board, April 26, 2010)
  
  (FS Resolution #10-70, September 2010)

IV. Ordering Textbooks and Collateral Material
All items, including textbooks and supplies, that the students are expected to purchase should be requisitioned each semester in a format provided by the Dowdy Student Stores. Book
requisitions received on the requested due dates allow the store time to prepare buy back lists used in purchasing from the students any book that they no longer need. This helps the students to keep the total costs of textbooks down as much as possible.

In a cooperative arrangement the Dowdy Student Stores provides an instructor publishing service for supplemental course materials. The store provides quality academic course materials that are sold alongside the textbooks for the course. The course pack department of the store will obtain copyright permission, process orders, and calculate and collect royalties. This service is provided at no charge to your department. A complimentary desk copy of their course pack is available to the instructors upon request.

Unit administrators or their designees will inform instructors when textbook and course supply orders are due. Instructors submit a requisition for each course providing the information needed to order the necessary books and supplies. If no textbook is required for a course this should be so noted. Unit administrators should retain a copy of the requisitions in each departmental office for future reference.

When special instructional materials (e.g., magazines, field-related supplies, etc.) are required for a course, the Institutional Trust Funds Office within the Division of Administration and Finance should be contacted in order to provide guidance regarding the special course fee process and whether these services can be provided by the Dowdy Student Stores. (FS Resolution #11-47, March 2011)

V. Course Expectations and Requirements

High expectations for student achievement are important for a high quality education and allow students to optimally benefit from their educational experience at East Carolina University. Further, having students clearly understand course expectations is crucial for their successfully completing a course, which in turn affects student retention. The course syllabus informs students of the expectations and requirements of the course and reduces the likelihood of problems later in the semester. The syllabus is a tool that helps both faculty and students accomplish the university’s primary mission of teaching and learning. Faculty members are required to make a course syllabus available for students on or by the first day of each course.

For standard courses, whether delivery is regular face-to-face, online, or mixed, a course syllabus is required to clearly state the instructor’s office location, office phone, email, and office hours. The syllabus is also required to list the instructor’s policy on the following: textbook(s) and other required course materials, student learning outcomes, assignments and tests, evaluation system and grading scale, late work, academic integrity, and accommodations for students with a disability. Further, it is recommended that faculty members include in the syllabus a course description, a statement on attendance expectations, and a statement on continuity of instruction.

For non-standard courses, including Independent Study Courses, regardless of delivery method, a learning contract must be submitted for the approval of the unit administrator. The learning contract must clearly specify the course requirements, including but not limited to the expected student learning outcomes, number of hours of expected work, grading information, and scheduled meeting times with the faculty member. To generate a learning contract for a non-standard course, faculty should complete a form similar to this example. When the form is
submitted, a learning contract is automatically generated and sent by e-mail to the unit administrator for approval.

For campus resources for students with disabilities, contact the Department for Disability Support Services (http://www.ecu.edu/accessibility/). For definitions of academic integrity and procedures for dealing with infractions, see Part VI, Section II of the Faculty Manual (http://www.ecu.edu/cs- acad/fsnonline/customcf/currentfacultymanual/part6section2.pdf) and the Office of Student Rights and Responsibilities (http://www.ecu.edu/osrr/). Faculty members can also contact the Office of Equity and Diversity (http://www.ecu.edu/cs- acad/oed/policies.cfm) for policies on equal opportunity and nondiscrimination. The University Writing Program can be contacted for consultation and support of writing activities and guidelines for writing-intensive courses (http://www.ecu.edu/writing/). The Office for Faculty Excellence (http://www.ecu.edu/ofe/) can provide assistance with the syllabus.

It is the responsibility of each unit administrator to have copies of syllabi and learning contracts for all courses taught in the school or department (FS Resolution #10-08, February 2010; FS Resolution #15-40, March 2015; FS Resolution #17-48, May 2017).

VI. Tests and Examinations
Performance on tests, quizzes, and examinations are one important indicator of student learning. Instructors should clearly describe the procedures and schedule for tests and quizzes on the course syllabus. Students who are absent from intermediate tests and quizzes with an excuse acceptable to the instructor may be given a make-up test or an excuse from taking the test at the discretion of the instructor. (FS Resolution #10-08, February 2010)

VII. Final Examinations
The normal expectation is that the completion of both face to face and online courses will include a final examination or an alternate method of evaluating student progress. Final examinations are required at the discretion of the faculty member and must be scheduled in the course syllabus made available to students. If a final examination is not given during the final examination period, the scheduled time for the exam should be treated as regular class with appropriate instructional activity. Online courses that do not give a final exam must use the final exam week for instructional purposes. The chair of the unit is responsible for monitoring adherence to scheduled examination requirements.

The University establishes a final examination schedule each semester to reduce conflicts in course final examination and to meet the UNC established course hour requirements. There will be no departure from the printed schedule of examinations except for clinical and non-traditional class schedules, including graduate level courses. Changes for individual student emergencies of a serious nature will be made only with the approval of the instructor. A student who is absent from an examination without excuse will be given a grade of F for the examination. An incomplete (I) for the course will only be given in the case of a student absent from the final examination who has presented a satisfactory excuse to the instructor.

No test intended to substitute for the final exam may be given during the week preceding the final examination period. Faculty may not give an examination or an assignment in lieu of an examination on Reading Day. (FS Resolution #11-51, April 2011)
VIII. Grades

A. Grades and Grading
Instructors assign grades on the basis of their evaluation of the academic performance of each student enrolled in their courses. Course grades are based on the quality of the student's performance as evaluated by the performance criteria stated in the course syllabus. (FS Resolution #10-08, February 2010)

B. Posting Grades
In compliance with the Family Educational Rights and Privacy Act, faculty must not post grades by Social Security Number, Banner ID, any sequential part thereof, or any other personally identifiable characteristic. (FS Resolution #10-08, February 2010)

C. Recording of Grades
Near the end of the semester, the University Registrar's Office sends procedural instructions to members of the teaching faculty for the posting of grades. Faculty members must submit grades electronically no later than the deadline established by the registrar's office. Instructors who fail to submit grades will be subject to the procedures outlined in Consequences for Failure to Submit Grades. (FS Resolution #13-11, January 2013)

D. Change of Grade
Grades cannot be changed after they are officially reported unless the change is initiated by the instructor and recorded by the university registrar. Except from grade changes arising from the grade appeal process no change may occur unless the instructor who gave the grade initiates the formal process of a retroactive grade change. A change in grade, other than removing a grade of Incomplete (I), for any reason, must be made within one year from the date the original grade was received. Forms for change of grade are available in school or departmental offices. (FS Resolution #10-08, February 2010)

E. Grade of Incomplete
A grade of Incomplete (I) indicates that the completion of some part of the work for the course has been deferred. The grade of I is assigned at the discretion of the instructor when a student who is otherwise passing has not, due to circumstances beyond his/her control, completed all the work in the course. The grade of I should not be recorded for a student who has not completed the major portion of the work of the course. An I should not be given if the faculty member is uncertain that the student attended the course; in that case the grade of F should be assigned.

A grade of I must be removed within the time period specified in the appropriate catalog or it automatically becomes a grade of F. The instructor will set a time for the removal of the I, in no case later than three weeks prior to the end of the semester. Instructors must submit the proper change of grade form to the registrar's office at least two weeks prior to the end of the semester. If the student does not return to school, the I must be removed within one year or it automatically becomes an F. An I may not be removed by repeating the course. If a student enrolls in a course in which he or she has an I, the I will automatically become an F.

It is the student's responsibility to request arrangements for completion of the work and to request that the instructor remove the I grade. It is the responsibility of the faculty member to complete and return the change of grade form in a timely fashion.
In the event that the instructor is unavailable or cannot be contacted the unit administrator or designee will use available records including the syllabus on record to determine the appropriate grade change and submit it to the University Registrar.

Certain sequence courses, such as thesis research, may require the completion of the entire sequence before any grade other than I may be given for the earlier component. No student will be allowed to graduate with an Incomplete on his or her record. (FS Resolution #10-08, February 2010)

F. Grade Appeal Policy
The goal of this grade appeal policy is to establish a clear, fair process by which undergraduate students can contest a course grade that they believe has been awarded in a manner inconsistent with university policies or that has resulted from calculation errors on the part of the instructor. Recognizing, however, that the evaluation of student performance is based upon the professional judgment of instructors, and notwithstanding the exceptions noted at the end of this policy, appeals will not be considered unless based upon one or more of the following factors:

- An error was made in grade computation.
- Standards different from those established in written department, school, college, or university policies, if specific policies exist, were used in assigning the grade.
- The instructor departed substantially from his or her previously articulated, written standards, without notifying students, in determining the grade.

Only the final course grade may be appealed. The grade assigned by the instructor is assumed to be correct and the student appealing the grade must justify the need for a change of the grade assigned.

Appeals Procedure
1. Formal grade appeals must be initiated by the student by the end of the twenty-first calendar day of the semester (not including summer sessions) following the award of the grade.
2. The first step to resolve differences between an instructor and student concerning a grade should be a discussion with the instructor. If the instructor of record will not be available within one semester (not including summer sessions), the department chair or designee may act in lieu of the instructor of record for the purpose of grade appeals.
3. If the instructor and student cannot resolve the appeal, and the student wishes to pursue the matter further, he or she must present to the chair of the department or designee in which the course is offered, a written appeal that includes the following:
   - A statement addressing how the appeal meets one or more of the three criteria necessary for a formal appeal.
   - A description of the outcome of the informal discussion process.
   - Any relevant documents the student would like to be reviewed as part of the appeal process.
   - A copy of the course syllabus and assignment descriptions. The department chair or designee may request additional materials from the student. After receiving a copy of the appeal materials from the department chair or designee, the instructor has fourteen calendar days to respond in writing to the appeal. The department chair or designee will discuss this response with the faculty member and will provide the student with written notification of the outcome of this step within seven calendar days after receiving the instructor’s response.
4. If there is no mutually agreed upon resolution between the student and the instructor, and the student wishes to pursue the matter further, he or she has seven calendar days to submit his or her written appeal to the college dean or designee. The college dean or designee will review
the appeal, provide copies of all appeal materials to the instructor, and discuss the appeal with both the instructor and the student. The instructor has seven days to review the written appeal the student has presented to the Dean and, if desired, prepare an additional written response. The college dean or designee will provide the student with written notification of the result of this step within fourteen calendar days after receipt of the appeal from the student.

5. If step 4 does not lead to a mutually agreeable resolution between the student and the instructor, and the student wishes to pursue the matter further, then a Grade Appeal Committee shall be formed by the college dean within ten calendar days. This committee shall include three faculty members from the college: one selected by the student, one selected by the instructor of record, and one appointed by the college dean. A majority shall prevail in the committee. The Committee shall elect its own chair. The function of the Grade Appeal Committee shall be to evaluate the appeal in terms of the stated grounds for the appeal. The Committee’s decision may be to keep the assigned grade or to raise the assigned grade. The Committee shall provide a written justification to the college dean for its decision, including minority opinions when they exist, no later than twenty-one calendar days after the Committee’s formation. The college dean shall inform the student and the instructor of the Committee’s decision and provide both parties with copies of the Committee report.

6. In the case of a change of grade, if the instructor of record does not implement the change of grade decided upon by the Committee within ten calendar days after learning of the Committee’s decision, the dean shall implement the change of grade as determined by the Committee on the student’s official transcript through the change of grade procedure. This shall be the last step in the deliberation of the formal grade appeal.

7. The college dean shall forward a written record of the results of all grade appeals to the appropriate Vice Chancellor within fourteen calendar days. College deans shall also provide an annual summary to the Faculty Senate of the number of cases heard and the aggregate result of the process.

Exceptions to the Grade Appeal Policy
The Grade Appeal Policy shall constitute the sole internal administrative remedy for a change in grade, except when the grade being disputed resulted from an alleged academic integrity violation or when a grade dispute involves an Office of Equal Opportunity and Equity discrimination complaint. If a grade dispute arises from an issue that is covered under the university’s Academic Integrity Policy, the process for resolution that has been established for appealing academic integrity violations must be followed. If a grade dispute arises from an issue that is covered under the university’s Equal Opportunity and Equity policies, the process for resolution that the Office of Equal Opportunity and Equity has established must be completed prior to the use of the University’s grade appeal process.
(FS Resolution #12-46, March 2012)

IX. Academic Progress
Instructors should ensure that each student has received some indication of his or her standing in the course prior to the last day to drop a course without grades. While it is understood that the procedures used to measure course objectives may differ between disciplines, instructors, particularly those of 1000- and 2000-level courses, should provide their students with the results of some form of graded response (e.g., tests, term papers) prior to the last day to drop. A student should be able to discuss progress in class with the instructor any time in the semester.

Faculty members must report to the appropriate university office the unsatisfactory standing of first year undergraduate students whose work or attendance is poor at the middle of the semester.
Instructions for reporting unsatisfactory progress are sent via email each semester to the faculty. (FS Resolution #10-08, February 2010)

X. Class Attendance and Participation Regulations
A student’s participation in the work of a course is a precondition for receiving credit for the course. Students are expected to attend punctually all lecture and laboratory sessions and field experiences and to participate in course assignments and activities as described in the course syllabus. Absences are counted from the first class meeting after the student registers. Students registering late are expected to make up all missed assignments in a manner determined by the instructor.

Each instructor shall determine the class attendance policy for each of his or her courses as long as the instructor’s policy does not conflict with university policy. The instructor’s attendance policy, along with other course requirements, will be provided to the class on a syllabus distributed at the first class meeting. Class attendance may be a criterion in determining a student’s final grade in the course if the instructor provides a written statement to this effect in the course syllabus. In determining the number of unexcused absences which will be accepted, the instructor should consider carefully the nature of the course, the maturity level of the students enrolled, and the consequent degree of flexibility included in the instructor’s policy.

Students should consult with their instructors about all class absences. It is the responsibility of the student to notify the instructor immediately about class absences, to provide appropriate documentation for an absence, and discuss any missed class time, tests, or assignments. Except in the case of university-excused absences, it is the decision of the instructor to excuse an absence or to allow for any additional time to make up missed tests or assignments. Excused absences should not lower a student’s course grade, provided that the student, in a manner determined by the instructor, is able to make up the work that has been missed and is maintaining satisfactory progress in the course.

Student Health Services does not issue official written excuses for illness or injury, but will, upon request at the time of the visit, provide a note confirming that the student has received medical care. In the event that the student is seriously ill or injured at the time of final examinations the Student Health Service or the Center for Counseling and Student Development, on request of the student, may recommend a medical incomplete. Instructors should normally honor written medical excuses from a licensed medical or psychological practitioner that states the student was too ill or injured to attend class and provides the specific date(s) for which the student was unable to attend class due to the medical or psychological problem.

The Dean of Students may authorize university-excused absences in the following situations:
1. Student participation in authorized activities as an official representative of the university (i.e. athletic events, delegate to regional or national meetings or conferences, participation in university-sponsored performances).
2. Participation in other activities deemed by the Dean of Students to warrant an excused absence, such as required military training.
3. An extreme personal emergency or serious medical condition.
4. The death of an immediate family member (such as parent, sibling, spouse or child)
5. Student participation in religious holidays.

It is the student’s responsibility to obtain verification of a university-excused absence by contacting the Dean of Students. Faculty requests for university-excused absences should be submitted
according to the timeline established by the Dean of Students. Requests submitted after the fact will be disapproved unless circumstances made prior approval impossible.

Instructors are expected to honor valid university-excused absences, and to provide reasonable and equitable means for students to make up work missed as a result of those absences. Students who anticipate missing 10% or more of class meeting time as a result of university-excused absences are required to receive approval from the instructor at the beginning of the semester. Student experiences that cannot be made up should be discussed at the onset of the course to ensure that continued enrollment is feasible while there is still the opportunity to drop the course within the schedule change period.

No instructor should urge a student to take part in an extracurricular activity at the expense of the student’s class work or expect the student to appear at any practice or rehearsal if he or she has a scheduled class at that time. No class absences will be excused for practices or rehearsals. Only absences for performances and necessary travel to and from performances are excused.

A student who believes that he or she has been treated unfairly concerning absences or has been misinformed by the instructor regarding that instructor's absence policy shall have the right to appeal. The appeal shall be in writing to the instructor’s department chairperson or school director, and in the event the resolution is not satisfactory, the final decision rests with the academic dean. (FS Resolution #12-62, April 2012; FS Resolution #17-79, December 2017)

XI. Class Roll Verification
Twice each semester—once near the beginning of the term (prior to census day) and once near the mid-point of the term—the registrar contacts each instructor in order to verify student enrollment in that instructor’s classes. At the beginning of the term, the purpose of the verification is to ensure the accuracy of the lists of properly registered students. At the mid-point of the term, the purpose of the verification is to identify any students who are no longer attending class. In the event that a faculty member teaches a course in which attendance is not regularly taken, he or she should note any students who have ceased participating and submitting work. Specific instructions for responding to the registrar will accompany the requests for class enrollment verification and should be followed carefully. Due to the significant impact students’ enrollment status can have on their financial aid eligibility, the amount of financial aid the university is allowed to disburse, and the amount of financial aid the university is required to return, timely faculty response to class enrollment verification requests is essential. (FS Resolution #10-10, February 2010)

XII. Use of Copyrighted Works (revised 5-15)

A. Appropriate Use of Copyrighted Works
The Copyright Act of 1976, as amended (Title 17, U.S. Code), generally protects certain rights and privileges of the copyright owner to exclude others from the right to reproduce and publicly distribute, display or perform a work, as well as revise or prepare a derivative work based upon a copyrighted work, without obtaining permission from the copyright owner. As an institution devoted to the creation, discovery and dissemination of knowledge, the University supports the responsible, good faith exercise of full fair use rights contained in the Copyright Act.

B. Fair Use
The “fair use doctrine” of the Copyright Act allows certain statutory exemptions applicable to academia, recognizing the fundamental non-profit mission of universities to advance and
disseminate knowledge for public benefit. Section 107 of the Copyright Act specifies that these exemptions exist “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” and requires that a person evaluate four statutory factors to determine whether a proposed use is fair. If the desired use cannot be determined as “fair”, faculty members must request permission from the copyright holder or select an alternative work.

1. Elements of Fair Use

Individuals from the University community who wish to make fair use of a copyright work must consider in advance the four statutory factors:

a. Purpose and Character of the Use
   The purpose and character of the use, including whether such use is for commercial or non-profit educational purposes.

b. Nature of the Work
   The characteristics of the work being used, including whether it has been previously published and whether it is factual or fictional.

c. Amount of Work to be Used
   The amount, substantiality and qualitative nature of the portion used in relation to the entire copyrighted work.

d. Effect on the Market
   The effect of the use on the potential market for or value of the work.

2. Support for Making Fair Use Determinations

The University’s Copyright Committee, together with the Copyright Officer, shall identify educational needs of University faculty, EPA non-faculty employees, SPA staff employees, and students in complying with copyright law, including application of fair use. The Chancellor shall also maintain copyright and fair use resources at the ECU libraries. The Copyright Officer shall develop tools, resources, and training and education materials for use by the campus community and shall coordinate workshops, conferences, seminars, and other similar activities on copyright. Faculty are encouraged to review materials on the ECU Copyright website, attend events scheduled through the Office for Faculty Excellence, and contact the ECU Copyright Officer with any questions they may have. (FS Resolution #12-38, March 2012 and FS Resolution #15-69, May 2015)

XIII. Policy to Remove Foundation Curriculum Credit

Units wishing to remove Foundation Curriculum credit from a course must send a memo to the Foundations Curriculum and Instructional Effectiveness Committee by email attachment stating the requested action and a list of the courses for which Foundation Curriculum credit should be removed. The list should include the name of the person requesting the action, and the prefix, number, and name of the course. If the course is cross-listed with another unit or is otherwise a cognate in another unit, a letter of approval from the cognate department must be submitted with the request to remove Foundation Curriculum credit. The Foundations Curriculum and Instructional Effectiveness Committee will consider the request and, if approved, will take the request to the Faculty Senate for final approval.

Additional information available at: Revised Goals of the Liberal Arts Foundations Curriculum, Foundations Assessment Guidelines, Request For Foundations Credit. (FS Resolution #11-15, February 2011)
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES AND ACADEMIC PROGRAM DEVELOPMENT

SECTION II

Academic Integrity
(Text moved from former Part IV)

CONTENTS
I. Principle of Academic Integrity
II. Purpose and Scope
   A. Definitions of Academic Integrity Violations
   B. University-Wide Responsibility to Report Academic Integrity Violations
   C. Procedures for Responding to a Suspected Academic Integrity Violation
   D. Appeals of Decisions Reached by the faculty Member
   E. University Committee on Academic Integrity (UCAI)
   F. Academic Integrity Board (AIB)
   G. Academic Integrity Appeal Board (AIAB)
   H. Bias
   I. Procedures for the AIB and the AIAB
   J. Appeals of Decisions Reached by the Academic Integrity Board and Academic Integrity
      Appeal Board
   K. Annual Reports

I. Principle of Academic Integrity
Academic integrity is a cornerstone value of the intellectual community at East Carolina University. Academic integrity ensures that students derive optimal benefit from their educational experience and their pursuit of knowledge. Violating the principle of academic integrity damages the reputation of the university and undermines its educational mission. Without the assurance of integrity in academic work, including research, degrees from the university lose value, and the world beyond campus (graduate schools, employers, colleagues, neighbors, etc.) learns that it cannot trust credits or a diploma earned at ECU. For these reasons, academic integrity is required of every ECU student.

Maintaining the academic integrity of ECU is the responsibility of all members of the academic
community. Faculty should ensure that submitted work accurately reflects the abilities of the individual student. Toward this end, faculty should—through both example and explicit instruction—instill in students a desire to maintain the university’s standards of academic integrity and provide students with strategies that they can use to avoid intentional or accidental violation of the academic integrity policy.

II. Purpose and Scope
This document sets forth procedures to be followed for suspected academic integrity violations at ECU. It also details possible penalties for violations. Additional penalties for academic integrity violations may be established by academic departments, programs, colleges, and schools. Any such additional penalties must be established democratically by the faculty in a means compatible with school or college policies and/or unit codes.

In addition to the penalties outlined below, individual units may have additional ethical and behavioral expectations of their students, particularly at the graduate level, including expectations for the conduct of research, and may take corrective action according to their regulations or rules.

ECU’s policy on research misconduct, as elaborated by the Division of Research and Graduate Studies (http://www.ecu.edu/cs-acad/rgs/Research-Policies.cfm), is necessary to ensure university compliance with this UNC system policy as well as with state and federal laws. All faculty, staff and students should be familiar with it. The procedures for reporting, investigating and determining penalties in cases of academic integrity violations shall not supersede procedures for reporting, investigating and determining penalties for research misconduct.

A. Definitions of academic integrity violations
An academic integrity violation is defined as any activity that exhibits dishonesty in the educational process or that compromises the academic honor of the university. Examples of academic integrity violations include, but are not limited to, the following:

Cheating - Unauthorized aid or assistance or the giving or receiving of unfair advantage on any form of academic work.

Some examples of cheating (note that this is not an exhaustive list): Copying from another student's paper or receiving unauthorized assistance during a quiz or examination; using books, notes or other devices when these are not authorized; improperly obtaining tests or examinations; collaborating on academic work without authorization and/or without truthful disclosure of the extent of that collaboration; allowing or directing a substitute to take an examination.

Plagiarism - Copying the language, structure, ideas, and/or thoughts of another and adopting the same as one’s own original work.

Some examples of plagiarism (note that this is not an exhaustive list): Submitting a paper that has been purchased or downloaded from an essay-writing service; directly quoting, word for word, from any source, including online sources, without indicating that the material comes directly from that source; omitting a citation to a source when paraphrasing or summarizing another's work; submitting a paper written by another person as one's own work.

Falsification/Fabrication - The statement of any untruth, either spoken or written, regarding any circumstances related to academic work. This includes any untrue statements made with regard
to a suspected academic integrity violation.

Some examples of falsification/fabrication (note that this is not an exhaustive list): making up data, research results, experimental procedures, internship or practicum experiences, or otherwise claiming academic-related experience that one has not actually had; inventing or submitting deceptive citations for the sources of one’s information; submitting a false excuse for absence from class or other academic obligation.

Multiple submission - The submission of substantial portions of the same academic work for credit more than once without authorization from the faculty member who receives the later submission.

Some examples of multiple submission (note that this is not an exhaustive list): Submitting the same essay for credit in two courses without first receiving written permission; making minor revisions to an assignment that has already received credit in a course and submitting it in another class as if it were new work.

Violation assistance - Knowingly helping or attempting to help someone else in an act that constitutes an academic integrity violation.

Some examples of violation assistance (note that this is not an exhaustive list): Knowingly allowing another to copy answers during an examination or quiz; distributing test questions or examination materials without permission from the faculty member teaching the course; writing an essay, or substantial portions thereof, for another student to submit as his or her own work; taking an examination or test for another student.

Violation attempts - Attempting any act that, if completed, would constitute an academic integrity violation as defined herein. In other words, it does not matter if a student succeeds in carrying out any of the above violations—the fact that a violation was attempted is itself a violation of academic integrity.

The University of North Carolina Policy on Research Conduct defines research misconduct as “fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results.” More specifically,

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The research record is the record of data or results that embody the facts resulting from the research inquiry and includes, but is not limited to research proposals, laboratory records, progress reports, abstracts, theses, oral presentations, internal reports, books, dissertations, and journal articles.
- Plagiarism is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

B. University-wide responsibility to report academic integrity violations
Because academic integrity violations are unfair to honest students and because they damage the reputation of the entire university, ignoring academically dishonest behavior is almost as problematic as actively participating in a violation.
1. Faculty Member Responsibility
If a faculty member suspects that a student has violated the academic integrity policy in a manner severe enough to merit a grade reduction or other substantial academic penalty, he or she should, as a matter of academic duty, follow the procedures outlined below, making sure that the OSRR is aware of students who might be endangering the integrity of the university. Faculty are strongly encouraged to include a statement regarding this policy in their syllabi because it puts students on notice of the faculty member’s policy and it alerts students to the importance of academic integrity to the ECU community. Sample policy language is available from the OSRR.

In some instances, a faculty member may deem it best to approach a potential matter involving academic dishonesty as a learning opportunity. In such cases, a faculty member may require that a student complete additional work in order to better understand the severe nature of academic dishonesty and to learn ways of avoiding future infractions. If at any point, however, the faculty member determines that a grade reduction or other substantial academic penalty is merited in the case, either as a result of the initial infraction or as a result of a student not sufficiently completing the additional work agreed to, she or he must follow the process outlined below, including reporting the situation to the Office of Student Rights and Responsibilities (OSRR) for its review and handling.

2. Student Responsibility
Students are also expected to promote academic integrity in the ECU community, both by upholding it in their own work and by taking the responsibility to report any suspected violations. A student knowing of circumstances in which an academic integrity violation may have occurred or is likely to occur should bring this knowledge to the attention of a faculty member or the OSRR.

3. University Community Member Responsibility
All other university community members are also expected to promote academic integrity in the ECU community, both by upholding it in their own work and by taking the responsibility to report any suspected violations. A university community member knowing of circumstances in which an academic integrity violation may have occurred or is likely to occur should bring this knowledge to the attention of a faculty member or the OSRR.

4. OSRR Responsibility
When a suspected violation is reported to the OSRR, the office will, if applicable, first discuss the suspected violation with the faculty member(s) in charge of the course(s) involved. The OSRR, in consultation with the faculty member(s), will follow the procedures outlined in this policy.

C. Procedures for responding to a suspected academic integrity violation
These procedures apply to all students. If face-to-face meetings are not possible, alternative arrangements will be made as appropriate. Procedural guidelines for working with distance education students on issues of academic integrity are available from the OSRR.

For undergraduate students, if a suspected academic integrity violation occurs outside of a specific course, the case will be referred directly to the University Committee on Academic Integrity for an Academic Integrity Board hearing (see “University Committee on Academic Integrity” below).

For graduate students, if a suspected academic integrity violation occurs outside of a specific course, the case will be referred to the student’s Faculty Advisor who will serve in the role of the faculty member in the steps that follow. In the event that no Faculty Advisor can be identified, the
Graduate Program Director will serve in the role of the faculty member in the process outlined below.

In the case of a suspected violation reported directly to OSRR for which an instructor of record can be identified, that office will first consult with the faculty member(s) in charge of the course(s) affected. The faculty member will determine if he or she wishes to pursue an academic penalty for the student in her or his course. Following this consultation, if the suspected violation involves multiple students, the OSRR may decide to pursue additional academic penalties outside of that course by taking the case to the University Committee on Academic Integrity for an Academic Integrity Board (AIB) hearing (see below).

In the procedures outlined below, “faculty member” refers to the faculty member in charge of the course, or, in cases in which the suspected academic integrity violation occurs outside of a specific course at the graduate level, to the student’s Faculty Advisor or Graduate Program Director.

Except where calendar day is specified, the word “day” in these procedures means any day except Saturday, Sunday, or an institutional holiday; in computing any period of time, the day on which notice is received is not counted, but the last day of the period being computed is counted.

Under documented, exceptional circumstances (e.g., the instructor of the course or the student involved will be traveling or otherwise unavailable for an extended period of time at some point during the steps described below), reasonable adjustments may be made as needed to the stipulated deadlines.

1. Faculty member notifies student in writing of suspected violation and requests a meeting. When a faculty member believes an academic integrity violation has occurred in his or her class, the faculty member must request—in writing and sent by some method with evidence of dispatch (e.g., email from the faculty member’s official ECU email account to the student’s official ECU email account; hand-delivered letter accompanied by a brief form that the student signs to indicate the note was delivered; receipt-request postal mail)—that the student meet with him or her to discuss the suspected violation. This written notice must be sent to the student(s) involved within 7 calendar days of the time the suspected violation comes to the attention of the faculty member.

In the event that the violation is discovered or the notification sent during a time when classes are not being held, the 7 calendar days will be counted starting with the next day classes are held.

*Note that a student may not withdraw from a course while a suspected academic integrity violation is being investigated.

In the event that a faculty member discovers a suspected violation at a time immediately after which he or she will no longer be under contract with the university, the instructor should refer the case, including all evidence related to the suspected violation, to the University Committee on Academic Integrity for an Academic Integrity Board hearing. The AIB will review the evidence submitted through its normal hearing procedures and impose an appropriate academic penalty if a violation is found.

In all cases, a faculty member should not penalize the student’s grade or impose any other substantial academic penalty unless and until it is determined, following the procedures below, that a violation has occurred.
2. Student responds to notification.
   a. Upon delivery of the written notification from the faculty member, the student has 7 calendar days to contact the faculty member and schedule a meeting day and time. If the student fails to respond to faculty notification within 7 calendar days, the student will forfeit the opportunity to present his or her understanding of the situation to the faculty member.

   b. In the event of the student’s lack of response, the faculty member may find the student responsible for the violation and may impose sanctions as outlined below. In this case, the faculty member will complete an Academic Integrity Violation Form (AIV form) and submit it to the OSRR within 18 calendar days of the date on which the notice of a suspected violation was sent to the student. The OSRR will notify the student, in writing, of the faculty member’s decision and penalty within 7 calendar days of receiving the AIV form.

   In the event that the student involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding academic integrity violations, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

   The AIV form will be kept for 8 years in the OSRR, unless the student has been suspended or expelled, in which case the disciplinary record is kept permanently.

3. Initial meeting occurs.
   a. Scheduling - The initial meeting between the faculty member and the student suspected of an academic integrity violation should be held within 18 calendar days of the time that the suspected violation has come to the attention of the faculty member.

   b. Nonparticipating observer(s) - The student and the faculty member may each have a nonparticipating observer at the initial meeting. The faculty member’s nonparticipating observer should be another faculty member from the department. The chair of the department should be notified of the meeting. The student may select a faculty member or student who is not involved in the suspected violation. The observer(s) is/are to watch the procedures impartially and take careful notes for reference in the event of an appeal of the decision made by the faculty member (see Appeals of Decisions, below).

   c. Meeting procedures - At the meeting, the faculty member will explain the reasons for his or her suspicion of an academic integrity violation. The student will be given the opportunity to respond and to explain any circumstances that he or she believes the faculty member needs to consider with regard to the situation.

4. Faculty member determines outcomes of the initial meeting.
   One of the following outcomes of the initial meeting will be communicated to the student within 10 calendar days of the meeting:
   a. No violation found—no penalty.
      If the faculty member believes that no violation occurred, he or she will impose no penalty. He or she will notify the student in writing of this decision, and no AIV form will be submitted to the OSRR.

   b. Violation found—academic penalty assigned by faculty member.
If the faculty member believes there has been a violation, he or she will assign an appropriate academic penalty, including, for instance, reducing the grade on the assignment or reducing the course grade. The faculty member’s penalty can be as severe as failure for the course and a grade of “XF” recorded on the student’s transcript to indicate that failure in the course was the result of an academic integrity violation. The “X” designation must remain on the student’s transcript for at least one year and will be removed from the official transcript after one year only if the student has completed the academic integrity training module and obtained the approval of the Director of the OSRR. The approval of the Director of the OSRR must be obtained through the submission of a formal written request for removal of the “X” designation. Courses in which a student receives a grade of “XF” are not eligible for grade replacement even if the “X” is removed from the official transcript with the approval of the Director of the OSRR. In all cases, courses for which a student receives an “XF” will be factored into the student’s GPA, even if the “X” is removed from the official transcript and the course is retaken.

The faculty member will impose an academic penalty by completing an Academic Integrity Violation Form (AIV form, available from the OSRR). The completed AIV form will be submitted by the faculty member to the OSRR within 10 calendar days after the initial meeting. The OSRR will notify the student, in writing, of the faculty member’s decision and penalty within 7 calendar days of receiving the AIV form.

In the event that the student involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding academic integrity violations, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

The AIV form will be kept for 8 years in the OSRR, unless the student has been suspended or expelled, in which case the disciplinary record is kept permanently.

c. Violation found—severe enough for referral to University Committee on Academic Integrity (UCAI, see below) for an Academic Integrity Board (AIB) hearing.

If the faculty member believes that a failing grade in the course alone is inadequate disciplinary action given the severity of the violation, he or she may recommend to the OSRR that the case be forwarded to the UCAI to pursue further action (see below). The OSRR will inform the student of the referral to the UCAI within 7 calendar days of receiving the faculty member’s recommendation. Note that the role of the AIB hearing in this case is not to review the faculty member’s assignment of an academic penalty but to determine if additional sanctions should be assigned.

Students with repeated violations - If, upon receiving an AIV form from a faculty member, the OSRR discovers that the student has prior academic integrity violations in his or her file, the case will be referred to the UCAI for an AIB hearing to consider more severe academic penalties. If a student is suspended or expelled as a result of an academic integrity violation, a record of the penalty will be kept permanently in the student’s file.

Violations involving multiple students - The OSRR will receive all reports of violations involving multiple students (for example, paper mills or cheating rings). Faculty members, students, and community members should, in all cases, report suspected violations involving multiple students to the OSRR. In the event that the OSRR receives credible reports of multi-student violations, that office reserves the right to refer the case to the University Committee on
Academic Integrity for an AIB hearing.

D. Appeals of Decisions Reached by the Faculty Member

1. Conditions for Appeal
   If a faculty member imposes a grade penalty or other substantial academic penalty for a first violation of the academic integrity policy, the student may only appeal the decision to the Academic Integrity Appeal Board (AIAB, see below) if one of the following applies:
   - The student believes that the faculty member has not sufficiently supported his or her decision based on the materials discussed during the initial meeting.
   - The student believes that the penalty is not appropriate for the violation and/or is in conflict with course policies as stated in the syllabus. Note that if specific penalties are indicated in the course syllabus, it is expected that students who have violated the academic integrity policy will be held to those penalties.

   A student may appeal a faculty member’s imposition of a penalty even if the faculty member has not properly followed the steps outlined above. In such a case, the faculty member should, upon receiving notice that a student has appealed an academic penalty imposed as a result of an academic integrity violation, fill out the AIV form indicating the violation and the academic penalty imposed, submit the form to the OSRR, and participate in the appeal process as outlined below.

2. Process for Appeals
   Students wishing to appeal a faculty member's imposition of a penalty for an academic integrity violation must complete the “Academic Integrity Violation Appeal Form,” available from the OSRR. Upon receipt of the completed appeal form, a three-member panel, consisting of one administrator from the OSRR, and one trained student and one trained faculty member from the University Committee on Academic Integrity (UCAI, see below), will review the appeal request to determine if it is appropriate to forward to the Academic Integrity Appeal Board (AIAB, see below). The student and faculty member participating in this panel will not be eligible to participate in any subsequent hearing of the AIAB. If the three-member panel determines that there is no clear basis for appeal in the student’s request, it will report this finding to the student, who may, if desired, revise his or her appeal request and submit it for reconsideration. Request for appeal through the “Academic Integrity Violation Appeal Form” may only be revised and resubmitted once for each academic integrity case. If a student’s request for an appeal is found to be without sufficient basis for a second time, the faculty member’s initial academic penalty shall stand and no other avenues of appeal may be pursued.

3. Time limit on Appeals
   A student wishing to appeal an academic integrity penalty must submit the “Academic Integrity Violation Appeal Form” to the OSRR within 7 calendar days after receiving notification of the decision made by the faculty member. Failure to do so will result in the faculty member’s initial academic penalty being the final, and no further appeal will be possible.

E. University Committee on Academic Integrity (UCAI)

Composition/Membership
   1. Faculty members - Sixteen faculty members, at least six of whom should have graduate faculty status, elected for three-year staggered terms by the Faculty Senate.
2. Student members – Sixteen students, at least six of whom should be graduate students, elected by and from among the members of the Student Conduct Board. These students shall serve for a year and may be reelected for one additional year.

The Director of the OSRR, or designee, shall serve as administrative officer of the committee, but shall not participate in hearings.

F. Academic Integrity Board (AIB)
When a case is referred directly to the UCAI (for example, in the case of repeat violations, multi-student violations, or suspected violations at the undergraduate level that occur outside of a specific course), a panel of five UCAI members—three faculty members and two students—will be selected to serve as the AIB for the case. If the case involves possible violations by a graduate student, every attempt should be made to ensure that all three faculty members on the board have graduate faculty status, but in all cases at least two of the three faculty members must have graduate faculty status. In cases involving possible violations by graduate students, the student members of the board must be graduate students. The AIB is charged with determining whether a student has violated this policy and, if appropriate, assigning sanctions. The AIB will select a chair from among its faculty membership. All members of the AIB may vote on the selection of a chair.

G. Academic Integrity Appeal Board (AIAB)
In the case of appeals of decisions made by a faculty member or by the AIB, a panel of five UCAI members—three faculty members and two students—will be selected to serve as the AIAB. In the case of appeals to decisions reached by the AIB, the UCAI members hearing the appeal should not have ruled on the initial case. If the appeal involves possible violations by a graduate student, every attempt should be made to ensure that all three faculty members on the appeal board have graduate faculty status, but in all cases at least two of the three faculty members must have graduate faculty status. In cases involving possible violations by graduate students, the student members of the appeal board must be graduate students. The AIAB will select a chair from among its faculty membership. All members of the AIAB may vote on the selection of a chair.

H. Bias
Individuals coming before either the AIB or the AIAB may challenge the participation of any panel member due to his/her previous knowledge, experience, belief, or emotion that would influence decision making either positively or negatively. The challenging party will be asked to provide specific reasons for the challenge. The Chair of the UCAI along with the Director of the OSRR, or designee, will determine whether the identified panel member should be removed. If the removal of a panel member results in less than five panel members being able to serve, parties will be given the option to continue with the existing panel or to reschedule the hearing for review by a full panel.

I. Procedures for the AIB and the AIAB
The Director of the OSRR, or designee, will notify the parties involved of a meeting of the AIB or the AIAB (whichever board is appropriate) within 10 calendar days of receiving an appeal that has been forwarded by the three-member appeal review panel or notice of a case that requires an AIB hearing. The faculty member (if appropriate), the student, witnesses, Student Advisors, and the Student Case Presenter (see below) shall be provided not less than 10 calendar days’ notification of the date, time, and place of the meeting. Appropriate waivers of the Family Educational Rights and Privacy Act (FERPA) must be obtained prior to any hearing. If a grade for the student in the course must be submitted, the faculty member shall record a grade of incomplete, pending a decision by the board.
Those who may be present at a hearing include:

- The student, who has the right to be accompanied by a Student Advisor
- The faculty member, who has the right to be accompanied by a Student Advisor
- A Student Case Presenter, who gives an extensive and detailed summary of the case and presents materials relevant to the case
- The Director of the OSRR (nonparticipating)
- Witnesses for the faculty member or student
- Any other person called by the chair

Attorneys are not permitted to participate unless the student is facing pending criminal charges stemming from the incident in question. In such situations, the attorney may only advise his/her client. The attorney is not permitted to ask questions or present information. The student will assume all responsibility for attorney fees.

Should the student or the faculty member (if appropriate) fail to appear without prior approval of the administrative officer, the AIB or AIAB will proceed with an absentia hearing.

Detailed procedures for AIB and AIAB hearings are available from the Office of Student Rights and Responsibilities.

A majority of the appropriate board will decide the issue. The chair will vote only in the case of a tie.

The Director of the OSRR, or designee, will serve as administrative officer and is responsible for maintaining accurate and complete records of the proceedings.

The Director of the OSRR, or designee, will notify each party in writing, and by some method with evidence of receipt (e.g., hand delivery letter or via receipt-request postal mail), of the decision of the board within 10 calendar days after the conclusion of the hearing.

In the event that the student involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding academic integrity violations, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

Possible Actions by the AIB and AIAB

1. Determination that the evidence is insufficient to sustain the charge or charges. In the case of an appeal of a decision reached by a faculty member, the academic penalty imposed by the faculty member will be removed. When this action is taken, in order to protect both the student and the faculty member, continuation in the class(es) and other related issues must be resolved by the unit administrator in consultation with the student and the faculty member. If the department chair is involved in the case, the dean will resolve any issues. In the event that the faculty member or student wishes to appeal the unit administrator’s decision, final authority rests with the dean. Any special arrangements for continuation in the course (e.g., switching the student into another section of the course for the remainder of the semester, arrangements for outside assessment/grading of student work, etc.) must be agreed to in writing and kept by the dean, unit administrator, and student for 8 years.

2. Determination that the evidence is sufficient to support the charge or charges. The board’s...
actions may include, but are not limited to, one or more of the following:

a. Sustain, following a student appeal, the academic penalty imposed by the faculty member or the AIB.

b. Issue, following a student appeal, a revised academic penalty if the initial penalty is deemed too severe for the violation. This action may only be taken in cases in which specific penalties for specific violations are not clearly stated in the course syllabus. In all cases in which there is sufficient evidence to support the charges and the specific penalties for violations are clearly stated in the course syllabus, those penalties will be upheld.

c. Recommend, in cases where a suspected violation has been directly referred to the AIB, that the faculty member(s) involved assign a failing grade for the course or some portion thereof.

d. Recommend that the Provost, in accordance with policies and procedures of the UNC policy manual, impose disciplinary suspension from the University for a designated period of time.

e. Recommend that the Chancellor, in accordance with policies and procedures of the UNC policy manual, impose expulsion from the University. The academic transcript records the expulsion permanently.

f. Recommend to appropriate offices or units that a degree be revoked should a violation be discovered after graduation.

g. Recommend to appropriate offices or units that the student be removed from employment as a graduate assistant.

h. Recommend to the Dean of the Graduate School that the student be dismissed from his or her graduate program.

i. Recommend to appropriate offices or units that the student be required to attend a period of counseling with a member of the university staff or a counseling professional of the student’s choice and at the student’s expense. It will be the responsibility of the student to provide evidence to the OSRR of having fulfilled this requirement.

j. Recommend to appropriate offices or units that the student be prohibited from officially representing the university in any capacity (as a member of an athletic team, as a member of a campus organization or group, etc.)

k. Assign, and ensure the completion of, an educational task.

J. Appeals of decisions reached by the Academic Integrity Board and Academic Integrity Appeal Board

The student may appeal an original decision of AIB to the AIAB following the “Process for Appeals” explained above.

With the exception of cases in which a student is being expelled from the university, the decisions of the AIAB are final, and no other avenues of appeal may be pursued. If the student is being expelled from the university, s/he has a right to appeal the decision to the Chancellor, the East Carolina University Board of Trustees, and finally to the University of North Carolina Board of Governors.

K. Annual Reports

At the end of each academic year, the University Committee on Academic Integrity shall prepare a report that summarizes its work. This annual report shall be submitted early in the fall semester to the Faculty Senate, the Student Government Association Legislature, and the Academic Council.
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES AND ACADEMIC PROGRAM DEVELOPMENT

SECTION III

Distance Education Policies
(Text moved from former Part V)

CONTENTS

I. Distance Education Courses and Programs
II. Oversight of Distance Education
III. Courses Delivered by Distance Education
IV. Faculty Preparation
V. Quality Standards
VI. Evaluation of Distance Education Revised 5-16

Distance education is a formal educational process in which the majority (i.e. more than 50%) of instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not co-located. Instruction may be synchronous or asynchronous. The course may use Internet, closed circuit, cable, fiber optics, DVDs, CD-ROM or other electronic means to communicate. (The Southern Association of Colleges and Schools definition of “distance education”)

I. Distance Education Courses and Programs
Programs offered via distance education shall be consistent with the mission of East Carolina University and the academic unit offering the courses or programs. There shall be no distinctions in academic rigor or content between programs offered through distance education and those offered on campus. Development of new online programs and courses will follow the same development and approval procedures as for face-to-face programs and courses (Part V, Section III). Selection of courses and programs to be offered via distance education is the purview of the offering academic unit. The academic units shall provide oversight of programs and courses delivered via distance education to ensure that each is coherent and complete and has learning outcomes appropriate to the level and rigor of the course or program.

II. Oversight of Distance Education
The Office of the Provost shall ensure that academic units adhere to the distance education policies described in this section. The faculty assumes primary responsibility for ensuring the rigor of programs and the quality of instruction offered through distance education.

III. Courses Delivered by Distance Education
The faculty member teaching a distance education course shall have the same control of content and instruction as in face-to-face courses, consistent with university policies on instruction and academic freedom. Proposals for distance education courses shall be evaluated at the department or school, college and university level. The faculty member, unit curriculum committees, and the unit administrator play a significant role in guiding the development and implementation of distance education courses. Only those proposals demonstrating suitable content and sufficient quality and rigor shall be approved.

Faculty members develop syllabi for distance education courses consistent with the ECU Standards for Online Learning. These standards address learning objectives and other things necessary for student success in distance education courses. The structure of distance education courses and programs reflects consideration of the challenges of time management and the risk of attrition for students in these courses. Course design takes into consideration the need for and importance of interaction between faculty and students and among students.

IV. Faculty Preparation
All courses offered via distance education shall be taught by a qualified, credentialed faculty member approved and assigned by the unit administrator. Faculty who teach distance education courses and programs shall have the same academic qualifications as faculty who teach face-to-face courses. Each faculty member who teaches one or more distance education courses must complete a university training program. Academic units that wish to develop their own training program must use the university training program until their own training program is approved by the appropriate vice chancellor.

Unit administrators are responsible for ensuring that each faculty member teaching distance education courses has the appropriate distance education training. All faculty teaching distance education courses will engage in at least one training activity each academic year that addresses advances in the methodologies and technologies used in distance education. Training is documented in the faculty annual report of each faculty member teaching one or more distance education course. The unit administrator will provide a complete list of faculty members teaching distance education courses and documentation that each faculty member has met the training requirements annually to the Provost’s office.

Faculty members teaching a distance education course have access to consultation, implementation, and evaluation support from appropriate supporting units (i.e. Office of Faculty Excellence, IPAR, college Instructional Support Consultants, library services, etc). The University shall provide appropriate equipment, software, and communications access to faculty necessary to provide effective distance education. The University will ensure the availability of continuing faculty education and training to enhance proficiencies in the methodology and the technologies used in distance education.

V. Quality Standards
Distance education courses shall comply with the ECU Standards for Online Learning.
VI. Evaluation of Distance Education

Faculty members teaching through distance education will be peer reviewed every three years to assure the rigor of programs and the quality of instruction. Instruction in distance education courses shall be evaluated according to the instruction evaluation procedures in effect for face-to-face courses with appropriate additions consistent with the delivery method, including use of the University Peer Review Instrument for Online Learning or an approved Peer Review Instrument developed by the academic unit. Units that wish to develop their own Peer Review Instrument must use the university instrument until their own instrument is approved by the appropriate vice chancellor. Peer reviewers will be selected based on criteria determined by the faculty of the college, school or department.

Student opinion of instruction will be evaluated through an online evaluation specific for distance education courses approved by the Faculty Senate and the chancellor and administered through the Office of Institutional Planning, Assessment and Research.

Each distance education academic degree program shall be assessed in the same manner and the same frequency as the unit's assessment of academic programs offered on campus. The unit administrator shall review assessment results with assigned faculty and the departmental faculty to facilitate the continual enhancement of the unit's distance education program. (FS Resolution #16-31, May 2016)
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES AND ACADEMIC PROGRAM DEVELOPMENT

SECTION IV

Student Privacy, Conduct, and Complaints
(Text moved from former Part V)

CONTENTS

I. Student Educational Records
   A. Access to Student Educational Records
   B. Privacy of Student Educational Records

II. Student Conduct
   A. Disruptive Academic Behavior
   B. The Student Code of Conduct

III. Student Complaints (New Section 5-16)

I. Student Educational Records
   A. Access to Student Educational Records
      The university administers student educational records in accordance with the provisions of the
      Family Educational Rights and Privacy Act, also known as the Buckley Amendment or
      FERPA. This regulation provides that the student has a right of access to student educational
      records maintained by the university or any department or unit within the university, subject to
      certain exceptions which are outlined in this regulation maintained. This regulation also protects
      the confidentiality of personally identifiable information in student records. Except to the extent
      allowed by applicable law, personally identifiable information contained in a student educational
      record will not be disclosed. A copy of this regulation is maintained by the University
      Registrar. All members of the campus community should be thoroughly familiar with this
      regulation and comply with its provisions. (FS Resolution #12-12, January 2012)

   B. Privacy of Student Educational Records
      The university administers student educational records in accordance with the provisions of the
      Family Educational Rights and Privacy Act, also known as the Buckley Amendment or
      FERPA. This regulation provides that the student has a right of access to student educational
      records maintained by the university or any department or unit within the university, subject to
      certain exceptions which are outlined in this regulation maintained. This regulation also protects
      the confidentiality of personally identifiable information in student records. Except to the extent
allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions. (FS Resolution #12-13, January 2012)

II. Student Conduct

A. Disruptive Academic Behavior

East Carolina University is committed to providing each student with a rich, distinctive educational experience. Disruptive academic behavior impedes the learning environment and hinders other students’ learning. The course instructor has original purview over his/her class and may deny a student who is unduly disruptive the right to attend the class. Students who repeatedly violate reasonable standards of behavior in the classroom or other academic setting may be removed from the course by the instructor following appropriate notice. Students removed from a course under this policy will receive a “drop” according to university policy and are eligible for tuition refund as specified in the current tuition refund policy.

This policy does not restrict the instructor’s prerogative to ask a disruptive student to leave an individual class session where appropriate or to refer the student to the Office of Student Rights and Responsibilities for violation of the Student Code of Conduct.

Disruptive Academic Behavior

Disruptive academic behavior is any behavior likely to substantially or repeatedly interfere with the normal conduct of instructional activities, including meetings with instructors outside of class. Examples of such behavior include, but are not limited to, making loud or distracting noises; using cell phones and other electronic devices without prior approval; repeatedly speaking without being recognized; frequently arriving late or leaving early from class; and making threats or personal insults. A verbal expression of a disagreement with the instructor or other students on an academic subject matter discussed within the course, during times when the instructor permits discussion, is not in itself disruptive academic behavior.

Procedure for Instructors

A student who does not follow reasonable standards of academic decorum should first receive a private verbal warning from the faculty member. The instructor should describe the behavior of concern to the student, explain that it is inappropriate, and ask the student to stop the behavior. If the behavior continues, the instructor should give the student a written warning indicating that the student will be removed from the course if the behavior does not cease. If the behavior persists, the instructor should discuss the situation with his/her department chair. If it is decided to remove the student from the course then the instructor should schedule a meeting with his/her department chair and the student to inform the student that s/he is being removed from the course. This decision must be communicated in writing to the student with a copy promptly forwarded to the Office of Student Rights and Responsibilities. The department chair must promptly communicate the decision in writing to the Office of the Registrar so that the student’s schedule will be adjusted accordingly. Instructors should keep written documentation of all actions taken during this process.

If the behavior is threatening in nature or is likely to result in immediate harm, the faculty member should contact the East Carolina University Police Department for immediate assistance.
Student Appeals
The student may appeal the decision of the instructor and the department chair to remove him/her from the course to the academic dean of the college in which the course is located. The appeal must be received by the dean, in writing, within three working days of the date of the receipt of the decision by the student. The dean or dean’s designee will review the appeal and the documentation, will discuss the appeal with the faculty member and, after discussion with the student and instructor, can affirm, reverse or modify the decision made by the instructor and department chair. The student, instructor and department chair will be notified of the appeal decision no later than three working days after receiving the appeal. The dean will provide written notification of the appeal decision to the Office of Student Rights and Responsibilities, and also, if the original decision is overturned, to the Registrar’s Office. If the decision is made that the student is to return to the course then the student will be allowed to immediately return to the classroom without academic penalty and the chair will work with the student and instructor to facilitate the completion of any missed work. The dean’s decision is final.

Footnote*
ECU provides reasonable accommodations to students with disabilities. When communicating a warning to a student, faculty should ensure the discussion is private and refer any student who discloses a disability to Disability Support Services.

(FS Resolution #11-52, April 2011)

B. The Student Code of Conduct
The Student Code of Conduct and the procedures for its administration and enforcement exist to promote standards of behavior that create a positive environment in which students can learn and live. Instructors should be familiar with the Student Code of Conduct and refer students whose behavior violates community standards and/or disrupts any normal curricular or extracurricular functions of the university to the Office of Student Rights and Responsibilities or the Dean of Students. The Student Code of Conduct applies to on- and off-campus behavior of both individual students and student groups/organizations, and to both undergraduate and graduate students. The Student Conduct Process, which applies to all ECU students is available at: http://www.ecu.edu/PRR/11/30/01. When appropriate, instructors should follow the steps for addressing Disruptive Academic Behavior in the classroom or other academic settings as outlined in Part VI, Section IV of the ECU Faculty Manual. If student behavior appears threatening or likely to result in immediate physical harm, the faculty member should contact the ECU Police Department.

The Academic Integrity Policy governs student conduct directly related to academic activities involving ECU students. All alleged violations of the policy must be resolved in accordance with the procedures outlined in the Academic Integrity Policy as found in Part VI, Section II of the ECU Faculty Manual. The Academic Integrity Policy is available to students at: http://www.ecu.edu/cs-studentlife/policyhub/academic_integrity.cfm
(FS Resolution #10-92, December 2010)

III. Student Complaints
East Carolina University (ECU) is committed to maximizing student success and providing the highest quality educational experience. In general, the investments that faculty and students make in assuring this excellence are part of ECU’s academic culture and are carried out in a very positive...
learning environment. Occasionally and for varied reasons, the experience can be negative. While this is a relatively rare event, ECU will provide a respectful and responsive avenue for students to lodge complaints concerning the performance of an instructor. In addition, ECU must consider due process in notifying instructors of such complaints and in permitting appropriate responses.

Complaints from students whose identity is known by a chair, dean or other administrative officer of the University will be properly investigated. Confidential student educational records, including student complaints containing personally identifiable information, shall remain confidential to the extent required by applicable law, including the Family Educational Rights and Privacy Act (FERPA). This may require disclosure of some or all of an otherwise confidential student education record when rights protected by Due Process are at stake, as in situations where the results of a disciplinary proceeding could adversely impact an instructor’s property interests, such as potential loss of tenure or termination of an instructor on a fixed term contract prior to expiration of the term. Complaints containing personally identifiable information from students whose identities are known by a chair, dean or other administrative officer of the University shall not be considered part of a “secret file,” or “obtained from an anonymous source.” Evaluations of an instructor’s performance may include supervisor opinions based on observations and investigations prompted by such student complaints, so long as the content of the complaint is disclosed to the subject instructor.

These provisions apply when a chair/unit (or other) administrator receives a verbal or written complaint from a student whose identity is known to the chair/unit (or other) administrator. The complaint may come directly from a student, a group of students, or from the Office of the Dean of Students, which maintains a student grievances and inquiries policy. If the complaint is against a Chair/unit Administrator, then the next higher-level administrator assumes the role of Chair/unit administrator in this process. Each step should be executed in a timely fashion (generally no more than five working days).

If the complaining student is willing to be identified to the instructor, a FERPA/Buckley waiver should be administered. A copy of any signed FERPA/Buckley waiver should be forwarded to the Registrar for inclusion in the student’s permanent file.

If the student is unwilling to be identified to the instructor, but is known to the unit administrator, protection of personally identifiable information about the student will be maintained to the extent required by law.

Upon receipt of a complaint the Chair/unit administrator will investigate the complaint and engage in fact finding. The Chair/unit administrator will first meet with the complaining party and then with the instructor in question, but personally identifiable information regarding the student will not be revealed to the instructor at this stage unless the student has signed a FERPA/Buckley waiver.

If warranted, the Chair/ unit administrator will initiate other actions to investigate the complaint,
e.g., visiting class, inspecting the syllabus, and examining grading records. The investigation may continue even if the student withdraws the complaint.

If the complaint is substantiated, then a form/letter documenting, to the extent allowed by law, the investigation and its resolution will be included in instructor’s personnel file. Typically, a copy of the student complaint or an administrator’s record of a verbal complaint, redacted to remove all personally identifiable information about the student, will be one of the items placed in the file. The instructor will receive timely notification of the addition to his or her personnel file and will be advised of his or her right to include a response in the personnel file, and of potential avenues for appeal as outlined in Part XII, Section I of the Faculty Manual. Disclosure of some or all of an otherwise confidential student education record may occur when rights protected by Due Process are at stake, such as those instances where the results of a disciplinary proceeding could adversely impact an instructor’s property interests.

If the complaint is not substantiated, this resolution is communicated to the instructor and the complaining party without inclusion of any record in the personnel file. At the option of the instructor, documentation, to the extent allowed by law, of this resolution may be placed in the personnel file. The student may contact the next higher administrator (usually the dean) with concerns or questions. (FS Resolution #16-42, May 2016)
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION V

Graduation Policies
(Text moved from former Part V)

CONTENTS

I. Application for Graduation
II. Faculty Marshals
III. Mace Bearer (Revised 1-16)

I. Application for Graduation
Advisers should remind students that an application for graduation (http://www.ecu.edu/cs-acad/registrar/upload/Undergraduate-Graduation-Application-2.pdf) must be submitted to the Registrar’s Office not later than two semesters before the completion of the requirements for an undergraduate degree or one semester for a graduate degree. (FS Resolution #11-17, February 2011)

II. Faculty Marshals
Faculty Marshals are ten faculty and two alternates appointed from the full-time, tenured, senior faculty to serve at graduations and other such ceremonial occasions as requested by the chancellor. Those appointed should be individuals readily recognized as outstanding members of the academic community. The Chief Faculty Marshal shall be the faculty marshal in the second or later year of appointment as a faculty marshal and who is of greatest faculty seniority among the faculty marshals. This seniority determination is made each year by the Assistant Vice Chancellor for Human Resources. The Chief Faculty Marshal shall serve as ex-officio on the Administrative Commencement Committee. A Faculty Marshal’s appointment is a one-term, four year appointment beginning August 1. The Chair of the Faculty will make recommendations in May of each year to the Chancellor, who will appoint the individuals no later than July 31.

III. Mace Bearer
The mace bearer is a faculty member who leads University ceremonial events such as graduation and Founder’s Day processions. The eligibility requirements to be appointed East Carolina University’s mace bearer include:
Senior faculty member in terms of years of service,
Holds a full-time faculty position with East Carolina University, and
Is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties.

The Associate Vice Chancellor for Human Resources prepares a list of the most senior faculty members in terms of years of service to the University and notifies the Chancellor and Chair of the Faculty. The Chancellor makes the appointment. The Chancellor makes this appointment taking diversity of the University community into consideration. If there is more than one qualified individual, the responsibility of the position should rotate annually among them. (FS Resolution #10-14, February 2010; FS Resolution #15-101, December 2015)

Faculty members have the following options for ordering academic apparel:
1. A quality, tailor-made outfit may be purchased through the Student Store. Samples of materials and information concerning the styles of academic apparel are available. The cost of an outfit depends on the type of materials selected.

2. Academic apparel may also be rented through the Student Store. If an order is placed with the Student Store, faculty members are responsible for the rental fee whether or not the gown is picked up. The rental fee is based on the degree held by the faculty member. (FS Resolution #10-16, February 2010)
PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION VI

Emergency Notification and Evacuation Procedures
(Text moved from former Part V)

I. Emergency Notification and Actions
Faculty have the responsibility of familiarizing themselves with all firefighting equipment available in their area of operations and to knowing how and when to use it. Furthermore, faculty should familiarize themselves with the evacuation plan for their unit in the event of a fire.

The University has established an Emergency Notification System called ECU Alert. Through ECU Alert, the campus community is warned of dangerous situations and receive emergency action instructions through email, pop-up box, web page, tone, text and voice through VOIP phones, scroll bars on plasma screen displays, outdoor speaker system, text messaging and Tweets. Faculty should establish several ways to receive these alerts and emergency action instructions. Initial Alerts, emergency instructions and follow-up information will be posted on line at www.ecu.edu/alert. Faculty must become familiar with exit routes as well as shelter-in-place procedures for their classroom/s and building/s. Once an alert has been issued, it is the responsibility of Deans, Department Heads and Vice Chancellors to verify that all units have received and are following the Alert instructions. (FS Resolutions #10-15, February 2010 & #10-47, April 2010)

II. Emergency Evacuation Procedures
Faculty have responsibility for familiarizing themselves with emergency plans for their unit and are expected to assist with and encourage complete building evacuation whenever the fire alarm system is activated or when instructed to do so through other means of notification. Faculty are expected to inform students in the classroom buildings of the specific emergency and what actions should be taken. Attempts should not be made to fight a fire unless trained in the proper use of fire-fighting equipment. Faculty are not expected to place themselves in a position that will compromise their safety. Once safely outside the building faculty should remain with their class, identifying any missing students and provide names and any other pertinent information to ECU Police or Greenville Fire Rescue. (FS Resolution #10-47, April 2010)
Program and curriculum development are faculty responsibilities. These program and curriculum changes will now be initiated, prepared, and presented for review through the Curriculog curriculum management system. All proposals follow an approval process inclusive of all relevant ECU campus bodies and voting faculty as defined in *ECU Faculty Manual*, Part VI, Section VII. Three levels of approval have been identified and actions grouped according to the specific delegated authority of final approvals. Proposals governed by the policies and procedures of UNC General Administration (GA) and/or Southern Association of Colleges and Schools Commission on Colleges (SACS) will follow additional approval steps and will therefore take longer to proceed through the entire approval process. Instructions and training on specific procedures and documents for program and curriculum development proposals are available on the Curriculog Website. Consultation with the unit curriculum liaison, personnel in the Office of the Registrar, and personnel in Institutional Planning and Accreditation (IPA) is recommended at the onset of curriculum and program development.

The Academic Program Development Collaborative Team (APDCT), an advisory body to the Academic Council, collaborates with units to strengthen program proposals and inform the Educational Policies and Planning Committee (EPPC) of its recommendations to Academic Council and the dean of the Graduate School concerning graduate programs under consideration. The Offices of Continuing Studies and Distance Education and/or IPA process requests to deliver new and existing academic programs through distance education. The chancellor has the final campus authority on academic program decisions.

In cases of financial exigency or the initiation of a discontinuation, curtailment, or elimination of a teaching, research, or public service program, the provisions of the *ECU Faculty Manual* will apply.
The Chancellor or his or her designee in consultation with the Chair of the Faculty may establish
deadlines of not less than two weeks by which each person and/or committee listed must report its
concurrence (approval) or non-concurrence with the proposed action. Failure to report by the
established deadline shall be considered an abstention and the proposed action shall progress to the
next level for consideration.

A. Definitions
1. Degree Programs
   A degree program is a program of study in a discipline specialty that leads to a degree in that
distinct specialty area at a specified level of instruction. All degree programs are categorized
individually in the University's academic program inventory (API) at the six-digit CIP code level,
with a unique GA identifying code, and teacher licensure area, if applicable. As a rule, a degree
program requires coursework in the discipline specialty of at least 27 semester hours at the
undergraduate level and 21 semester hours at the doctoral level. A master's-level program requires
that at least one-half of the total hours be in the program area. Programs with fewer hours are
designated a concentration within an existing degree program. Degree programs require final
approval by GA and the UNC Board of Governors (BOG). Minors and concentrations receive final
approval at the campus level.

2. Certificates
   A certificate program provides an organized program of study that leads to the awarding of a
certificate rather than a degree. Certificate programs are offered at the pre-baccalaureate,
post-baccalaureate, and post-master's, and post-doctoral levels. UNC-GA has indicated that
post-baccalaureate and post-master's certificates must require a specified number of
hours (18 s.h. for post-baccalaureate and 24 s.h. for post-master's) to be reported to the
Integrated Postsecondary Education Data System (IPEDS). Once a certificate is approved, ECU
will submit it to the Department of Education to determine if the program is eligible for participation
in Title IV (financial aid) programs.

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

4. Curriculum Development
   Curriculum development includes developing courses and requirements for new academic
programs, and developing and revising courses and requirements for existing programs.

5. Program Development
   Program development includes developing new academic degree programs, minors, certificates,
and new concentrations within existing degree programs, as well as requesting degree title and/or
CIP code changes, and moving or discontinuing programs.

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

The following are Level I Curricular Changes:

1. Revising a course: title, description, objectives, prerequisite(s), prefix, repeatability, credit hours, and content
2. Renumbering an existing course at the same or different level
3. Revising the prefix for an entire course list or program
4. Banking or deleting courses
5. Removing a 5000-level course from the undergraduate catalog
6. Proposing new or unbanking course (undergraduate courses require Faculty Senate review)

The following are Level I Program Changes:

1. Revising degrees, concentrations, and minors: deleting courses; revising core requirements, electives, admission standards, and descriptive text
2. Revising titles of existing concentrations and minors
3. Revising certificate course selections (excludes total hours), admission standards, and descriptive text
4. Discontinuing a minor or concentration
5. Adding or removing thesis/non-thesis options of degree program

Program changes excluded from Level I are degree and certificate title and/or CIP code changes; revising total hours of degree programs; change in delivery mode; and moving degree and certificate programs to a new academic home as these actions require EPPC review and some are reported to GA as indicated below.

Level II Curricular and Program Changes: Delegated authority to EPPC and Academic Council. Level II changes are substantial curricular and program changes that require approval at the department, college or school and university levels including Undergraduate Curriculum/Graduate Curriculum Committee and EPPC review prior to Senate review and approval by Academic Council. They require no approval by the Chancellor or by GA.

1. Moving a degree or certificate program
2. Proposing an integrated degree program
3. Proposing a new concentration in an existing degree program
4. Proposing a new minor
5. Moving a minor or concentration to a new academic home

Level III Program Changes: Require Chancellor Approval. Level III changes are also substantial program changes or proposals that require approval at the department, college/school and university levels, chancellor approval, and GA and/or SACS approvals or notifications.
EPPC review and GA and SACS approvals or notifications
1. Discontinuing an existing degree or certificate program
2. Proposing a new certificate program
3. Proposing a new degree program (two-phase process: planning and establishing)
4. Revising an existing degree or certificate title
5. Consolidating two or more existing degrees
6. Proposing a new delivery mode for an existing degree
7. Revising degree or certificate credit hours
8. Changing a degree designation (e.g. MA to MS)

GA and SACS approvals or notifications only (no EPPC review required)
1. Revising a CIP code for an existing degree or certificate program
2. Discontinuing an existing teacher licensure area

C. Program Development Approval Process

Program development includes creation of new academic degree programs, minors, certificates, and new concentrations within existing degree programs, as well as requesting degree title and/or CIP code changes, and moving or discontinuing programs.

1. New Degree Programs

Proposals for new academic degrees must include a list of all UNC and private in-state institutions that offer the same or a similar degree. Program planners are expected to contact those institutions regarding their experience with program productivity (applicants, majors, job market, placement, etc.). Further, program planners are expected to identify opportunities for collaboration with institutions offering related degrees and discuss what steps have or will be taken to actively pursue those opportunities where appropriate and advantageous. To facilitate this portion of the planning process, the UNC-GA Division of Academic Affairs provides a link to the UNC Academic Program Inventory and a link to program inventories for other in-state institutions. In addition, proposals must include the Classification of Instructional Programs code under which the proposed program is to be classified. Faculty should allow ample time for review of proposals at all levels.

The approval process to plan or establish new undergraduate or graduate degree programs involves two distinct phases:

Phase I: Planning (Request to Plan)
Phase II: Development (Request to Establish; curriculum development)

Program proposals on the ECU Academic Program Plan will be presented in a campus-wide forums, with opportunities for questions and written feedback concerning inclusion. All new Requests to Plan undergo a rigorous, thorough campus-wide vetting process. New degree programs follow Level III processes/actions. The Request to Plan, which contains questions of full campus concern, will undergo the full Level III campus review. Once GA approves the plan, ECU has four months to submit the Request to Establish. The Request to Establish updates the Request to Plan, as well as curriculum and other materials that are the purview of unit faculty for administering the program. The Request to Establish will be approved through the appropriate academic units, the APD Collaborative Team, (an advisory body comprised of Undergraduate/Graduate Curriculum Committee chairs; EPPC chair; dean of the Graduate School; representatives from the Office of Continuing Studies and Distance Education, Institutional Planning and Accreditation, and Division of Health Sciences; and the
Chair of the Faculty); the EPPC; the Chancellor; and GA. Curriculum development, as part of new degree program development, will follow Level II vetting processes.

2. Process Completion
The proposing academic unit, Institutional Planning and Accreditation, and the Office of the Registrar will collaborate to ensure that all approved actions are communicated to the campus community, as well as to GA and SACS as required.

D. Academic Program Review
Every academic program is required to be reviewed as part of a seven year unit program evaluation. The unit Academic Program Review will be conducted according to the Academic Program Review Guidelines. Changes to these guidelines need to be approved by the Educational Policies and Planning Committee and the Faculty Senate. The unit Academic Program Review shall be used in the development of the unit’s operational and strategic planning.

Faculty Senate Resolution #12-50, March 2012
Faculty Senate Resolution #14-62, May 2014
Faculty Senate Resolution #15-63, May 2015
Faculty Senate Resolution #17-13, March 2017
PART VII

Faculty Research and Scholarship
PART VII

FACULTY RESEARCH AND SCHOLARSHIP

SECTIONS

I. Faculty Research, Creative Activity, Scholarship, Innovation, Engagement, and Outreach
II. Scholarship/Research/Creative Activity Guidelines
III. Ethics and Conduct in Research, Creative Activity, and Scholarship
Faculty scholarship includes the scholarship of research, the scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach. Scholarship is a fundamental faculty activity, and faculty have freedom to pursue scholarship on the subjects of their choosing. The quality of the scholarly works that faculty produce should be based on the standards of the profession as determined by the community of scholars with the expertise and training to establish these standards. Part VIII of the ECU Faculty Manual establishes general criteria for the evaluation of scholarship in the appointment and promotion of faculty members and requires that the relative importance of each type of scholarly activity be clearly defined in the unit code. Faculty have the obligation to adhere to the research and scholarship guidelines established by East Carolina University, the federal government, and the community of scholars. This document provides guidelines for research and scholarship established by the ECU faculty and references to research and scholarship policies, rules, and regulations (PRRs) as well as research- and scholarship-related standard operating procedures established by East Carolina University.

Research and scholarship also form a basic part and are integrally linked to the faculty members’ teaching responsibility. Original results of research and scholarship inform faculty members’ interactions with students at all levels. Deeper understanding of research and scholarship is conveyed when faculty develop students so that they may participate in research and scholarly activities. Effective mentoring of students is critical to their transition to independent research and scholarship. While this document focuses on faculty research and scholarship, it also provides references to research and scholarship related PRRs relevant to collaborative scholarly work involving faculty and students. (FS Resolution #12-39, March 2012)
This section and the related policies and regulations referenced within the section, contain guidelines for ECU researchers and scholars. Many of these guidelines are dictated by federal law and institutional policies and procedures. Guidelines within this section include those for externally funded research and scholarship, protection of humans in research, animal welfare in research, retention of research data and records, patents that arise from scholarly activity, and copyright of scholarly material produced by faculty. Faculty members are expected to be familiar with and to follow the guidelines that apply to their research and scholarly activities.

I. Funded Research
As a constituent institution of The University of North Carolina, East Carolina University receives its basic financial support from appropriations by the North Carolina General Assembly and from tuition and fees paid by students. However, to achieve and maintain a higher level of excellence than is possible with those funds and in accordance with the mission and strategic plan of ECU, grants and contracts are sought from governmental and other sources as well as gifts from alumni, friends, corporate entities, and foundations.

A. Definitions
Gift - A gift is an item of value, ownership of which is voluntarily transferred from one party to East Carolina University or one of ECU’s foundations without direct compensation to the first party. Gifts may be in the form of cash or in kind (e.g., art objects, equipment, securities, real estate, services, insurance, etc.). Gifts may be solicited (given in response to a request from ECU) or unsolicited (given at the donor's own initiative). Gifts are generally classified as unrestricted, i.e., use or disposition of the gift is at the discretion of the university. Visit http://www.ecu.edu/cs-acad/grants/Policies.cfm, “Gifts vs. Grants” for more information.

Contract – The principal purpose of a contract is the acquisition of property or services for the direct benefit or use by the Government or other sponsor. The sponsor may select from several candidates to carry out the project and typically exerts fairly strict management control over the contract recipient. Contracts are typically awarded by the federal government in response to requests for proposals (RFP’s), by state and local
government agencies, and by for-profit commercial entities (single owner companies, partnerships, and corporations).

Grant – The purpose of a grant is to transfer money, property, services or anything of value from the government or other sponsor to the recipient in order to accomplish a public purpose. A grant is typically awarded for projects where most or all of the factors outlined above have not yet been determined. Grants are frequently awarded for experimental projects or for projects where the idea and purpose of the award have been suggested by the grantee. The grantee works independently and has considerable latitude in accomplishing the aims and goals of the project. Grants are typically awarded by the federal government and by private nonprofit foundations and organizations. The outcomes of the project are typically not of direct benefit to the sponsor of a grant.

Cooperative Agreement –A cooperative agreement is like a grant; however, the government or sponsor expects to be more involved in project planning and implementation. The funding agency retains an interest in procedures, timetables, etc. and works cooperatively with the awardee in order to share responsibility for achievement, changes in methods, delays, etc. A cooperative agreement is most likely to be used by certain agencies of the federal government, again to accomplish a public purpose.

B. Fundraising and Gifts
While all members of the university community are encouraged to participate in the process of identifying and qualifying prospective funding sources, the vice chancellor for institutional advancement is responsible for the coordination of all fund raising activities at the university which are direct gift solicitations. No solicitation or acceptance of gifts shall be made by any faculty member in the name of or for the benefit of the university without prior clearance through the Office of Institutional Advancement. Exceptions to this restriction may be documented in the PRRs for Institutional Advancement. Procedures for fundraising and the solicitation and acceptance of gifts are included in the Institutional Advancement PRRs.

ECU REG04.05.01. Gifts Affecting the Curriculum
ECU REG04.05.02. Coordination of Private Gift Fund-Raising Activities at East Carolina University

C. Contracts, Grants, and Cooperative Agreements
All proposals to governmental, private nonprofit, or corporate agencies or organizations for a contract, grant, or cooperative agreement to support research (including clinical research), instruction, public service, or other creative activities to be conducted by any faculty or staff member or other person associated with the university shall be coordinated, reviewed and approved in advance of submission to the sponsor with the Office of Sponsored Programs.

II. Principles and Policy for the Protection of Humans in Research
East Carolina University acknowledges and accepts its responsibilities for protecting the rights and welfare of individuals who act as participants in research conducted by its faculty, staff and students. The protection of humans in research activities was dealt within a president’s (chancellor's) policy memorandum dated May 22, 1970. This earlier memorandum is hereby amplified and superseded.
A. Statement of Ethical Principles
East Carolina University has adopted as a guiding statement of ethical principles the three principles as set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research dated April 18, 1979, and entitled The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research include respect for persons, as implemented through the informed consent process and documents, beneficence which is applied through the analysis of known risks versus potential benefits, and justice which ensure that the burden of research is not placed on any one population and the benefits of research are open to all who might gain from their participation.

In addition, East Carolina University acknowledges and accepts the requirements set forth in the Department of Health and Human Services Title 45 Code of Federal Regulations Part 46 (45 CFR 46) for all research involving humans regardless of funding source. ECU also applies the Food and Drug Administration regulations found at Title 21 CFR Parts 11, 50, 56, 312, 600, and 812 to all human research classified as a “clinical investigation” or that involves an article that falls within FDA’s purview. ECU also applies, as applicable, regulations from the Department of Defense, Department of Education, and other DHHS agencies. With international human research, ECU applies regulations set forth by the International Council on Harmonization.

B. Institutional Policy
It is the policy of East Carolina University that all research activities involving humans, through direct intervention or interaction or the use of private, identifiable information about humans, and that are conducted by its faculty, staff or students must be submitted, reviewed, and approved by an appropriately established peer-review committee known as an Institutional Review Board. At ECU, there are three such committees, the Biomedical University Medical Center Institutional Review Board (UMCIRB), the Social and Behavioral Institutional Review Board (BSS IRB) and the Summer Social and Behavioral Institutional Review Board (SBSS IRB). These committees consist of scientists, non-scientists and community members. The committee must meet federally mandated membership requirements. Committee members serve four year terms, as appointed by the Vice Chancellor of Research.

The Office for Human Research Integrity (OHRI) is responsible for providing support to ECU’s IRBs, the Vice Chancellor for Research, and faculty, staff and students who wish to engage in human research activities. OHRI also is responsible for providing education, quality improvement reviews, and orientation activities to IRB members, investigators and research personnel. It is the responsibility of this Office to make recommendations for IRB membership to the Vice Chancellor of Research to ensure compliance with federal regulatory requirements.

It is the responsibility of the OHRI staff, with consultation from IRB Chairs and Vice Chairs, to determine whether a research activity meets the definition of human research. This determination cannot be made by investigators, research personnel, or other bodies within ECU.

The type of review mechanism that a proposed research activity may receive is based upon criteria set forth in the federal regulations.
Researchers wishing to conduct human research activities must first complete training in human research protections. This training is offered through the Office of Human Research Integrity and can be accessed through its website at www.ecu.edu/irb.

It is the responsibility of Faculty acting as mentors to students conducting human research activities to ensure that the students complete the necessary training before submitting their applications through e-PIRATE, the electronic submission and review system found on the OHRI website.

East Carolina University requires all principal investigators and their research teams to comply fully with the appropriate federal regulations, institutional policies, and the UMCIRB Standard Operating Procedures.

C. Implementation of Policy
In all activities involving human research participants, the chairperson of the pertinent department or head of the academic unit is responsible for ensuring that the proposed research activities are scientifically sound, that the methods and procedures will adequately address the research question, and that the proposed research fits with the mission of the department or academic unit as well as the university.

The principal investigator is responsible for conducting the research according to the ethical principles of the discipline, the ethical principles of the Belmont Report, university policies and procedures, and the methods and procedures approved by the Institutional Review Board.

The IRB has the federally mandated authority to approve, modify or disapprove proposed research. It also has the authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to participants. The IRB is obligated to report suspension and terminations through a report to the investigator, institutional officials, and sponsoring agency, if any. Principal investigators of research studies involving humans must submit a complete protocol and address all applicable questions in e-PIRATE, upload appropriate informed consent and assent documents, and any other study related materials. Access to the electronic system, e-PIRATE, requires completion of human research protections training, registering with OHRI through e-PIRATE, and completing an Investigator Profile. A copy of all research study materials including signed informed consent and study related correspondence must be maintained by the principal investigator for at least 3 years, or longer if required by the research sponsoring agency.

If the research involves Protected Health Information or storage of data outside of ECU’s maintained servers, additional requirements must be met. More information on those requirements can be found at http://www.ecu.edu/hipaa/ or on the IRB website. Research documents that involve protected health information must be maintained for a minimum of 6 years beyond the end of the project.

Investigators are responsible for reporting the progress of UMCIRB-approved research to the Office for Human Research Integrity, through the use of a renewal or continuation review accessed through e-PIRATE. Federal regulations require that IRB approval be issued no less often than once per year as set forth in 45 CFR 46.109. In addition, research investigators are
responsible for reporting promptly to their department chair and to the OHRI, any unanticipated problems which involve risks to the research participants or others.

III. Animal Welfare Regulations
The ECU Institutional Animal Care and Use Committee (IACUC), in conjunction with the University Attending Veterinarian (AV) and the Institutional Official (IO- vice chancellor for research and graduate studies), are charged with oversight of vertebrate animal care and use activities. Federal regulations require that anyone (faculty, staff, students) using vertebrate animals in research, teaching, and testing must obtain approval from the ECU IACUC prior to initiation of the activity. Animal Use Protocol (AUP) forms and additional information such as training requirements, occupational health and safety requirements, mechanisms for reporting animal welfare concerns, IACUC operations, rules and guidelines, and links to other relevant websites (e.g., the Department of Comparative Medicine home page: http://www.ecu.edu/comparativemedicine/, and the Prospective Health home page: http://www.ecu.edu/cs-dhs/prospectivehealth/index.cfm are located on the IACUC website (https://www.ecu.edu/iacuc/). The ECU IACUC regulations must comply with all relevant Federal regulations (for more information see: USDA Animal Welfare Act and Regulations (http://www.aphis.usda.gov/animal_welfare/), PHS Policy on Humane Care and Use of Laboratory Animals and Guide to the Care and Use of Laboratory Animals (http://grants.nih.gov/grants/olaw/olaw.htm).

IV. Research Data and Records
A. Purpose
The preparation and retention, of accurate and appropriate records are essential components of a credible research endeavor. East Carolina University, its faculty, staff, and students have a common interest and a shared responsibility to assure that research data and records are recorded appropriately, archived for a reasonable length of time, and available for review by scholars and others under appropriate circumstances. Original research records are also essential to protect intellectual property rights, to answer ongoing questions regarding the management of a research program, and to address questions that may arise regarding the propriety of research conduct and methods. This policy defines the nature of research data and its associated records. It also describes the importance of good data and record keeping for obtaining and defending intellectual property rights, and the procedures to be used for the custody, retention, access, and transfer of research data and records.

This policy shall apply to all faculty, staff, and students of East Carolina University who are involved in the design, conduct, and/or reporting of research at or under the auspices of East Carolina University, regardless of source of funding.

B. Definition of Research Data and Records
Research data and records refers to recorded information, regardless of its form or the media on which it may be recorded, which is necessary for the reconstruction and evaluation of the reported results of a research project. Research data and records include more than just primary data (e.g., raw numbers generated by a measuring instrument; audiotapes or transcripts of survey interviews). They also include documentation or citation of a) the experimental methods for data collection, and b) the methods used for data processing and interpretation. In practice, they include, but are not limited to, the material contained in laboratory notebooks or other media such as computer disks and machine printouts. The term does not include the intellectual property generated by a research project; administrative
information, such as financial data; or the tangible products of research, e.g., tissue banks, specialized tools or chemicals produced by the project. (Ownership and disposition of intellectual property or the tangible products of research are covered by other ECU policies.)

C. Intellectual Property Issues Involving Research Data and Records
Retention of maximum intellectual property rights places additional importance on the preparation and retention of research data and records. Documented research records are important in determining priority of research data, such as identifying who first conceived an invention or in defending against patent infringement. In order to protect the rights of investigators and the university to the intellectual property generated by their research programs, university technology transfer managers recommend specific record keeping and retention practices such as the use of bound laboratory notebooks. Maintaining good data records is recommended for all university laboratories, but is essential for any patentable or licensable research activity. Responsible faculty should be aware of and follow, as closely as possible, the record-keeping recommendations offered by the Office of Technology Transfer http://www.ecu.edu/cs-acad/ott/upload/Inventors-Handbook-Version-2-2.pdf. The data management approaches above will also help defend an investigator and his/her work if there is an allegation of misconduct regarding this research.

D. Custody of Research Data and Records
Custody of original research data and records is the responsibility of the senior investigator of a project, usually a faculty member. This senior investigator (the responsible investigator) must ensure the integrity, preservation and security of the original research data and records. Expenses of data and record preservation and security are allowable costs to sponsored programs. As an aid to scholars and other appropriate individuals who may wish to review the research data and records, all research records must be appropriately organized and labeled to allow the identification of specific information within the records by someone who was not involved with the original project.

In situations where the vice chancellor for research and graduate studies (the designated ECU Integrity Officer) has received an allegation of research misconduct pursuant to ECU policy (Section III. below) or when patent litigation is imminent, the university may take immediate and preeminent custody of the original research data and records relating to the allegation or the patent. In this circumstance the university shall provide needed copies of data and records to the investigator that will allow active research projects to continue.

In multi-institutional studies, contractual agreements often stipulate that the home institution of the primary study director shall have custody of original primary data from all participating institutions. In situations where ECU is not the site of the home institution and will need to transfer the original data to the institution of the study director, ECU shall retain a true copy of all data and records generated for the multi-institutional study.

Senior members of research teams have obligations and are held responsible for discussing the responsibilities of data management and retention with other members of the research team. The senior member of the research team must directly oversee the data and record management of the technicians, post-doctoral fellows, students, and others working under his/her direct supervision.
E. Access to Research Data and Records
The university ultimately owns data and support records generated by its faculty, staff and students. Therefore the university has the right of access to (and to make copies of) the data and records for all research performed at the university or under university auspices provided such access to the records shall be for reasonable cause, at reasonable times and after reasonable notice (except in cases of misconduct allegations, see below). For example, the University Medical Center Institutional Review Board, the office for Human Research Integrity staff, the Brody School of Medicine Compliance office, and office for Research Compliance Administration, acting for the university, may review records and study data of projects that use human participants to assure compliance with regulatory human research protections. In cases involving an allegation of research misconduct, the university through the vice chancellor for research and graduate studies may request immediate, preemptory access and custody of original research records. When such records contain confidential information about human participants in research, the vice chancellor shall institute appropriate procedures to assure that participant confidentiality is maintained while the research records are in his custody.

Extramural sponsors providing support for East Carolina University and appropriate governmental officials also have the right to review the data and records resulting from that extramural support. In addition, investigators, co-investigators, students, visiting researchers, and students who are or were an integral part of a research project team have the right to review all records and data which are part of that project or support publications for which they are named authors. Similarly, investigators, co-investigators, students, visiting researchers, and students have a right to a copy of data that they personally generated or substantially analyzed unless prohibited by law, regulation, or contractual agreements. The responsible investigator in addition has the right to distribute to other scholars or individuals copies of any part the research records in his custody per the general practices of his/her field of study unless prohibited by law, regulation, or contractual agreements.

F. Retention of Research Data and Records
Research data and records, including the primary experimental results, should be retained for a sufficient period to allow evaluation and repetition by others of published results emanating from those data. In general, five years from the first publication date of the research results is specified as the minimum period of retention for research published in peer-reviewed journals. For sponsored research that is not published, the minimum retention period is five years from the date of the issuance of the final report to the research sponsor, unless the sponsor specifies a longer retention period. However, if an investigation, legal action or an official inquiry concerning a research project is underway, all data and records related to the project must be retained and made accessible until all issues are resolved. In addition, the records should be kept for as long as may be required to protect any patents or other intellectual property resulting from this work. If a research project is not funded with external or designated internal funds (e.g., an internal university grant), the above retention policy shall apply to these research data and records only when the project results in a publication, its data is used to support a grant or contract application, or it involves the use of animals or human participants. If research involves the generation, use, or disclosure of protected health information (PHI), the minimum retention of those records including consent and authorization agreements must be maintained for a minimum of six years beyond the end of the project. If a participant withdraws authorization of use of PHI, the researcher must consider that request to constitute the end of the project and Day 1 of the six year retention period for that sample.
G. Transfer of Research Data and Records that Support University Patents or Were Funded by Federal Grants and Contracts

Pursuant to federal regulations (OMB Circular A-110, section 53) and the need of the university to protect its patent rights, original research data and records that support university patents or were funded by federal grants and contracts must remain in the custody of the university for the required retention period as discussed above. In the event the responsible investigator transfers to another institution or leaves the university for any reason the responsible investigator shall transfer custody of these original research data and records to the university. Exceptions to this policy are discussed at the end of this section. The responsible investigator, however, may make a copy of the data and research records at university expense for his/her personal use at a new institution unless prohibited by law, regulations or contractual agreements. Before his/her departure, the responsible investigator shall transfer custody of the original research data and records to his/her department chair or supervisor as required by this policy. These records shall be retained in the University Archives of Joyner Library pursuant to the retention paragraph above. These data and records shall be organized in a format to permit reasonable identification of specific experiments and data by individuals not involved with the original research.

These research data and records shall be used by the university only for patent litigation, misconduct inquiries and investigations, or for other purposes required by federal regulations for US government funded research.

Exceptions:
1. Currently Active Federal Grants and Contracts: If the responsible federal agency allows the transfer of an active grant or contract to the new institution of the principal investigator, and the new institution accepts the administrative responsibility for the federal award, the original research data and records may be transferred to the new institution upon the request of that institution. The university, however, shall retain a true copy, made at university expense, of all research records produced while the research project was active and under ECU jurisdiction.
2. Faculty Request for Transfer of Original Records: Per OMB Circular A-110 section 53c, a faculty member may request authorization from the responsible federal agency to substitute true copies of the research data and records in the University Archives in place of the originals. If so authorized, the investigator may then transfer his/her original data and records to the new institution.
3. Multi-Institutional Federal Grants and Contracts: If such federal awards designate a specific institution as the depository of original data and records for a multi-institutional project, the university shall comply with this requirement. However, the university shall retain a true copy of the original records produced at university expense.

H. Transfer of other Research Data and Records

In the event the responsible investigator transfers to another institution or leaves the university for any reason, the responsible investigator shall provide a true copy at university expense of his/her research data and records that have been retained less than five years in the investigator’s possession per the retention paragraph above. Before his/her departure, the responsible investigator shall provide these true copies of the research data and records to his/her department chair or supervisor. These data and records shall be organized in a format to permit reasonable identification of specific experiments by individuals not involved with the
original research. These research data and records shall be used by the university only for misconduct inquiries and investigations.

I. Resolution of Disputes Involving Research Data and Records

The vice chancellor for research and graduate studies or his designee shall arbitrate all disputes involving research data ownership, retention, and access. Whenever possible, the Vice Chancellor or designee shall first attempt to mediate a resolution to the dispute acceptable to all parties. When the dispute involves faculty from the School of Medicine or the College of Arts and Sciences, the Vice Chancellor or designee shall consult with the designated Associate Deans for Research in those units.

V. Patents

East Carolina University is dedicated to the pursuit of instruction, research and scholarship, as well as engagement and innovation development activities, in an environment that is open to collaboration and publication. Inventions, discoveries and other intellectual assets sometimes arise as a result of these activities. These assets may qualify for intellectual property protection in the form of patents, copyrights, trademarks, and trade secrets. The Board of Governors of the University of North Carolina has determined that patenting and commercialization of these intellectual assets are consistent with the mission of the university.

The patent policy of the University of North Carolina is contained in Part 500.2 of the University of North Carolina Policy Manual. The patent policy of East Carolina University is available at http://www.ecu.edu/PRR/10/40/01. These policies address ownership of university inventions, distribution of income derived from licensing, assignment, or commercialization activities related to university inventions, and management of disputes. The patent policies also recognize limited circumstances in which publication of scholarly works may be delayed for short periods of time to allow for filing of patent applications. Premature publication or public use of an invention can constitute a statutory bar to the granting of a patent. In most cases, inventors may publish, present, and discuss their inventions freely once a patent application has been filed.

VI. Copyrights (created work)

The mission of East Carolina University to become a national model for student success, public service, and regional transformation includes using creative learning strategies and delivery methods, discovering new knowledge, and fostering innovation and entrepreneurship. Products of these activities include the development and use of copyrightable materials. The creation of copyrightable materials in the form of literary, dramatic, and other intellectual works by the university community is encouraged as a measure of productivity and commitment to the dissemination of knowledge and creative activity for public benefit. The university supports an open and free environment for its faculty, staff, and students to carry out their scholarly work, and encourages publication without constraint. These policies are in accord with applicable laws and pertinent university regulations. The Copyright policies of the University of North Carolina are contained in Part 500.2 and 500.2.1 of the University of North Carolina Policy Manual. The East Carolina University Copyright Regulation is available at http://www.ecu.edu/PRR/10/40/02. These policies address ownership and use of copyrightable works. (FS Resolution #12-39, March 2012 and FS Resolution #15-70, May 2015)
I. Introduction

A. General Policy
All East Carolina University faculty have the responsibility to seek honestly and to promulgate ethically the truth in all phases of work. This responsibility governs not only the production and dissemination of research and creative activities, but also all applications for funding, reports to funding agencies, and teaching and publication of teaching materials.

B. Scope
This policy applies to allegations of research misconduct (fabrication, falsification, or plagiarism) involving East Carolina University faculty. This policy does not apply to authorship or collaboration disputes [see Part VII, Section II (VI)].

II. Definitions

A. Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Creative Activity refers to scholarship of research, scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach, as defined in the ECU Faculty Manual Part VII, Section I. For the purposes of this policy, Research includes all basic, applied, and demonstration research in all academic and scholarly fields. Research and creative activity fields include, but are not limited to: the arts, the basic sciences, liberal arts, applied sciences, social sciences, clinical sciences, the professions, and research involving human subjects or animals.

B. Research and Creative Activity Misconduct (hereinafter misconduct) is defined as fabrication of results, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. Research misconduct does not include honest error or differences of opinion.
C. Fabrication of results is making up data or results and recording or reporting them.

D. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The research record is the record of data or results that embody the facts resulting from the research inquiry and includes, but is not limited to research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, books, dissertations, and journal articles.

E. Plagiarism is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

F. Allegation means a disclosure of possible misconduct through any means of communication. The disclosure may be a written or oral statement or other communication to an ECU administrator or Research Integrity Officer (RIO) (see L. of this section).

G. Complainant means a person who in good faith makes an allegation of misconduct. There may be more than one Complainant in a given case.

H. Respondent means a person against whom is made an allegation of misconduct. There may be more than one Respondent in a given case.

I. Good faith as applied to a complainant or witness means having a belief in the truth of one's allegation or testimony. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping an institution meet its responsibilities under this definition. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

J. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

K. Research Record means the record of data or results that embody the facts resulting from research and creative activity, including but not limited to, research proposals, laboratory records both physical and electronic, progress reports, abstracts, theses, dissertations, oral presentations, internal reports, journal articles, creative works, and any documents and materials provided to a sponsoring agency having jurisdiction and authority or an institutional official by a respondent in the course of the research misconduct proceeding. A research record also includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports, laboratory notebooks, notes, correspondence, videos, photographs, X-ray film, slides, biological materials, computer files and printouts, manuscripts and publications, equipment use logs, laboratory procurement records, animal facility records; human and animal subject protocols, consent forms, medical charts, and human subject research files.
L. Research Integrity Officer (RIO) is the institutional official responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by law, regulation, or research sponsor policy, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. The RIO for ECU is the Director of the Office of Research Compliance Administration.

M. Deciding Official (DO) means the institutional official who makes final determinations on allegations of research misconduct. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment. A DO's appointment of an individual to assess allegations of research misconduct, or to serve on an inquiry or investigation committee, is not considered to be direct prior involvement. The DO for ECU is the Vice Chancellor for Research and Graduate Studies. In the event that the Vice Chancellor for Research and Graduate Studies has a conflict of interest for a particular case then the Chancellor shall appoint a designee as the DO for that particular case.

III. Rights and Responsibilities

A. Research Integrity Officer
The Research Integrity Officer (RIO) will have primary responsibility for implementation of this policy. These responsibilities include the following duties related to misconduct proceedings:

1. Consult confidentially with persons uncertain about whether to submit an allegation of misconduct;
2. Receive allegations of misconduct;
3. Assess each allegation of misconduct in accordance with V. (A.) of this Section to determine whether it falls within the definition of misconduct and warrants an inquiry;
4. As necessary, take interim action and notify sponsors of special circumstances, in accordance with IV. (F.) of this Section Section 4.6 of this policy;
5. Sequester data or other products of scholarly activities and evidence pertinent to the allegation of misconduct in accordance with V. (C.) of this Section and maintain it securely in accordance with this policy and with applicable law and regulation;
6. Provide confidentiality to those involved in the misconduct proceeding as required by applicable law and university policy;
7. Notify the respondent and provide opportunities for him/her to review/ comment/ respond to allegations, evidence, and committee reports in accordance with III. (C) of this Section;
8. Inform respondents, complainants, and witnesses of the procedural steps in the misconduct proceeding;
9. Ensure that the Deciding Official appoints the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed, that the members are without conflicts, and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
10. Determine whether each person involved in handling an allegation of misconduct has any unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the misconduct proceeding;
11. In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and to counter potential or actual retaliation against them by respondents or other institutional members;

12. Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of misconduct;

13. Notify and make reports to sponsoring agencies as required by applicable law or regulation;

14. Take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of corrective actions; and

15. Maintain records of the misconduct proceeding and make them available to sponsoring agencies as appropriate under VIII. (D). of this.

B. Complainant
The Complainant is responsible for making allegations in good faith, maintaining confidentiality [as defined in IV.(C.)], and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction.

The RIO may provide to the complainant for comment: (1) relevant portions of the inquiry report (within a timeframe that permits the inquiry to be completed within sixty (60) calendar days of its initiation, unless an extension of time is granted in accordance with the terms of this policy); and (2) relevant portions of the draft report of the investigation. Any comments on the draft investigation report must be submitted within thirty (30) calendar days of the date on which the complainant received the draft report. The University must consider any comments made by the complainant on the draft investigation report and include those comments in the final investigation report. See IV.(D.) of this Section for rights and protections of the Complainant.

C. Respondent
1. The Respondent is responsible for maintaining confidentiality [as defined in IV. (C.)] and cooperating with the conduct of an inquiry and investigation. The Respondent is entitled to:
   a. A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
   b. An opportunity to comment on the inquiry report and have his/her comments attached to the report;
   c. Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to this policy;
   d. Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (usually within thirty (30) calendar days after the institution decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
   e. Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
   f. Have interviewed during the investigation any witness who has been reasonably identified by the Respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected
recording or transcript included in the record of investigation; and

g. Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised
access to, the evidence on which the report is based, and be notified that any comments
must be submitted within thirty (30) calendar days of the date on which the copy was
received and that the comments will be considered by the institution and addressed in the
final report.

2. The Respondent should be given the opportunity to admit that misconduct of research or
creative activity occurred and that he/she committed the misconduct. With the advice of the
RIO and/or other institutional officials, the Deciding Official may terminate the institution's
review of an allegation that has been admitted, if the institution's acceptance of the admission
and any proposed settlement is approved by any sponsoring agency having authority and
jurisdiction. See Part IV. (D.) of this Section on rights and protections of the Respondent.

D. Deciding Official
1. The DO will receive the inquiry report and after consulting with the RIO and/or other
institutional officials, decide whether an investigation is warranted. Any finding that an
investigation is warranted must be made in writing by the DO and, where required by
applicable law or regulation, must be provided to any sponsoring agency with authority and
jurisdiction, together with a copy of the inquiry report, within thirty (30) calendar days of the
finding. If it is found that an investigation is not warranted, the DO and the RIO will ensure that
detailed documentation of the inquiry is retained for at least seven (7) years after termination of
the inquiry, so that any sponsoring agency with authority and jurisdiction may assess the
reasons why the institution decided not to conduct an investigation.

2. The DO will receive the investigation report and, may request all other associated
documentation, after consulting with the RIO and/or other institutional officials, decide the
extent to which he/she accepts the findings of the investigation and, if research misconduct is
found, refer the matter to the appropriate Vice Chancellor to decide what, if any, institutional
administrative actions are appropriate. The DO shall ensure that the final investigation report,
the findings of the DO and a description of any pending or completed administrative actions
are provided to any sponsoring agency with jurisdiction and authority, as required by law or
regulation.

IV. General Policies and Principles

A. Responsibility to Report Misconduct
1. ECU faculty will report observed, suspected, or apparent misconduct to the RIO. If an
individual is unsure whether a suspected incident falls within the definition of misconduct, he or
she may meet with or contact the RIO to discuss the suspected misconduct informally, which
may include discussing it hypothetically. If the circumstances described by the individual do not
meet the definition of misconduct, the RIO will refer the individual or allegation to other offices
or officials with responsibility for resolving the problem, if any.

2. At any time, an institutional member may have discussions and consultations about concerns
of possible misconduct with the RIO and will be counseled about appropriate procedures for
reporting allegations.
B. Cooperation with Misconduct Proceedings
All ECU faculty will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. These individuals, including Respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO or other institutional officials.

C. Confidentiality
The RIO shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which human research participants might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that any person and/or entity receiving information about the case does not make any further disclosure of identifying information.

D. Protecting complainants, witnesses, and committee members
ECU faculty may not retaliate in any way against complainants, witnesses, or committee members. Any such retaliation is itself serious, and shall be subject to sanction. Any alleged or apparent retaliation against complainants, witnesses or committee members should be immediately reported to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protecting the Respondent and Use of Legal Counsel
1. As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical effort to protect or restore the reputation of persons alleged to have engaged in misconduct, but against whom no finding of misconduct is made.
2. During the misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in this policy. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the personal advisor or legal counsel to interviews or meetings on the case. The role of the respondent's legal counsel is restricted to advising the respondent(s) and he/she may not act in a representative capacity or otherwise actively participate in interviews, meetings, or hearings.
3. The University shall provide legal counsel to assist the RIO, DO, Inquiry Panel, and Investigation Committee. The role of counsel is to advise and not to act in a representative capacity or otherwise actively participate in interviews, meetings, or hearings; provided, however, University counsel may be present at such interviews, meetings, or hearings, and must be present whenever respondent's legal counsel is present.

F. Interim Administrative Actions
1. Throughout the misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, animal health, sponsor funds, equipment, or the integrity of the sponsored research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and any sponsoring agency with jurisdiction and authority, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of equipment or sponsor funds,
freezing or limiting access to fund accounts, reassignment of personnel or of the responsibility for the handling of human research participants or animal research subjects, equipment or sponsor funds, additional review of research data or creative activity products, or delaying publication.

2. The RIO shall, at any time during a misconduct proceeding, notify any sponsoring agency with jurisdiction and authority immediately if he/she has reason to believe that any of the following conditions exist:
   a. Health or safety of the public is at risk, including an immediate need to protect human participants or animal subjects;
   b. Resources or interests of sponsor are threatened;
   c. Research or creative activities should be suspended;
   d. There is a reasonable indication of possible violations of civil or criminal law;
   e. Action is required to protect the interests of those involved in the misconduct proceeding;
   f. The misconduct proceeding may be made public prematurely and action may be necessary to safeguard evidence and protect the rights of those involved; or
   g. The scholarly community or the public should be informed.

V. Conducting the Assessment and Inquiry

A. Assessment of Allegations
   1. Upon receiving an allegation of misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified and whether the allegation falls within the definition of misconduct. An inquiry must be conducted if these criteria are met.
   2. The assessment period should be brief, concluded within a reasonable time period as warranted by the nature of the allegations, typically within seven (7) to twenty-one (21) calendar days. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, copy as warranted, and sequester all records and evidence [see II. (K.)] needed to conduct the misconduct proceeding, as provided in V.(C.) of this Section.
   3. If the criteria required to investigate are not met, the RIO is responsible for preparing a final report to be distributed to the respondent, complainant, and the DO within thirty (30) calendar days.

B. Initiation and Purpose of the Inquiry
   If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

C. Notice to Respondent; Sequestration of Research Records and Evidence
   At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical
steps to obtain custody of all the research records and evidence needed to conduct the misconduct proceeding. The RIO will inventory the records and evidence and sequester them in a secure manner. There may be exceptions where the records or evidence encompass scientific instruments (or other tools or equipment essential to the research or creative activity in question) which are shared by a number of users. In those cases, custody of the records may be limited to copies of the data or evidence on or recorded in such instruments, so long as copies can be made substantially equivalent to the evidentiary value of the equipment itself. The RIO will provide a receipt of sequestered items to the respondent(s) or other individuals who have information relating to the inquiry. The RIO may consult with any sponsoring agency with jurisdiction and authority for advice and assistance in this regard.

D. Appointment of the Inquiry Panel
The DO, in consultation with the RIO and other institutional officials as appropriate, will appoint an Inquiry Panel of at least three individuals, as soon after the initiation of the inquiry as is practical. The majority of the committee shall be faculty without administrative appointment. The Inquiry Panel must consist of individuals who have no unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific or other relevant expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. The committee members may be selected from inside or outside the University as warranted. The respondent, once known, will be notified in writing of the proposed committee membership and may object to a proposed member based upon a personal, professional, or financial conflict of interest. Any such objections must be submitted to the RIO no more than ten (10) calendar days from the date of the notification. The RIO will make the final determination of whether a conflict exists.

E. Charge to the Committee and First Meeting
1. The RIO will prepare a charge for the Inquiry Panel that:
   a. Sets forth the time for completion of the inquiry;
   b. Describes the allegation(s) and any related issues identified during the allegation assessment;
   c. States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether misconduct definitely occurred or who was or were responsible;
   d. States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of misconduct; and, (2) the allegation(s) may have substance, based on the committee's review during the inquiry.
   e. Informs the Inquiry Panel that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy and applicable law or regulation.
2. At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.
F. Inquiry Process
The Inquiry Panel may interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. Then the Inquiry Panel will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy. The scope of the inquiry is not required to, and does not normally, include deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, as required by applicable law or regulation, the institution shall promptly consult with any sponsoring agency with jurisdiction and authority, to determine the next steps that should be taken (See IX. of this Section).

G. Time for Completion
The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60 calendar day period. The respondent will be notified in writing of the extension.

VI. The Inquiry Report
A. Elements of the Inquiry Report
1. A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of misconduct; (3) the identification of any sponsor support, including, for example, grant numbers, grant applications, contracts and publications; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant.

2. Institutional counsel should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the Inquiry Panel. The inquiry report should include: the names and titles of the committee members and experts who conducted the inquiry; a summary of the inquiry process used; a list of the records and other evidence reviewed; summaries of any interviews; and whether any other actions should be taken if an investigation is not recommended.

B. Notification to the Respondent and Complainant and Opportunity to Comment
1. The RIO shall notify the respondent and the complainant whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment(s) usually within fourteen (14) calendar days, and include a copy of or refer to this policy. The complainant will receive only a copy of the portions of the draft inquiry report that address the claimant’s role and opinions in the investigation for comment. The complainant shall execute in advance a written confidentiality agreement in a form approved by the Office of the University Attorney as a condition for access to the report.

2. Any comments that are submitted by the respondent and the claimant, respectively, will be attached to the final inquiry report. Based on the comments, the Inquiry Panel may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.
C. Institutional Decision and Notification

1. Decision by Deciding Official
   The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to External Sponsoring Agencies
   Within thirty (30) calendar days of the DO’s decision that an investigation is warranted, as required by applicable law or regulation, the RIO will provide any sponsoring agency with authority and jurisdiction with the DO’s written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO’s decision. As required by applicable law or regulation, the RIO must provide the following information to such sponsoring agency upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the allegations to be considered in the investigation.

3. Documentation of Decision Not to Investigate
   If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by sponsoring agencies with authority and jurisdiction of the reasons why an investigation was not conducted. These documents must be provided to such agencies upon request.

VII. Conducting the Investigation

A. Initiation and Purpose
   The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials, potential harm to human participants or animal subjects, the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation must be set forth in an investigation report.

B. Notifying Respondent; Sequestration of Research Records
   1. As required by applicable law or regulation, on or before the date on which the investigation begins, the RIO must: (1) notify any sponsoring agency with jurisdiction and authority of the decision to begin the investigation and provide such sponsoring agency a copy of the inquiry report; and (2) notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

   2. The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the misconduct proceedings that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may
occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee
The DO, in consultation with the RIO and other institutional officials as appropriate, will appoint an investigation committee of at least five (5) individuals, as soon after the beginning of the investigation as is practical, preferably within ten calendar days. The investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific or other relevant expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. The majority of the committee should be faculty without administrative appointment. Individuals appointed to the investigation committee may also have served on the Inquiry Panel. When necessary to secure the necessary expertise or to avoid conflicts of interest, the DO may select committee members from outside the University. The respondent will be notified of the proposed committee membership and given an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. If so, the respondent must submit objections in writing to the RIO no more than ten (10) calendar days from the date of the notification. The RIO will make the final determination of whether a conflict exists.

D. Charge to the Committee and the First Meeting
1. Charge to the Committee - The RIO will define the subject matter of the investigation in a written charge to the committee that:
   a. Describes the allegations and related issues identified during the inquiry;
   b. Identifies the respondent(s);
   c. Informs the committee that it must conduct the investigation as prescribed in VII.(E.) of this Section;
   d. States the following: *Research and Creative Activity Misconduct (hereinafter misconduct) is defined as fabrication of results, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. Research misconduct does not include honest error or differences of opinion.*
   e. Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
   f. Informs the committee that in order to determine that the respondent committed misconduct it must find that a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the misconduct is a significant departure from accepted practices of the relevant community; and (3) the respondent committed the misconduct intentionally, knowingly, or recklessly; and
   g. Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and applicable law or regulation.
2. First Meeting
The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including
the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and any applicable federal or state law or regulation governing the investigation. The RIO will be present or available throughout the investigation to advise the committee as needed.

E. Investigation Process
The investigation committee and the RIO must:
1. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;
2. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
3. Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
4. Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

F. Time for Completion
The investigation is to be completed within one-hundred twenty (120) calendar days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and, as required by applicable law or regulation, sending the final report to any sponsoring agency with jurisdiction and authority. However, if the RIO determines that the investigation will not be completed within this time period, as required by applicable law or regulation, he/she will submit to any sponsoring agency with jurisdiction and authority a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with such agency, if the agency grants the request for an extension and directs the filing of such reports. If no sponsoring agency is involved, any request for extension of time must be approved in writing by the DO and the respondent notified in writing of such approval.

VIII. The Investigation Report

A. Elements of the Investigation Report
The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:
1. describes the nature of the allegation of misconduct, including identification of the respondent;
2. describes and documents any relevant external sponsor support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing the sponsor support;
3. describes the specific allegations of misconduct considered in the investigation;
4. includes the University policies and procedures under which the investigation was conducted;
5. identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
6. includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings must: (1) identify whether the misconduct was
falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that the act in question was not misconduct but was instead an honest error or difference of opinion; (3) identify the specific sponsor support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with any sponsoring agencies.

B. Comments on the Draft Report and Access to Evidence
1. Respondent
The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed thirty (30) calendar days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Complainant
The RIO must give the complainant a copy of the portions of the draft investigation report that address the claimant's role and opinions in the investigation for comment. The complainant will be allowed thirty (30) calendar days from the date he/she received the draft report to submit comments to the RIO. The complainant's comments must be included and considered in the final report. The complainant shall execute in advance a written confidentiality agreement in a form approved by the Office of the University Attorney as a condition for access to the report.

3. Confidentiality
In distributing the draft report, or portions thereof, to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

C. Decision by Deciding Official
1. The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's(s') comments are included and considered, and transmit the final investigation report to the DO, who will determine and state in writing: (1) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.

2. When a final decision on the case has been reached, the RIO will normally notify both the respondent and the complainant in writing. After informing ORI, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which relevant reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.
D. Notice of Institutional Findings and Actions
In accordance with applicable law or regulation, unless an extension has been granted, the RIO must, within the 120-day period for completing the investigation, submit the following to any sponsoring agency with jurisdiction and authority: (1) a copy of the final investigation report with all attachments; (2) a statement of whether the institution accepts the findings of the investigation report; (3) a statement of whether the institution found scholarly misconduct and, if so, who committed the research misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

E. Maintaining Records for Review by Sponsoring Agencies
In accordance with applicable law or regulation, the RIO must maintain and provide to any sponsoring agency with jurisdiction and authority upon request records of misconduct proceedings. Unless custody has been transferred to the sponsoring agency or that agency has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for seven (7) years after completion of the proceeding or the completion of any sponsoring agency proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by the sponsoring agency to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

IX. Completion of Cases; Reporting Premature Closures to Sponsoring Agencies
Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. In accordance with applicable law or regulation, the RIO must notify any sponsoring agency with jurisdiction and authority in advance if there are plans to close a case at the inquiry or investigation stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to the sponsoring agency, as prescribed in this policy.

X. Institutional Administrative Actions
If the DO determines that misconduct is substantiated by the findings, he or she will refer the case to the appropriate Vice Chancellor to decide on the administrative actions to be taken, after consultation with the RIO, the DO, and respective dean and director or chair. The administrative actions may include:

A. Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;

B. Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;

C. Restitution of funds to the grantor agency as appropriate; and
D. Other action appropriate to the research misconduct, including, but not limited to, the imposition of sanctions, up to and including termination from employment.

Respondent may appeal imposition of sanctions through the appropriate appellate committee as described in the *ECU Faculty Manual*, Part IX, Section I Tenure and Promotion Policies and Procedures of East Carolina University or, if discharge or serious sanctions are not imposed, through *ECU Faculty Manual*, Part XII, Section I Faculty Grievance Policies and Procedures.

XI. Other Considerations

A. Termination or Resignation Prior to Completing Inquiry or Investigation
   1. The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the University's responsibilities to investigate the alleged misconduct.
   2. If the respondent, without admitting to the misconduct, elects to resign his or her position after the University receives an allegation of misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

B. Restoration of the Respondent's Reputation
   Following a final finding of no misconduct, including concurrence of any sponsoring agency with jurisdiction and authority where required by law or regulation, the institution must undertake reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and expunging all reference to the misconduct allegation from the respondent's personnel file. Any actions by the RIO to restore the respondent's reputation should first be approved by the DO.

C. Protection of the Complainant, Witnesses and Committee Members
   During the research misconduct proceeding and upon its completion, regardless of whether the institution determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

D. Allegations Not Made in Good Faith
   If relevant, the DO will determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith he/she will refer the matter to the appropriate Vice Chancellor to
determine whether any administrative action should be taken against the person who failed to act in good faith.

E. Other Considerations
Respondent may appeal imposition of Institutional sanctions through the appropriate appellate committee as described in the *ECU Faculty Manual*, Part IX, Section I Tenure and Promotion Policies and Procedures of East Carolina University or, if discharge or serious sanctions are not imposed, through *ECU Faculty Manual*, Part XII, Section I Faculty Grievance Policies and Procedures.

Related Policies:
UNC Policy Manual 500.7
ECU Academic Integrity Policy - ECU Faculty Manual Part VI (Section II)

Additional References:
National Science Foundation Research Misconduct Regulation 45 CFR 689
Public Health Service Research Misconduct Regulation 42 CFR 93
Research Compliance Administration Website

(FS Resolution #13-63, April 2013)
EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART VIII

Personnel Policies and Procedures for the Faculty of East Carolina University¹
PART VIII

PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

SECTIONS

I. Personnel Policies and Procedures for the Faculty of East Carolina University

II. Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff

(Text moved from former Appendix C, former Appendix I, and former Part VI)

1For other policies and procedures dealing with faculty appointments, see ECU Faculty Manual, Part. X.
Contents

I. Selection and Appointment of New Faculty
   A. Determination of Number and Nature of Positions
   B. Selection Procedure
   C. General Criteria
   D. Requirements for ranks and titles
   E. Initial Appointment

II. Assignments of Faculty Workload
   A. Assignment of Teaching Responsibilities
   B. Teaching Load
   C. Assignment of Released Time

III. Annual Evaluation

IV. Reappointment of Probationary Term Faculty Members

V. Subsequent New Appointments of Fixed-Term Faculty Members

VI. Professional Advancement

VII. Salary
   A. Initial Salary
   B. Determination of Annual Salary Increments
   C. Benefits and Salary Increases for Fixed-Term Faculty

VIII. Faculty Personnel Files

IX. Amendment Procedure

X. Effective Date

XI. Faculty Personnel File Checklists

XII. Conflicts of Interest & Commitment and External Activities for Pay

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

Allocation of faculty positions is the prerogative of the Academic Council.

Acting in accord with the policies and procedures set forth in the Unit Code, the unit administrator shall recommend to the next higher administrator (for conveyance to the Academic Council) the number and nature of faculty positions needed to carry out the unit’s mission and achieve the university, division, college and unit planning goals. Such recommendations shall be developed with input from the unit’s fixed-term, probationary term,
and tenured faculty, and shall contain justifications addressing the unit staffing plan and appropriate planning goals of the university, division, college and unit.

The Academic Council and deans shall not require that a faculty position be fixed-term rather than probationary term unless sound reasons exist. Such reasons include, but are not limited to, (a) the position is not permanently assigned to the unit, (b) the position is addressing temporary needs, (c) the position cannot be filled by a faculty member with a terminal degree, (d) the duties of the position are primarily clinical, (e) the position is by its nature term-limited (term-limited endowed professorships, for example), (f) this reflects the preference of the faculty member taking the position or (g) budgetary considerations.

B. Selection Procedure
The unit administrator shall notify the unit personnel committee of the number and nature of positions allocated to the unit. The selection of candidates must then proceed in accordance with Part IX, Section I. Tenure and Promotion Policies and Procedures, the most recently revised Affirmative Action Plan, and applicable unit code provisions. The type of search (i.e. local, regional, national) required is governed by University EEO policies.

C. General Criteria
For appointment, a faculty member who is tenured or probationary is evaluated on past achievements and potential for future contributions in:

- Teaching
- Scholarship (Research, Creative Activity/Innovation, Engagement and/or Outreach).
- Service to the university, the profession, and the community.

1. Teaching
East Carolina University recognizes the primary importance of 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, and theses; and other contacts and relationships outside the classroom.

2. Scholarship (Research, Creative Activity/Innovation, Engagement and/or Outreach)
Scholarship refers to the scholarship of research, the scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach. The relative importance of each factor and the type of activity to be considered under each factor must be clearly defined in the unit code. The procedures by which relative weights are established for each individual faculty member for annual evaluation, tenure and promotion must also be clearly described in the unit code. East Carolina University encourages and supports the continuing efforts of faculty to develop a deeper appreciation of the

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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.
importance of professional competency acquired through scholarship that is appropriate to one’s discipline. A faculty member’s scholarship 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. Evaluation of scholarship must be based primarily on peer-reviewed materials as defined in the unit code.

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.4).

For appointment, the fixed-term faculty member is evaluated on past achievements and potential for future contributions in the areas of responsibility stated in the contract and established in the unit code.

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 Probationary Term 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
• exhibits evidence of potential for continued professional growth in teaching effectiveness, and scholarship.
• has demonstrated 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 scholarship resulting in publication or comparable productivity
• has demonstrated ability and willingness to participate in departmental, 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 scholarship resulting in publication or comparable productivity
• has demonstrated excellent ability and willingness to participate in departmental, 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

Additional 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

Based on criteria specified in the unit code and upon recommendation by the unit personnel committee and appropriate administrators, the Chancellor may confer the title “emeritus” or “emerita” upon a retired (including Phased Retirement participant), permanently disabled, or deceased faculty member, who has made a significant contribution to the university through a long and distinguished record of scholarship, teaching, and/or service. (FS Resolution #13-97, December 2013)

E. Initial Appointment

[For additional provisions related to initial faculty appointments, see ECU Faculty Manual, Part IX, Section I (II).]

Appointment to the faculty is made by the chancellor or his/her designee. Upon receiving recommendations by appropriate unit committees and administrators, the chancellor or his/her designee shall issue a contract for initial appointment to the faculty that becomes binding upon being executed by the faculty appointee.

The contract shall specify, at minimum: rank or title; salary rate; length of appointment, tenure status [either fixed term, probationary term, or appointment with permanent tenure as defined in the Faculty Manual, Part IX]; initial assignments and/or responsibilities; and reference to the

3 Reference to the chancellor’s designee is limited to the Academic Council.
criteria for evaluation of faculty performance, as provided in Part IX, unit codes, and other appropriate documents; and any specific terms and conditions of employment.

Any action conferring permanent tenure with the initial faculty appointment requires approval of the Board of Trustees.

II. Assignments of Faculty Workload

Faculty workload is governed by the Faculty Workload Administrative Regulation.

By the end of the Spring semester for 9 month faculty, and by the end of the summer session for 12 month faculty, and prior to making final faculty workload assignments and after soliciting faculty preferences, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities for the coming academic year.

A. Assignment of Teaching Responsibilities

The unit administrator assigns teaching responsibilities. If changes in a faculty member's assignment become necessary, the faculty member shall be notified, when possible, at least two weeks prior to the beginning of each semester of such changes prior to the effective date of the amended assignment.

B. Teaching Load

The definition of a semester credit hour is governed by Administrative Regulation #02.07.01. Full-time faculty members whose primary responsibilities are teaching should not be required to teach more than 12 credit hours per semester or 6 credit hours per summer session, with the exception of faculty members who voluntarily teach directed readings and similar courses. If exceptional circumstances require that a faculty member be assigned more than 12 credit hours in a semester, he or she should be appropriately compensated for the excess teaching load during that term or be given the equivalent reduced teaching load the following semester.

C. Assignment of Released Time

Assignments of released time are governed by Faculty Scholarly Reassignment Administrative Regulation. Faculty members who are to be granted released time shall be informed in writing of the purpose of the reduced assignment.

(FS Resolution #14-04, March 2014)

III. Annual Evaluation

Each faculty member with either a fixed-term, probationary term, or permanently tenured appointment shall perform his/her duties according to the ECU’s Statement on Professional Ethics and shall receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data. The annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor. This annual evaluation shall:

- be in writing;
- 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 term appointments, a record of this discussion shall be placed in the faculty member's personnel file;
- 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 faculty member has 4 calendar days
after receiving the evaluation to attach the statement. 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 calendar days of completing the evaluations of unit members.

The evaluation of probationary term and permanently tenured faculty shall be based upon that year’s duties and responsibilities (except data from the previous year’s Spring semester survey of student opinion) and shall consider:

1. Teaching
Teaching is the primary function of the university. Teaching may include classroom and laboratory instruction, student advising, mentoring student research, and other pedagogical activities. Teaching must be evaluated using multiple methods selected from the list below:
   a. review by the unit administrator and/or peers of course materials such as syllabi, reading lists, teaching outlines, audiovisual materials, student manuals, student assignments and examinations, and/or other materials prepared for or relevant to teaching.
   b. samples of student work on assignments, projects, papers, juries or other examples of student achievement.
   c. formal methods of peer review, detailed in Faculty Senate resolution #17-61. The peer review instrument for face-to-face courses is provided in Faculty Senate resolution #16-60. The peer review instrument for on-line courses is provided in Faculty Senate resolution #11-53.
   d. direct observation of teaching by the unit administrator.
   e. review of data from the Student Perception of Teaching Survey (SPOTS). The data from SPOTS is qualitative data and is not designed to serve the purpose of a measurement instrument. Therefore, SPOTS data may not be converted into a numerical score to be used in faculty evaluation.
   f. other procedures provided for in unit codes. (FS Resolution #12-76, July 2012)

The relative weight given to teaching, scholarship, 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 scholarship.

2. scholarship;
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 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.

The evaluation of fixed-term faculty members shall be based on their performance of duties as stated in their contracts.

IV. Reappointment of Probationary Term Faculty Members
Refer to Part IX of the ECU Faculty Manual.

V. Subsequent new appointments of Fixed-Term Faculty Members
Faculty positions that are occupied by faculty members holding fixed-term contracts shall periodically be evaluated to determine if it is feasible to convert the position to one that is tenure-eligible. When it is recommended that a position that is occupied by a fixed-term faculty member be made tenure-eligible, the personnel committee and unit administrator shall determine collaboratively the appropriate kind of search recommended (search waiver, internal search, or external search), with the final approval authority for the type of search (i.e. local, regional, national) governed by University EEO policies.

The repeated re-employment in full-time, fixed-term positions of faculty members whose qualifications are on a par with those who are probationary term faculty members in the unit is justifiable when special conditions apply such as: (a) the position is not permanently assigned to the unit, (b) the position is addressing temporary needs, (c) the position cannot be filled by a faculty member with a terminal degree, (d) the duties of the position are primarily clinical, (e) the position is by its nature term-limited (term-limited endowed professorships, for example), (f) reflects the preference of the faculty member taking the position. Qualified full-time, fixed-term faculty members should be encouraged to apply for tenure-eligible positions, or (g) budgetary considerations.

Repeated re-employment of part-time fixed-term faculty members should be subject to the same conditions listed in a-f in the above paragraph. The continuous re-employment of faculty in part-time or temporary positions should be avoided, unless mutually beneficial for the candidate and the unit.

VI. Professional Advancement

Advancement in title for fixed-term faculty and promotion for tenured and probationary term faculty are means through which professional achievement is encouraged, recognized, and rewarded by the university. Evaluation of faculty for purposes of promotion or advancement in title 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, Part IV).

Specific regulations and criteria governing evaluation of faculty for purposes of promotion or advancement in title may vary from unit to unit. For evaluations pertaining to fixed-term subsequent new appointment at a higher title, the criteria shall be stated in the unit code. As a minimum each unit shall:

- apply published criteria in teaching, scholarship and service for evaluating faculty for promotion or advancement in title;
- 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 appropriate unit committee at any time; and
- notify each faculty member within four days of receipt of the administration's call for promotion or advancement in title recommendations.

Upon request by the faculty member, the unit administrator and the unit promotion committee shall evaluate the faculty member for promotion; the unit administrator and the personnel committee shall evaluate the faculty member for advancement in title. Following such evaluation, the unit administrator and appropriate unit committee shall inform the faculty member of their respective recommendations. Promotion or advancement in title 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*, Part IX. Procedures to be followed for advancement in title should be specified in each code unit in accordance with *ECU Faculty Manual*, Part IX, Section I (II.B.3), (III.) and (IV.); and Part VIII, Section I (I.D.3).

Among the many qualifications which may be considered when making recommendations for promotion, the requirements in Part IX, Section I (I.D.2) above are essential.

Promotion in academic rank 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.

Advancement in title for fixed-term faculty members 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 advancement in title may be attested to by demonstrated excellence in the performance of duties specified in the contract of the fixed-term faculty member and supported by the faculty member's annual performance evaluation.

VII. 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, the ECU Board of Trustees, 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; scholarship; 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.

C. Benefits and Salary Increases for Fixed-Term Faculty

Equitability of salary and benefits for fixed-term faculty members should be reviewed annually. When salary increments are provided by the Board of Governors, full-time fixed-term faculty who have completed one year of employment and have received a subsequent new appointment should be considered for a salary increase based upon their annual evaluation and criteria established by the Board of Governors, ECU Board of Trustees, and the unit code.

Full-time, fixed-term faculty are entitled to the same benefits as all other full-time employees of ECU.
VIII. Faculty Personnel Files

A. Article 7 of Chapter 126 of the General Statutes of North Carolina shall govern matters relating to personnel files, contents and permissible access. The General Statutes are located in Joyner Library and in the University Attorney’s Office. Access to the statutes on the Internet are available at: www.ncga.state.nc.us/Statutes/Statutes.html or www.allaw.com/state_law_search/north_carolina/.

Please note that the statutes reported on the internet may not be accurate and may not be updated in a timely manner to reflect the latest supplements.

For questions regarding personnel files, contact the Faculty Senate Office or the University Attorney’s Office.

B. Definition

North Carolina law defines a personnel file as any information gathered by East Carolina University that relates to an individual’s employment, which includes information relating to the application, selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment, wherever located and in whatever form. Records related to grievances and appeals of non-reappointment and non-conferral of tenure are personnel records. The Personnel Action Dossier (“PAD”) is an evaluative document, is a personnel record, and is part of the faculty member’s personnel file. The personnel file is University property and is retained by the University.

Personnel records are kept in accordance with the Records Retention and Disposition Schedule approved by the Chancellor. Timing of storage and transfer vary depending on the specific type of document.

C. Location

All records used in the formal evaluation of faculty must be in the primary personnel file. A faculty member’s primary personnel file shall reside in the code unit office under the supervision of the code unit administrator. In addition, there may be other files containing personnel records that are located in approved University offices. 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.

Filed grievances; appeals of non-reappointment or non-conferral of tenure; complaints filed by or against a faculty member with the ECU EEO Office alleging sexual harassment, discrimination based on age, race, religion, or disability, or a violation of the amorous relations policy; and records relating to any disciplinary action against a faculty member may be included in an appeal hearing file or in an investigative file prepared by the EEO Office or by the University Attorney’s Office.

Personnel records retained in the EEO Office or the University Attorney’s Office will remain confidential, but the documents collected and/or created in those offices are considered part of an investigative/preparation file and are not considered part of the primary personnel file. Disclosure of documents in those files is subject to applicable University policies and state laws. Additionally, in accordance with the relevant University policy and state laws, the
University will formally notify the faculty member of any complaint or grievance filed against a faculty member and will follow the procedures prescribed for due process. In most cases, personnel documents maintained in those files will be duplicates of documents in the primary personnel file. In all cases, the documents in those files will be available for review by the faculty member.

D. Content
State law requires that the University permit the public to have access to the following employment related information about: name, age, date of original employment or appointment to State service, the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the university has the written contract or a record of the oral contract in its possession, current position, title, current salary, date and amount of each increase or decrease in salary, with the university, date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the university, date and general description of the reasons for each promotion with the university, date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the university. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Chancellor setting forth the specific acts or omissions that are the basis of the dismissal, the office to which the employee is currently assigned.

To the extent allowed by applicable law (e.g., Article 7 of Chapter 126 of the General Statutes of North Carolina), all other information contained in the personnel file is confidential and shall not be open for inspection and examination except to the following persons:

(1) The employee, applicant for employment, former employee, or his properly authorized agent, who may examine his own personnel file in its entirety except for (i) letters of reference solicited prior to employment, or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee;
(2) The supervisor of the employee;
(3) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
(4) A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file; and
(5) An official of an agency of the federal government, State government or any political subdivision thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected or, in the case of an applicant for employment or a former employee, by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation; and
(6) Any person or corporation to which the Chancellor determines release of such information is essential as allowed by General Statute §126-24.

All evaluative documents will be contained in the primary personnel file. Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system are placed in the primary personnel file when signed by a representative of the committee. In
particular, official copies of Personnel Action Dossiers, as outlined in Part X of the ECU Faculty Manual, including documentation submitted by faculty for consideration in the tenure, reappointment and promotion processes, shall reside in the primary personnel file.

No material obtained from an anonymous source shall be placed in the primary personnel file except for data from student opinion surveys. Data from student opinion surveys shall be submitted by the authorized surveying agent to the faculty member and the unit administrator. Administrators shall not keep secret files.

A faculty member who objects to material in the primary personnel file or other personnel records may place in the file a statement relating to the material the faculty member considers to be inaccurate or misleading. This concise statement shall be submitted to the custodian for inclusion as an attachment to the specific document. A faculty member who objects to material in the primary personnel file because it is inaccurate or misleading may seek the removal of such material from the primary personnel file in accordance with Part XII, Section I of the Faculty Manual, including appeal to the State Personnel Commission.

E. Access
The unit administrator is responsible for providing faculty member’s access to their personnel file during regular business hours with advance notice to the unit administrator. Advance notice of at least 4 calendar days is required so that the file can be gathered from other offices, if necessary, and so that confidential documents, as specified in D.1 (above), can be removed. The unit administrator must make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies of the file, if applicable.

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.

F. Disclosure of Confidential Information
Willful disclosure of confidential information or unauthorized access to a personnel file by any person violates State law and University regulations and may result in disciplinary action under University regulations. Any person, who knows of these violations but does not act, has neglected his or her duties and may also be disciplined in accordance with University regulations.

IX. Amendment Procedure
Amendment procedures are subject to the University’s Regulation on Policies, Rules, and Regulations. The Faculty Senate will consider amendments to *ECU Faculty Manual*, Part VIII, Section I - Personnel Policies and Procedures that are proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. Amendment(s) submitted to the Faculty Senate for consideration shall be handled as any other item of legislation which comes before the senate. If the senate approves such a proposed amendment, the senate shall submit the proposed amendment to the chancellor and, if approved by the chancellor, the amendment will be forwarded to the board of trustees for its
approval. Consideration by the board of trustees is not required if the chancellor has final authority to enact the amendment.

X. Effective Date
All provisions of these policies and procedures shall become effective on the date they are approved by the East Carolina University Board of Trustees or its designee.

XI. Faculty Personnel File Checklists

FACULTY PERSONNEL FILE CHECKLIST
(Division of Academic Affairs)
Your primary personnel file is located in the office of your Code Unit Administrator and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies, if you request same. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements. Multiple copies of the same document may be limited.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) you are concerned about.

Removal of offensive materials may be sought in accordance with the procedures in Part XII, Section I of the ECU Faculty Manual.

Location of Records Related to Employment:
_____Code Unit Administrator’s Office
_____Dean’s Office
_____Academic Department Chair’s Office in Professional Schools
_____Vice Chancellor for Academic and Student Affairs’ Office
_____Department of Human Resources

Other Files Containing Personnel Records May be Located:
_____Equal Employment Opportunity/Affirmative Action Office
_____University Attorney’s Office
_____Faculty Senate Office

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records related to a medical condition or disability should be maintained in a separate envelope. Questions about your personnel records should be directed to the Faculty Senate Office or the University Attorney’s Office.
FACULTY PERSONNEL FILE CHECKLIST  
(Division of Health Sciences)

Your primary personnel file is located in the office of your Code Unit Administrator and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies, if you request them. A reasonable number of copies will be provided at no cost to the faculty member. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) which concern(s) you. Removal of inaccurate or misleading materials may be sought in accordance with the procedures in Part XII, Section I of the ECU Faculty Manual.

Location of Records Related to Employment:

_____ Code Unit Administrator’s Office  
_____ Dean’s Office  
_____ Academic Department Chair’s Office  
_____ Center Administrator’s Office (ex. Center for Advancement of Health)  
_____ Department Section Head’s Office  
_____ Vice Chancellor for Health Sciences Office  
_____ Department of Human Resources

Other Files Containing Personnel Records May be Located:

_____ Equal Employment Opportunity/Affirmative Action Office  
_____ University Attorney’s Office  
_____ Faculty Senate Office

Additional Records for Physician Faculty - located at Brody SOM and Pitt County Memorial Hospital:

_____ Medical Faculty Practice Plan Benefits Office  
_____ Managed Care Office  
_____ ECU Physicians Credentialing Office  
_____ PCMH Credentials Verification Office (Medical Staff Support)

This notifies you that certain the Division of Health Sciences or other ECU offices (including, but not limited to, University Attorney, Equal Employment Opportunity, Compliance, BSOM Risk Management, CME, etc.) may maintain records (including, but not limited to, attendance records for mandatory training sessions, orientation, and CME programs; routine audits of medical records and billing documentation; Quality Assurance; malpractice; etc.) related to your employment and which may constitute personnel records. Should you wish to verify whether such offices maintain records...
related to your employment, you may contact the specific office for further information regarding your records within the Office of the Vice Chancellor for Health Sciences.

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records governed by General Statute, if any, would be maintained in a separate envelope. Questions about your personnel records should be directed to the Faculty Senate Office or to the University Attorney’s Office.

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(FS Resolution #11-94, November 2011)
(FS Resolution #12-76, April 2012)
PART VIII – PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

SECTION II

Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff
(Text moved from former Appendix I and former Part VI)

CONTENTS
I. Introduction, Applicability, and Responsibility for Compliance
II. Definitions
III. Policies
   A. Conflict of Interest
   B. Conflict of Commitment
   C. External Professional Activities of Faculty and Other Professional Staff
IV. Categories and Examples of Potential Conflicts
V. Conflict of Interest Procedures
VI. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts
VII. Institutional Conflict of Interest
VIII. External Professional Activity for Pay Procedures
IX. Enforcement of Policies

I. Introduction, Applicability, and Responsibility for Compliance
All EPA faculty members and Non faculty EPA staff of East Carolina University are subject to revised policies concerning conflicts of interest and conflicts of commitment affecting University employment and external professional activities. This policy covers full-time faculty and EPA non-faculty employees, part-time faculty and EPA non-faculty employees, (those UNC employees who are not subject to the State Personnel Act – hereinafter referred to as ‘EPA employees’. This policy is based on policies and guidelines adopted by the UNC system Board of Governors, federal and state law, and federal agency sponsor requirements. Any questions regarding these procedures or the Board of Governors' policies upon which they are based should be directed to the ECU Office of Research Compliance Administration.

II. Definitions
A. Business means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit, not-for-profit, or charitable purposes. "Business" excludes University-related entities, which is inclusive of the University, and any private medical practice or any other entity controlled by, controlling, or under common control with the University or with which the University has a contractual relationship for the purpose of providing patient care.

B. Conflict of commitment relates to an individual’s distribution of effort between obligations to his or her University employment and participation in activities outside of University employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting. A conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time that interferes with the EPA employee’s obligations to students, to colleagues, and/or to missions of the University.
C. Conflict of interest relates to situations in which financial or other personal considerations may compromise, may involve the potential for compromising, or may have the appearance of compromising an EPA employee’s objectivity in fulfilling University duties or responsibilities, including research activities.

D. "Executive Position" refers to any position that includes responsibilities for a material segment of the operation or management of a business, including Board membership.

E. External professional activities for pay means any activity that 1) is not included within one’s University employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the EPA employee. Activities for pay not involving such professional knowledge, experience and abilities are not subject to advance disclosure and approval requirements of this Policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary University duties, conflicts of interest, inappropriate uses of the University name or resources, or claims of University responsibility for the activity.

F. Department means an academic department, a professional school without formally established departments, or any other administrative unit designated by the chancellor of an institution or by the president for the office of General Administration, for the purposes of implementing this policy.

G. The "Immediate Family" of a faculty or EPA non-faculty employee includes his or her spouse, dependent children and/or other dependent(s) as defined in the Internal Revenue Code.

H. Inappropriate use or exploitation of University resources means using any services, facilities, equipment, supplies, or personnel that members of the general public may not freely use. A person engaged in professional activities for pay may use, in that connection, his or her office and publicly accessible facilities such as University libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during University employment time to advance the supervisor’s external professional activities for pay.

I. "Participate" means to be part of the described activity in any capacity, including but not limited to serving as the principal investigator, co-investigator, research collaborator or provider of direct patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory, with no direct access to the data (e.g., control over its collection or analysis) or, in the case of clinical research, to the trial participants, unless they are in a position to influence the study's results or have privileged information as to the outcome.

J. Significant Financial Interest has the same meaning as in 42 C.F.R. 50.603 as it currently exists and as it may later be amended. This provision of the Code of Federal Regulations defines a Significant Financial Interest to mean: anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:

1. Salary, royalties, or other remuneration from the applicant institution;
2. Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program (SBIR);
3. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
4. Income from service on advisory committees or review panels for public or nonprofit entities;
5. An equity interest that when aggregated for the Investigator and the Investigator’s spouse and dependent children, meets both of the following tests: Does not exceed $10,000 in value as determined through reference to public prices or other reasonable measures of fair
market value, and does not represent more than a five percent ownership interest in any single entity; or
6. Salary, royalties or other payments that when aggregated for the Investigator and the Investigator’s spouse and dependent children over the next twelve months, are not expected to exceed $10,000.

K. "Sponsored Programs" means research, public service, training and instructional projects involving funds, materials, or other compensation from outside sources under grants, contracts, or cooperative agreements.

L. "Technology" means any process, method, product, compound, drug, device, or any diagnostic, medical, or surgical procedure developed using University time, facilities, equipment, or funds whether intended for commercial use or not.

M. University employment responsibilities include both “primary duties” and “secondary duties.” Primary duties consist of assigned teaching, scholarship, research, institutional service requirements, and other assigned EPA employment duties. Secondary duties consist of professional affiliations and activities undertaken by EPA employees outside of the immediate University employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria (See also UNC Policy Manual 300.2.2.2[R]) or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies. Such integral manifestations of one’s membership in a profession are encouraged, as extensions of University employment, so long as they do not interfere with the timely and effective performance of the individual’s primary University duties.

The goal of this policy is to ensure that all conflicts of interest or commitment are disclosed so that appropriate administrative interventions may eliminate, avoid, or manage them. These policies, however, are not intended to limit responsible external activities.

III. Policies
A. Conflict of Interest
Employees shall avoid conflicts of interest that compromise, may involve the potential for compromising, or may have the appearance of compromising the EPA employee’s objectivity in fulfilling University responsibilities, including research activities. Accordingly, outside activities and financial interests must be disclosed by EPA employees on an annual basis. This notwithstanding, EPA employees have a continuing obligation to timely update these disclosures as new external interests develop. Outside activities and financial interests should be arranged to avoid such conflicts.

B. Conflict of Commitment
Employees shall devote their primary professional loyalty, time, and energy to their University employment responsibilities, including research activities. Accordingly, EPA employees shall not engage in activities outside of their employment that involves an inordinate investment of time that interferes with the EPA employee’s obligations to students, to colleagues, and/or to missions of the University. Such activities are unacceptable outside activities. Conflicts of commitment may also arise in connection with non-compensated activities and a conflict of commitment may exist notwithstanding that an EPA employee received no economic benefit from the outside activity. The issue, in each case, is whether the employee is meeting the requirements of the job (as such
responsibilities and requirements may be defined by applicable University policy and as may be further described in an individual’s job description or appointment letter).

The policy on External Professional Activities of Faculty and Other Professional Staff should be used for these potential conflicts of commitment situations.

Although full-time faculty and other EPA employment is not amenable to precise, time-clock analysis and monitoring, administrators at the department and school levels are charged with the evaluation of the work of employees under their supervision. The formal occasions for determining whether an individual is devoting sufficient time and energy to University employment include regular reviews in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and reviews of Notices of Intent to Engage in External Professional Activities for Pay.

IV. Categories and Examples of Potential Conflicts

Activities that may involve conflicts of interest can be categorized under four general headings:

Category I: consists of activities that appear to involve a conflict of interest but in, fact, do not.

Category II: consist of activities that present potential conflict of interest and must be reported, but that may be allowable with administrative approval.

Category III: consists of relationships that are generally not allowable because they involve potential conflicts of interest or they present obvious opportunities or inducements to favor personal interests over institutional interests. Before proceeding with such an endeavor, the EPA Employee must demonstrate that in fact his or her objectivity would not be affected and University interests otherwise would not be damaged. An approved conflict of interest management plan must be in place before any activities involving this category are initiated.

Category IV: consists of activities that have the potential for creating conflicts of interest that are prohibited by North Carolina and/or federal law and, therefore, may not be undertaken.

Provided below are representative, but not all-inclusive, examples of activities in each of these four categories. Please refer to Section above for important definitions.

Category V: Activities allowable, with no reporting required. The examples cited below involve activities external to University employment, and thus may present the appearance of a technical conflict, but they in fact do not have the potential for affecting the objectivity of the EPA employee’s performance of University responsibilities; at most, some such situations could prompt questions about conflicts of commitment.

a. An EPA Employee receiving royalties from the publication of scholarly works and other writings or for the licensure of patented inventions pursuant to the University’s Patent and Copyright Policies (Faculty Manual, Part VII, Research Information).

b. An EPA employee receiving nominal compensation, in the form of honoraria or expense reimbursement, in connection with service to professional associations, service on review panels, presentation of scholarly works, and participation in accreditation reviews. Senior Academic and Administrative Officers may also be subject to special regulations regarding honoraria which require leave to be taken when external activities for pay will take place during the regular work week (UNC Policy Manual, 300.2.2.2[R]).
c. An EPA Employee having an equity interest in a corporation used solely for the individual’s consulting activities provided such consulting activities are appropriately reported and approved in accordance with the policy on, External Professional of Faculty and Other Professional Staff and the corporation is not directly or indirectly conducting any business or sponsoring any projects with the University.

Category VI: Activities requiring disclosure for administrative review.

1. Research Activities
   a. An EPA employee accepting support for University research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication. Research conducted by faculty or students under any form of sponsorship must maintain the University’s open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. Such conditions on publication must be in compliance with UNC Policy Manual, 500.1 and 500.2.
   b. Related persons working on the same funded or unfunded project.

2. External Activities
   a. An EPA Employee serving on the board of directors or scientific advisory board of an enterprise or business that provides financial support for University research, and the employee or a member of his or her immediate family may receive such financial support.
   b. An EPA Employee serving in an executive position in a for-profit or not-for-profit business which conducts research or other activities in an area related to the University duties of the employee.

3. Ownership
   a. An EPA Employee having a financial interest or a significant financial interest in a business that competes with the services provided by the University.
   b. An EPA Employee having significant equity or a Significant Financial Interest in a for-profit business which conducts research or other activities in an area related to the employee’s University duties. An EPA Employee requiring students to purchase the textbook or related instructional materials of the employee or members of his or her immediate family, which produces compensation for the employee or family member.

4. Other
   a. An EPA employee receiving compensation or gratuities (other than occasional meals, gifts or desk copies of textbooks, and the like) from any individual or entity doing business with the University. This notwithstanding, see Category IV example (f).
   b. Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined herein.

Category VII: Activities or relationships that are generally not allowable.

1. Research Activities
   a. An EPA Employee participating in University research involving a technology owned by or contractually obligated (by license, option, or otherwise) to a business in which the individual or an immediate family member has a consulting relationship, has an ownership interest, or holds an executive position.
   b. An EPA Employee participating in University research which is funded by a grant or contract from a business in which the individual or member of his or her immediate family has an ownership interest and/or significant financial interest;
   c. An EPA Employee assigning students, postdoctoral fellows or other trainees to University research projects sponsored by a business in which the individual or a member of his or her immediate family has an ownership interest and/or significant financial interest.
2. External Activities
   a. Assuming an executive position in a not-for-profit business with which the University has a contractual relationship known to the individual and which is engaged in commercial or research activities in a field related to the individual's University responsibilities.
   b. An EPA Employee making referrals of University business to an external business or company in which the individual or a member of his or her immediate family has a financial interest, including a consulting relationship.
   c. An EPA Employee associating his or her own name with the University in such way as to profit financially by trading on the reputation or goodwill of the University. An example of a context in which such an association might occur is external professional activity for pay. Mere identification of the University as the employer of the individual and of the individual's position at the University is permitted by this section, provided that such identification is not used in a manner that implies sponsorship or endorsement by the University.
   d. An EPA Employee serving as an expert witness for pay in litigation which requires the disclosure of research data in a manner that will compromise the University’s or a student’s ability to publish.

3. Public Disclosure
   a. An EPA Employee publishing or formally presenting University sponsored research results, or providing expert commentary on a subject, without simultaneously disclosing any significant financial interest relating to such results or such subject.
   b. An EPA Employee making unauthorized use of privileged information acquired in connection with one's University responsibilities. See also Category IV activities.

4. Administrative Responsibilities
   a. An EPA Employee taking administrative action in the course and scope of University responsibilities that is beneficial to a business in which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship. See also Category IV activities.
   b. An EPA Employee influencing the negotiation of contracts between the University and an outside organization with which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship. See also Category IV activities.

5. Committee Participation
   a. An EPA Employee serving on a committee of a governmental agency or private entity during the consideration by such a committee of the regulation or application of a technology that is owned by or contractually obligated to a business in which that individual or immediate family has a significant financial interest, including a significant consulting relationship.

Category VIII: Activities that have the potential for creating conflicts of interest that are prohibited by North Carolina and federal law (including N.C. Gen. Stat. 14-234 and 14-234.1 as they currently exist and as may later be amended) and, therefore, may not be undertaken.
   (a) N.C.G.S. (a1)(4) defines “direct benefit from a contract” to mean where a state officer or employee or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to contract with a state agency; (ii) derives any income or commission directly from the contract with a state agency; (iii) acquires any property under the contract with a state agency.
   (b) N.C.G.S. 14-234 (a1)((2) states that a public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.
(c) N.C.G.S. 14-234 (a1)((3) states in part that a public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract.

(d) North Carolina law prohibits a state officer or employee who is involved in making or administering a contract on behalf of a state agency from deriving a direct benefit from the contract (N.C.G.S. 14-234 (a)(1)).

(e) North Carolina law prohibits a state officer or employee who receives a direct benefit from a contract with the state agency he or she serves, but who is not involved in making or administering the contract, from attempting to influence any other person who is involved in making or administering the contract. (N.C.G.S. 14-234 (a)(2))

(f) North Carolina law prohibits a state officer or employee from soliciting or receiving any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the state agency he or she serves. (N.C.G.S. 14-234 (a)(3))

(g) Contracts made in violation of N.C.G.S. 14-234 are void as a matter of law and anyone violating this statute may be prosecuted criminally.

(h) N.C.G.S. 14-234.1 prohibits a State officer or employee from benefiting financially, or helping someone else benefit, from non-public information gained by the employee in his or her official capacity. Anyone violating this statute may be prosecuted criminally.

(i) Note that the North Carolina Ethics Act (Ethics Act) also regulates Conflicts of Interest for “Covered Persons”. Questions regarding the Ethics Act should be directed to the University Attorney.

(j) Medicare Anti-Kickback Law. The Medicare Anti-Kickback law (42 U.S.C. 1320a-7b(b)) prohibits compensation from research sponsors that provide or supply healthcare services or products to researcher-physicians or hospitals for their participation in clinical research if such compensation is intended to induce physicians or hospitals to purchase drugs or services of the research sponsor that will be paid by Medicare or Medicaid.

(k) False Claims Act. Researchers must certify in their grant applications that they are in compliance with statutory and regulatory requirements, including applicable statutes and regulations prohibiting conflicts of interest. Falsely certifying compliance could result in criminal prosecution and civil penalties under the False Claims Act (31 U.S.C. 3729, et seq.).

COI Procedures

EPA employee will be required to disclose annually relationships and circumstances that may raise questions about conflicts of interest and conflicts of commitment relating to University employment responsibilities, including, but not limited to sponsored research activities. All potential Category II, III, and IV relationships or financial holdings must be reported regardless of the dollar amounts involved. Category I activities and relationships are not required to be disclosed under this policy; however, other university reporting requirements may apply to these activities (see Section IV). Where there is some question whether an activity should be considered a Category I or II activity as described above, the EPA employee should include the activity in the disclosure for consideration by his/her supervisor.

Revisions or updates of the yearly disclosures are required between yearly disclosures whenever there is a significant change in the EPA employee’s or his/her immediate family’s affairs that may lead to or may be perceived to lead to a conflict with the EPA employee’s university activities, e.g., the faculty member’s spouse begins to receive consultant fees from a company that currently contracts with university for research services from the faculty member’s laboratory.
Procedures: To facilitate disclosure and to ensure appropriate uniformity across the University, each individual will complete the "Annual Faculty/Professional Staff Disclosure Form." Each unit administrator will distribute this form annually to all faculty and professional staff (EPA non faculty) under his or her supervision and assure that completed forms are returned. Unit Administrators shall summarize the disclosure completed by EPA employees to the Office of Research Compliance Administration.

The purpose of this form is to identify employees' activities that may lead to actual or potential conflicts of commitment or interest so that appropriate administrative intervention may address the problems. The employee and the administrative supervisor are to complete and sign the annual disclosure form, which implies that the administrative supervisor has reviewed the form. No further action will be required if all questions are answered "no".

Further disclosure and review are required if questions elicit any "yes" responses on the Annual Faculty/Professional Staff Disclosure Form or on any mid-year revisions or updates of the annual form. The employee must then complete and sign the appropriate additional forms. Suggested provisions or plans for eliminating or managing conflicts should be included in these additional forms where indicated. Examples of some (but not all) possible provisions for conflict management plans are:

1. Public disclosure of the significant financial interests or external activities;
2. Monitoring of activities by disinterested university officials to assure that conflicts do not arise;
3. Cessation of the pertinent outside activities;
4. Divestiture of the pertinent financial interests; and
5. Severance of the relationships that create actual or potential conflicts.

Since these forms have direct bearing on the employment of individuals with the University, all disclosure forms (the annual form and accompanying forms) and associated documents will be maintained in the administrative office of the employee's unit in his/her personnel folder for a period of at least three years following termination of the pertinent activities.

VI. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts.

The unit administrator (chair, dean, or the employee's supervisor in the case of a senior administrator) has the initial responsibility to review and approve or disapprove the disclosure forms filed with him or her by the EPA employees within that unit. The review shall follow the provisions of this Policy. The Unit administrator should be familiar with the definition of 'Significant Financial Interest' to differentiate between Category II and Category III activities and relationships. Category III activities are presumptively considered to be non-allowable.

The unit administrator may refer any question regarding an annual disclosure form to the next higher administrative level for review and decision and must refer to the next higher level for review and approval all annual disclosures (and updates/revisions) which require additional forms (as described in the annual disclosure form) for EPA employees involvement in possible Category II and III activities as described above.

If a potential conflict is determined to exist, written plans for eliminating or managing the conflict will be developed in consultations between the employee, the Office of Research Compliance Administration, and his/her supervisors (up to and including deans of academic units as appropriate) and presented to the Vice Chancellor for Research and Graduate Studies. For Category II through IV
Conflicts of Interest, the plan will also be submitted to the appropriate division's Vice Chancellor for informational review. It will then be presented to the ECU Research Ethics Oversight Committee (see below) for final approval. An adverse decision of the Committee to a proposed management plan may be appealed to the Chancellor. The supervisor of the EPA employee will be responsible for assuring the implementation and/or monitoring of the conflict management plan.

Documentation of all decisions on activities and associated conflict management plans will be maintained in the employee's personnel folder.

In order to fulfill the certification requirements of grant and contract funding agencies (e.g., the NIH and NSF), each unit administrator shall also provide annually to the Vice Chancellor for Research and Graduate Studies a list of all faculty members and EPA staff in the administrator's unit who have submitted approved current annual disclosure forms and, where needed, an indication when such approval required development of an acceptable conflict management plan. This list may be amended as needed during the year. The Vice Chancellor for Research and Graduate Studies or designee will use this information to report any perceived or potential COI to the sponsor or to certify to potential funding agencies that this Institution has a conflict of interest policy consistent with NIH and NSF guidelines and that to the best of our knowledge all provisions of the policy have been followed with respect to proposals submitted to the agencies by ECU faculty and staff.

If after initial review of any disclosure by the department head, dean, and vice chancellor, questions remain regarding ethical issues or if disagreement exists between the EPA employee and the administration regarding the permissibility of activities, or if the COI management involves more than disclosure and minor oversight, the situation may be referred to a faculty/administrative advisory committee for review of conflicts of interest and commitment. This committee, the Research Ethics Oversight Committee, will be chaired by the Vice Chancellor for Research & Graduate Studies. Appropriate individuals will be appointed members to the committee by the Vice Chancellor for Research and Graduate Studies. When the committee reviews conflict management plans, a representative of university attorney's office shall be present. Decisions by this committee will be presented to the Chancellor for his or her concurrence and, if approved, will become the University's final position. If the activity at issue involves external support (grant, contract or cooperative agreement), the Director of Sponsored Programs shall inform the sponsor in accordance to Sponsor policy and guidelines of the COI.

Whenever human subjects are involved in an activity presented to the University’s Office of Research Compliance Administration (including approvals of conflict management plans), the University & Medical Center Institutional Review Board (UMCIRB) will be confidentially notified of the issue and the Committee’s actions.

VII. Institutional Conflict of Interest

East Carolina University, from time to time, forms relationships with profit-making entities (including the holding of equity interests) for mutual benefit. However, such relationships may put the University into actual or apparent conflict of interest situations when accepting grants or contracts from the profit making entities for research or other activities. (See exclusion at the end of this section for certain types of relationships.) To assure that these grants and contracts are performed with the highest level of integrity by University employees and to assure that the public maintains it trust in University activities, the following procedures shall be followed:
1. At the beginning of each calendar year, the Director, Office of Technology Transfer shall prepare a disclosure listing all profit-making entities in which the University has a significant financial interest. This disclosure shall be updated during the year as new relations develop and old ones terminate. This disclosure and its updates will be submitted to the Vice Chancellor for Research and Graduate Studies who shall distribute the disclosure to the Chancellor, the other Vice Chancellors and Deans, and the Research Ethics Oversight Committee. Copies of the disclosure and updates shall also be distributed to those university administrative offices charged with approving and administering grants and contracts and other regulatory committees (for example, Office of Sponsored Programs, Office of Grants and Contracts Administration and the UMCIRB).

2. Units submitting proposals for external funding to commercial entities may not be aware of possible institutional conflict of interest issues. Thus, the Office of Sponsored Programs shall have the primary responsibility of notifying Office of Research Compliance Administration, Vice Chancellor for Research and Graduate Studies and the submitting unit of the University’s conflict of interest as part of its regular procedures for the review and approval of such applications. The Office of Research Compliance Administration or the Vice Chancellor or his designee shall then develop a plan to manage the institutional conflict of interest after consultation with the submitting unit and other relevant university offices. The conflict management plan shall be submitted to the Research Ethics Oversight Committee for review. The Committee may approve the plan (with or without mandatory changes) or disapprove the plan. University acceptance of grants and contracts related to a management plan is contingent upon approval of the management plan by the Committee. A negative decision of the Committee may be appealed to the Chancellor. An institutional conflict management plan may range from a simple disclosure of the University’s interest in publications and reports emanating from the grant or contract to complete University divestiture of the financial interest. The institutional conflict of management plan shall be separate from and in addition to any conflict management plans for conflicts of interests of individuals (e.g., the principal investigator) involved in the grant or contract.

3. When considering an institutional conflict of interest management plan, the Research Ethics Oversight Committee shall a) include as voting members, one or more individuals from the general public who have no direct or indirect relationship with the University, i.e., the individuals and their spouses or other dependents must not be current employees or students of the University; and b) recuse from the deliberations of the Committee any ECU member of the Committee who has been involved in the negotiation, approval, or implementation of the relationship that is the basis of the actual or perceived conflict of interest. The general public members of the Committee should be individuals that have sufficient education or experience to understand both the issues before the Committee and the possible impacts of the Committee’s decisions on the general public.

4. Arrangements for plan implementation and oversight shall explicitly be part of an institutional conflict management plan. Implementation and oversight will usually be the joint responsibility of the submitting unit and the Office of the Vice Chancellor for Research and Graduate Studies. However, other arrangements shall be made for plan implementation and oversight if, in the judgment of the Research Ethics Oversight Committee, such arrangements are necessary for the effective management of the conflict.

Excluded Relationships: A relationship with a profit making organization for the purposes of this institutional conflict of interest policy shall not include ordinary investments of the university’s endowment that are managed by the Board of Trustees of the Endowment Fund or ordinary client-
vender relationships where the University contracts for specific goods or services from a profit-making organization.

VIII. External Professional Activity for Pay Procedures

1. An EPA Employee who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent") in a format as described in section 2 of this Part VIII. The Notice of Intent shall be filed with the head of the department in which the individual is employed. A separate “Notice of Intent” shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin. The Notice of Intent Format: The format for giving notice of Intent should follow the sample notice form.

2. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of twelve-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of nine (9) month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten days before engaging in such activity in the succeeding relevant year.

3. Except as set out in paragraph 5 below, the “Notice of Intent” shall be considered as follows: If, after a review of the “Notice of Intent” and consultation with the EPA employee, the unit head determines that the proposed activity is not consistent with this policy statement of the Board of Governors and East Carolina University, the EPA Employee shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the unit head, the EPA Employee shall not proceed with the proposed activity but may appeal that decision to the next higher administrator and then to the Chancellor or the Chancellor’s designee. A decision on any such appeal shall be given to the EPA Employee within ten calendar days of the date on which the appeal is received. The decision of the Chancellor is final. Appeals shall be made in writing on the "Notice of Intent" form.

4. If question 8, question 9a, or question 9b on the Notice of Intent, above, is answered in the affirmative the procedure set out in paragraph 4 above shall be modified as follows: The decision of the unit head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the next higher administrator, and appeal of a disapproval by that officer shall be to the Chancellor or the Chancellor’s designee. In addition, the Vice Chancellor for Research and Graduate Studies must review the external activity for management of any Conflicts of Interest and notify the University and Medical Center Institutional Review Board if the EPA Employee is participating in a protocol involving human subjects at ECU to ensure compliance with applicable IRB laws and regulations.

5. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by unit heads to the Chancellor each July. As initiated by the UNC General Administration on or before September 1 of each year, the Chancellor will provide an annual summary report to the President.

6. If the external professional activity for pay is wholly performed and completed outside of the academic year by EPA employees serving on academic year contracts, said EPA Employees do not need to file Notices of Intent with their unit head provided that the activity does not conflict with this policy statement of East Carolina University and of the Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to
East Carolina University during a summer session.

7. University employees not complying with these procedures will be subject to disciplinary action. Unit heads are held responsible for proper reporting.

IX. Enforcement of the Policies

EPA Employees are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Breaches of the policy/procedures will be viewed as serious ethical violations by the persons involved. Possible breaches of the policy/procedure include, but are not limited to:

1. Furnishing false, misleading or incomplete information on the disclosure forms;

2. Failure to promptly update disclosure forms before the required annual update when a significant change in a person's financial or fiduciary status places the individual into an immediate potential conflict of interest or commitment situation;

3. Failure to comply with the procedures described above (e.g., refusal to respond to inquiries, responding with incomplete or knowingly inaccurate information, or otherwise);

4. Failure to remedy conflicts as determined by the Procedures; and

5. Failure to comply with a prescribed monitoring plan.

If a possible breach in the policy/procedures occurs, the appropriate dean shall consult with the faculty person and his chair. If no resolution is forthcoming, the dean shall refer the case to the appropriate vice chancellor. The vice chancellor shall consult with the vice chancellor for research and shall initiate an investigation and/or hearing as prescribed in Faculty Manual, Part VII and Part IX and apply sanctions as determined by university policies. Such sanctions may range from administrative intervention to dismissal from employment, all in accordance with applicable university policies.

(FS Resolution #10-36, March 2010)
PART IX

Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty
PART IX – APPOINTMENT, TENURE, PROMOTION, AND ADVANCEMENT POLICIES AND PROCEDURES AND PERFORMANCE REVIEW OF TENURED FACULTY

SECTION I

Appointment, Tenure, Promotion, and Advancement Policies and Procedures of East Carolina University

CONTENTS

I. Tenure
II. Faculty Appointments
   A. General Provisions
   B. Fixed-Term Appointments
   C. Probationary Appointments (Please refer to Faculty Manual Interpretation #I17-01.)
   D. Initial Appointment with Permanent Tenure
   E. Joint Appointments
III. Promotion
IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure (Please refer to Faculty Manual Interpretations #I06-22 and #I17-01.)
   A. Description of “voting faculty” members
   B. Unit Committees
   C. Role of Unit Administrator
   D. External Peer Review for Promotion and the Conferral of Permanent Tenure
      (Please refer to Faculty Manual Resolution #11-43)
   E. Documentation for Personnel Actions
   F. Initiation of Recommendations by Unit Personnel, Tenure, and Promotion Committees
   G. College Promotion and Tenure Committee
   H. Notification of Recommendations
   I. Procedure for Concurring and Non-Concurring Recommendations concerning Reappointment, Promotion, and/or the Conferral of Permanent Tenure
V. Procedure for Review of Any Notice of Non-Reappointment or Notice of Non-Conferral of Permanent Tenure at the Completion of the Probationary Term
   A. Deadlines for Appeals
   B. Request for Hearing with the Faculty Hearing Committee
   C. Procedures for the Hearing
   D. Procedures After the Hearing
VI. Due Process Before Discharge or Imposition of Serious Sanction
   A. Penalties
   B. Notice
   C. Penalty Without Recourse
   D. Specification of Reasons and Hearing Request
   E. Due Process Committee
   F. Procedures for the Hearing
   G. Procedures After the Hearing
I. Suspension During a Period of Intent to Discharge

VII. Termination of Faculty Employment
   A. Reasons Justifying Termination and Consultation Required
   B. Termination Procedures

VIII. Effective Date

SECTION I
Appointment, Tenure, Promotion, and Advancement
Policies and Procedures

Prologue

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, scholarship (research, creative activity/innovation, engagement, and/or outreach), and publication for all faculty members. See Part V, Academic Freedom, of the East Carolina University 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 Part IX of the East Carolina University Faculty Manual, academic units are defined as departments described in the unit codes of professional colleges and schools, the departments in the Thomas Harriot 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 director of the school is the unit administrator.

Confidentiality must be maintained when conducting any substantive business pertaining to all personnel actions, including but not limited to, initiation, review, and approval of appointments, subsequent appointments, advancements in title, reappointments, conferrals of permanent tenure, and promotions in academic rank. Because it does not guarantee confidentiality and because it becomes part of the candidate’s personnel file, email shall only be used for organizational arrangements. Formal correspondences relating to any substantive business pertaining to all personnel actions must be maintained in secure archival form and in accordance with the ECU Records Retention and Disposition Policy and relevant procedures.

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 resides in East Carolina University, not the individual academic units. 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 Part IX, Section I (VI.) or against termination of employment except as provided for in Part IX, Section I (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, scholarship, or public service program as detailed in Part IX, Section I (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 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, scholarship, clinical practice (as appropriate), and service; performance of these responsibilities in accord with appropriate professional standards of ethical conduct (Part V, Section II); a potential for future contributions in a like manner; and the institution's needs and resources. While teaching is the first consideration, the faculty member must meet unit expectations in all other areas, as appropriate. No assistant professor will be awarded permanent tenure unless concurrently promoted 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, 610 and ECU Faculty Manual, Part VIII]. Fixed-term appointees do not hold professorial ranks and are appointed with titles as listed in Part VIII of the Faculty Manual. Fixed-term appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. Except as specified in subsection II.B.1, no obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether a new appointment will be granted at the end of a specified fixed-term.

(b) Probationary Appointments and Reappointments. Probationary appointments are made at the professorial ranks of 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 and in Part X of the *Faculty Manual*.

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

(d) Unpaid adjunct and affiliate faculty members are volunteers, and they are not covered by provisions in Part IX.

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 (Part X, Section II), 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 designee\(^4\) 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 probationary faculty reappointment. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment or reappointment.\(^5\) The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Prior to the initial appointment, the unit administrator shall provide a copy of the unit’s criteria for evaluating faculty performance contained in the unit code [as specified in Part VIII, Section I.III] to persons offered a faculty appointment in the unit. No offer is binding and no appointment is effective until signed by the Chancellor or the Chancellor’s designee.\(^1\) Criteria for evaluating faculty performance contained in the unit code shall be discussed by the unit administrator in a Fall Criteria Review meeting with each 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 faculty members shall be written. The non-reappointment decision 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, creed, religion, veteran’s status, gender, age, sexual orientation, political affiliation, disability, or any other protected class

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\(^1\) The Chancellor’s designee shall include and be limited to the Provost and Senior Vice Chancellor for Academic Affairs and the Vice Chancellor for Health Sciences.

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

East Carolina University Faculty Manual 161
as defined by established University policy; 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. Exceptions to the foregoing contingency requirement are:
(a) That such a contingency shall not be included in a promotion to a higher rank if, before the effective date of that promotion, the faculty member had permanent tenure and no such condition is attached to the tenure.

(b) That such a contingency shall not be attached to the faculty member’s contract if the faculty member held permanent tenure in East Carolina University on July 1, 1975, and the contract was not contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

(c) That such a contingency may be waived for health affairs faculties because of the unusual dependence of programs in the health professions on income from sources such as clinical receipts.

5. Special Employment Arrangements
The University may permit, at the discretion of the Provost and Senior Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences, special employment arrangements for probationary term or tenured faculty members. Such arrangements may result in modifications in benefits.

If a special employment arrangement involving funding sources other than the University is deemed by the Unit Administrator to be necessary and in the best interests of the Unit and the University, the request for the modified work schedule shall be made in writing to the Provost and Senior Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences. The memo making this request should include specific reasons for seeking the modified work schedule and adequate assurances by the Unit Administrator, and for probationary-term faculty members, the unit Tenure Committee, that this arrangement is compatible with the faculty member fully achieving all of the duties and responsibilities appropriate for someone of the proposed rank and status.

6. 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, 610; for the purposes of this section, unless otherwise specified, the provisions apply to paid faculty members] (The roles of committees are defined in subsection IV.)
1. Contract and Notice:
Fixed-term faculty members are appointed for a specified term of service, as set out in writing in the letter of appointment. The term of appointment concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. A letter of appointment for a fixed-term faculty member sets forth in writing the beginning and ending dates of the term, the type of appointment and the pay status (i.e., paid or unpaid). Whenever possible, multi-year contracts, of up to five years, will be offered to fixed-term faculty members who have demonstrated their effectiveness and contributions and/or who have outstanding credentials. At the end of the appointment term, a fixed-term faculty member may request consideration of a new appointment. A fixed-term faculty member desiring a new appointment shall, no later than 75 calendar days before the current term expires, provide the unit administrator with a written request for a new appointment, and the unit administrator shall so notify the chair of the unit Personnel Committee. No later than 45 calendar days before the end of the current term, the Personnel Committee and the unit administrator shall notify the faculty member in writing of their respective recommendations; any recommendation is subject to the availability of the position, funding, administrative approval, and continued effective performance. Fixed-term faculty members are not covered by Section 604 of *The Code of the Board of Governors of The University of North Carolina* (hereafter, referred to as the UNC Code), and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed-term. During the term of their employment, fixed-term faculty members are entitled to seek recourse under Section 607 of the UNC Code (relating to faculty grievances).

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


Faculty members employed for a fixed-term shall be evaluated annually in accordance with the provisions of the letter of appointment. 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 considering a new appointment. The portfolio should contain information that demonstrates the effectiveness of the fixed-term faculty member in fulfilling the responsibilities specified in the letter of appointment. The specific contents of the portfolio shall be determined by the unit code.

3. Advancement in Title:

Initial recommendations for advancement in title for faculty members holding fixed-term appointments are the responsibility of the Unit Personnel Committee (see subsection IV. B.1.c.viii).

4. Terms and Conditions for Appointment:

The Chancellor or the Chancellor’s designee¹ shall set out in writing to the fixed-term faculty member the terms and the conditions of each appointment. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Prior to initial or subsequent appointment, the unit administrator shall provide a copy of the
unit’s criteria for evaluating faculty performance contained in the unit code [as specified in Part VIII, Section I.III] to persons offered a fixed-term faculty appointment in the unit. Criteria for evaluating faculty performance contained in the unit code shall be discussed by the unit administrator in a meeting with each fixed-term faculty member at the beginning of the appointment term. 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. Fixed-term faculty members on semester-by-semester contract need only meet with the unit administrator once a year.

5. Portfolio for subsequent appointment and/or advancement in title of fixed-term faculty members:
   All documents pertaining to subsequent appointments for fixed-term faculty members shall be collected and maintained in accordance with the applicable unit code, as described in subsection II.B.2 above.

6. New or Subsequent Appointments:
   In the case of recommendations for new appointments or subsequent appointments of faculty members currently holding fixed-term appointments, the Personnel Committee will determine its recommendation for or against new and subsequent appointments, using secret ballots.

7. Notice of Resignation:
   A fixed-term faculty member with a multi-year appointment may resign at the end of an academic term with 90 days advance notice in writing. A faculty member should not resign with an effective date between the beginning and ending dates of an academic term.

8. Procedure for Concurring and Non-concurring Recommendations:
   All concurring and non-concurring unit committee recommendations and unit administrator recommendations regarding fixed-term employment are forwarded through each administrative level until reaching the appropriate vice chancellor. If the unit administrator’s potential recommendation for a new fixed-term faculty appointment, subsequent appointment, or advancement in title will differ from the unit Personnel Committee’s recommendation, the unit administrator shall discuss the potential non-concurrence at the unit committee level before forwarding the committee’s recommendation and his or her concurrence or non-concurrence to the next higher administrator.

After the appropriate committee and the unit administrator transmit their recommendations to the next higher administrator, that administrator performs their own review, reaching a decision to either concur or not concur. The recommendation is forwarded to the next higher administrator along with the recommendations from the committee and the unit administrator. The unit administrator and the chair of the appropriate committee are notified of the recommendation of the next higher administrator. 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.
The Vice Chancellor’s decision regarding all fixed-term faculty employment recommendations is final.

C. Probationary Appointments
Probationary appointments are made at the professorial ranks of assistant professor, associate professor, and professor. Persons appointed as associate professor or professor are eligible 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.

1. Notice of Reappointment or Non-Reappointment [UNC Code 604].
   After considering all prior recommendations, the appropriate Vice Chancellor shall decide, early enough to permit timely notice to be given, whether to reappoint or not to reappoint a faculty member at the expiration of a term of service (see Part X.). Notice of reappointment or non-reappointment shall be written.

   Timely Notice: For faculty members at the rank of assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:

   (a) During the first year of service at East Carolina University, the faculty member shall be given not less than 90 calendar days’ notice before the employment contract expires.

   (b) During the second year of continuous service at East Carolina University, the faculty member shall be given not less than 180 calendar days’ notice before the employment contract expires.

   (c) After two or more years of continuous service at East Carolina University, the faculty member shall be given not less than 12 months’ notice before the employment contract expires.

   Failure to give timely notice of non-reappointment will oblige the Chancellor to offer a terminal appointment of one academic year.

2. Probationary Terms (Please refer to Faculty Manual Interpretation #17-01.)
   Although the Chancellor may recommend that a faculty member be granted permanent tenure at any time, the faculty member shall be notified not later than twelve months before the end of the probationary period whether the faculty member will be recommended for permanent tenure. The normal probationary term for the professorial ranks, as established at the time of initial appointment, shall be as follows:

   Assistant Professor. The maximum probationary term is six years. The faculty member can receive an initial three-year appointment and a maximum of two successive two-year appointments. No assistant professor will receive reappointment in a probationary term without a terminal degree or appropriate alternate credentials as defined in the unit code. If a faculty member does not receive permanent tenure at the end of his or her sixth year, the faculty member remains employed through one terminal year.
During that terminal year, the faculty member may not serve on the unit’s Personnel Committee.

Associate Professor. The maximum probationary term is four years. The faculty member can receive an initial three-year appointment and a maximum of one two-year appointment. If a faculty member does not receive permanent tenure at the end of his or her fourth year, the faculty member remains employed through one terminal year. During that terminal year, the faculty member may not serve on the unit’s Personnel Committee.

Professor. The probationary term is two years. The faculty member can receive a single three-year appointment. If a faculty member does not receive permanent tenure at the end of his or her second year, the faculty member remains employed through one terminal year. During that terminal year, the faculty member may not serve on the unit’s Personnel Committee.

All time served in a probationary appointment at East Carolina University must be continuous, excluding any approved leaves of absence.

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 probationary faculty members with twelve-month appointments), will be measured from the beginning of the subsequent Fall semester (or July 1 for probationary faculty members with twelve-month appointments).

3. Reduction of the Normal Probationary Term for Previous Academic Employment
   Although generally discouraged in favor of petitioning for early tenure (see subsection II.C.6), 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 a reduction shall require a strong justification and 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 assistant professor, a maximum reduction of three years is allowed.

   (b) For a candidate appointed at the rank of associate professor, a maximum reduction of two years is allowed.

   (c) For a candidate appointed at the rank of professor, no reduction is allowed.

4. Extensions of the Probationary Term
   Extensions of the probationary term must be requested by the faculty member and shall be granted only in cases of severe personal exigency or other compelling personal
circumstances; such extensions shall be limited to a total of no more than two years. Probationary-term faculty members who have received paid leave under the Faculty Serious Illness and Parental Leave Policy shall receive an extension of the probationary term, if requested. 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. A probationary-term faculty member who assumes a full-time administrative position or clinical position for one or more semesters may be granted extensions of the length of the probationary term; such extensions shall be limited to a total of no more than three years. All such extensions must be requested in writing by the faculty member, and the unit Personnel Committee, the unit administrator, the dean, and the appropriate Vice Chancellor each must review and make recommendations. The Chancellor or the Chancellor's designee provides the final approval of the extension. Extensions of the probationary term must be expressly stated in appointment or reappointment documents or added by a written memorandum of amendment by the appropriate Vice Chancellor during the term of an appointment.

5. Progress Toward Tenure Letters
In all years except the year prior to the year in which a faculty member’s mandatory tenure decision is considered, the Tenure Committee will annually meet with the unit administrator to review the cumulative record of a candidate’s progress and finalize a Progress Toward Tenure Letter. This meeting should occur after completion of the candidate’s current annual evaluations and prior to end of the spring semester. One week prior to the meeting, the unit administrator will provide the Tenure Committee with the candidate’s current annual report, copies of the candidate’s previous and current annual evaluations and previous progress toward tenure letters, and a draft of the new Progress Toward Tenure Letter written by the unit administrator. Any additional required materials must be defined in the unit’s code.

These Progress Toward Tenure Letters will address the candidate’s cumulative accomplishments to date. Successes and areas for improvement shall be evaluated within the context of the unit’s ongoing expectations of the candidate in the unit’s criteria for promotion and tenure. The letter shall include evaluative and formative language that advises the candidate on how to meet unit expectations, and it shall assess the candidate’s recent performance, cumulative performance, and overall trajectory. While the letter shall include an overall summative rating progress towards tenure, those ratings shall not substitute for thorough narrative evaluations of the candidate’s strengths and weaknesses. Criteria for evaluation shall be limited to the candidate’s assigned duties and professional conduct (Part V, Section II). Letters must not be understood as a guarantee of the ultimate tenure decision; instead, the final tenure recommendation vote, concurring or non-concurring recommendations, and the final decision in the review process are complex decisions that are based on the candidate’s overall trajectory throughout the probationary period, external letters, a potential for future contributions, and other factors permitted under the UNC Code 602.

In order to protect the candidate’s due process rights, the review will address misconduct only if the misconduct is documented in the faculty member’s personnel file and the faculty member’s due-process rights were respected (including the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too
recent for the candidate to appeal the University’s charge or finding of misconduct, the committee’s review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

Representative(s) of the Tenure Committee will meet with the unit administrator and the candidate to discuss in a formative manner the outcome of the progress towards tenure review carried out by the Tenure Committee and the unit administrator, with suggested areas of improvement. That meeting shall be documented in writing by the unit administrator, and the document shall be placed in the personnel file. In the event that the faculty member disagrees with the substance of the Progress Toward Tenure Letter, it is the responsibility of the faculty member to make this disagreement known in writing within fourteen days, in a letter addressed to the unit administrator. This letter will be placed in the faculty member’s personnel file, and copies will be sent to the unit Tenure Committee and to the next higher administrator.

The timeline for completion of reviews of progress toward tenure is contained in the Faculty Manual, Part X.

6. Request for Early Permanent Tenure
According to the timeline in the Faculty Manual, Part X, a faculty member who has not completed the probationary term (see subsection 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.\(^6\) No assistant professor shall be awarded permanent tenure unless concurrently promoted to associate professor. When a faculty member holding the rank of assistant professor requests consideration for early tenure, this request also constitutes a request for consideration for promotion to associate professor.

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 subsections VI or VII of Part IX.

E. Joint Appointments
An ECU faculty member may hold only one tenured or probationary appointment at professorial rank. This may be in a single academic code unit or by joint appointment when holding responsibilities in more than one such unit. Joint appointments may be made within a single code unit (such as between departments in a School or College), or they may also be made in which the appointee holds tenured or probationary professorial rank in an academic code unit and a non-probationary contractual or academically titled position in another entity within the University not organized as an academic code unit in the manner described in the ECU Faculty Manual, Part IV, hereinafter referred to as an “entity.” Such entities are usually, but not exclusively, identified as a School, Center, Institute, or Program.

One academic code unit must be designated primary, with greater than 50% of all administrative and academic responsibilities for the position. Only academic code units, as

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\(^3\)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.
defined in Part IV, Section I of the *ECU Faculty Manual*, can be the primary unit for a joint appointment. The designation of the primary unit and the secondary unit or entity must be made when the appointment is created, and may be changed only with the written agreement of the faculty member, the relevant personnel, tenure, and promotion committees of the primary unit, as applicable, the relevant personnel, tenure, and promotion committees of the secondary unit or entity, and the relevant administrators.

Letters of appointment for faculty members in joint appointments to two academic code units must clearly state the criteria for reappointment, promotion, and tenure contained in the unit codes of both units, and the roles of the faculty member and all appropriate committees and administrators in personnel actions.

Letters of appointment for faculty members in joint appointments to an academic code unit and a University entity must clearly identify the criteria for reappointment, promotion, and tenure contained in the unit code of the primary unit, the criteria that the relevant standing committee or administrator of the entity will use in evaluating the professional performance of the faculty member, and the roles of the faculty member and all appropriate committees and administrators in personnel actions.

Probationary faculty members in appointments jointly held between academic code units will be reviewed for reappointment, promotion, or tenure by both units, although only members of the applicable committees of the primary unit are allowed to vote and recommend the personnel action sought. All review materials are to be fully shared between the units. Although one unit will be primary and provide the recommendation, input from the secondary unit is also considered important in the review process. In the absence of specific policies and procedures clearly enunciated in the *Unit Code* of either or both units, the review by the secondary unit will be transmitted by written memorandum from the chair of the relevant personnel committee of the secondary unit with concurrence or non-concurrence of the administrator of the secondary unit to the chair of the relevant personnel committee and to the administrator of the primary unit. Faculty members holding joint appointments of this type are subject to a special schedule described in the *ECU Faculty Manual* Part X, Section II to allow the secondary unit reasonable time to review the faculty member’s Personnel Action Dossier, or other relevant documentation pertaining to the personnel action sought, prior to the review by the primary unit.

Probationary faculty members in appointments jointly held between an academic code unit and an entity will be reviewed and recommended for reappointment, promotion, or tenure only by the primary unit. All review materials are to be fully shared between the unit and the entity. Although the academic unit carries all responsibilities for personnel decisions, review by the entity is also considered important. In the absence of specific policies and procedures clearly enunciated in the *Unit Code* of the primary unit, the results of the review by the entity will be transmitted by written memorandum from the chair of a standing committee of the entity authorized to review personnel matters, with concurrence or non-concurrence of the entity administrator to the chair of the relevant personnel committee and to the administrator of the primary unit. Absent such committee in the secondary unit, the entity administrator will be responsible for transmitting the results of his or her review by written memorandum to the chair of the relevant personnel committee and to the administrator of the primary unit. Faculty members holding joint appointments of this type are subject to a special schedule described in the *ECU Faculty Manual* Part X, Section II to allow the entity reasonable time to review the
III. Promotion
Persons holding the professorial rank of assistant professor or associate professor may be considered for promotion to the next professorial rank. Promotion shall be based on the faculty member’s demonstrated professional competence and achievements. See Part VIII, Personnel Policies and Procedures for the Faculty of ECU. Promotion is governed by the policies and procedures set forth in subsection IV. In evaluating a candidate for promotion, all of the candidate’s teaching, scholarship, service, and other professional activity shall count, but activity since the last promotion at ECU shall carry a greater weight than activity prior to the last promotion. Additional criteria for promotion may be contained in each unit’s code. A faculty member who wishes to be considered for promotion to the next professorial rank shall write a letter requesting promotion in rank to her or his unit administrator by the deadline stated in Part X of the Faculty Manual. When a request is received by the deadline, the unit administrator shall notify the chair of the unit Personnel Committee. The chair of the unit Personnel Committee shall facilitate the procedure for considering the candidate for promotion. The committee’s promotion recommendation shall be made during the fall term of the next academic year, in accordance with the timeline stated in Part X of the Faculty Manual.7

IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure for Probationary-term Faculty Members (Please refer to Faculty Manual Interpretations #106-22 and #17-01.)

Recommendations for faculty appointments, reappointments, promotion, and the conferral of permanent tenure are the responsibility of unit committees and the unit administrator. The timeline for faculty personnel actions is set forth in Part X of the ECU Faculty Manual. The evaluation of faculty members for appointment, reappointment, promotion, and the conferral of permanent tenure shall be initiated by the appropriate unit committee on notice from the unit administrator and higher administrative authority. The appropriate unit committee shall evaluate faculty members for promotion and the early conferral of permanent tenure at the request of the faculty member.

The committee’s recommendation shall be forwarded to the unit administrator. A committee cannot reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation. The unit administrator shall forward the committee’s recommendation and his or her recommendation to the next higher administrator. If an existing unit, school, or college is reorganized, until such a time as new promotion and tenure criteria are established in an approved unit code, the provisional code shall address the manner in which existing unit code promotion and tenure criteria shall be maintained. The provisional code should ensure that faculty members are evaluated by personnel, tenure, and promotion committees composed of faculty members with the appropriate expertise.

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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.
If the faculty member in a probationary appointment does not provide a PAD for reappointment, promotion, or conferral of permanent tenure on or before the deadline outlined in Part X of the ECU Faculty Manual, the failure to submit the required PAD will be considered as notice that the faculty member is withdrawing the request for consideration for reappointment, promotion, or conferral of permanent tenure. The Personnel Committee and the unit administrator shall notify the faculty member in writing, with a copy to the next higher administrator, within 30 calendar days after the deadline that failure to submit the required PAD for consideration constitutes withdrawal from consideration. From the time of this notification, the faculty member may not serve on the unit’s Personnel Committee. (Please refer to Faculty Manual Interpretation #117-01.)

A. Description of voting faculty members:

1. Tenure-granting units

For the purposes of Part IX, Section I (IV.), voting faculty members are determined by the permanently tenured faculty of the unit using the following criteria; a voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than half-time assignment in the unit, and
- is either a probationary-term (tenure-track) faculty member or a permanently tenured faculty member, and
- 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, and
- is not a unit administrator or an individual with half or more of his/her workload assigned to administrative duties as determined by the permanently tenured faculty members in consultation with the unit administrator,
- or normally meets the above conditions and is on non-medical 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). Faculty members on approved medical leave are not permitted to participate in University business during the approved leave.

2. Non-tenure-granting units, units that are transitioning between tenure-granting and non-tenure-granting faculty structures, and clinical tenure-granting units in Health Sciences that include fixed-term faculty members in personnel actions in their unit codes

For the purposes of Part IX, Section I (IV.), voting faculty members are defined in the unit code, consistent with the following criteria. A voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than half-time assignment in the unit, and
- is in at least the twelfth consecutive calendar month of appointment to the faculty of the unit, and
- is not a unit administrator or an individual with half or more of his/her workload assigned to administrative duties as determined by the established voting faculty members in consultation with the unit administrator,
• or normally meets the above conditions and is on non-medical 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). Faculty members on approved medical leave are not permitted to participate in University business during the approved leave.

3. Conflicts of interest and recusal
Faculty members must recuse themselves from personnel actions in which they have conflicts of interest. Under no circumstances may a faculty member participate in any personnel action involving someone with whom the faculty member has an amorous relationship or to whom the faculty member is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]).

If a faculty member has potential conflicts of interest, those should be disclosed to the committee, and following Roberts Rules of Order, Newly Revised, the committee may vote to deny that faculty member a vote in a particular personnel action.

A faculty member who is ineligible for participation in the evaluation of a related person does not count for quorum purposes and his/her eligibility does not constitute a recommendation against the proposed personnel action.

B. Unit Committees ⁸
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 faculty appointments.

   (b) Composition
   i. Tenure-granting units, except as stipulated in ii, below
   The composition of each unit’s Personnel Committee shall be determined by the Unit Code 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 non-medical 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 members. When there are not enough permanently tenured voting faculty members in the unit to satisfy this requirement, additional permanently tenured faculty members shall be appointed by the next higher administrator from a list selected by the unit’s voting faculty members and containing at least twice the number of faculty members required to complete the membership of the committee. All other members of the unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty members 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.

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⁸ 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.
ii. Non-tenure-granting units and transitioning units, as defined above, and clinical tenure-granting units in Health Sciences that include fixed-term faculty members in personnel actions in their unit code

In units with faculty structures, all full-time faculty members in at least the twelfth consecutive calendar month of appointment to the faculty of the unit, shall be eligible to serve on the unit Personnel Committee, and to serve as Chair of the unit Personnel Committee. Members of the unit Personnel Committees of these faculty units are to be elected by the voting faculty of each unit, as defined in Part IX, Section I (IV).

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

(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:

i. 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 (see subsection II.B.1).

ii. Making recommendations on requests for reduction in the normal probationary term at the time of initial appointment (see subsection II.C.3).

iii. Making recommendations on requests for the extension of the normal probationary term (see subsection II.C.4).

iv. Consulting, by request of the faculty member, with faculty members who are considering requesting conferral of permanent tenure prior to the end of the probationary term (see subsection II.C.6).

v. Consulting, by request of the faculty member, with faculty members who are considering requesting promotion (see subsection III.).

vi. Reviewing additional materials submitted by faculty members for inclusion in their personnel action dossier (PAD); consulting with the unit administrator regarding responses to such materials (see subsection IV.E.2).

vii. Electing 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 unit search committee members must have at least one academic year’s employment at ECU and must be full-time faculty members holding either a fixed or probationary-term appointment or permanent tenure. For the purposes of this section, unit administrators may not be a part of the committee.

viii. Making recommendations for advancement in title for fixed-term faculty members.

(d) Role of the Chair of the Unit Personnel Committee
The chair of the unit Personnel Committee shall be permanently tenured, except as covered by Part IX section IV, subsection B. 1. (b).ii above, and shall be elected annually by and from the committee’s membership. The chair shall preside over all committees making personnel recommendations to the unit administrator and may participate in the decisions of any committee of which the chair is a member, except
as noted below. The chair of the committee shall ensure that the candidate’s materials contain all required documents, obtain and distribute materials to be used during the deliberation of the committee, ensure that a valid vote has been taken, communicate the results of such votes to the appropriate faculty members and to the unit administrator, and perform other duties as designated by the unit code. If the chair of the unit Personnel Committee holds a professorial 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 a meeting of the Promotion committee to facilitate 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.

2. Promotion Committee
   (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. When making a recommendation for or against promotion, the Promotion Committee shall prepare and forward to the unit administrator and to the candidate (Part IX, Section IV, (H)) a statement of the committee’s recommendation that contains the committee’s cumulative evaluation of the candidate. In the case of a recommendation for or against promotion that coincides with a recommendation for or against permanent tenure, both recommendations are reported together and only one cumulative evaluation addressing both recommendations is required. The committee’s deliberations on its cumulative evaluation and recommendation may address any of the candidate’s contractual duties and professional conduct (Part V, Section II).

   In order to protect the candidate’s due process rights, the review will address misconduct only if the misconduct is documented in the faculty member’s personnel file and the faculty member’s due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee’s review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

   (b) Composition
   The membership of the Promotion Committee shall be composed of those permanently tenured voting faculty members who hold rank at least equal to the rank for which the candidate is being considered, including those on non-medical 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 voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty members at the required rank from other units across the University 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 faculty members having rank at least equal to the faculty member(s) being considered for promotion in addition to the faculty member(s) seeking 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(s). 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.

3. Tenure Committee
   (a) Function
   The Tenure Committee shall be responsible for making recommendations for reappointments of probationary-term faculty members, the granting of permanent tenure, and conferral of tenure for initial appointments with permanent tenure. For granting of permanent tenure (but not for initial appointments with tenure), the Tenure Committee, or an elected subcommittee of the Tenure Committee, shall prepare a cumulative evaluation of the faculty member; and, after review and response (if any) by the candidate, shall forward to the unit administrator its recommendation, along with the cumulative evaluation and candidate’s response (if any). When the decision is for both tenure and promotion, only one cumulative evaluation containing a recommendation for or against tenure and promotion is required. The committee’s deliberations on its cumulative evaluation and recommendation shall have as their basic standard of appraisal and evaluation whether the faculty member under review met the stated and approved criteria of the unit’s code during the period under review. The committee’s deliberations may address any of the candidate’s assigned duties and professional conduct (Part V, Section II).

   In order to protect the candidate’s due process rights, the review will address misconduct only if the misconduct is documented in the faculty member’s personnel file and the faculty member’s due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee’s review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

   (b) Composition
   The Tenure Committee shall be composed of the permanently tenured voting faculty members of the unit, including those who are on non-medical 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 voting faculty members 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 members of the unit, including the faculty member(s) seeking tenure. The list forwarded to the next higher administrator by the appropriate faculty members 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 members 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.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

(c) Additional roles of the unit Tenure Committee.
A Code Unit may establish, in its unit code, procedures for fulfilling the 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):

i. Produces a list of possible external reviewers and selects external peer reviewers from lists produced by the Committee and by the candidate (see subsection IV.D.).

ii. Selects, with the unit administrator, the scholarship materials to be sent to external peer reviewers (see subsection IV.D.).

iii. In consultation with the unit administrator, prepares Progress Toward Tenure Letters annually during each candidate’s probationary term, except for the year immediately preceding candidate’s tenure decision year.

C. Role of Unit Administrator
The unit administrator serves to provide leadership, support, and guidance to the total functioning of the unit.

The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the Personnel Committee on all personnel actions required or expected, reviewing candidates’ Personnel Action Dossiers to ensure that all required documentation is present, and distributing all personnel documents and materials to the appropriate secure location. For probationary term faculty members, the unit administrator annually confers with the Tenure Committee on the candidate’s Progress Toward Tenure Letter. For tenure or promotion, the unit administrator prepares a cumulative evaluation in narrative form of the candidate’s teaching, scholarship, service, and any other relevant duties. 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.
In personnel matters, the unit administrator functions as an administrator rather than a faculty member. Therefore, the unit administrator does not have a faculty vote in personnel matters, and is excluded from all unit committee deliberations and votes concerning candidates for appointment, re-appointment, promotion, or permanent tenure. However, there may be occasions on which a unit administrator and a committee wish to confer for informational purposes.

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

“External peer review” means a review of a candidate’s scholarship by persons who are not faculty members or employees of East Carolina University. Every effort must be made to ensure that the process of external peer review is conducted fairly and without bias. External peer reviews of the quality of the candidate’s scholarship, as evidenced by the material submitted by the candidate for promotion or conferral of permanent tenure or both, will be used by the appropriate committee(s) in conjunction with its own evaluation of the material. The unit administrator and the unit 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 the candidate 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.

Qualifications of the reviewers and criteria for their selection are to be determined by the faculty of each unit and contained in the unit code. According to the provisions of unit codes, other materials that reflect the candidate’s scholarly activities may be included in the selections to be sent to external reviewers.

In accordance with the timeline in the Faculty Manual Part X, prior to the academic year in which a promotion or tenure decision is scheduled, the unit Tenure Committee shall produce a list of at least six possible external reviewers. The candidate for promotion and/or permanent tenure shall independently provide a similar list, noting for each name any potential conflicts of interest and a description of any current and past relationship, if any, between the reviewer and the candidate. The candidate shall also provide similar relationship information for each name on the unit Tenure Committee's list.

The unit Tenure Committee shall select a minimum of six names from its list and the candidate’s list with the goal of ensuring that a minimum of three external reviewers agree to provide letters. If fewer than three external reviewers agree to provide letters, the unit administrator shall request additional names from the Tenure Committee. The unit administrator and Tenure Committee shall ensure that at least one-third of the reviewers come from the candidate’s list. In cases where membership on the committee’s list and the candidate’s list overlaps, it is permissible that all reviewers be on the candidate’s list. External reviewers shall hold a rank not less than that to which the candidate is requesting promotion or, if a member of a foreign University, be of at least equivalent academic standing to the rank being sought as determined by the Tenure Committee. If the reviewer is not an academic, the reviewer shall demonstrably possess the professional experience necessary to evaluate the candidate’s qualification for the rank being sought. 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.
The unit administrator or his or her delegate shall serve as the contact person with potential and actual external reviewers. If a situation arises in which a unit administrator or his or her delegate is unable to communicate with a potential or actual reviewer in a timely manner, the unit Tenure Committee chair will do so. If the unit administrator, his or her delegate, or the Tenure Committee chair is unable to communicate with external reviewers in a timely way, the next higher administrator shall appoint someone to perform the necessary communication duties. Only procedural matters may be discussed with potential and actual reviewers for the duration of the personnel action.

The unit administrator will notify potential reviewers in writing that they have been nominated to conduct the review and ascertain their willingness to serve as reviewers. To assist the potential reviewer in determining their own suitability to perform the review, the request to serve as an external reviewer will be accompanied by a copy of the candidate’s Curriculum Vitae, and it will solicit both information about potential conflicts of interest and a description of the current and past relationship, if any, between the potential reviewer and the candidate. If any potential conflicts are disclosed, the unit administrator and the Tenure Committee will meet to determine whether the disclosed relationship should preclude the potential external reviewer from serving in that capacity. If the unit administrator and the committee do not agree, the next higher administrator will reach a determination. All communications on such a disclosed relationship and a memo describing the decision written by the unit administrator should be included in the PAD.

No later than the date specified in Part X of the Faculty Manual, selected scholarship from the candidate’s PAD and the candidate’s Curriculum Vitae, along with a cover letter prescribed by the appropriate Vice Chancellor, shall be sent to the reviewers. Units may send an excerpt from the Unit Code describing the criteria for tenure and/or promotion, as applicable. 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 University-prescribed cover letter.

All external reviews received by the deadline specified in Part X of the Faculty Manual must be included in the PAD. In the case that the number of reviews received exceeds the number of reviews set by the candidate’s Unit Code, all reviews received shall be included in the candidate’s PAD. Copies of all written communications with reviewers who complete timely reviews shall be placed in the candidate’s Personnel Action Dossier. Copies of all written communications with other potential reviewers shall be placed in the candidate’s personnel file.

If the faculty member under review does not provide the material to be submitted to external reviewers by the deadline outlined in Part X of the ECU Faculty Manual, the failure to submit the required materials will be considered as notice that the faculty member is withdrawing the request for consideration for promotion or conferral of permanent tenure. The Personnel Committee and the unit administrator shall notify the faculty member in writing, with a copy to the next higher administrator, within 30 calendar days of the deadline that failure to submit the required materials for external review constitutes withdrawal from consideration. From that time, the faculty member may not serve on the unit’s Personnel, Tenure, or Promotion committees.

(Copies of the prescribed letters are available on the Faculty Senate website at http://www.ecu.edu/cs-acad/fsonline/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 Part X).

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. Copies of the external review letter will only be made available to candidates upon petition. The unit administrator shall then notify the members of the appropriate committee that the Personnel Action Dossier, including external reviews, is available.

If, prior to August 1 of the summer during which a candidate’s material is under review, someone who has agreed to conduct a review withdraws or it otherwise becomes known that an agreed-upon review will not be forthcoming, the Tenure Committee will provide the unit administrator with the name of an additional reviewer from the prioritized list, following the same procedure that resulted in the original list. When fewer than three external reviews are received by the deadline set in the letter to the external reviewers that accompanied the candidate’s materials, this information, by memorandum from the unit administrator, shall be made a part of the candidate's PAD as the review process continues.

E. Documentation for Personnel Actions
   1. Employment Applications
   Information on job applicants is to be kept in a secure file available to the appropriate committee members (see subsection IV.A).

   2. Personnel Action Dossier for Reappointment, Promotion, and Permanent Tenure
   The Personnel Action Dossier (PAD) is a file containing materials for evaluating a faculty member’s professional activities and accomplishments. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure. If the faculty member is considering requesting promotion or the early conferral of permanent tenure, he/she may request consultation with the Personnel Committee. Additional materials submitted by the faculty member for inclusion in the PAD will be reviewed by the Personnel Committee in consultation with the unit administrator. The dossier will be used by the appropriate committee in making personnel recommendations. Documents may not be added to the PAD after the deadline for submitting the PAD to the Tenure and/or Promotion Committee, as specified in Part X, except where revised deadlines are approved in writing by the Chancellor. Prior to a committee’s review, the unit administrator will confirm that the candidate’s PAD contains all required materials. If a candidate’s PAD is missing any required document, the review process is halted until the Chancellor approves an extension of time to secure required documents. A committee’s deliberations are not limited to the contents of the Personnel Action Dossier and may address any of the candidate’s contractual duties and professional conduct (Part V, Section II).

   In order to protect the candidate’s due process rights, the review will address misconduct only if the misconduct is documented in the faculty member’s personnel file and the faculty member’s due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee’s
review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

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

3. Disagreements as to inclusion or removal of documents
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.

F. Initiation of Recommendations by Unit Personnel, Tenure, and Promotion Committees
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 defined in Part X of the *Faculty Manual* by which the committee's recommendation and cumulative evaluation, if applicable, must be communicated to the unit administrator. After being notified by the unit administrator that a personnel action is required, the chair of the appropriate committee shall make at least three attempts at intervals of no fewer than five working days each to hold a 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. Faculty members on approved medical leave do not attend and do not count for purposes of determining a quorum of the committee. Unexcused absences should be considered in annual evaluations.

   The purpose of this meeting is to deliberate and hold a vote by secret ballot on the pending personnel action. All materials pertaining to the pending personnel action (see subsection IV.D.) must be available for inspection in a secure location at least five business days prior to the meeting. Members of the committee(s) who are responsible for 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 non-medical leave but in attendance at a meeting shall be counted for the purposes of determining a quorum for that meeting.

   For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

   If the committee fails to meet the deadline for the submission of the committee's recommendation specified in Part X, this outcome shall count as a recommendation by the committee against appointment, reappointment, promotion, or tenure. In such a case, the chair of the appropriate 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
2. Voting Procedures for Personnel Actions
   (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.

   For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

   A candidate who receives a majority vote of the committee members present shall be recommended for appointment. (For recommendations of rank of initial appointments at the associate professor or professor level, see subsection IV.B.2.a.; for conferral of tenure for initial appointments see subsection IV.B.3.a.) A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

   (b) Faculty recommendations for promotion and conferral of permanent tenure shall come from the appropriate committee (see Section IV.B). Within fifteen working days of notification by the unit administrator of the need to initiate a personnel action, the chair of the appropriate committee shall convene a meeting of the committee (see subsection IV.F.1.). Five calendar days prior to the scheduled meeting to deliberate and vote on the required personnel decision, the committee or a subcommittee elected by the appropriate committee in accordance with Section IV will prepare a draft cumulative evaluation in narrative form. This draft evaluation shall be prepared based on the candidate's Personnel Action Dossier and shall evaluate his or her strengths and weaknesses in light of the unit's established criteria, similar to the evaluations of Progress Toward Tenure conducted annually during the probationary term.

   At the scheduled meeting described above, the committee shall discuss and edit the draft cumulative evaluation and subsequently choose the method to vote by secret ballot on the recommendation for promotion and/or conferral of permanent tenure. The committee’s deliberations may address any of the candidate’s professional activities and conduct. If the committee chooses to vote on the recommendation at this meeting, the vote will be taken by secret ballot. Immediately following this vote on the recommendation and prior to the adjournment of the meeting, the committee may finalize and vote on approval of the cumulative evaluation. If the committee chooses to vote on the recommendation by mail as described below, it may decide to reconvene in a later meeting to revise and approve the cumulative evaluation.

   The committee members may choose to vote by mail according to the latest edition of Robert's Rules of Order, Newly Revised. At the scheduled meeting described above, the committee shall discuss, edit, and vote on the draft cumulative evaluation. If a motion to vote on the recommendation by mail is approved by a majority of the committee members present and voting, voting on the recommendation shall be by mail. If a committee chooses to vote on the recommendation by mail, all members must vote by mail. In the event that the university officially adopts a secure and
confidential system for online voting, the committee may elect to use it in place of mailed ballots as described in subsection d below.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, subsection IV.A.3.

A committee shall not reconsider a vote on a cumulative evaluation or personnel recommendation after the committee has notified the unit administrator of its recommendation.

(c) In the case of recommendation(s) for new appointments or for subsequent appointments of faculty members currently holding fixed-term appointments, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for or against the recommendation. This vote may be taken at a committee meeting or by mail ballot as described in subsections IV.F.2(d) and IV.F.2(e).

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

The committee's deliberations may address any of the candidate's professional activities and conduct. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for a new or subsequent appointment. 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 a majority vote. Failure to obtain a majority vote constitutes a recommendation against a new or subsequent appointment (Faculty Senate Resolution #03-30). A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

(d) If a committee votes by mail, the ballots shall be sent by a method that provides delivery verification and is consistent with Robert's Rules of Order, Newly Revised or distributed by the committee chair. The refusal by a committee member to receive the correspondence containing the ballot within five business days of the delivery attempt shall count as a vote against appointment, reappointment, promotion, or tenure. If ballots are distributed by the committee chair, the committee chair shall assure that recipients acknowledge receipt in writing. The acknowledgment must include the date of receipt. A ballot either shall be returned by a method that provides delivery verification and is consistent with Robert's Rules of Order, Newly Revised or shall be personally returned by hand to the committee chair, at the discretion of the individual committee member. Committee members returning ballots by hand shall sign a confirmation form that is retained by the committee chair, with the secrecy of the ballot preserved according to procedures in Robert's Rules of Order, Newly Revised.

(e) Ballots not returned within ten working days of verified receipt shall count as a vote against recommending appointment, reappointment, promotion, or tenure. If a committee votes by mail or a university-adopted electronic system, a faculty member on non-medical leave may choose either to vote or not to vote, at his or her
discretion. The unit administrator shall ascertain and shall inform the chair of the
appropriate committee in writing as to whether or not a faculty member on non-
medical leave will participate in balloting. Faculty members on approved medical
leave are not permitted to participate in University business during the approved
leave. If a faculty member on non-medical leave chooses to participate in balloting,
the faculty member shall count in determining a majority vote in favor of the
recommendation. If the faculty member on non-medical leave chooses not to
participate in balloting, the faculty member shall not count in determining a majority
vote in favor of the recommendation (Faculty Senate Resolution #03-30).

G. College Promotion and Tenure Committee
1. Function
A College Promotion and Tenure Committee, if established in the unit code or College
constitution or bylaws, shall be responsible for advising the dean regarding promotion
and the conferral of permanent tenure.

2. Composition and Election
The composition and election of a College Promotion and Tenure Committee shall be
determined by the college according to procedures in its College Unit Code, constitution,
or bylaws. The College Committee shall consist of at least three permanently tenured
faculty members from the College holding the rank of professor, but excluding the dean and
unit administrators. If the committee consists of only three members, there shall be a
sufficient number of alternates, as needed, to ensure there are always three voting
members of the committee. Procedures shall ensure that faculty members serving on the
College committee shall have only one vote, either on the unit committee or the College
committee.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part
IX, Section IV (A.3.).

H. Notification of Recommendations
The faculty member shall be informed in writing of all personnel recommendations at every
level, continuing up to the level where the final decision is made.

Tenure and/or promotion recommendations shall be communicated by the chair of the
respective committee(s) to the candidate, sent by a method that provides delivery verification,
along with a notification that the candidate has seven working days to respond to the
cumulative evaluation(s), if desired. In accordance with the deadline in Part X, Section II of
the ECU Faculty Manual, the committee shall forward to the unit administrator its
recommendation, cumulative evaluation, and the candidate’s response, if any.

A committee shall not reconsider a vote on a personnel recommendation after the committee
has notified the unit administrator of its recommendation.

For tenure and/or promotion decisions, the unit administrator prepares a separate
cumulative evaluation with a recommendation and communicates it to the candidate, the
committee, and the next higher administrator. The written notification shall contain the
statement that the candidate has seven working days from the date of receipt of the
notification letter, sent by a method that provides delivery verification, to provide a written response to the cumulative evaluation for inclusion in the PAD, if desired.

I. Procedure for Concurring and Non-Concurring Recommendations concerning Reappointment, Promotion, and/or the Conferral of Permanent Tenure

If a unit administrator and the appropriate committee disagree on a recommendation for reappointment, promotion, and/or the conferral of permanent tenure, the unit administrator shall discuss the potential non-concurrence with the unit committee before forwarding the committee's recommendation and his or her concurrence or non-concurrence to the next higher administrator.

A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

After the appropriate committee and the unit administrator transmit their recommendations to the next higher administrator, that administrator performs his or her own review. The administrator shall discuss any potential non-concurrence with the unit committee before forwarding his or her concurrence or non-concurrence, along with the recommendations from the committee and the unit administrator, to the next higher administrator. The same 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, the Vice Chancellor shall forward the recommendation to the Chancellor for the Chancellor's review.

A decision by the Vice Chancellor to reappoint is final unless it is accompanied by a request for tenure or a request for promotion; a decision to reappoint with tenure is final only upon recommendation of the Chancellor and approval by the Board of Trustees; a decision to promote without tenure is final only when approved by the Chancellor.

In the event that the Vice Chancellor is considering a recommendation concerning reappointment, promotion, and/or the conferral of permanent tenure that is contrary to the recommendation of the appropriate unit committee, the Vice Chancellor shall meet with the committee to discuss the potential non-concurrence. Regardless of the recommendation of the appropriate unit committee, if the Vice Chancellor decides against reappointment, promotion, and/or conferral of permanent tenure, the Vice Chancellor shall give the faculty member being considered a simple, written statement of the decision. This statement serves as notification of non-reappointment in accordance with UNC Code 604. This decision is final except as it may later be reviewed in accordance with the provisions of Part IX, Section I (V) or the grievance procedure of Part XII, Section I.

If the Chancellor concurs in a recommendation to confer permanent tenure, the Chancellor shall submit the recommendation to the Board of Trustees for approval. The Board’s
decision is final except in the case of a denial, which may be reviewed in accordance with the provisions of Part IX, Section I (V). If the Chancellor concurs in a recommendation in favor of promotion in the absence of a request for tenure, the Chancellor’s approval shall be final.

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 subsection V or the grievance procedure of Part XII, Section I, as appropriate.

V. Procedure for Review of Any Notice of Non-Reappointment or Notice of Non-Conferral of Permanent Tenure at the Completion of the Probationary Term.

A. Deadlines for Review
   Failure to submit the review documents specified in this section within the time periods allotted constitutes a waiver of the right to have the decision reviewed by ECU faculty committees, institutional authorities, or the UNC Board of Governors. However, before the expiration of the deadline the faculty member may request an extension, provided that the request is made in writing and presented to the Hearing Committee. Within 10 calendar days of receiving a request for extension, decisions on requests for extension of time shall be made by the Hearing Committee. The Committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes official university breaks and holidays and when, despite reasonable efforts, the Committee cannot be assembled.

B. Request for Hearing with the Hearing Committee
   Within 25 calendar days of receiving written notice from the vice chancellor of non-reappointment or non-conferral of permanent tenure, a faculty member (hereinafter, the complainant) may request a hearing before the 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 (as per Part IX, Section IV). 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. Because hearings in matters of non-reappointment or conferral of permanent tenure can present complex and difficult questions of fact, policy and law, and because of the central role of the committee in gathering and preserving the evidence upon which most subsequent decisions related to the matter will be based, it is important for the chancellor to ensure that faculty committee members, as well as relevant administrators and aggrieved faculty members, are appropriately trained in accordance with guidelines and procedures jointly established by the faculty officers and chancellor. 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 subsection V.D.2, Conduct of the Hearing) to any party of the 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 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 regular member status and by electing new alternates and/or members as needed to fill the committee roster.

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the regular 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) regarding the committee action(s) during the review.

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 such that doubt is cast on the integrity of the decision not to reappoint. In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

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, color, sex, religion, creed, national origin, age, disability, veteran’s status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. The term 'personal malice' means dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual that are not relevant to valid University decision making. For example, personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has
been committed. On the other hand, if personal characteristics can be shown to impede a faculty member’s capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record evidence might establish that the responsible department chair declined to recommend a probationary faculty member for reappointment with tenure because of the faculty member’s ‘unpleasant personality and negative attitude’. Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member’s job performance. While the terms ‘ill-will’, ‘dislike’, ‘hatred’ and ‘malevolence’ may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making decisions.” (UNC Policy Manual 101.3.1.II.B)

"Material procedural irregularity" means a departure from prescribed procedures governing reappointment and conferral of permanent tenure that is of such significance as to cast reasonable doubt upon the integrity of the original decision not to reappoint or not to confer permanent tenure. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures 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 and (f) a copy of the vice chancellor’s notice of non-reappointment or non-conferral of permanent tenure. The complainant's request for a hearing shall be made to the chair of the Hearing Committee and delivered to the Faculty Senate office by a method that provides delivery verification.

C. Procedures for the Hearing.

1. Time and Date of Hearing

After receiving the request for a hearing, 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 42 calendar days after receiving the request, except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled. 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 21 calendar 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). Within 14 days before the hearing, the complainant and respondent will submit documents and a list of witnesses to be used in the hearing.

2. Conduct of the Hearing
The chair of the Hearing Committee or regular 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, the respondent(s), and one person who may advise the respondent(s). If there is more than one respondent, the respondents will designate a spokesperson for the hearing. There will be an equal number of persons advising the complainant and respondent(s). The person advising the complainant may not take an active part in the proceedings. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) selected by the Chancellor or an East Carolina University attorney, if the complainant is accompanied by an attorney. The person advising the respondent(s) 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 hearing chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their spokesperson, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their spokesperson, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the complainant may make a summary statement of up to ten minutes in duration. If the complainant elects to do so, then the respondent(s), through their spokesperson, will be given the same opportunity.

D. 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 calendar 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 decisions on which the committee’s written recommendations to the chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The Complainant shall have the burden of proof. The standard applied by the committee shall be that the preponderance of the evidence establishes that a basis for his or her contentions is found in one of the reasons listed in subsection V.B.2. Initiation of Hearing.

Within 14 calendar 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 42 calendar days after receiving the recommendation of the Hearing Committee and the transcript, 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 within 14 calendar days that a joint meeting with the committee occur. 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 42 calendar day period.

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 14 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 fourteen day period, and (3) that, thereafter, a detailed schedule for the submission of relevant documents will be established if such notice of appeal is received in a timely manner. (Faculty Senate Resolution #03-49)
The purpose of the appeal to the Board of Governors is to assure (1) that the campus-based process for reviewing the decision was not materially flawed, so as to raise questions about whether the faculty member’s contentions were fairly and reliably considered, (2) that the result reached by the chancellor was not clearly erroneous, and (3) that the decision was not contrary to controlling law or policy. No appeals for denial of early tenure will be heard by the Board of Governors.

VI. Due Process Before Discharge or the Imposition of Serious Sanctions

A. Sanctions

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary sanctions. During the period of such guarantees, the faculty member may be discharged from employment, suspended, or demoted in rank or serious sanctions may be imposed only for reasons of:

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

These sanctions may be imposed only in accordance with the procedures prescribed in this section. For purposes of the Faculty Manual, 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 (subsection V) or termination of employment (subsection VII).

B. Notice

Written notice of intent to discharge the faculty from employment or to impose serious sanction, together with a written specification of the reasons (these sanctions hereinafter in Section VI are referred to as “the sanction”) shall be sent by the vice chancellor with supervisory to the faculty member by 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 a hearing by the Due Process Committee (subsection VI.E.). (Faculty Senate Resolution #99-10)

C. Penalty Without Recourse

If, within 14 calendar days after the faculty member receives the notice and written specification of the reasons referred to in subsection VI.B. above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

D. Hearing Request
A faculty member shall timely submit a request for a hearing to the vice chancellor with supervisory authority in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. Upon receipt of such a request the vice chancellor with supervisory authority shall, within 10 calendar days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with subsection VI.F.1.

If the faculty member shall submit a timely request for a hearing, the Chancellor shall ensure a process is in place so that the hearing is timely accorded before the Due Process Committee.

E. Due Process Committee
The Due Process Committee (hereinafter “Committee”) shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member Part IX, Section I (IV). 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 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 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 III 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).

F. Procedures for the Hearing
1. Time and Date of Hearing
The Committee shall set the time, date, and place for the hearing. The Committee shall accord the faculty member 30 calendar days from the time it receives the faculty member's written request for a hearing to prepare a defense. 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. 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 will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the Committee cannot be assembled.

2. Conduct of Hearing
The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction. The chair of the 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, or his/her designee, and/or 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 be closed to the public unless both the faculty member and the Committee agree that it may be open.

The hearing shall begin with an opening statement by the hearing chair limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the hearing chair, the vice chancellor with supervisory authority, his/her designee, 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, his/her designee, or his/her counsel, and the faculty member or his/her counsel, shall have the right to confront and cross-examine adverse witnesses, and to make argument. 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, or his/her designee, 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 calendar 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 and such written or oral arguments as the committee, in its discretion, may allow. The University has the burden of proof. In evaluating evidence, the Committee shall use the standard of “clear and convincing”
evidence in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action.

Within 14 calendar days of finishing its deliberations or after the full transcript is received, whichever is later, 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 sanction 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 Committee. Within 30 calendar days of receiving the report, the chancellor's decision shall be conveyed in writing to the Committee and the affected faculty member by 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 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 filed within 14 calendar days after the faculty member receives the chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees; however, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members.

The Board of Trustees, or its 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 as soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the Trustees.

This decision shall be final except that the faculty member may, within 14 calendar days after receiving the trustees' decision, file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, to the Board of Governors by alleging that one or more specified provisions of the Code of The University of North Carolina have been violated. Any such appeal to the Board of Governors shall be transmitted through the President.

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 reassign the individual to other duties or suspend the faculty member at any time until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay and benefits.
VII. Termination of Faculty Employment
A. Reasons Justifying Termination and Consultation Required
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 subsection 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 B (1) 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 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 subsection 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 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 attempted delivery 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 subsection 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 subsection 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 subsection VII.B.3, the faculty member may request by 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 subsection 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).

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 member's 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. (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 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 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. (Faculty Senate Resolution #99-4)

The exercise of the Board of Trustees' jurisdiction 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:

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,
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 Trustees. 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 Trustees will
be an evaluation by the Board, through a designated committee, 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 of the University of North
Carolina.

These regulations as amended shall apply only to those appeals following non-reappointments
and non-conferrals 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 non-reappointment or non-conferral 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.

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6A faculty member receiving a notice of non-conferral of early permanent tenure may file a grievance in
accordance with ECU Faculty Manual Part XII, Section I. The Board of Trustees will remain responsible for reviewing, on
appeal, a grievant’s contention that the chancellor's decision (or affirmance of a faculty committee decision) was clearly
erroneous.
In compliance with 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.)

Approved (entire document)
Faculty Senate Resolution #06-19, January 9, 2007
Erskine Bowles, President of UNC System

Faculty Senate Resolution #09-51, July 12, 2010
Erskine Bowles, President of UNC System (with editorial revision to section V.B.2 as suggested)

Faculty Senate Resolution #16-15, April 7, 2017  Effective date: July 1, 2017
Margaret Spellings, President of UNC System (with editorial revisions as suggested)

EAST CAROLINA UNIVERSITY
FACULTY MANUAL INTERPRETATIONS

Referenced in Faculty Senate Resolution #16-15: Revised ECU Faculty Manual, Part IX, Section I. Tenure and Promotion Policies and Procedures of East Carolina University, subsections I. – IV.

Faculty Senate Resolution #106-20
Approved by the Faculty Senate: April 18, 2006
Approved by the Chancellor: May 5, 2006

Interpretation of the ECU Faculty Manual, Appendix D, clarifying that the numbers of faculty votes either yea or nay or abstaining in secret ballot voting cannot be shared with administrators.

Faculty Senate Resolution #11-43
Approved by the Faculty Senate: March 29, 2011
Approved by the Chancellor: May 5, 2011

Interpretation of the ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures, Section IV.C. External Peer Review for Promotion and the Conferral of Permanent Tenure to read as follows:

"Faculty candidates for promotion and/or tenure consideration during 2011-2012 and members of their respective unit Tenure Committees are selecting external peer reviewers at this time. The purpose of this interpretation is to provide clarity on the current provisions stated in the ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures, Section IV.C. External Peer Review for Promotion and the Conferral of Permanent Tenure as follows:

'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 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
The candidate shall also provide similar relationship information for each name on the unit Tenure Committee's list. These two lists must be independently compiled and if the two lists contain a common set of prospective external reviewers, the unit Tenure Committee list shall be revisited and new possible external reviewers shall be identified as replacement for those originally on both lists.’

The statement (noted in red) indicates that prospective external reviewers appearing on the two independently compiled lists cannot serve and that new reviewers must be identified to replace those reviewers originally on both the candidate's list and the committee's list. **This provision was NOT intended to prevent a unit Tenure Committee from selecting an external peer reviewer who was also suggested by the faculty candidate.**

The Faculty Governance Committee will review these regulations in their entirety and propose to the Faculty Senate revisions to Appendix D in Fall 2011. Until revisions are approved, the Faculty Governance Committee is asking the Faculty Senate and Chancellor to approve this interpretation as formal notification that an individual suggested by both the faculty candidate for promotion and/or tenure and the unit's Tenure Committee **may be selected** to serve as an approved external peer reviewer.
PART IX – APPOINTMENT, TENURE, PROMOTION, AND ADVANCEMENT POLICIES AND PROCEDURES AND PERFORMANCE REVIEW OF TENURED FACULTY

SECTION II

Performance Review of Tenured Faculty of East Carolina University

(Revised 10-15)

I. Preamble

On May 16, 1997, the Board of Governors mandated the review of performance of tenured faculty in the University of North Carolina system. This review, defined as the comprehensive, formal, periodic evaluation of cumulative faculty performance, has the purposes of ensuring faculty development and promoting faculty vitality. The June 24, 1997, Administrative Memorandum #371 from the General Administration of the UNC System required each constituent institution to create a policy that examines individual faculty contributions to departmental, school/college, and university goals as well as to the academic programs in which faculty teach. Guidelines mandate that the process shall recognize and reward exemplary faculty performance; provide for a clear plan and timetable for improvement of performance of faculty found deficient; and, for those whose performance remains deficient, provide for the possible imposition of appropriate sanctions or further action, including discharge. Further guidelines direct individual institutions to show the relationship between annual review and performance review, examine faculty performance relative to the mission of the unit and the university, include a review no less frequently than every five years, explicitly involve peers in the review process, assure written feedback as well as a mechanism for faculty response to the evaluation, and require individual development plans for all faculty receiving less than satisfactory ratings in the performance review.

On June 20, 2014, the UNC Board of Governors revised its Guidelines on Performance Review of Tenured Faculty (The UNC Policy Manual: 400.3.3.1(G)).
East Carolina University’s Policy for the Performance Review of Tenured Faculty meets the revised guidelines of the University of North Carolina General Administration and is consistent with East Carolina University’s Faculty Manual and The Code of the University. This policy does not create a process for the reevaluation or revalidation of tenured status. The basic standard for appraisal and evaluation is whether the faculty member under review discharges conscientiously and with professional competence the duties associated with his or her position. Furthermore, the policy is created with the widespread presumption of competence on the part of each tenured faculty member. The performance review for a faculty member must reflect the nature of the individual's field or work and must conform to fair and reasonable expectations as recognized by faculty peers in each department and discipline. The review must be conducted in a manner free of arbitrary, capricious, or discriminatory elements and must follow these agreed-upon procedures.

II. Description of Policy
A. Timing
At five-year intervals, each academic unit shall review all aspects of each permanently tenured faculty member’s professional performance during the preceding five years. A review leading to promotion in rank qualifies as a performance review. A faculty member granted promotion and/or permanent tenure shall be reviewed within five years of that decision. Probationary-term faculty members are excluded because other review mechanisms exist to evaluate their performance. Unit* administrators, deans, and administrators at the division or university level shall be excluded from this policy. After returning to full-time teaching/research responsibilities, administrators shall be evaluated in the first review period following the return and at all following five-year intervals. In any case where the review period is shorter than five, the expectations shall be adjusted accordingly.

Each academic unit’s Tenure Committee shall decide whether all of its tenured faculty will be reviewed in the same year (block plan) or whether its tenured faculty will be reviewed according to a serial plan. Those units choosing a serial plan shall also determine the method of serialization.

B. Performance Standards for the Review
For the cumulative review of performance for the review period, the unit’s Tenure Committee shall follow its standards of “meets,” “exceeds,” or “does not meet” expectations as described in the unit code. Immediately after each review period, the Tenure Committee shall review and revise the performance standards as necessary. These standards will comply with the provisions of Part VIII, Section I (subsections C and D) of the ECU Faculty Manual, the unit’s code provisions, and the primacy of instruction within the UNC system institutions. These standards should be consistent with the mission of the institution, college, and program and with the changing goals of both the unit and the university. While also considering varying expectations at the time of the granting of permanent tenure for individual faculty members, these standards should address the faculty member’s teaching, research, service, and other duties, including contributions to the departmental, college/school, and university goals, contributions to the academic programs in which the faculty member teaches, and any other professional activities bearing on the faculty member’s performance of his or her duties during the period under review.

C. Performance Review Committee (PRC)
The Tenure Committee will elect a minimum of three faculty members and one alternate from the permanently tenured voting faculty (ECU Faculty Manual, Part IX, Section I (IV.). Voting Faculty Member) not holding administrative status to serve on the Performance Review Committee. The
alternate shall serve when a member is unable to serve. Members on the Performance Review Committee shall serve for one academic year.

When a unit is unable to elect three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured voting faculty members not holding administrative status from other units to increase the committee’s membership to three members and one alternate. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term voting 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.

D. Review Process

Performance Review of Tenured Faculty shall cover all aspects of the faculty member’s professional performance. The review will be informed by the faculty member’s annual reports and annual evaluations (ECU Faculty Manual, Part VIII, Section I (III.). Evaluations) and consistent with the faculty member’s 5-year plan (utilizing the form in Section III or an alternate five-year plan approved in the unit code), but primarily shall be based on a comprehensive assessment of the faculty member’s teaching, research, service, and other duties, including contributions to the departmental college/school and university goals, contributions to the academic programs in which the faculty member teaches, and any other professional activities bearing on the faculty member’s performance of his or her duties during the period under review. For permanently tenured full-time faculty members who have received University approved leaves of absence, the expectations for the review period will be adjusted accordingly. A permanently tenured faculty member who is on leave during a block plan will be reviewed at time of their return to full-time service.

Should a subsequent academic unit administrator disagree with the annual reviews and annual reports of an individual faculty member composed before the term of office of the incumbent administrator, the administrator shall not dismiss, alter, or argue against the body and conclusions of the earlier annual reviews and reports.

The initial review shall be conducted by the unit administrator who, using the attached Form, shall prepare a performance review report which shall consist of a narrative evaluation of the overall performance of the candidate that takes into account the relative weights assigned to each duty during each of the years being reviewed and the amount of reassigned time from teaching to the performance of other duties for each year under review. This evaluation shall conclude with an overall ranking that categorizes each faculty member’s performance as “meets,” “exceeds,” or “does not meet” expectations. A negative review must include a statement of the faculty member’s primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member’s assigned duties.

The evaluative report, together with the faculty member’s annual reports and annual performance evaluations for the period under review, a copy of the faculty member’s 5-year plan, a copy of the faculty member’s current curriculum vita, and any other material the faculty member provided to the review committee in support of his/her professional performance over the review period, shall be forwarded to the Performance Review Committee and shall become part of the permanent personnel
file. For each faculty member, the Performance Review Committee shall either agree or disagree with the evaluation of the unit administrator.

When the unit administrator and the Performance Review Committee agree, the Performance Review Committee shall report this agreement on the Form. The unit administrator shall provide a copy of the report to the faculty member and place a copy of the report in the faculty member's personnel file.

When the unit administrator and Performance Review Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort to resolve the disagreement fails, the Performance Review Committee shall prepare its own report. The unit administrator shall provide copies of both reports to the faculty member and the matter will be referred to the next higher administrator, who after reviewing both reports and the faculty member’s supporting materials, shall make an independent decision, which shall be reported in writing to the faculty member and forwarded, together with Committee and unit administrator reports, to the Provost (or Vice Chancellor for Health Sciences).

The faculty member may provide the unit administrator with a written response within 10 calendar days of receiving his or her unit-level performance review (see Section II F). A copy of the faculty member’s response will be placed in the faculty member’s personnel file and provided to the Performance Review Committee. The response will also be shared at the next highest administrative level.

The next higher administrator shall review all Performance Review reports, including any faculty member’s response to those reports, and either concur or not concur, then notify the unit administrator and the chair of the unit Performance Review Committee, and forward her/his review to the Provost or the Vice Chancellor for Health Sciences who is responsible for ensuring the integrity of the review process. The Provost will annually certify to the UNC President or his/her designee that all aspects of the review process are in compliance with UNC Policy 400.3.3.

Immediately after the completion of each level of administrative review, the administrator’s report shall be communicated to all appropriate lower-level administrators, the tenured faculty member, and the Unit Performance Review Committee.

A copy of the report shall be placed in the faculty member’s personnel file.

A faculty member may provide the unit administrator with a written response within 10 calendar days of receiving his or her unit-level performance review. A copy of the faculty member’s response will be placed in the faculty member’s personnel file and provided to the Performance Review Committee. A faculty member’s response will be forwarded to the next higher administrator.

At the discretion of the faculty member, the final review may be appealed in accordance with the provisions of the grievance procedure of Part XII, Section I, as appropriate.

E. Rewards
The revised UNC Guidelines on Performance Review of Tenured Faculty require that faculty whose post-tenure performance exceeds expectations shall be recognized and rewarded. A faculty member whose performance is deemed to have exceeded expectation may be recognized in ways including, but not limited to, nomination for awards, merit salary increases, research leaves, and/or revisions of work load.
F. Reconsideration
A faculty member whose unit-level review process determines a performance level that does not meet expectations shall have the opportunity to respond within 10 calendar days. The faculty member may request that the unit administrator and Performance Review Committee reconsider the evaluation based on additional substantive information provided by the faculty member. In reconsidering the evaluation, the unit administrator and Performance Review Committee shall have the opportunity to nullify, modify, or reconfirm the original evaluation (or evaluations, in the case of disagreement between the committee and the unit administrator). The response of the faculty member to the report of deficient performance and the decision of the committee and the unit administrator shall be reported to the next higher administrator (as outlined in Section II, D).

When the committee and the unit administrator disagree on the appropriate action after a reconsideration initiated by the faculty member under review, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the conflicting responses to the reconsideration appeal by the faculty member under review shall be referred to the next higher administrator for final decision.

The decision of each administrator shall be reported in writing to the faculty member and a copy of each decision shall be placed in the faculty member’s personnel file and provided to both the Performance Review Committee and the unit administrator.

At the discretion of the faculty member, the final review may be appealed in accordance with the provisions of the grievance procedure of Part XII, Section I, as appropriate.

G. Faculty Development Plan
A faculty member whose performance does not meet expectations shall negotiate a formal development plan with the Performance Review Committee and the unit administrator. The development plan must: (a) identify specific shortcomings as they relate to the faculty member’s performance of his or her assigned duties; (b) state any modification of duties due to a less than satisfactory rating and take into account the new allocation of responsibilities; (c) include specific steps designed to lead to the required degree of improvement; (d) specify resources necessary to support the development plan, (e) specify a reasonable timeline of no more than three academic years, in which improvement is expected to occur; (f) schedule and require written records of progress meetings between the faculty member, the unit administrator and the chair of the Performance Review Committee at regular intervals no less frequently than twice each academic year; (g) state the consequences for the faculty member should improvement not occur within the designated timeline. The use of mentoring peers is encouraged.

The description of specific steps designed to lead to improvement shall state guidelines, present criteria by which the faculty member could monitor his or her progress, and identify the source of any institutional commitments, if required. The plan is a commitment by the faculty member, with support provided by the Performance Review Committee, and the unit administrator to improve the faculty member’s performance. Adequate resources shall be provided to support the plan. The plan shall be consistent with the faculty member’s academic freedom (as defined by the ECU Faculty Manual, Part V), shall be self-directed by the faculty member, and shall be sufficiently flexible to allow for subsequent amendment, if necessary. Such amendment will follow the same process as the development of the original plan. If the unit administrator, Performance Review Committee, and
faculty member cannot agree on a formal development plan, each party’s draft of a plan will be forwarded to the next higher administrator, who will make the final decision.

The faculty member’s development progress shall be reviewed in a meeting that occurs at least twice each academic year with the Performance Review Committee and the unit administrator. The unit administrator shall provide a written evaluation of progress to the faculty member. If the unit administrator, the Performance Review Committee, and the faculty member cannot agree on the faculty member’s progress, the next higher administration will meet with the relevant parties and make a final determination. A copy of this evaluation will be provided to the faculty member and placed in the faculty member’s personnel file.

H. Subsequent Evaluation
If the unit administrator and the Performance Review Committee finds that the faculty member’s cumulative performance exceeds or meets expectations within the specified timeline, the unit administrator shall report the results of the performance review in writing to the faculty member and place a copy of the written evaluation in the faculty member’s personnel file. In this case, the faculty member will return to the regular schedule of post-tenure review.

If the faculty member’s cumulative performance level remains below expectations after the specified timelines, the unit administrator may recommend that serious sanctions be imposed as governed by Part IX, Section I (VI), “Due Process Before Discharge or Imposition of Serious Sanction,” of the ECU Faculty Manual and Chapter VI of The Code of the Board of Governors of the University of North Carolina.

*With respect to personnel matters relating to Performance Review, 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 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 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. Training
All parties involved in the Performance Review of Tenured Faculty evaluations, including peer evaluators of the Performance Review Committee, department chairs, unit administrators, and deans, shall complete performance review training. Training will be provided (1) as digital training modules provided by UNC General Administration and (2) as face-to-face campus-specific policy and personnel training provided by the Faculty Senate office in cooperation with the office of the Provost.

III. Form: Faculty 5-Year Plan

Name: ___________________________________________________________________

College: __________________________________________________________________

Department: __________________________________________________________________

Responsibilities and Mutual Expectations
(Most faculty members will have responsibilities in three or more of these, but in all cases the
anticipated weights in the areas of responsibility must be consistent with those outlined in the department’s unit code)

% Teaching.

Use the most general descriptions reasonable for the code unit. Some departments want to include course numbers and semesters in which they will be taught and possibly number of advisees. Other departments want to use a more general description as given in this example.

% Research/Creative Activity.

If appropriate specify other forms of products to document scholarship productivity. Use the most general descriptions reasonable for the code unit.

% Service to the Profession and the University.

% __________________________ (as specified in the unit code).

Use the most general descriptions reasonable for the code unit and ensure that the category is consistent with the unit code. For example clinical service directorships may fall under other specific duties.

Performance Standards

Following the procedures outlined in Part IX, Section II of the ECU Faculty Manual, meet and strive to exceed the performance standards contained for the Department of Discipline XYZ in the Unit Code.

Summary of Changes

Tenured: August xx, 19xx under the then-current ECU Faculty Manual and the then-current Department of XYZ Unit code.

Original 5-Year Plan Effective August xx, 20xx
Amended 5-Year Plan Effective August xx, 20xx

Faculty Member Signature______________________________  Date____________________

Unit Administrator Signature___________________________  Date____________________

Add additional lines, as needed, for signatures and dates when changes are made.
Responsibilities changed to responsibilities as described above on August xx, 20xx
Form: Report on Performance Review of Tenured Faculty

Performance Review of Tenured Faculty
East Carolina University

Faculty member: _______________________

School/department: ____________________ Date: __________________

I. Narrative Evaluation of most recent 5 years of faculty performance:

II. Summary Performance Review Evaluation indicate meets, does not meet, or exceeds expectations in each category (other categories may be added as documented on the unit code):

_________________Teaching
_________________Research/Creative Activity
_________________Service
_________________Overall

Submitted by: ____________________________ Date __________________

Unit Administrator

Performance Review Committee Response: ______ Agree
____________________________________

_______ Disagree

____________________________________

Committee Chair Date

____________________________________

Faculty Member Date

(Note: faculty member signature acknowledges neither agreement nor disagreement with the report.)

Faculty Senate Resolution #98-13, April 1998
Faculty Senate Resolution #98-29, November 1998
Interpretation made to Section II., October 1998
Faculty Senate Resolution #08-42, October 2008
Faculty Senate Resolution #09-33, September 2009
Faculty Senate Resolution #15-28, October 2015
EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART X

Personnel Action Dossier and
Tenure and Promotion Schedule
PART X

PERSONNEL ACTION DOSSIER AND TENURE AND PROMOTION SCHEDULE

SECTIONS

I. Personnel Action Dossier
II. Tenure and Promotion Schedule
I. Personnel Action Dossier (PAD)

Link to Guidelines for Preparing a Cumulative Evaluation.

The Personnel Action Dossier (PAD) is a collection of documents and lists of accomplishments in summary form that provides a record of the accomplishments of a faculty member seeking reappointment, promotion, or tenure. A PAD is compiled in a manner described in Part IX of the East Carolina University Faculty Manual each time a personnel action for reappointment, promotion, or tenure takes place. Each PAD becomes part of the faculty member’s permanent personnel file and is not returned to the faculty member.

In the review process, attention is paid both to productivity since the date of hire, tenure or last promotion (whichever is more recent) and accomplishments over one’s entire career. Within the PAD the candidate should supply dates for all listed activities and accomplishments, making it possible for reviewers to identify clearly the chronology of accomplishments related to the time of hire, tenure or last promotion (whichever is more recent).

The Personnel Action Dossier shall include the following items:

A. A properly executed ECU Cumulative Report for Reappointment, Promotion and Tenure (see Attachment 1) is required for these personnel actions. It is the responsibility of the faculty member to have prima facie evidence of all activity listed in this report available for inspection, if requested, by reviewers at any level of the personnel action process.

Actions involving tenure and promotion also require a properly executed ECU Personnel Action Summary Form (see Attachment 2).

B. Recommendations

(Note: The documents listed here will be added by the appropriate official as the Personnel Action progresses.)

1. For reappointment:
   a. Unit Tenure Committee’s recommendation, signature of the chair of the unit Personnel Committee, and date
   b. Unit administrator’s recommendation, signature, and date
   c. Dean's recommendation, signature, and date
   d. Provost/Vice Chancellor’s recommendation, signature, date
2. For tenure:
   a. One cumulative evaluation in narrative form of the candidate’s teaching, research, service, and any other relevant duties, prepared by the unit Tenure Committee. A draft of this cumulative evaluation, to be completed after the candidate turns in the PAD, should be available for discussion by the entire Tenure committee before the vote. (Faculty Senate Resolution #08-27, May 2008)
   b. A cumulative evaluation in narrative form of the candidate’s teaching, research, service, and any other relevant duties, prepared by the unit administrator.
   c. Unit Tenure Committee’s recommendation, signature of the chair of the unit Personnel Committee, and date
   d. Unit administrator’s recommendation, signature, and date
   e. Dean’s recommendation, signature, and date
   f. Provost/Vice Chancellor’s recommendation, signature, date
3. For promotion:
   a. One cumulative evaluation in narrative form of the candidate’s teaching, research, service, and any other relevant duties, prepared by the unit Promotion Committee. A draft of this cumulative evaluation, to be completed after the candidate turns in the PAD, should be available for discussion by the entire Promotion committee before the vote. (Faculty Senate Resolution #08-27, May 2008)
   b. A cumulative evaluation in narrative form of the candidate’s teaching, research, service, and any other relevant duties, prepared by the unit administrator.
   c. Unit Promotion Committee’s recommendation, signature of the chair of the unit Promotion Committee, and date
   d. Unit administrator’s recommendation, signature, and date
   e. Dean’s recommendation, signature, and date
   f. Provost/Vice Chancellor’s recommendation, signature, date

C. Records of Evaluation
   1. For evaluation for reappointment decisions:
      a. Copies of the criteria for reappointment set forth by the code unit of the faculty member.
      b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
      c. Records of the discussions on annual evaluation meetings with the unit administrator. See Part VIII, Section I (III.).
      d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision. See Part VI, Section I (I.).
      e. Records of the annual discussions on the criteria for evaluating faculty performance.
   2. For evaluation for tenure decisions:
      a. Copies of the criteria for tenure set forth by the code unit of the faculty member.
      b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
      c. Records of the discussions on annual evaluation meetings with the unit administrator. See Part VIII, Section I (III.).
      d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision. See Part VI, Section I (I.).
e. Records of the annual discussions on the criteria for evaluating faculty performance. Part IX, Section I (II.A.3.).

f. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.

3. For evaluation for promotion decisions:
   a. Copies of the criteria for promotion set forth by the code unit of the faculty member.
   b. Copies of all annual evaluations over the period of time appropriate to the decision.
   c. A record of the assigned teaching duties and responsibilities including indication of reassigned time over the period of time appropriate to the decision. See Part VI, Section I (I).
   d. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.

In cases of application for tenure with simultaneous promotion, items B and C should be combined as appropriate.

D. Supporting materials
   The faculty member, in consultation with the unit administrator and the chair of the unit personnel committee, may add materials in support of the activities and accomplishments listed in the ECU Cumulative Report for Reappointment, Promotion and Tenure (subject to size limitations in subsection G. below).

E. Other material
   Materials not included in the categories listed in the cumulative report may be added to the dossier by the faculty member providing the unit administrator, in consultation with the Unit Personnel Committee, has an opportunity to include a response to such materials. In the event the unit administrator and Unit Personnel Committee cannot agree on a response, both may include a response.

F. 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 party may include a statement about the document in the dossier.

   The candidate is allowed to review and include a response to the cumulative evaluations (see section B. above).

G. Size of Dossier
   The total dossier must be contained in a single three ring binder (10 in. x 12 in.) with a thickness of no more than four inches (approximately 10 cm).
Attachment 1.

CUMULATIVE REPORT FOR REAPPOINTMENT, PROMOTION, AND TENURE

Link to Guidelines for Preparing a Cumulative Evaluation.

A. General Information
   1. Name
   2. College or Professional School and Department
   3. Date of first appointment to ECU
   4. Present rank and date at which present rank was established
   5. Educational background: degrees, dates conferred, and institutions. Indicate the status of any degree program in process.
      Include the following where applicable:
      a. Postgraduate Training Fellowships
      b. Residencies
      c. Traineeships
   6. Administrative appointments or special assignments (list positions and dates in reverse chronological order with percentage of time assigned)
   7. Professional credentials (certifications and licensures)
   8. Professional employment history (list positions, ranks and dates of appointments in reverse chronological order)
   9. Formal continuing education for professional development (courses, seminars, institutes, etc. and dates in reverse chronological order) School of Medicine (clinical staff): List all postgraduate Continuing Medical Education completed in the last 3 years (in reverse chronological order).

B. Teaching (Didactic and Clinical) and Advising [narrative or bulleted list and relevant date(s)]
   1. Noteworthy accomplishments and practices in teaching
   2. Noteworthy accomplishments and practices in advising and retention
   3. Extraordinary duties assigned or elected in advising
   4. Direction of student research and performances:
      a. List undergraduate students and projects.
      b. List graduate students and projects.
      c. List memberships in graduate student’s thesis/dissertation committees
   5. Summary of teaching evaluations (student opinion of instruction survey results, peer reviews, and any additional supporting information)
   6. Grants (listed by year in reverse chronological order) in support of teaching and advising.
      Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
      a. Grants/proposals through Office of Sponsored Programs
      b. Grants/proposals through the Division of Institutional Advancement
c. University Grants
d. Reports to granting agencies: list agency(ies)

7. Medical Education:
   a. Undergraduate medical student teaching, including didactic lectures, clinical teaching, conferences laboratories, student advising, and student preceptorships.
   b. Postgraduate medical teaching including clinical teaching and continuing medical education.
   c. Curriculum development in medical education.

C. Research/Creative Activity:
   1. A brief statement of research activities and interests.
   2. A complete list of publications in print, in reverse chronological order, beginning with the most recent publications (Note: School of Medicine should use the AMA format for publications):
      a. Books and monographs
      b. Journal articles
      c. Chapters in books
d. Book reviews in professional journals
e. Abstracts (including those published in proceedings)
   f. Microforms
g. Sound/video recordings musical scores
   h. Art exhibitions, pictures in books, applied art
   i. Articles in proceedings
   j. Patents
   k. Editorships of professional journals or books
   l. Musical performances & productions
   m. Theatrical performances & productions
   n. Software development
   o. Electronic publications
   p. Clinical trials
   q. Other (e.g., entries in encyclopedias)
3. Papers, creative works, etc. accepted for publication but not yet in print (attach a copy of letter of acceptance)
4. Other research publications: list title(s) and publication dates and publisher
5. Research presentations and posters: list organization, date, and title of presentation(s)
6. Participation in expert panels (include topics, meeting, date(s)).
7. Visiting professorships or lectureships (include titles, place, date(s)).
8. Pedagogical materials: list title(s) and publication dates and publisher
9. Grants (listed by year in reverse chronological order) in support of research/creative activity. Provide a list of all grants applied for, listing for each the source, amount requested, title, Principal investigator and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
   a. Grants/proposals through Office of Sponsored Programs
   b. Grants/proposals through the Division of Institutional Advancement
   c. University Grants
d. Reports to granting agencies: list agency(ies)
D. Clinical Practice: For those faculty who provide patient care as a part of their duties, a patient care portfolio should be included to document their clinical practice activities. The patient care portfolio should include the following information:

1. Summary of relevant activities in clinical practice and evaluations of patient care quality.
2. Noteworthy accomplishments and practices
3. Extraordinary duties assigned or elected in clinical practice
4. Development and/or evaluation of clinical services and programs
5. Community service and outreach

E. Professional and University Service (list by year, in reverse chronological order)

1. University: Committee and special assignments
   a. Unit: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
   b. Division: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
   c. University-wide: name of committee(s), role on committee(s), inclusive dates of service
   d. UNC system: name of committee(s), role on committee(s), inclusive dates of service
   e. Special assignments: title or role, brief description of assignment, inclusive dates of service

2. Non-university committees and service:
   a. Local
   b. Regional
   c. State
   d. Other
   e. Clinical Agency Committees and/or Hospital committees (Health Sciences Division)

3. Professional Organizations (list by year in reverse chronological order)
   a. Memberships in professional organizations: list memberships
   b. Offices held or other official functions
      President/Chair: list organization(s)
      Other office(s): list office and organization(s)
   c. Organization of meetings, workshops, and symposia: list organization(s)
   d. Presentations (other than research) at meetings, workshops, and symposia: list organization, date, and title of presentation(s)
   e. Service as editor or editorial board member: list board(s), list role(s)
   f. Items reviewed, refereed, or juried for scholarly publications: list publication(s)
   g. Items reviewed, refereed, or juried for granting agencies: list agency (ies)
   h. Evaluation of faculty for other universities (peer review): list institution(s)
   i. Consultantships: list client, specify whether paid or unpaid, briefly define activity

4. Other professional service

5. Grants (listed by year in reverse chronological order) in support of professional service. Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending,
rejected.
  a. Grants/proposals through Office of Sponsored Programs
  b. Grants/proposals through the Division of Institutional Advancement
  c. University Grants
  d. Reports to granting agencies: list agency(ies)

F. Honors and other noteworthy activity not covered above

G. Administrative Activities
   1. Noteworthy accomplishments and practices in administration
   2. Extraordinary duties assigned or elected
   3. Summary of administrative evaluations

H. Community service: Include organization, dates, offices held.

I. Other: Include additional information deemed pertinent to this cumulative report.

J. Date this cumulative report was completed.

Attachment 2.

EAST CAROLINA UNIVERSITY PERSONNEL ACTION SUMMARY FORM
(Administrator completes Section I. and faculty member (appointee) completes Section II.)

Section I. To be completed by the appropriate administrator(s).

Name of Appointee: ________________________________________________________________

Department: __________________________ School/ College: __________________________

Current Rank or Title: (if applicable) __________________ Proposed Rank or Title:

Indicate Type of Action: (select all that apply)
   Administrative Appointment:
   New Faculty Appointment:
   Promotion:
   Conferral of Tenure:
   Other: (describe) ______________________________________________________________

   Distinguished Professorship: (provide name of professorship)

Effective Date of Action: __________________________________________________________

Contract Period: Administrative Appointment: 9 mo. 12 mo.
   Faculty Appointment: 9 mo. 12 mo.
Salary: $___________  Source(s): ______  State Funds: $______  *Non-State Funds: $__________

*Indicate Sources of non-state funds generically (i.e., grants, receipts, trust funds, endowments, medical faculty practice plan, etc.):

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

<table>
<thead>
<tr>
<th>Source</th>
<th>Recommended</th>
<th>Not Recommended</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriate Unit Personnel Committee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chair/Unit Head</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dean</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provost/Vice Chancellor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chancellor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of Trustees</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section II. To be completed by the faculty member.

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

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)

3. Scholarly & Creative Activities:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book</td>
<td></td>
</tr>
<tr>
<td>Edited Book</td>
<td></td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>Refereed Journal Article</td>
<td></td>
</tr>
<tr>
<td>Other Journal Article</td>
<td></td>
</tr>
<tr>
<td>Juried Performance/Show</td>
<td></td>
</tr>
<tr>
<td>Non-Juried Performance/Show</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>
4. Membership in professional organizations:
5. Professional service on campus:
6. Professional service off campus:

Faculty Senate Resolution #07-01, March 2007
Faculty Senate Resolution #08-27, May 2008

PART X - PERSONNEL ACTION DOSSIER AND TENURE AND PROMOTION SCHEDULE

SECTION II

Tenure and Promotion Schedule
(Text moved from former Part XIII)

The timelines designated in this schedule are the normal review cycle for the stated personnel actions. The Chancellor may approve an adjustment to these timelines when compelling circumstances, as determined by the Chancellor, justify a temporary revision.

Promotion and Tenure Timeline – Spring before Decision Year*

<table>
<thead>
<tr>
<th>Action</th>
<th>9 and 12 Month Faculty Deadline</th>
<th>Time Allotted for Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty Request to the Committee for promotion or early conferral of permanent tenure</td>
<td>1st Friday in February</td>
<td></td>
</tr>
<tr>
<td>Faculty member submits list of potential external reviewers to committee</td>
<td>3rd Friday in February</td>
<td>6 weeks</td>
</tr>
<tr>
<td>Committee submission of a list of external reviewers to the unit administrator and Selection of materials to be sent to reviewers.</td>
<td>2nd Friday in March</td>
<td>12-month faculty member with prior academic credit**</td>
</tr>
<tr>
<td>Unit Administrator sends letter and materials to confirmed external reviewers</td>
<td>Last Friday in April</td>
<td></td>
</tr>
</tbody>
</table>

Promotion and Tenure Timeline – Fall of Decision Year*

<table>
<thead>
<tr>
<th>Action</th>
<th>9 and 12 Month Faculty Deadline</th>
<th>Time Allotted for Decision</th>
<th>Health Sciences Division Deadline</th>
<th>Time Allotted for Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Administrator informs committee of upcoming need for a meeting</td>
<td>1st Tuesday in September</td>
<td>1st Tuesday in September</td>
<td>1st Tuesday in September</td>
<td></td>
</tr>
<tr>
<td>External reviewers’ reports due</td>
<td>1st Tuesday in September</td>
<td>1st Tuesday in September</td>
<td>1st Tuesday in September</td>
<td></td>
</tr>
<tr>
<td>Faculty turns in PAD to Committee</td>
<td>2(^{nd}) Tuesday in September</td>
<td>2(^{nd}) Tuesday in September</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td>----------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee recommendation/PAD to unit administrator</td>
<td>2(^{nd}) Tuesday in October</td>
<td>4 weeks</td>
<td>2(^{nd}) Tuesday in October</td>
<td>4 weeks</td>
</tr>
<tr>
<td>Unit administrator recommendation/PAD to Dean (note: Brody School of Medicine P&amp;T Committee reviews &amp; makes Recommendation to BSOM Dean)</td>
<td>2(^{nd}) Tuesday in November</td>
<td>4 weeks</td>
<td>1(^{st}) Tuesday in November</td>
<td>3 weeks</td>
</tr>
<tr>
<td>Dean recommendation/PAD to VCAA or VCHS</td>
<td>3(^{rd}) Tuesday in December</td>
<td>5 weeks</td>
<td>1(^{st}) Tuesday in January</td>
<td>6 weeks</td>
</tr>
<tr>
<td>VC decision/PAD to Chancellor</td>
<td>4(^{th}) Tuesday in January</td>
<td>4 weeks</td>
<td>3(^{rd}) Tuesday in February</td>
<td>6 weeks</td>
</tr>
<tr>
<td>Chancellor decision</td>
<td>3(^{rd}) Tuesday in February</td>
<td>4 weeks</td>
<td>3(^{rd}) Tuesday in March</td>
<td>4 weeks</td>
</tr>
<tr>
<td>BOT decision (Tenure Only)</td>
<td>Spring BOT meeting</td>
<td>Date varies each year</td>
<td>Spring BOT meeting</td>
<td>Date varies each year</td>
</tr>
</tbody>
</table>

**Reappointment of Probationary-Term Faculty Members Timeline**

<table>
<thead>
<tr>
<th>Action</th>
<th>9 Month Faculty Deadline</th>
<th>Time Allotted for Decision</th>
<th>12 Month Faculty Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>PADs due to tenure committee for reappointment decision</td>
<td>3(^{rd}) Tuesday in January</td>
<td></td>
<td>4(^{th}) Tuesday in February</td>
</tr>
<tr>
<td>Committee recommendation to unit administrator</td>
<td>2(^{nd}) Tuesday in February</td>
<td>3 weeks</td>
<td>3(^{rd}) Tuesday in March</td>
</tr>
<tr>
<td>Unit administrator recommendation to Dean (if applicable)</td>
<td>1(^{st}) Tuesday in March</td>
<td>3 weeks</td>
<td>2(^{nd}) Tuesday in April</td>
</tr>
<tr>
<td>Dean recommendation to VCAA or VCHS</td>
<td>Last Tuesday in March</td>
<td>3 weeks</td>
<td>1(^{st}) Tuesday in May</td>
</tr>
<tr>
<td>VCAA or VCHS decision</td>
<td>Last Tuesday</td>
<td>4 weeks</td>
<td>1(^{st}) Tuesday in June</td>
</tr>
</tbody>
</table>
Reappointment of Probationary-Term Faculty Members in 2nd Year of Employment
With Credit for Prior Academic Service Timeline*

<table>
<thead>
<tr>
<th>Action</th>
<th>9 Month Faculty Deadline</th>
<th>Time Allotted for Decision</th>
<th>12 Month Faculty Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>PADs due to tenure committee</td>
<td>1st Tuesday in September</td>
<td>4 weeks</td>
<td>1st Tuesday in April</td>
</tr>
<tr>
<td>Committee recommendation to unit administrator</td>
<td>1st Tuesday in October</td>
<td></td>
<td>1st Tuesday in May</td>
</tr>
<tr>
<td>Unit administrator recommendation to Dean (if applicable)</td>
<td>3rd Tuesday in October</td>
<td>2 weeks</td>
<td>3rd Tuesday in May</td>
</tr>
<tr>
<td>Dean recommendation to VCAA or VCHS</td>
<td>1st Tuesday in November</td>
<td>2 weeks</td>
<td>2nd Tuesday in June</td>
</tr>
<tr>
<td>VCAA or VCHS decision</td>
<td>3rd Tuesday in November</td>
<td>2 weeks</td>
<td>3rd Tuesday in June</td>
</tr>
</tbody>
</table>

Subsequent Appointment of Fixed-Term Faculty Members Timeline – Spring of Decision Year*

<table>
<thead>
<tr>
<th>Fixed-term faculty members request consideration of a subsequent appointment and submit portfolio required by unit code</th>
<th>No earlier than 180 calendar days before term expires and no later than 90 calendar days before term expires</th>
<th>No earlier than 180 calendar days before term expires and no later than 90 calendar days before term expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee and unit administrator notify fixed-term faculty member in writing of subsequent appointment recommendation</td>
<td>within 30 days of the request</td>
<td>within 30 days of the request</td>
</tr>
</tbody>
</table>

*Faculty candidate will be notified of the recommendation or decision, as appropriate, in writing within one week at each decision point.
**For 12-month Assistant Professor with 1 year of prior academic credit, in the fourth year of appointment, external reviewer list is due to Tenure Committee on the 2nd Tuesday in April; Tenure Committee's final list of external peer reviewers is due to unit administrator on 4th Tuesday in April; unit administrator will send letters and selected materials to reviewers by the 3rd Thursday in May. (FS Resolution #12-68, April 2012)

EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART XI

General Faculty Employment Guidelines and Benefits
PART XI
GENEAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTIONS

I. Employment Policies
II. Benefits and Leave
III. Institutional Services Available to Faculty
IV. Equal Employment Opportunity/Affirmative Action Policy and University Commitment to Diversity
V. Substance Abuse and Weapons Policy Revised 6-14
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION I

Employment Policies

CONTENTS

I. Faculty Absence and Leave
II. New Faculty Orientation
III. Phased Retirement
IV. Retirement
V. Salary Policies
VI. Emeritus Faculty Privileges
VII. Travel and Expense Allowances

It is a policy of the university throughout the campus and all its branches, divisions, departments, facilities, and activities that firm and positive steps be taken by all supervisory and management personnel to prevent any discriminatory employment practices; and that affirmative action will be taken to ensure that applicants for employment will be considered and employed based on actual job requirements; and that all personnel matters pertaining to employment, placement, training, upgrading, promotion, demotion, transfer, layoff, termination, and salary administration will be conducted in a nondiscriminatory way without regard to race, color, national origin, religion, veteran’s status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold a professorial rank, including those on special faculty appointment. Adjunct members of the faculty do not receive benefits normally associated with full-time employment, nor does such service count toward the attainment of a tenured position. Teaching fellows are not formal members of the university faculty.

I. Faculty Absence and Leave
Faculty members unable to perform their duties are expected to make arrangements in advance with their unit administrators. The unit administrator then determines the acceptability of the absence from duty, and if necessary, will coordinate substitute arrangements with the appropriate administrator (dean or vice chancellor). If the absence from duty is associated with travel, faculty must be in
compliance with the East Carolina University travel policy [http://www.ecu.edu/cs-admin/financial_serv/accountspayable/travelmanual.cfm] which mandates that all university travel is subject to availability of budgeted funds and must be approved before travel may begin. In the event of an absence from duty caused by an emergency or illness, a faculty member is advised to inform the unit administrator at his or her earliest convenience; normally the notification should be within one business day. Faculty members incurring an illness or emergency for more than three consecutive business days are to be notified by the unit administrator of their potential entitlements under the Family and Medical Leave Act (FMLA).

Refer to [http://www.ecu.edu/csadmin/HumanResources/Benefits.cfm] for additional information on leave and benefits coverage under FMLA.

Faculty members may take a leave of absence for one or more semesters (normally not more than two academic years or more often than once in three years) or appropriate period of time for the faculty in the Brody School of Medicine. The leave can be with salary or without salary, depending on the type of leave and the advance approval for the leave of absence.

Faculty members requesting a professional leave of absence should include the reason(s) for the request and the dates the faculty member is requesting leave. The unit administrator will forward the request to the Personnel Committee, which will make a recommendation to the unit administrator. The unit administrator will make a recommendation and will forward both recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate vice chancellor. After reviewing the recommendations, the vice chancellor will make a decision and will notify in writing the faculty member, the unit administrator, and the administrator’s immediate supervisor.

Leaves of absence include, but are not limited to, the following:

1. Professional leave.
   Leave is granted to give permanently tenured faculty members opportunities for research, advanced study and/or professional growth. For both permanently tenured and probationary-term faculty members, this type of leave allows faculty members to accept competitive awards in programs such as the Fulbright or Fogarty Fellowships, allowing research or advanced study opportunities.

2. Faculty Scholarly Reassignment.
   Leave is granted for a faculty member to pursue full-time a project involving research or creative (scholarly) activity. Details of the ECU Faculty Scholarly Reassignment policy, including eligibility and terms and conditions, are located at (link to be provided).

3. Personal leave.
   In accordance with ECU’s Faculty Serious Illness and Parental Leave Policy, a faculty member may request personal leave for purposes such as serious illnesses, maternity leave, or parental leave as defined by the Family and Medical Leave Act (FMLA). See [http://www.ecu.edu/cs-admin/HumanResources/Benefits.cfm] for more information.

4. Public service leave.
   A faculty member may run for political office, serve in appointed or elected public office, or serve in an appointed professional office and request a leave of absence.
See “Political Activities of Employees” of the UNC policy manual policy (http://www.northcarolina.edu/policy/index.php?pg=vb&node_id=331) for more information on this type of leave.

5. Community Service Leave. Leave is granted under certain criteria for volunteers to support schools, communities, citizens, and non-profit charitable corporations. See the University Policy Manual (http://www.ecu.edu/business_manual/Human_Resources_Policy13.htm) and the UNC “community service leave” policy (http://www.northcarolina.edu/policy/index.php?pg=dl&id=288&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dpv%7C397%5Dv%7C%26tag%3DChapt_e%7C2B300) for more information on this type of leave.

6. Military Service Leave. Leave is granted to fulfill a military obligation, such as a call to active duty for a reservist. See policy link (http://www.ecu.edu/business_manual/Human_Resources_Policy13.htm) for more information.

Faculty members may retain voting privileges while they are on leave of absence but in attendance at specified committee meetings, such as personnel, promotion, and tenure committees. Please refer to section IV. of the ECU Tenure and Promotion Policies and Procedures, Part IV, Section I, located in the ECU Faculty Manual. Leaves of absence for probationary-term faculty members may, under cases of severe personal exigency or other compelling personal circumstances, include extension of the length of the probationary term. The conditions for, and approval process of, extensions of the probationary term can be found in Section II.C.4 of the ECU Tenure and Promotion Policies and Procedures, located in the ECU Faculty Manual. Continuation of benefits for faculty members on leave is covered by university and state regulations.

Prior to taking leave, faculty members are encouraged to speak with a university benefits counselor to determine benefit continuation options. Additional information is available at the following website: http://www.ecu.edu/cs admin/HumanResources/Benefits.cfm.” (FS Resolution #11-46, March 2011)

II. New Faculty Orientation
New faculty are expected to attend the East Carolina University New Faculty Orientation Program. The program offers a variety of resources, including information on benefits, parking, technology, research, and tenure: http://www.ecu.edu/cs-acad/facultyorientation. Additional faculty orientation activities may be required by academic units. As part of the orientation process, new faculty members are informed about the University system of shared governance and invited to serve in shared governance of the university. Orientation of new faculty will be continued throughout the year by key administrators and faculty leaders to assist the faculty in becoming acquainted with the practices and procedures of the university. Ongoing programs, including information on mentoring, are available through the Office for Faculty Excellence: http://www.ecu.edu/ofe/. New faculty hire letters note a begin date one week prior to the annual convocation with the expectation that all new faculty will attend the New Faculty Orientation Program.

New faculty are encouraged to attend the annual Faculty Convocation, which is scheduled at the opening of each academic year, for the purpose of becoming acquainted with the chancellor, chair of
the faculty, key administrative personnel and their responsibilities, and with the relationship between faculty and administration. (FS Resolution #11-80, October 2011)

III. Phased Retirement
Participation in East Carolina University’s Phased Retirement Program is available to tenured faculty who meet University of North Carolina Program eligibility criteria as detailed in the policy available online at: http://www.northcarolina.edu/policy/index.php?tag=300.7.2

Application Forms can be found at the following website: http://www.ecu.edu/cs-acad/aa/AAPersonnelForms.cfm
(FS Resolution #11-60, April 2011)

IV. Retirement
All full-time faculty of the university with a permanent appointment must participate in the university’s retirement program. Information regarding the retirement plans can be found at the online links below:


Statutory provisions for the State Retirement system: http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_135.pdf

NC State Treasurer’s Retirement home page: http://www.nctreasurer.com/dsthome/RetirementSystems

Privileges for Retired Faculty
The following University websites provide information on privileges awarded to retired faculty:

1. ECU Retired Faculty Association
The East Carolina University Retired Faculty Association (ECURFA) provides retired faculty with a continuing link to the university and to colleagues and friends through social activities, receptions, and group travel. It also provides an opportunity to give back to the university through an endowment fund. Go to the following below to obtain further information: http://www.ecu.edu/ecurfa.

2. Parking permits
The parking privileges for retired faculty are outlined in The Parking and Transportation Policy (200-0070) under “Special Parking Situations”, sections “Phased Retirement” and “Retired Faculty”. Refer to the link below to obtain current information on parking privileges for retirees: http://www.ecu.edu/cs-admin/parkingandtransportation/retired.cfm

3. ECU 1 Card
The ECU 1 Card is the official university photo ID card. Some privileges for retired faculty require presenting an ECU 1 Card (Retiree version). Procedures for obtaining an ECU 1 Card for retirees can be found at the website listed below: http://www.ecu.edu/1card
4. E-mail
Retired faculty may continue to use their ECU e-mail account in accordance with University guidelines. Details can be found at the ITCS website: http://www.ecu.edu/cs-itcs/email/FacultyStaffEmail.cfm

5. Student Recreation Center membership
Retired faculty may purchase annual, semester, or summer memberships to the Student Recreation Center. They must present their ECU 1 Card when purchasing a membership. Refer to the website below to obtain further information: http://www.ecu.edu/cs-studentlife/crw/membership/fees.cfm

6. Joyner Library access
Retired faculty may apply for borrowing privileges at the Joyner Library Circulation desk. They must present their ECU 1 Card to obtain services. Further information may be obtained at the website below: http://www.ecu.edu/cs-lib/accesssrv/circulation/circpolicy.cfm

7. Laupus Library access
Retired faculty may apply for borrowing privileges at the Laupus Library Circulation desk. They must present their ECU 1 Card to obtain services. Further information may be obtained at the website below: http://www.ecu.edu/cs-dhs/laupuslibrary/circulation.cfm. (FS Resolution #11-60, April 2011)

8. Web Service
Retired faculty with existing web space may continue to have access to university hosted web pages to allow retired faculty to continue their scholarly activities. Details can be found at the website below: http://www.ecu.edu/cs-itcs/policies/retireeWebspace.cfm. (FS Resolution #13-33, March 2013)

V. Salary Policies
Faculty annual salaries are paid semimonthly. New faculty receive the first payment on the first available payroll date as stated in the individual’s appointment letter. When the 15th or last day of a month falls on a non-work day for the business office, distribution of payment will be made on the last workday prior to that day. Arrangements must be made with the payroll office to have all payments deposited in a local bank to the faculty member’s account. Salaries for summer teaching are paid in accordance with the faculty member’s appointment letter. Nine month faculty salaries are paid in 24 installments from September 15 to August 31. Any appointment change that affects this will be included in the individual’s appointment letter.

Federal and state income tax withholdings are based off information furnished to the payroll office on the US Treasury Department Form W-4 and North Carolina Department of Revenue Form NC-4, respectively.

New Faculty and non-immigrant visa holders must complete an I-9 form and updated forms when required by Federal law. Criminal background checks will also be conducted on all new faculty per the applicable policy statement.

For a more detailed description on Salary Policies (e.g. overloads, summer overloads, research/creative activity, less than full time employees, etc.) please refer to: ECU Policy Manual, Human Resources, and Financial Services (payroll).
For a full-time member of the faculty or EPA professional staff, the salary approved by the Board of Governors is the full compensation to be expected during the period of employment. No additional payments may be made for university duties that are generally related to the position to which the individual is appointed. The period of appointment includes all formal holidays and interludes during which no classes are scheduled.

Regardless of the salary source, total compensation paid during the period of appointment cannot exceed the salary amount authorized in the current appointment letter, except for extraordinary situations that must be approved in advance by the supervisor, department chair or school director, dean and vice chancellor.

**Less Than Full-time Employees**

Upon appropriate approvals, individuals with appointments of less than full-time during an academic year or fiscal year can increase their commitment up to full-time with additional compensation. However, in no event may the effort of an individual exceed full-time commitment unless specifically approved in advance; additional compensation must be proportional to the base salary rate and not exceed full-time equivalency unless specifically approved in advance.

**Research/Creative Activity**

It is expected that such other proposed duties or tasks may require reduction in other planned responsibilities of the faculty or professional staff member. For example, arrangements may be made for reassigned time or research contract “buyouts” if faculty members are to conduct sponsored program activities during the regular academic year. Sponsored program activity does not normally constitute extraordinary or exceptional projects for consideration for supplemental payment.

**Overloads**

Under extraordinary circumstances, overloads may be approved for faculty to teach additional for credit courses. This is only allowable if this does not cause a conflict of commitment with other assigned duties, and the faculty member has an appropriate workload prior to consideration of the overload.

**Summer Overloads**

No overloads will be permitted during summer school sessions except in extraordinary circumstances and with prior approval. Compensation from any and all salary sources for summer employment may be arranged not to exceed three-ninths of the previous year’s nine month annual salary base rate. The pay rate from summer school funds and distance education summer school courses will be based on a percentage of the nine-month rate up to a published annual maximum per session. The specific rates may be obtained through the office of the Provost.

Work for ECU Outside the Home Unit: Prior approval to teach or perform other duties outside the faculty member’s home unit is required from all involved administrative levels.

**Salary Conversion Rate for Faculty**

Information regarding salary conversion rates for faculty is detailed in individual appointment letters or the applicable policy is referenced in individual appointment letters.

**External Activities for Pay**
The policies covering Faculty and Professional Staff income derived from external activities for pay are governed by the *ECU Faculty Manual*. Individuals are expected to comply with these policies that include seeking prior administrative permission to the commencement of the activity and the filing of annual conflict of interest statements at the end of the academic year. (FS Resolution #12-70, April 2012)

VI. Emeritus Faculty Privileges
Upon the recommendation of the unit personnel committee, unit head, appropriate dean, and appropriate vice chancellor, in accordance with criteria defined in the unit code, the chancellor may grant the faculty retiree emeritus status (as defined in Personnel Policies and Procedures for the Faculty, *ECU Faculty Manual*, Part VIII, Section I.) which includes listing in Undergraduate and Graduate Catalogs, the continuance of eligibility to march, wearing appropriate regalia, in University commencement exercises and other University formal processions, as active faculty. (FS Resolution #13-97, December 2013)

VII. Travel and Expense Allowances
A. Paid Travel
All business related travel must have written authorization and be approved in advance as requested by either the academic department or college. Full documentation and explanation are required for all travel. Business related travel may be covered by the university using department funds or through grant funds or other sources. All reimbursement requests shall be filed for approval and payment made within thirty days after the end of the travel period for which reimbursement is being requested.

The mode of transportation for travel could be completed by the following methods: private car, state car, rental car, airplane, bus, taxi, railroad, etc. For more information on travel approval and reimbursements, refer to the following Financial Services websites:

http://ecu.edu/cs-admin/financial_serv/indextraveloffice.cfm

http://ecu.edu/cs-admin/financial_serv/accountspayable/TravelApprovalandReimbursement.cfm

B. Unpaid Travel
If a faculty member is traveling for business reasons, but is not going to be reimbursed for travel expenses, the pre-approved travel authorization forms still need to be completed. This process helps with the authorization of workers’ compensation should an accident occur during the travel period. (FS Resolution #11-19, February 2011)
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION II

Benefits and Leave
(Text moved from former Part VI)

CONTENTS

I. Benefits
II. Workers’ Compensation
III. Disability Insurance
IV. Vacation and Sick Leave
V. Faculty Serious Illness and Parental Leave Policy

I. Benefits
A variety of benefits are available to permanent employees of ECU, based on specific eligibility criteria. All benefits are subject to state regulations, university policies and procedures, and individual plan documents. Employee benefits are subject to change and reasonable notice is provided to employees by Human Resources when changes occur. Information about benefits may be obtained from the University Benefits Office in Human Resources located online at: http://www.ecu.edu/cs-admin/HumanResources/benefits_about_us.cfm. See the University Policy Manual for more information. (FS Resolution #11-61, April 2011)

II. Workers’ Compensation
All university employees, including paid student workers, are covered by workers’ compensation that provides for certain benefits in the event there is an on-the-job injury or illness. If and when an on-the-job injury or illness should occur, it should be reported immediately to the supervisor who will notify the appropriate university offices. For additional information about workers’ compensation and related forms see the University Policy Manual and Environmental Health and Safety website http://www.ecu.edu/cs-admin/oehs/ih/workerscomp.cfm. (FS Resolution #11-61, April 2011)

III. Disability Insurance
ECU has disability insurance coverage for both short-term (2 to 12 months with the possibility of a 12 month extension) and long-term (greater than 12 months) situations. The specific details of the disability insurance options can be found at the HR Benefits website: http://www.ecu.edu/cs-admin/HumanResources/benefits_about_us.cfm.

Questions regarding disability coverage should be directed to a University Benefits Counselor listed online at http://www.ecu.edu/cs-admin/HumanResources/benefits_about_us.cfm (FS Resolution #11-61, April 2011)

IV. Vacation and Sick Leave
Faculty with twelve-month employment contracts may be granted leave as authorized by the vice chancellors and chancellor. Teaching faculty with twelve-month employment contracts may only be granted vacation leave and are not eligible for sick leave. Teaching faculty who have a nine-month employment contract do not earn vacation or sick leave.  (FS Resolution #11-61, April 2011)

V. Faculty Serious Illness and Parental Leave Policy
This policy provides leave with pay for eligible faculty for cases of serious health conditions, maternity leave, or parental leave as defined by the Family and Medical Leave Act. Refer to the Faculty Serious Illness and Leave Policy for more information. (FS Resolution #11-61, April 2011)
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION III

Institutional Services Available to Faculty
(Text moved from former Part VI)

CONTENTS

I. Information and Computer Services
II. Grants, Contract, and Cooperative Agreements
III. Tuition Privileges for Faculty

I. Information and Computer Services

Information Technology and Computing Services (ITCS) supports employees through the integration of information, technology, and instruction. [http://www.ecu.edu/itcs](http://www.ecu.edu/itcs) (FS Resolution #10-16, February 2010)

II. Grants, Contract, and Cooperative Agreements

ECU’s Office of Sponsored Programs (OSP) has responsibility for pre-award activities involved in the preparation and submission of proposals on behalf of ECU to external sponsors for support of projects in research, creative activity, training, and public service. OSP must review and approve all proposals for grants, contracts, and cooperative agreements prepared by faculty for submission to outside funding sources before submission to external sponsors.

The Office of Grants and Contracts (OGC) is the University Office responsible for post-award activities related to projects that have been awarded by external sponsors to ECU faculty that support projects/programs in research, creative activity, training, and public service/clinical care. OGC is responsible for ensuring that expenditures are in accordance with sponsor and institutional guidelines. OGC also assists investigators in preparing information for sponsor required financial reporting. (FS Resolution #12-07, February 2012)

III. Tuition Privileges for Faculty

In accordance with North Carolina General Statute, East Carolina University faculty are eligible to take classes at a reduced cost. See [http://www.ecu.edu/cs admin/financial_serv/cashier/Tuition-Waiver.cfm](http://www.ecu.edu/cs admin/financial_serv/cashier/Tuition-Waiver.cfm) for more information. (FS Resolution #10-95, December 2010)
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION IV

Equal Employment Opportunity/ Affirmative Action Policy and University Commitment to Diversity
(Text moved from former Part VI)

East Carolina University celebrates diversity among its faculty, staff, and students, and is committed to fostering respect for human difference and equal opportunities for all, regardless of membership in a University protected class. To that end, the Office of Equity, Diversity and Community Relations develops and implements equal employment opportunity policies and diversity programs. Information about the Office of Equity, Diversity and Community Relations programs and policies, the University’s protected classes and related non-discrimination policies and procedures may be found by visiting the Office’s Web site at www.ecu.edu/edc. (FS Resolution #10-86, November 2010)
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION V

Substance Abuse and Weapons Policies
(Text moved from former Part VI)

CONTENTS

I. Substance Abuse Policy
II. Weapons Policy Revised 6-14

I. Substance Abuse Policy

The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited. A substance abuse policy adopted by the East Carolina University Board of Trustees, consistent with the UNC Board of Governors' Policy on Illegal Drugs, is intended to: prevent substance abuse through a strong educational effort; encourage and facilitate the use of counseling services and rehabilitation programs by those members of the university community who require their assistance in stopping illegal or abusive use of drugs or alcohol; and discipline appropriately those members of the university community who engage in illegal drug or alcohol related behaviors.

The UNC Board of Governor's Policy on Illegal Drugs (Chapter 1300.1) is located at http://www.northcarolina.edu/policy/index.php. (FS Resolution #10-97, December 2010)

II. Weapons Policy

The University Weapons policy is contained in the University Regulation Concerning Weapons on Campus. Any faculty member who violates this policy may be subject to serious sanctions imposed by the university in accordance with due process as outlined in the university’s tenure and promotion policies and procedures, as well as punishment in accordance with state criminal law. For further details and certain exceptions, see North Carolina General Statute § 14-269.2 located online at: http://www.ncga.state.nc.us or the University Regulation Concerning Weapons on Campus. (FS Resolution #11-20, February 2011 and FS Resolution #14-46, May 2014)
EAST CAROLINA UNIVERSITY
FACULTY MANUAL

PART XII

Faculty Grievance Policies and Procedures
PART XII

FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTIONS

I. Faculty Grievance Policies and Procedures of East Carolina University  Revised 5-14

II. Harassment and Discrimination Policies and Procedures of East Carolina University

III. Policy on Improper Relationships Between Students and Faculty

IV. Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status  Revised 3-14
PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION I

Faculty Grievance Policies and Procedures of East Carolina University
(Text moved from former Appendix Y)

CONTENTS

I. Faculty Grievances
II. The Faculty Grievance Committee
III. General Grievances
   A. Step One (Meet with Respondent)
   B. Step Two (Petition for Redress)
   C. Step Three (Mediation and/or Chancellor Review)
   D. Step Four (Request for Hearing)
   E. Step Five (The Hearing)
   F. Step Six (Hearing Panel Report)
   G. Step Seven (Appeal to Board of Trustees)
IV. Grievances Resulting From the Non-Conferral of Early Permanent Tenure When the Non-Conferral Decision is Not Concurrent With A Reappointment Decision
V. Annual Report
VI. Application
VII. Grievance Committee By-Laws and Procedures

Footnotes

Part XII-Section I is established to provide a peer review of faculty grievances, and structures and procedures for addressing faculty grievances through a formal procedure that, depending on the grievance classification, includes access to mediation or direct review, and the potential for a committee hearing of the grievance or a required committee hearing. The following grievance procedures are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Part XII-Section I beyond the Board of Trustees.

I. Faculty Grievances
There are two classifications of grievances that may be brought to the attention of the Faculty Grievance Committee. The first is referred to as a “General Grievance” and the second is a “Grievance Resulting From The Non-conferral of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision” (hereafter, non-conferral of early tenure).

A general grievance is guided by the procedures noted in Section III of this document. A grievance of the non-conferral of early permanent tenure is guided by the procedures found in Section IV of this document.
The two grievance classifications and differences in the grievance procedures reflect the Board of Governors requirement that an internal grievance process be provided for non-conferral of early permanent tenure that is not concurrent with a reappointment decision. This requirement and the authority to establish different grievance procedures are set forth in Section 607 of The Code of The University of North Carolina and further elaborated in The UNC Policy Manual 101.3.2. The establishment of different grievance procedures ensures there is a review process for the faculty member whether the non-conferral of permanent tenure was based on an early request or at the normal contract period requiring reappointment with conferral of permanent tenure decision because appeals to the Board of Governors are not allowed by the procedures in Part XII, Section I. In addition, the bases for the grievance provided in Part XII, Section I (IV) for a grievance of non-conferral of early tenure do not apply to General Grievances.

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 charge of the Faculty Grievance Committee.

A grievant is any faculty member who seeks the remedies afforded by the provisions of Part XII, Section 1, of the Faculty Manual. A respondent 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.

II. Faculty Grievance Committee
The Faculty Grievance Committee (“the committee”) shall be composed of five regular members and five alternates, each of whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment. Each professorial rank, except instructor, shall be represented on the committee. The Chair of the Faculty (“faculty chair”) or, the faculty chair’s delegates (the vice-chair of the faculty or the chair of the Faculty Governance Committee) shall serve as an ex-officio member of the committee. Other committee members will be elected to three-year terms in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. A quorum for the committee shall be five regular members or alternates.

Upon receipt of the grievant’s Petition for Redress (Step Two), the Faculty Grievance Committee Chair (“the committee chair”) will automatically recuse a member from the grievant’s or respondent’s relevant department, unit, college, or school. Prior to the committee’s determination whether the grievance is within the charge of Part XII, Section 1, members shall recuse themselves from further participating in a grievance if they have a reason to believe that such participation will create a conflict of interest.

Upon receipt of a request for a hearing (Step Four), the committee chair shall determine the availability of the regular members and alternates to form a hearing panel consisting of five members plus one who will replace any member that is unable to attend the entire hearing. The ranking of the available alternates for the hearing panel selection shall be determined by their years of service to the University. Any party to a grievance may request that a member of the committee be recused 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 5 calendar days after notification in Step Four of the hearing date. If the member declines, the committee shall determine obligatory recusal by a majority vote (the member in question not participating).
III. General Grievances

General grievances shall be limited to matters directly related to a faculty member’s employment status and institutional relationships within East Carolina University. Grievances shall be limited to remediable injuries attributable to the violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges, and responsibilities of university employment or conduct that deprived the faculty member of an advantage that he or she otherwise would have received.

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16th to December 31st) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1st to August 15th). This deadline may be extended by a majority vote of the committee.

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair. The deadline for submission of Petition for Redress to the Faculty Senate Office must be no later than the last day of the first month of the semester that follows the semester in which the grievant has met with the respondent. This deadline may be extended by a majority vote of the committee.

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

A. Step One (Meet with Respondent)

“Respondent” is used in the singular form, even where it may stand for more than one person. 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. Only the grievant and the respondent shall attend the meeting. It is required that as part of this meeting the grievant provide the respondent with a written statement setting forth the identity of the respondent, the nature of the grievance, and the redress sought. Individual claims must be numbered, developed, and presented separately. This statement shall list all information necessary to support each of the grievant’s claims at this meeting with the respondent. Note that both parties will have an opportunity to submit information and documents in support of their claims before the hearing as specified in Step Four.

The grievant and respondent must meet to have a face-to-face discussion about the substance of the grievance; in cases where the respondent refuses to meet with the grievant, the grievant shall, by a memorandum with a copy to the respondent, inform the committee chair and the next highest level administrator in the grievant’s unit. Before proceeding to Step Two, the grievant shall provide the respondent with the Petition for Redress that the grievant intends to submit in Step Two.

Step One allows each party to select their own counselor who will serve as an advisor throughout the grievance process, and who shall not participate in the hearing nor be called as a witness (Step Five).

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to them information that may be controlled or in the possession of another party to the...
grievance or the administration. Upon specific 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 the committee chair and all parties to the grievance.

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

B. Step Two (Petition for Redress)
Petition for Redress should be addressed to the committee chair, and have appended a copy of the grievant’s written statement from the meeting with the respondent. It shall be submitted with a statement that the grievant informed the respondent that with this petition the grievant intends to pursue the grievance through as specified in Part XII, Section I.

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

Based on information contained in grievant’s Petition for Redress, the committee shall determine whether the grievance is within the charge of Part XII, Section I. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the charge of Part XII, Section I. Issues not within the charge of Part XII, Section I will receive no further attention. The committee’s decision concerning grievance issues within the charge of Part XII, Section I 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 after mediation, the Petition for Redress shall not be modified.

All material collected as part of the grievance shall be put in the grievance file maintained in the Faculty Senate Office under the grievant’s name. This grievance file becomes a part of the grievant’s Personnel File and, where appropriate, the respondent’s Personnel File. The grievant’s and, where appropriate, respondent’s Personnel File Checklist(s) will indicate that additional Personnel File records are located in the Faculty Senate Office.

C. Step Three (Mediation and/or Chancellor Review)
After the committee has determined which, if any, issues raised in the grievant’s Petition for Redress are within the charge of Part XII, Section I, the grievant may request:
1) Mediation (see C.1) followed by the Chancellor Review (see C.2) or a hearing (see Step 4) on any unresolved issues.
2) The Chancellor Review without mediation (see C.2).
3) A hearing without mediation (see Step 4).
4) Termination of the grievance (see Step 4).

1. Mediation
The committee chair shall offer the parties to the grievance the opportunity to seek a resolution through mediation (The UNC Policy Manual 101.3.2.III). Mediation is limited solely to the grievant and the respondent. Each party will be asked to respond within 15 calendar days after the date of
notification by the committee chair as to their acceptance of mediation. The rejection of mediation shall have no bearing on decisions or recommendations related to the grievance. Unless the grievant pursues the Chancellor Review, if any party to the grievance rejects mediation and the grievant requests a hearing, the committee chair will notify the parties that the committee will meet to set a grievance hearing date (Step Four).

If the grievant and the respondent accept mediation, the Faculty Senate Office administrator will secure a mediator. The parties to the grievance will inform the committee chair within 5 calendar days of receiving the name as to whether the mediator is acceptable or unacceptable. An alternate mediator will be located if necessary. After the second attempt, unless the grievant pursues the Chancellor Review, if no acceptable mediator can be located, the committee chair will so notify the parties to the grievance and inform them that, should the grievant request a hearing, 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 and the committee’s memorandum 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 45 calendar days without formal approval of the committee chair or 60 days 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 or the mediator writes to the committee chair that further mediation is unlikely to be successful.

c. A party to the grievance writes to the committee chair that the grievant or respondent has experienced resistance or delaying tactics in scheduling mediation meetings or that the mediator is no longer acceptable.

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

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

If the mediation process produces a partial settlement, those issues shall be removed from the committee’s memorandum to the grievant and respondent as determined in Step Two. A signed copy of the partial agreement shall be placed in the grievance file. The grievant may request the Chancellor Review or a hearing for remaining issues (Step Four).
2. Chancellor Review
Within 20 calendar days from the request for the Chancellor Review, the grievant shall provide to the Chancellor, the respondent, and the committee chair copies of the Petition for Redress along with the committee’s memorandum and any information that supports the grievant’s contentions. Within 10 calendar days, with copies to the grievant and committee chair, the respondent may submit to the Chancellor, a written response to the Petition for Redress and any other documents provided by the grievant. The Chancellor shall provide a response to the grievant, with copies to the committee chair and the respondent, within 20 calendar days of the Chancellor’s receipt of all materials.

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

D. Step Four (Request for a Hearing)
If the grievance is not resolved, by memorandum to the committee chair with a copy to the respondent, the grievant shall request a hearing, or state that the grievance will not be pursued. Only if mediation has occurred, the committee will again review the grievant’s Petition for Redress, the committee’s memorandum to the grievant and respondent, 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 subsection I. of Part XII, Section I 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, and shall be communicated by a method that produces adequate evidence of delivery to all parties to the grievance.

Otherwise, a hearing will be granted. The committee chair shall so notify the grievant and respondent, setting a time, date, and place for a hearing on the Petition for Redress. The date of the hearing shall be within 45 calendar days of this notification, except when the request for a hearing is received during summer months, official university breaks and holidays, and when, despite reasonable efforts, the hearing committee cannot be assembled (The UNC Policy Manual 101.3.3). The notice of hearing will request that both parties submit to the committee the names of their counselors, and all information and documents they intend to introduce at the hearing to support or defend their respective positions. The grievant’s submission shall include a list of witnesses with a brief statement with regard to the relevance of each witness, and all information to be used in support of the grievant’s charges. The respondent’s submission shall include a list of witnesses, with a brief statement with regard to the relevance of each witness, and all information to be used to defend against the grievant’s charges. The committee may also request 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 the grievant’s charges.

Ten copies of all information and documents shall be submitted to the Faculty Senate Office no less than 14 calendar days prior to the hearing date. The submitted information and documents shall have a table of contents with numbers (Arabic) assigned to all pages that exhibit information. If the back of a page contains information, it also must be numbered. This number shall be preceded by a “G” for the grievant’s submission and an “R” for the respondent’s submission. If more than one grievant or
more than one respondent is involved, their designation will be communicated by the committee chair.

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

E. Step Five (The Hearing)
The hearing panel 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 hearing panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. 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 Part XII, Section I (III.D.), the power of the hearing panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The hearing panel chair shall preside and be responsible for maintaining order and prompt progression of the grievance process, including but not limited to the hearing. When circumstances despite due diligence make it necessary to resolve an issue not addressed in this regulation, the hearing panel chair shall have the authority to make a reasonable adjustment or exception that maintains the integrity of the process to the extent possible and consistent with applicable law and policy.

The hearing panel 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 correspondence generated prior to the hearing as the committee’s Exhibit C, and information submitted in Step Four by the grievant and the respondent as Exhibits G and R.

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

Only the grievant, the respondent, members of the hearing panel, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The burden is on the grievant to establish, by a preponderance of the evidence, that the grievant’s claims and requested redress are consistent with Faculty Manual Part XII, Section I (I).
The grievant is responsible for presentation of the grievant’s case, including the testimony of witnesses. Hearing panel members may question the grievant, the respondent or witness(es) at any time during the hearing. After each of the grievant’s witnesses has completed their testimony, and has responded to questions from the respondent and to the grievant’s further questions (limited to the subject of the respondent’s questions), the witness will be excused from the hearing unless recalled by the hearing panel. At the end of the grievant’s presentation, the respondent may question the grievant.

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

F. Step Six (Hearing Panel Report)
The hearing panel’s report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. Hearing panel’s recommendations are to be based on, but are not limited to, the grievant’s requested redress.

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

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

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

If the hearing panel finds that some or all the grievant’s contentions are supported and makes one recommendation or more in favor of the grievant, the hearing panel shall submit its report to the grievant, respondent, and faculty chair. Within 20 calendar days of the recommendations, the respondent shall, with copies to the grievant and the faculty chair, communicate in writing to the committee chair the respondent’s response to the hearing panel recommendations. Within 15 calendar days of receipt of the respondent’s response, the grievant will inform the hearing panel chair if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory, the grievance will be closed.

If the respondent’s adjustments are not satisfactory to the grievant, the grievant may appeal to the Chancellor. By memorandum, the grievant shall inform the Chancellor of the grievant’s appeal and include a detailed explanation of the reasons for the appeal. A copy of the appeal memorandum shall
be sent to the respondent, hearing panel chair, and faculty chair. The hearing panel chair shall forward the grievant’s appeal memorandum and the hearing panel report along with all supporting documentation to the Chancellor.

If the grievant appeals or the hearing panel requests the Chancellor to make the recommended adjustment, the Chancellor’s decision shall be based on the recommendations of the hearing panel and the record from the faculty grievance committee hearing. The Chancellor may, in the Chancellor’s discretion, consult with the faculty grievance committee before making a decision. (The UNC Policy Manual 101.3.2.IV.g). The Chancellor’s decision shall be communicated in writing within 20 calendar days to the grievant, respondent, faculty chair, and the Faculty Grievance Committee’s hearing panel members. 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 hearing panel, the grievant may appeal to the Board of Trustees of ECU in accordance with the procedures in Section III.G. Step Seven (Appeal to the Board of Trustees). The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

Dissenting Chancellor’s Report
Should the Chancellor disagree with the hearing panel’s report on its interpretation of Part XII, Section I (I.) of the Faculty Manual, the Chancellor shall withhold the Chancellor’s decision, and inform the hearing panel, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 20 calendar days. The hearing panel chair will then request the faculty chair to begin the normal interpretation process as set forth in the Faculty Manual. It is expected that the faculty chair will expedite this request. Upon completion of the interpretation process, the Faculty Grievance Committee’s hearing panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section I (III.F.) with the grievant’s rights to appeal intact.

G. Step Seven (Appeal to Board of Trustees)
1. Decisions which may be appealed.
   a. If the hearing panel 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 hearing panel in favor of the grievant, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.

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

3. Timeline for Appeals
   a. A grievant who seeks to appeal the Chancellor’s disposition of the grievant’s grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery (The UNC Policy 101.3.3), within 10 calendar days after 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 Chair or from a committee of the Board that has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board 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 10 calendar 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 that produces adequate evidence of delivery (The UNC Policy 101.3.3).

4. Standard of Review: In order to prevail before the Board of Trustees, the faculty member must demonstrate that the Chancellor's decision was 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. Grievance Resulting From The Non-conferral Of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision.

A. Initiation of Hearing Process

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

Failure to meet the time periods allotted to the grievant constitutes a waiver of the right to a hearing and no further administrative appeals of the grievance are allowed. However, before the expiration of a deadline the faculty member may request an extension, provided that the request is made in writing and presented to the committee. Within 10 calendar days of receiving a request for an extension, the committee will make its decision and communicate the decision to the grievant. The committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes summer months, official university breaks and holidays and when, despite reasonable efforts, the committee cannot be assembled.

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

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

2. The 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\textsuperscript{16}; (b) the decision was attended by a material procedural irregularity\textsuperscript{17}.

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

B. Procedures for the Hearing.
The committee will review the grievant’s Petition for Redress to determine if the Petition for Redress is timely, complete, and is based on one or more of the bases noted above. If the Petition for Redress fails to meet any one of these requirements, the committee shall not grant a hearing, the grievance will be closed, and this decision will exhaust the administrative appeals process for the grievance. This decision will be communicated to all parties of the dispute by a method that produces adequate evidence of delivery (The UNC Policy 101.3.3). If the Petition for Redress meets all of the above requirements, but makes claims beyond those noted in b.), above, the committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

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

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

The grievant and respondent are to submit ten copies of all information and documents to be used in the presentation (grievant) or to defend (respondent) the grievance. The grievant’s and respondent’s information must include: a.) the identification of a witness(es) who may be willing to provide information to counter the contention; and b.) a brief description of the information each witness may provide. This information and documents shall be submitted to the Faculty Senate Office not later than 14 calendar days prior to the hearing date. One copy of the grievant’s information will be provided to each respondent and one copy of the respondent’s information will be provided to the grievant.

C. The Hearing
The committee’s hearing panel shall limit its investigations to the issues presented in the Petition for Redress that were not struck in the committee’s notification of the time, date, and place for the hearing. The hearing panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The hearing panel’s responsibility is limited to issuing recommendations based on the Petition for Redress, information and documentations submitted prior the hearing, and information developed during the hearing. The power of the hearing panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.
The hearing panel chair shall begin the hearing by briefly reviewing the committee's authorization and powers. The hearing panel chair then shall state the conditions necessary for a hearing, the hearing panel’s belief that the issues about to be heard satisfy these conditions, and the procedures to be followed during the hearing.

The hearing panel chair shall then enter into the hearing record correspondence generated prior to the hearing as the committee’s Exhibit C, and information submitted (above) by the grievant and the respondent as Exhibits G and R. It is expected that the hearing will be limited to this information. However, with approval of the committee, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the hearing panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the hearing panel, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The grievant’s case will be evaluated on the basis of the preponderance of the evidence.

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

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

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

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

a. Do Not Support the Grievant’s Contentions
If the hearing panel finds that the grievant’s contentions are not supported or makes no recommendations in favor of the grievant, the hearing panel shall submit its report to the grievant.
b. Recommendations Support the Grievant’s Contentions and are Within the Respondent’s Authority

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

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

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

The hearing panel chair shall forward to the Chancellor a record of the hearing and copies of all documents submitted during the grievance process.

The Chancellor’s decision is to be based solely on a thorough review of the information provided by the hearing panel. The Chancellor may, at the Chancellor’s discretion, consult with the hearing panel (The UNC Policy Manual 101.3.2.IV.g). It is expected that the Chancellor will give deference to the advice of the faculty hearing panel, but the final campus-based decision is the Chancellor’s. Within 30 calendar days of receipt of the hearing panel’s request, the Chancellor will inform the grievant, respondent, hearing panel chair, and faculty chair of the Chancellor’s decision. If the Chancellor does not support the hearing panel’s recommendation, the Chancellor is to inform the grievant that the grievant may appeal to the Board of Trustees. This appeal process is described in Section III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

E. Dissenting Chancellor’s Report

Should the Chancellor disagree with the hearing panel’s recommendations [from b.) or c.) above] based on its interpretation of Part XII, Section I of the ECU Faculty Manual, UNC Code or Policies, the Chancellor shall withhold the Chancellor’s decision, and inform the hearing panel, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 30 calendar days. The hearing panel 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 Part XII, Section I (III.F.), with the grievant’s rights to appeal intact.

F. Appeals to the Chancellor
An appeal to the Chancellor is to be made within 20 calendar days of the receipt of the respondent’s response. By memorandum, the grievant shall inform the Chancellor of the grievant’s appeal and include a detailed explanation of the reasons for the appeal. A copy of the appeal memorandum shall be sent to the hearing panel chair and faculty chair. Upon receipt of the grievant’s appeal, the hearing panel chair shall forward the hearing panel’s report along with all supporting documentation to the Chancellor.

The Chancellor’s decision is to be based solely on a thorough review of the information provided by the hearing panel and may, at the Chancellor’s discretion consult with the committee (The UNC Policy Manual 101.3.2.IV.g). It is expected that the Chancellor will give deference to the advice of the faculty hearing panel, but the final campus-based decision is the Chancellor’s.

Within 30 calendar days of receipt of the hearing panel’s recommendations, the Chancellor will inform the grievant, respondent, hearing panel chair and faculty chair of the Chancellor’s decision. If the Chancellor does not support the hearing panel’s recommendation, the Chancellor is to inform the grievant that the grievant may appeal to the Board of Trustees. This appeal process is described in subsection III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

V. Annual Report
A preliminary report will be submitted to the Faculty Senate Office on May 31 of the current year. At the second meeting of the Faculty Senate, the Grievance Committee chair shall report on grievances from August 31 of the preceding year until September 1 of the current year. Such reports shall protect the confidentiality of the grievance proceedings and parties. The following form and information will be used (example from spring 2013).

<table>
<thead>
<tr>
<th>Faculty Tenured, Probationary, or Fixed Term Appointment</th>
<th>Tenured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step 1 Meet with Respondent</td>
<td>YES</td>
</tr>
<tr>
<td>Step 2 Petition for Redress</td>
<td>YES</td>
</tr>
<tr>
<td>Step 3 (45 days) Mediation and/or (20 days) Chancellor Review</td>
<td>NO</td>
</tr>
<tr>
<td>Step 4 (45 days) Request for Hearing</td>
<td>35 days;</td>
</tr>
<tr>
<td>Step 5 The Hearing</td>
<td>YES</td>
</tr>
<tr>
<td>Hearing Panel Report In favor of</td>
<td>Grievant</td>
</tr>
<tr>
<td>Terminated</td>
<td>NO</td>
</tr>
<tr>
<td>Appealed to Chancellor In favor of</td>
<td>YES</td>
</tr>
<tr>
<td>Chancellor’s Decision (20 days) in favor of</td>
<td>60 days;</td>
</tr>
<tr>
<td>Number of days After Step 1 until the last completed event</td>
<td>160</td>
</tr>
</tbody>
</table>

VI. Application
ECU Faculty Manual Part XII, Section I 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
VII. 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 is 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 (if still an employee of ECU). 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. “The respondent” is used in the singular form, even where it may stand for more than one person.

3 The committee may waive the time requirement if, in the committee’s opinion, there are extenuating circumstances despite due diligence.

4 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.

5 A list of potential counselors is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor, have extensive experience in faculty governance as evidenced by service on university governance/appellate committees, and not be associated with the grievance in any way. 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.

6 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.

7 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. With copies to the opposing party, procedural questions may be emailed to the committee chair, whereas all non-procedural communications should be delivered in print to the Faculty Senate Office. The parties to the grievance may request that non-email communications from the committee chair be available for their
retrieval from the Faculty Senate Office. Otherwise, the parties agree that all communications from the committee chair, including e-mail, will be sent to their university addresses.

8 Once all parties to the grievance have accepted mediation, the grievant shall not take the grievant's 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 Part XII, Section I, ending administrative review of the grievance.

9 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.

10 Procedures for the origination of purchase orders and payment for services of the mediator will be developed and administered by the faculty chair.

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

12 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.

13 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.

14 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.

15 The parties to the grievance may request that non-email communications from the committee chair be available for their retrieval from the Faculty Senate Office. Otherwise, the parties agree that all communications from the committee chair, including e-mail, will be sent to their university addresses.

16 In no event shall a non-conferal decision of early permanent tenure 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) discrimination prohibited under policies adopted by the ECU Board of Trustees i.e., discrimination based on the faculty member's age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status, or (c) personal malice (The UNC Policy Manual 101.3.1.II.B).
"Material procedural irregularity" means a departure from prescribed procedures and established university policies that is of such significance as to cast reasonable doubt upon the integrity of the original decision. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures, which were in effect when the initial decision was made and communicated. The Grievance 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).

Amended
Faculty Senate Resolution #12-17, February 2012
Faculty Senate Resolution #14-32, April 2014

PART XII - FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION II

Harassment and Discrimination Policies and Procedures of East Carolina University
(Text moved from former Appendix V)

CONTENTS

I. Rationale
II. Policy on Harassment and Discrimination
III. Grievances Against East Carolina University Students
IV. Grievances Against East Carolina University Staff
V. Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status
VI. Education of Students, Staff, and Faculty
VII. Disciplinary Action

* East Carolina University's Office of Equity and Diversity policies on non-discrimination in recruitment and hiring are contained in Part XI, General Faculty Employment Guidelines and Benefits of the ECU Faculty Manual.

I. Rationale
Well publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of harassment or discrimination are discouraged. Toward this end, all members of the university community should understand that harassment, discrimination, and improperly executed or exploited supervisory relationships violate the university's policy and will not be tolerated. Members of the university community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a university employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or a student for using these policies responsibly interferes with free expression and openness and violates this policy. Accordingly, members of the university community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use these policies responsibly.

II. Policy on Harassment and Discrimination
It is the responsibility of members of the university community to strive to create an environment free of harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees. It is against the policies of East Carolina University for its employees or students to create a hostile and/or discriminatory University or work-place environment for an individual or group because of the individual's age, color, creed, disability, gender, genetic information, national origin, political affiliation, race/ethnicity, religion, sexual orientation, or veteran's status. For a list of definitions of each protected class, see: http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm

III. Grievances Against East Carolina University Students
Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the Student Handbook.

IV. Grievances Against East Carolina University Staff
Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures stated in Policy Statement 7: Employee Relations of the Human Resources section of the ECU Business Manual, see http://www.ecu.edu/business_manual/Human_Resources_Policy7B.htm

V. Grievances Against East Carolina University Faculty Members or Administrators Holding Faculty Status
Complaints brought against East Carolina University faculty members or administrators holding faculty status by East Carolina University students, faculty, staff, administrators or visitors ordinarily are governed by the grievance procedures stated in Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status in the ECU Faculty Manual.

VI. Education of Students, Staff, and Faculty
The East Carolina University Office of Equality and Diversity (“OED”) will develop educational materials to be distributed to students, staff, and faculty. These materials will publicize the policies and procedures and help create a proper academic atmosphere that is free of harassment and discrimination. Each year the OED office will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the University Attorney before they are distributed.

VII. Disciplinary Action
See Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status in the ECU Faculty Manual for the policies and procedures governing disciplinary actions that may be taken against faculty members who violate these policies.

(FS Resolution #12-44, March 2012)
III. Corrective Action

East Carolina University does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) When the employee is responsible for evaluating or supervising the affected student. (2) When the student is a minor, as defined by North Carolina law. The following policies shall apply to all faculty and students of the University.

I. Prohibited Conduct
   A. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.
   B. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

II. Definition of Terms
   A. "Amorous relationship." An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.
   B. "Related by blood, law or marriage" means:
      1. Parent and child
      2. Brother and sister
      3. Grandparent and grandchild
      4. Aunt and/or uncle and niece and/or nephew
      5. First cousins
      7. Husband and wife
      10. Guardian and ward
   C. "Evaluate or supervise" means
      1. To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or
      2. To oversee, manage or direct one's academic or other institutionally prescribed activities.

III. Corrective Action
Violations of the provisions of Section A shall be addressed in accordance with remedial measures prescribed by the University; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting
PART XII – FACULTY GRIEVANCE POLICIES AND PROCEDURES

SECTION IV

Grievance Procedures for Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

(Text moved from former Appendix X)
I. Preamble

A. Federal and state laws and/or university policies protect individuals from harassment or discrimination based on age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status. For a list of definitions of each protected class see http://www.ecu.edu/cs-acad/edc/ProtectedClassGrievances.cfm

The formal procedures enumerated in this section assure individuals who believe that they are the victims of unlawful or prohibited harassment, discrimination, or improper relationships that their grievances will be dealt with fairly and effectively. “Improper relationships” in the context of this Appendix refers to an improperly executed or exploited supervisory relationship by engaging in a consensual amorous relationship with students or other University employees whom the employee is or will be supervising or evaluating, or by engaging in any sexual activity with any enrolled student of the institution, who is minor, other than his or her spouse as prohibited by University policies. Unless a victim of illegal harassment or discrimination, a person reporting an alleged amorous relationship who is not a party to this relationship lacks standing to seek an appeal under these grievance procedures.

The East Carolina University Faculty Manual (Part XII, Section II) elaborates on policies related to harassment and discrimination in the Harassment and Discrimination Policies and Procedures of East Carolina University. The University Policy on Improper Relationships Between Students and Faculty addresses policy 300.4.1 of the Board of Governors of the University of North Carolina concerning improper relationships between students and employees.

B. Unlawful or prohibited harassment, discrimination, or improper relationships violates East Carolina University’s policies and will not be tolerated. Members of the University community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of unlawful or prohibited harassment, discrimination or improper relationships prohibited under the policies stated in the ECU Faculty Manual. East Carolina University will take every step to resolve grievances promptly and confidentially.

C. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, retaliation, or harassment against an employee or student for using the applicable policies responsibly interferes with free expression and openness and violates University policy. Accordingly, members of the University community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use University policies responsibly.

D. When complaints of harassment, discrimination, or improper relationships have been substantiated, the Chancellor, or the Chancellor’s designee, may take such disciplinary action as he or she deems appropriate, including discharge from employment, suspension, or reduction in
rank in a manner that is consistent with the policies and procedures stated in the ECU Faculty Manual.

E. East Carolina University shall investigate anonymous unsigned complaints against faculty and administrators holding faculty status to the extent justified by the content and context of the complaint.

II. Grievance Procedures
A. Optional Initiation of Grievance Procedures
Complainant may skip these optional grievance procedures by going directly to II.B. Level One Grievance Procedures. At any time during the optional grievance procedures the complainant or respondent may elect to take the matter to the East Carolina University Office of Equity and Diversity (OED).

1. Discussion with the Department Chairperson
   a. The complainant should make an appointment with the Chairperson or, if the Chairperson is alleged to have engaged in the misconduct, with the Dean. In such a case, skip II.A.1 and go directly to II.A.2. The complainant may request that a conference with the Chairperson be held without the respondent (hereafter, “the respondent” is used in the singular form, even where it may stand for more than one person). At the time of making the appointment, the complainant should state expressly the need to discuss a complaint related to the respondent’s employment status. The Chairperson must consult the OED to determine if the complaint alleges conduct so severe as to require immediate reporting to other authorities.
   b. The initial complaint may be made to the Chairperson (or, as provided in II. A.1.a), to the Dean) in writing as a matter of record if the complainant so desires. However, this is not necessary to initiate a complaint by these optional grievance procedures.
   c. The Chairperson (or, as provided in II.A.1.a, the Dean) will set an appointment date with the involved parties as soon as possible after receiving the request; but, in any event, within 7 calendar days after the request, the complainant will be discussed with the involved parties. Either party may request that the meeting with the Chairperson be held without the other party present. The Chairperson should freely discuss the nature of the complaint in a relaxed and informal manner, making every effort to take the corrective action necessary in resolving the grievance to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Chairperson within 7 calendar days subsequent to the conference.

2. Discussion with the Dean
   a. If the complaint is not resolved to the satisfaction of all parties in conference with the Chairperson, the complaint should be taken to the appropriate Dean for further evaluation and consideration. Within 7 calendar days after receipt of the decision of the Chairperson, either party should forward that decision (and the initial complaint, if it was made in writing) to the Dean. Either party may request that a conference with the Dean be held without the other party present. The Dean will respond to the request for an appointment and discuss the complaint with both parties within 7 calendar days after receipt of such request.
   b. The Dean’s conference should be conducted in a relaxed and informal manner with the involved parties. The Dean should invite the Chairperson to participate in this conference if doing so is deemed desirable or appropriate, or if the presence of the Chairperson is requested by either party. The Dean should make every effort to take the corrective action
necessary in resolving the complaint to the satisfaction of the involved parties. All parties will be appropriately advised in writing of the corrective action, if any, and the findings and the basis for the decision of the Dean within 7 calendar days subsequent to the conference.

3. Appeal to the East Carolina University Office of Equity and Diversity ("OED").

If the complaint is not resolved to the satisfaction of either party, the dissatisfied party has the right to appeal the decision to the OED. The appeal should be made within 21 calendar days subsequent to the decision of the Dean and must follow the Level One Grievance Procedures specified below in II.B.

B. Level One Grievance Procedures

1. Reporting the Complaint to the East Carolina University Office of Equity and Diversity
   a. To initiate the process, the complainant may contact the OED office or submit a grievance reporting form, available at [http://www.ecu.edu/cs-acad/edc/SubmitAAGrievance.cfm](http://www.ecu.edu/cs-acad/edc/SubmitAAGrievance.cfm). If this is an appeal from the Dean’s decision as specified under II.A.3, the party making such an appeal is known as the complainant in this process.
   b. Complaints concerning harassment, discrimination, or improper relationships submitted in writing to ECU’s EEO Officer, who is Vice Provost for Equity and Diversity, should contain at least the following: (a) the complainant's description of the alleged event(s), including times, dates, places, and witnesses, if possible; (b) the complainant’s description of the effects, if any, of the alleged event(s); (c) the names of the individuals alleged to have subjected the complainant to harassment or discrimination, or alleged to be involved in a prohibited improper relationship; and (d) the identification and contact information for the complainant. The EEO Officer, or the Officer’s designee, is referenced hereafter, as “the Grievance Officer”.
   c. The Grievance Officer shall immediately acknowledge receipt of the complaint and, within 14 calendar days from the submission of the complaint, shall schedule a meeting with the complainant to listen to and discuss the complaint. Any of the deadlines set at Level One Grievance, as enumerated in this II.B, may be extended by the Grievance Officer to accommodate delays not reasonably avoidable. Written notice of the new deadline and the reason for the extension shall be provided to the parties and to the Provost. Such extensions must be allowable under applicable law and shall not unduly delay the investigative process.
   d. The Grievance Officer will be available to the complainant, the respondent (hereafter, “the respondent” is used in the singular form, even where it may stand for more than one person), and to possible witnesses to discuss their rights and procedural options, as well as the possible outcomes of these options.
   e. The Grievance Officer shall determine whether evidence exists to sustain the complaint. In making this determination, the Grievance Officer may conduct an investigation. The confidentiality of both the complainant and the respondent will be preserved to the extent required by law.
   f. If the complainant wishes to proceed or the Grievance Officer determines it necessary to proceed with an investigation, the Grievance Officer will provide a written description of the complaint, or a copy of the written complaint, to the respondent at the beginning of the investigation and not later than 14 calendar days following the complainant’s or Grievance Officer’s decision to proceed with an investigation.
g. The respondent shall have an opportunity to meet with the Grievance Officer and provide a response to the allegations, both verbally and in writing.

h. During the investigation of a complaint the Chancellor or appropriate Vice Chancellor may take interim measures, up to and including suspension with pay, to prevent misconduct or retaliation.

2. Record
   a. The Grievance Officer will keep a record of the initial and any subsequent discussions between the complainant and the Grievance Officer, and of discussions between the Grievance Officer and respondent. This investigation record will include:
      i) the documentation referenced in II.B.1.b;
      ii) the reply of the respondent, if any;
      iii) and any and all information collected in and relating to the investigation.
      To the extent allowed by applicable law, the portion of the investigation record referenced in II.B.2.a. (i) and (ii) shall be provided by the Grievance Officer to all parties with all due speed, preferably within 14 calendar days of its compilation.
   b. Within 14 calendar days of receiving a copy of the portion of the investigation record referenced in II.B.2.a. (i) and (ii), the complainant and the respondent may append to this record a written response to each of the factual claims therein. In any case where a written response is appended to the record, this will be noted in the investigation record itself.

3. Written Report and Conclusions
   Within 21 calendar days after the procedures listed under II.B.1. are met and the investigation record as specified under II.B.2. is completed, the Grievance Officer will submit this record and the Grievance Officer’s report of findings and conclusions to the appropriate Vice Chancellor. All parties, including the complainant, respondent, and supervisors, are notified regarding the results of the investigation at the same time to include a report of the Grievance Officer’s findings and conclusions, subject to any legally required redactions; however, if there are multiple respondents and/or multiple complainants, each party will receive only such information as is directly related to his or her case.

4. The Vice Chancellor shall issue a letter to all parties that may or may not initiate the disciplinary process or take disciplinary action in accordance with University procedures. Each complainant and respondent may obtain by request to the Grievance Officer a copy of the investigation records, redacted to the extent required by law.

5. Procedures To Be Followed Upon the Imposition of Sanctions
   a. The Chancellor or the Chancellor’s designee may respond to substantiated claims by the imposition of serious sanctions (The UNC Code, Section 603) lists serious sanctions as discharge from employment, suspension, or demotion in rank) or lesser sanctions, provided that the conditions specified below are met prior to the imposition of sanctions. However, failure of the respondent to cooperate with the investigation (failure to respond to the allegations, or to accept a copy of the report of the investigation, etc.) will not preclude the University from imposing appropriate sanctions if all of the following have occurred:
i. The respondent was provided with a written statement or description of the complaint brought against the respondent, signed either by the complainant or the Grievance Officer;
ii. The complaint was thoroughly investigated by the Grievance Officer;
iii. The reply of the respondent to the complaint was solicited in person and in writing by the Grievance Officer during the investigation of the complaint by the Grievance Officer;
iv. The reply of the respondent to the complaint obtained during the investigation of the complaint by the Grievance Officer is noted in the Grievance Officer’s report of findings and conclusions; and
v. The respondent was provided with the Grievance Officer’s written report of the findings and conclusions.

b. When the disciplinary actions, if any, do not include a serious sanction, either party may, within 28 calendar days from the Vice Chancellor’s issuance of a letter responding to the Grievance Officer’s report, request an appeal to the Grievance Board in accordance with the Level Two Procedures as specified below in II.C.

c. When the disciplinary actions include a serious sanction they may -- pursuant to the ECU Faculty Manual -- be sequentially appealed to the Due Process Committee and the East Carolina University Board of Trustees. Alleging that one or more specified provisions of The UNC Code have been violated, the Board of Trustees decision may be further appealed to the Board of Governors. The UNC Code, Section 603(3) warns that if, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

6. Options beyond Level One Grievance
When Level One procedures are terminated without being resolved to the satisfaction of either party, both the complainant and respondent have the option of initiating a Level Two Grievance (see II.C). However, if the disciplinary actions include a serious sanction and the respondent wishes to appeal it, such an appeal must be made to the Due Process Committee instead of the Grievance Board.

(FS Resolution #14-19, March 2014)

C. Level Two Grievance Procedures
1. If either party disagrees with the findings and conclusions in the report of the Grievance Officer, either party may, within 28 calendar days from the Vice Chancellor’s issuance of a letter responding to the Grievance Officer’s report, notify the Grievance Officer, in writing, to request a Grievance Board hearing.

2. The possible appeal routes depend on the disciplinary actions stated in the Vice Chancellor’s letter to the Grievance Officer:
   a. If serious sanctions are imposed an appeal may be made by the original respondent within 14 calendar days, only to the Due Process Committee and not to the Grievance Board.
   b. If they do not include a serious sanction, within 28 calendar days of the disciplinary action taken, either party may notify the Grievance Officer, in writing,
to request a Grievance Board hearing.

3. The person (complainant or original respondent) who initiates the Level Two hearing hereafter is known as the grievant and the other party is known as the respondent.

4. Within 7 calendar days after receiving such a request, the Grievance Officer will submit the request, the record, the Grievance Officer’s report of findings and conclusions, and the original written complaint to the Chair of the Grievance Board (hereafter, “the Chair”). The Grievance Officer will simultaneously send a copy of these materials to the respondent. Some material may be redacted where required by law.

5. Communications pertaining to the grievance are maintained by the Chair. Such communications include, when appropriate, the following: copies of all written communications (including emails); the contents of any interaction or meetings held with regard to Level Two Grievance proceedings; a summary of the course of action; and the findings of the Grievance Board’s hearing panel. The communications and records are confidential and cannot be released unless such release is compelled by law. After the report of the Grievance Board’s hearing panel is submitted to the Chancellor, all these materials are transferred to the Office of Faculty Senate, where they shall remain as confidential and will not be released, unless permitted by law.

6. Composition of the Grievance Board
The Grievance Board shall be composed of 5 regular members and 7 alternate members, each of whom is a permanently tenured voting faculty member holding no administrative title (the term "administrative title" refers to appointment as department chair in a professional school, unit administrator, dean, assistant or associate dean, vice chancellor, assistant or associate vice chancellor, chancellor, assistant or associate chancellor, assistant or associate provost). The University encourages diversity on the Grievance Board. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the ECU Faculty Senate.

The members of the Grievance Board shall elect annually a chair, a vice-chair, and a secretary. The business of the Grievance Board shall be conducted according to the most recent edition of Robert's Rules of Order, Newly Revised, except as described below.

Composition of the Grievance Board for a particular hearing panel (hereafter, “the Panel”) After receiving the Grievance Officer’s notification about the Level Two grievance, within 7 calendar days, the Chair will determine the availability of the regular members and alternates. If any of the Board’s 5 regular members are unavailable or need to recuse themselves, an alternate will be selected to serve on the hearing Panel in their place. An additional alternate will be chosen to attend all sessions of the hearing and to replace a hearing Panel member, should that member be unable to attend the entire hearing. The ranking of the available alternates for selection will be determined by their years of service to the University. If there are fewer than 6 Grievance Board members available to serve on the hearing Panel, then the Chair of the Faculty will select a sufficient number of additional alternates to constitute a complete Panel of 6 members.
Those Grievance Board members who hold an appointment in the grievant’s or respondent’s academic unit, those who reasonably expect to be called to provide evidence during the hearing, and those who have conflicting interests shall recuse themselves or be disqualified from participation in the hearing by a majority vote of the remaining members.

Within 3 calendar days from the formation of the Panel, the Chair will send the grievant and respondent a list of the 6 members of the Panel. From that list, both the grievant and respondent may disqualify 1 member without cause from serving on their Panel. The grievant or the respondent wishing to exercise this option must notify the Chair, within 3 calendar days, of the name of the member to be disqualified. The Chair will select additional Panel members to constitute a complete Panel of 6 members.

7. Purposes of Hearing
The purposes of a hearing are: (i) to render findings of facts and recommendations as to whether evidence presented to the Panel during the hearing sustains by its preponderance the allegations of harassment, discrimination or improper relationships; (ii) to communicate in the Panel’s report to the Chancellor the Panel’s finding and the reasons that support this finding, and the Panel’s recommendations regarding resolution of the complaint. Avenues of appeal are provided to faculty members in the ECU Faculty Manual and in The UNC Code. The findings of the Panel are final only when the Chancellor renders her or his opinion, and the respondent fails to challenge either the Panel’s findings or the Chancellor’s concurrence or actions based on Panel’s findings.

8. Conduct of Hearing
a. The hearing before the Panel shall be conducted in private.
b. Attendance throughout the entire hearing is limited to members of the Panel, the grievant, 1 person (who may advise the grievant), the respondent and 1 person (who may advise the respondent). Neither of the advising persons shall have speaking privileges.
c. With the assistance of the University Attorney, the Panel may call witnesses.
d. Witnesses will be available at a convenient location, and will be called to appear before the Panel at times specified by the Chair.
e. In making its determination, the Panel shall consider only such evidence as is entered or presented during the hearing. The Panel may use its own judgment in deciding the admissibility and/or relevance of any testimony of any person before the Panel, and the admissibility and/or relevance of any evidence whatsoever.

9. Hearing Procedure
a. The Panel will initiate a hearing no later than 42 calendar days after the date that the respondent was notified that a hearing will occur.
b. The Chair will notify all parties of the time, date, and place of the hearing at least 28 calendar days prior to its start. Within 14 calendar days of this notification, either party may request, in writing, postponement of the hearing with up to a 35 calendar days extension. Such a request will be granted if a majority of the Panel agrees that exceptional circumstances justify postponement.
c. Within 21 calendar days prior to the start of the hearing, the grievant and the respondent shall identify, in writing, to the Chair individuals who may provide evidence to the Panel and provide the Chair with any written or other material they wish to be entered as documentary evidence.

i) Fourteen (14) calendar days prior to the hearing, the Chair will provide the respondent with a copy of the list of witnesses for the grievant, and with a copy of any depositions or other written material, and/or a description of any other evidence that grievant had submitted to the Panel.

ii) Fourteen (14) calendar days prior to the hearing, the Chair will provide the grievant with a copy of the list of witnesses for the respondent, and with a copy of any depositions or other written material and/or a description of any other evidence that respondent had submitted to the Panel.

iii) At any time prior to the grievant’s closing statement, either party may request that the Panel allow new witnesses or new evidence to be presented. If they are deemed relevant, such requests will be granted by a majority of the Panel if the need for new witnesses was not reasonably foreseen or new evidence was previously unavailable.

iv) When the Panel votes to accept new witnesses or evidence, the names of these witnesses and/or copies or descriptions of evidence will be supplied to the grievant or the respondent as soon as possible.

d. The hearing will begin with an opening statement by the Chair, who shall state the purpose of the hearing, the contents of the complaint, and the identities of grievant, respondent, and witnesses to be called. The Chair will ask members to introduce themselves and state for the record that they do not hold an administrative title. The Chair will list the procedures to be followed during the hearing, and will specifically note that only testimony and other information bearing on the grievance at hand will be admissible as evidence. It will be the Chair’s responsibility to reject immediately, stop the presentation or introduction of, or question the relevance of information having no clear bearing on the grievance. However, at any time during a hearing the Panel may, by a majority vote, override the Chair’s decision regarding admissibility and/or relevance of testimony, written evidence, or other material presented to the Panel. It will also be the Chair’s responsibility to maintain control of the hearing so that an orderly exchange of information can be accomplished. The Chair has the authority to decide minor procedural questions not otherwise covered elsewhere. When deciding minor procedural questions, the Chair shall serve the interests of both parties equally. As for any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.

e. Following the opening statement by the Chair, the grievant will present the complaint by submitting documentary evidence and questioning the grievant’s witnesses. The grievant may be a witness. The respondent may cross examine grievant’s witnesses, and the grievant may follow with further questions limited to the matter raised on the cross examination. The Panel members may question the grievant’s witnesses and, after their dismissal and the conclusion of the grievant’s presentation, may question the grievant. Then the respondent may reply to the complaint by submitting documentary evidence and questioning the respondent’s witnesses. The respondent may be a witness. The grievant may cross examine respondent’s witnesses and the respondent may follow with further questions limited to the matter raised on the cross examination. The
Panel members may question the respondent's witnesses and, after their dismissal and the conclusion of the respondent's presentation, may question the respondent.

f. After these presentations by the grievant and the respondent, the parties may question each other, and may present rebuttal to any and all depositions, written documents, and other evidence submitted to the Panel. The Panel members may question them further. If deemed appropriate by a majority of the Panel, dismissed witnesses may be recalled if available.

g. When neither party has any further questions, or the Chair determines that the parties should discontinue questioning one another, and once the Panel has no further questions, each party has the option to make a closing summary statement. The grievant proceeds first and each statement shall not exceed 10 minutes in duration.

10. Post Hearing Procedure
   a. After the hearing, the Panel shall meet in executive session and begin its deliberations, or adjourn for no more than 2 calendar days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the grievance brought before it.
   b. In reaching its decisions, the Panel shall consider only the testimony and other materials entered or presented as evidence during the hearing. The burden is on the grievant to establish his or her case by a preponderance of the evidence.
   c. Determination by the Panel that sustains the grievance requires a majority vote by members of the Panel. The decision will be reported to the Chancellor and the parties.
   d. Within 21 calendar days of the Panel’s reaching a determination to sustain or not to sustain the allegations of harassment, discrimination or improper relationships, the Panel’s determination and a summary of the basis for its decision will be communicated in writing to the Chancellor, the grievant, the respondent, the Grievance Officer, the relevant unit administrator, and the University Attorney. The Faculty Senate Office will provide the Chancellor and the parties with a copy of the court reporter’s transcript of the hearing as soon as the transcript is produced.

III. Post Level Two Grievance Procedures

A. Within 42 calendar days of receiving the Panel’s report and the court reporter’s transcript, the Chancellor shall notify the grievant, respondent, Grievance Officer, relevant unit administrator, University Attorney, and the Panel of the Chancellor’s concurrence or non-concurrence with the findings of the Panel, and of the disciplinary action, if any, against the original respondent.

B. The disciplinary actions by the Chancellor may or may not include discharge from employment, suspension, or demotion in rank.
   1. When the disciplinary actions, if any, do not include a serious sanction, and if the Chancellor either declines to accept a Grievance Board recommendation that is favorable to the original respondent or concurs with the Board’s recommendation that is unfavorable to the original respondent, within 14 calendar days the original respondent may appeal the
Chancellor's decision to the East Carolina University Board of Trustees. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

2. When the disciplinary actions include a serious sanction the original respondent, in accordance with the procedures specified in the *ECU Faculty Manual*, has 14 calendar days to appeal to the Due Process Committee. The Chancellor's decision following the findings of the Due Process Committee may be appealed within 14 calendar days to the Board of Trustees. Alleging that one or more specified provisions of *The UNC Code* have been violated, the original respondent may, within 14 calendar days, appeal the decision of the Board of Trustees to the Board of Governors.

IV. Grievance Board Procedural Flowchart (next page)

V. Annual Report
Each May the Grievance Board shall submit to the Faculty Senate Office an annual report detailing statistics about the complaints received and processed from May 1 – April 30 of previous year.

A. The outcome of the complaint(s) at Level One will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the OED and resolved.

B. The outcome of the complaint(s) at Level Two will list the protected class involved, whether or not it was an allegation of improper relations and when (month/year) each complaint was submitted to the Grievance Board and resolved.

C. The types of disciplinary actions (such as discharge from employment, suspension, or demotion in rank, or lesser sanctions) if any, taken by the University and when (month/year) the complaint was submitted and, if known, resolved.

The annual report will be available on request at the Faculty Senate Office. Personally identifying information regarding the complainants and the respondents shall not be disclosed.

(FS Resolution #12-42, March 2012)
(FS Resolution #14-19, March 2014)
Optional Initiation of grievance by complainant

NOTE: either party may opt out at any time in the optional steps

Discussion with Department Chair

Complainant or Respondent not happy

7 days*

Discussion with the Dean

Complainant or Respondent not happy

21 days

(L) Level One EDC Office

Respondent is provided with copy of list.

If either party disagrees with the findings and conclusions in the report of the EDC Grievance Officer:

Complainant or Respondent not happy

28 days

(L) Level Two Grievance Board

If the Vice Chancellor has initiated the disciplinary process:

Disciplinary actions do NOT include serious sanctions

28 days

Due Process Committee

(14 days**) Board of Trustees

(14 days**) Board of Governors

Disciplinary actions include serious sanctions

28 days

Due Process Committee

(14 days**) Board of Trustees

(14 days**) Board of Governors

Chancellor

GB agrees with EDC findings

GB does NOT agree with EDC findings

If original respondent is disciplined

Disciplinary actions do NOT include serious sanctions

(14 days)

Board of Trustees (may not be further appealed to Board of Governors)

Disciplinary actions include serious sanctions

(14 days**)

Due Process Committee

(14 days**)

Board of Trustees

(14 days **) Board of Governors

*Note: Number of days reflects the number of calendar days within which appeals have to be made.

** Important Note: If, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, then the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.
Index
absence, 14, 16, 54, 55, 66, 67, 71, 126, 164, 168, 195, 214, 215, 216, 230, 244
Academic and Administrative Committees, 12, 20
Academic Council, 25, 30, 31, 32, 33, 80, 90, 92, 93, 94, 130, 131, 135
Academic Freedom, 3, 37, 52, 53, 54, 55, 160
Academic Integrity, 3, 58, 66, 70, 73, 74, 76, 77, 78, 80, 86, 127
Academic Integrity Board, 70, 73, 74, 76, 77, 80
Academic Policy, 2, 9, 24
Academic Program Development, 58, 59, 70, 81, 84, 87, 89, 90
Academic Program Development Collaborative Team, 90, 92, 93
Academic Program Review, 48, 51, 94
acceptance of gifts, 99
accident, 220
accomplishments, 28, 165, 201, 203, 204, 206, 207
Adjunct, 135, 214
admissibility, 257, 258
advancement in title, 48, 138, 139, 163, 170
Advancement in title, 138, 139
Advising, 59, 60, 61, 204
advisor, 61, 111, 117, 180, 231
Affirmative Action, 4, 131, 143, 144, 213, 224
allegation, 103, 104, 113, 114, 115, 116, 118, 119, 122, 123, 125, 126, 260
alleged, 66, 86, 117, 121, 126, 178, 230, 231, 251, 252, 253
alternates, 15, 19, 87, 178, 180, 183, 184, 187, 188, 189, 190, 229, 231, 239, 256
Amendments, 12, 18, 48
American Association of University Professors, 54, 56
amorous relations, 140
amorous relationships, 249
Animal Use Protocol, 102
animosity, 179, 245
Annual Evaluation, 34, 130, 136
Annual Evaluation of University Administrators, 34
annual performance evaluation, 136, 139
anonymous, 141, 252
Appeal, 59, 64, 65, 66, 70, 76, 77, 78, 80, 159, 185, 228, 236, 237, 253
Appointment of Administrative Officers, 28, 34, 37, 119, 122, 130, 135, 159, 161, 166, 207, 211
arbitrary, 43, 182, 188, 189, 194
Archives, 21, 105
Artist-in-Residence, 134
assigned duties, 195, 197, 219
asynchronous, 81
Attorney, 68, 110, 120, 124, 139, 140, 143, 144, 152, 178, 180, 184, 189, 248, 257, 259
B
ballot, 13, 14, 15, 16, 26, 27, 174, 175
base salary, 219
Benefits, 4, 130, 139, 144, 212, 213, 215, 216, 217, 221, 247
Board of Governors, 2, 6, 11, 18, 36, 37, 38, 55, 80, 90, 106, 139, 146, 156, 182, 186, 193, 197, 218, 225, 229, 236, 241, 251, 255, 260
Board of Trustees, 6, 11, 18, 24, 80, 135, 139, 142, 155, 160, 176, 185, 191, 208, 225, 228, 236, 237, 241, 243, 255, 260
budgetary considerations, 131, 138
burden of proof, 181, 185
buyouts, 219
By-Laws, 2, 9, 12, 16, 18, 23, 24, 39, 228, 243

C
Canvass, 26, 27
capricious, 188, 189, 194
Certificates, 90, 93
certified mail, 186, 234, 238, 240
Chair of the Faculty, 6, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 49, 87, 93, 236, 240, 241, 244, 256
Chair of the UNC Faculty Assembly, 39
Chancellor, 6, 11, 12, 13, 14, 18, 20, 21, 23, 24, 25, 30, 31, 32, 33, 34, 43, 45, 46, 47, 49, 65, 68, 80, 87, 91, 92, 93, 94, 100, 106, 109, 110, 111, 114, 116, 125, 126, 135, 140, 141, 143, 144, 153, 154, 155, 156, 180, 183, 192, 201, 202, 208, 209, 210, 228, 229, 231, 233, 235, 236, 237, 240, 241, 242, 243, 244, 252, 254, 255, 256, 257, 259, 260
chancellor's decision, 191, 241
Change of Grade, 59, 63
Charter, 38, 39
Cheating, 71
Class attendance, 59, 66
Class Roll Verification, 59, 67
Classification of Instructional Programs, 92
clear and convincing evidence, 185
Clinical, 134, 204, 205, 206
Code of Operation, 47, 171
Code Unit Proposal Committee, 44, 45, 46
Code Units, 2, 42, 43, 44, 49, 50, See Unit Codes
coercion, 247, 252
collaboration, 71, 92, 94, 106, 112
collaborative scholarly work, 97
collegial, 179, 245
commencement, 16, 219, 220
Commencement Committee, 87
Commitment to Diversity, 4, 213, 224
Committee on Committees, 20, 21, 22, 187, 189
committee's recommendations, 181, 240, 241
community of scholars, 56, 97
Community Service Leave, 215
Deciding Official, 114, 115, 116, 121, 124
deficit, 85
deficient, 193, 194, 195, 196, 197
Definition of Code Unit, 43
Definition of Unit Code, 47
degree of improvement, 197
degree program, 13, 44, 75, 76, 79, 90, 93, 204
Degree Title Changes, 93
delegated authority, 25
deliberations, 24, 155, 172, 181, 185, 190, 259
delivery verification, 175, 180, 183, 185, 188, 190, 238
demoted in rank, 182
demotion, 140, 141, 214, 254, 259, 260
denial, 177, 182
Derivative Works, 107, 109
Didactic, 204
Directed Works, 107, 108
Disability Insurance, 221
Disability Support Services, 86
disagreement, 85, 154, 166, 167, 176, 191, 194, 196, 236, 241
discharge, 37, 55, 126, 127, 159, 160, 182, 184, 186, 193, 197, 229, 252, 254, 259, 260
disciplinary action, 76, 110, 140, 141, 142, 157, 247, 248, 249, 250, 252, 254, 256
disciplinary sanctions, 182
discontinuation, 90
discontinuing programs, 30, 32, 92
discrimination, 4, 66, 140, 162, 179, 227, 238, 247, 248, 251, 252, 253, 257, 259
dislike, 179, 245
dispute, 66, 106, 111, 179, 238, 246
disqualifications, 178, 183, 189
Disruptive Academic Behavior, 84, 85, 86
dissatisfied party, 253
Dissertation, 29
Distance Education, 3, 22, 58, 81, 82
distance education academic degree program, 83
distracting noises, 85
Diversity, 213, 224, 247, 248, 252, 253
dossier, 169, 173, 174, 203
Due Process, 22, 37, 159, 182, 183, 185, 197, 255, 260

E
ECU 1 Card, 217, 218
ECU Alert, 89
Educational Policies and Planning Committee, 22, 30, 44, 46, 90, 92, 93, 94, 187
EEO Office, 140
electoral unit, 13, 14, 15, 19, 20
elimination, 90, 160, 186, 187
E-mail, 217
e-mail account, 74
emergency, 67, 89, 214, 244
Emergency Notification, 3, 58, 89
Emeritus, 135, 214, 219
Employees Exempt from the State Personnel Act, 37
employee's personnel file, 141
employment, 6, 45, 80, 106, 108, 109, 126, 135, 138, 139, 140, 141, 143, 144, 146, 147, 148, 149,
152, 153, 157, 160, 162, 163, 164, 165, 168, 177, 179, 182, 183, 186, 187, 188, 189, 190, 191,
204, 214, 218, 219, 221, 224, 229, 230, 243, 249, 250, 252, 254, 259, 260
Engagement, 3, 96, 97, 131
etire career, 201
entitlement, 250
entitlements, 214
EPA non-faculty, 68, 108, 110, 111, 146, 147
e-PIRATE, 101
Equal Employment Opportunity, 4, 143, 144, 179, 213, 224
Equal Opportunity and Equity, 66
e erroneous, 182, 191, 237
Ethical Principles, 100
Ethics, 3, 96, 112, 152, 154, 155
Evacuation Procedures, 3, 58, 89
Evaluation of Administrators, 2, 9, 34
evaluation of fixed-term faculty, 48, 137
evidence, 27, 28, 29, 74, 79, 80, 111, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126,
132, 178, 179, 181, 182, 184, 185, 188, 190, 191, 201, 234, 235, 237, 240, 243, 244, 245, 254,
257, 258, 259
Examinations, 59, 62
Exceptional Use of University Resources, 107
Exceptions, 66, 99, 105, 162
Excessive delays, 230
Excused absences, 66
executive session, 181, 185, 190, 259
exemplary, 193, 194, 195, 196
exploitation, 56, 109, 147
Extensions, 165
External Activities, 3, 129, 130, 146, 150, 151, 219
External Peer Review, 159, 172
external professional activity for pay, 146, 156
External review, 93
external reviewers, 92, 171, 172, 173, 202, 203, 209
external sponsors, 223
External Thesis, 29
extracurricular events, 225
Extramural, 104
extraordinary circumstances, 219

F
face-to-face courses, 81, 82
Faculty Absence, 214
Faculty Advisory Committee, 187
Faculty Appointments, 159, 161, 163
Faculty Assembly, 2, 12, 14, 16, 17, 22, 36, 38, 39, 40
Faculty Assembly Delegation, 36, 39
Faculty Convocation, 16, 18, 216
Faculty Development Plan, 193, 197
Faculty Governance Committee, 20, 22, 229, 241, 242
Faculty Grievance, 4, 19, 22, 37, 126, 127, 226, 227, 228, 229, 233, 234, 236, 237, 241, 243
Faculty Orientation, 214, 216
Faculty Personnel Files, 130, 139
Faculty Scholarly Reassignment, 215
Faculty Status, 4, 227, 247, 248, 251
Faculty Workload, 59, 130, 136
Fair Use, 68, 107
False Claims Act., 152
falsification, 71, 72, 112, 122, 124
Family and Medical Leave Act, 214, 215, 222
Family Educational Rights and Privacy Act, 63, 78, 84
final statement, 235, 239
financial exigency, 90, 160, 186, 187
Financial Services, 218, 220
Five Year Review, 47, 48
five-year intervals, 194
Fixed-Term Appointments, 159, 161, 163
Fixed-Term Faculty, 130, 137, 139, 211
former Appendix A, 2, 12
former Appendix C, 3, 129, 130
former Appendix F, 2
former Appendix I, 3, 146
former Appendix L, 2, 26, 34, 42, 43, 47
former Appendix U, 4, 249
former Appendix V, 4, 247
former Appendix X, 4, 251
former Appendix Y, 4, 227, 228
former Part II, 2, 9, 10, 36, 37
former Part III, 3, 53, 54
former Part IV, 3, 58, 70
former Part V, 2, 3, 51, 59, 81, 84, 87, 89, 90
former Part VI, 3, 4, 213, 214, 221, 223, 224, 225
former Part X, 2, 38, 39
Foundation Curriculum Credit, 59, 69
Foundations Assessment Guidelines, 69
free speech, 54
Functions of the Faculty Senate, 12, 17, 18
Functions of the General Faculty, 12, 13
Fundraising, 99

G

General Administration, 6, 11, 13, 39, 45, 90, 147, 156, 167, 193
General Assembly, 10, 38, 98, 139, 141
General Grievance, 228
General Statutes of North Carolina, 139, 141, 143, 144
Gift, 98, 99
Gifts Affecting the Curriculum, 99
Good faith, 113
Grade Appeal Policy, 59, 64, 66
grade dispute, 66
Grade of Incomplete, 59, 64
Grades, 59, 63
Graduate Council, 18, 22, 24, 26, 27, 28, 30, 31, 32, 33, 91, 92, 93, 94
Graduate Council Executive Committee, 26
Graduate Faculty, 26, 27, 28, 30, 33
Graduate School, 2, 9, 12, 22, 26, 28, 29, 30, 31, 32, 33, 61, 80, 90
Graduation, 3, 58, 87
grantee, 99
granting agencies, 204, 205, 206
Grants, 22, 98, 99, 105, 155, 204, 205, 206, 223
Grievance Board Procedural Flowchart, 251, 260
Grievance Officer, 253, 254, 255, 256, 259

H
Harassment, 4, 227, 247, 248, 251
health reasons, 244
holidays, 67, 177, 180, 184, 218, 238
honoraria, 147, 148, 149
hostile, 56, 247
Human Resources, 87, 143, 144, 218, 221, 248
hybrid online face to face course, 60

I
illegal drug, 225
illness, 14, 67, 165, 214, 221
ill-will, 179, 245
Imposition of Serious Sanction, 37, 159, 182, 183, 197, 254
Improper Relationships, 4, 227, 248, 249, 251
Inappropriate use, 147
incompetence, 160, 182
Independent Contractors, 109
infringement, 103, 107, 238
initial decision, 179, 246
initial review, 118, 119, 154, 195
Innovation, 3, 96, 97, 131, 147
Institutional Resources, 108
Institutional Review Board, 100, 101, 104, 154, 156
Institutional Services, 4, 213, 223
integration, 61, 223
integrity, 56, 62, 66, 70, 71, 72, 73, 74, 75, 76, 77, 79, 86, 103, 117, 142, 143, 144, 154, 179, 235, 246, 249
Integrity Officer, 103, 113, 114
intellectual honesty, 56
intellectual property, 102, 103, 106, 147
intent to discharge, 183
inter-disciplinary, 43
interference, 247, 252
internal grievance process, 229
interpretation, 6, 28, 102, 159, 191, 236, 241
investigation, 100, 104, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 141, 157, 254, 255
IRB Chairs, 100

J
Joint Appointments, 159, 166
Joint Ownership, 110
Joyner Library, 105, 139, 218
juried, 206
jurisdiction, 105, 111, 113, 116, 117, 118, 119, 120, 121, 123, 125, 126, 191, 229, 237

L
Laboratory Animals, 102
Laupus Library, 218
layoff, 214
Leave, 4, 165, 213, 214, 215, 216, 221, 222
less than full time employees, 218
lesser sanctions, 254, 260
liaisons, 249
Liberal Arts Foundations, 60, 69
Liberal Arts foundations Curriculum credit, 91
Limitations, 12, 18, 54
litigation, 103, 105, 151

M
majority vote, 13, 15, 18, 33, 172, 174, 175, 176, 229, 230, 257, 259
malevolence, 179, 246
marital status, 179, 245
marriage, 249
Material procedural irregularity, 179, 246
maternity, 215, 222
mediation, 228, 229, 232, 233, 234, 244
medical record, 141
Method of Election of the Faculty Senate, 12, 14
Military Service Leave, 216
Mission Statement, 2, 9, 10, 11
mode of transportation, 220
Moving Degree Programs, 94
negative reactions, 179, 245
negotiation, 151, 155, 194, 196
new allocation of responsibilities, 197
New Degree Programs, 92
New faculty hire, 216
New Faculty Orientation, 216
New Minors, 93
next higher administrator, 45, 46, 47, 60, 130, 156, 166, 167, 168, 170, 171, 172, 174, 176, 177, 194, 195, 196, 197
non concurrence, 177
non-compensated activities, 148
non-conferral, 140, 159, 177, 180, 191, 228, 229, 237, 238
non-discrimination, 224, 247
non-reappointment, 37, 159, 162, 177
not-for-profit business, 150, 151
notice of appeal, 182, 186, 236, 237

O
Office for Faculty Excellence, 216
Office for Human Research Integrity, 100, 101
Office Hours, 59, 60
Office of Academic Program Planning and Development, 90, 94
Office of Continuing Studies, 90
Office of Equity, Diversity and Community Relations, 224
Office of Grants and Contracts, 223
Office of Human Research Integrity, 101
Office of Research Compliance Administration, 114, 146, 153, 154, 155
Office of Student Rights and Responsibilities, 73, 79, 85, 86
one-half time, 168
online courses, 60, 62
Organization of the Faculty Senate, 12, 13
Organization of the General Faculty, 12, 13
Organization of the University of North Carolina, 10
Outreach, 3, 96, 97, 131
Ownership, 103, 106, 107, 108, 109, 150

P
PAD, 140, 166, 201, 202, 209, 210
Paid Travel, 220
Parental Leave, 222
Parking, 217
Parliamentarian, 16, 17
Patent Protection, 110
Patents, 98, 105, 106, 110, 111, 205
patient care, 137, 146, 147, 160, 205
Peer Review Instrument, 82
peer review of faculty grievances, 228
peers, 137, 179, 193, 194, 197, 245
penalty, 72, 73, 74, 75, 76, 77, 79, 86, 247, 252
performance evaluations, 48, 195
Performance Review, 3, 158, 193, 195, 196, 197, 198
Performance Standards, 193, 194
period of appointment, 218
permanent appointment, 217
permanent personnel file, 196, 201
personal characteristics, 179, 245
personal insults, 85
personal malice, 162, 179, 245
Personnel Action Dossier, 4, 140, 173, 176, 199, 200, 201
Personnel Action Dossiers, 141
Personnel Actions, 37, 159, 173, 207
personnel data file, 13
Personnel File Checklist, 130, 140, 143, 243
Personnel records, 140
Petition for Redress, 228, 231, 232, 233, 234, 237, 238, 239, 244, 245
Phased Retirement, 214, 216
photographs, 107, 113, 244
plagiarism, 71, 72, 112, 122, 124
plenary session, 26, 27, 33
Police Department, 85, 86
political activities, 54, 55
postponement, 244, 257
potential external reviewers, 209
preponderance, 122, 124, 181, 235, 239, 257, 259
Preponderance of the evidence, 113
President of the University of North Carolina, 38, 192
primary responsibilities, 136, 195
Privacy, 3, 58, 63, 78, 84
Privileges for Retired Faculty, 217
Probationary Appointments, 159, 161, 163
Probationary Term Faculty, 130, 137
processions, 87, 220
productivity, 27, 28, 29, 92, 106, 132, 133, 201
Professional Advancement, 130, 138
Professional Ethics, 3, 52, 53, 56, 136
professorial rank, 14, 107, 161, 163, 164, 165, 166, 167, 214, 229
profit-making entities, 154, 155
Program Development, 31, 57, 90, 92, 93
Promotion and Tenure Timeline, 209
Promotion Committee, 170, 171, 176, 202
Promotion Policies, 3, 19, 20, 126, 127, 131, 158, 159, 216
Promotion Schedule, 4, 199, 200, 209
Proof of delivery, 231
properly constituted subcommittee, 171, 172
protected class, 224, 248, 251, 260
protected health information, 101, 104
Provisional Code, 44
Publication, 108
punishment, 225, 249

Q
Qualifications, 27, 28, 29, 172
Quality Standards, 81, 82
quorum, 13, 15, 18, 26, 31, 33, 47, 169, 174, 178, 183, 188, 229

R
Ranks of Probationary Term Appointments, 132
Rationale, 247
raw numbers, 102
reappointment, 27, 28, 43, 48, 140, 141, 149, 161, 162, 163, 164, 165, 167, 168, 173, 174, 175, 176, 177, 178, 179, 180, 182, 201, 202, 210, 229
Reappointment Decision, 228, 237
reasonable doubt, 179, 246
reassigned time, 59, 195, 203, 219
record, 13, 16, 64, 65, 72, 73, 75, 76, 78, 84, 102, 103, 111, 113, 115, 116, 120, 121, 123, 132, 133, 135, 136, 140, 141, 166, 167, 179, 180, 182, 184, 190, 201, 203, 230, 234, 235, 236, 239, 240, 245, 252, 254, 256, 258
Records Retention and Disposition Schedule, 140
Recourse, 159, 183
re-employment, 138
referred, 206
regalia, 220
regulations, 32, 44, 48, 55, 56, 59, 71, 97, 98, 100, 101, 102, 105, 107, 138, 142, 149, 152, 156, 162, 192, 216, 221, 230, 237, 243
Regulations (PRRs), 6, 25
rejection, 232
Related faculty, 168
Released Time, 130, 136
remedies, 229
reorganization plan, 47
Request for Authorization to Establish, 92
Request for Authorization to Plan, 92
Requirements of Notice and Review, 37
Research, 3, 6, 13, 14, 22, 68, 71, 72, 83, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 112, 113, 114, 118, 121, 122, 127, 131, 133, 134, 146, 147, 149, 150, 153, 154, 155, 156, 205, 219
Research and Graduate Studies, 6, 14, 71, 110, 114, 153, 154, 155, 156
Research Compliance, 104, 155
Research Data, 98, 102, 103, 104, 105, 106
Research Ethics Oversight Committee, 154, 155
research misconduct, 71, 72, 103, 104, 112, 113, 114, 116, 117, 118, 124, 125, 126, 182
Research Record, 113
Research/Creative Activity, 205
Residencies, 204
Resignation, 126, 162
restraint, 54, 247, 252
retaliation, 115, 117, 126, 247, 252, 254
Retention, 22, 103, 104, 140
Retired Faculty Association, 217
retiree, 219
Retirement, 37, 135, 214, 216, 217
revalidation, 193
Review of Administrative Officers, 34
Rels, 193, 196
Rights of Special Faculty, 37
Robert's Rules of Order, 16, 20, 21, 26, 47, 169, 175, 180, 184, 187, 189, 229, 256
Role of Unit Administrator, 159, 171
royalties, 62, 147, 148, 149
Royalty, 108
Rules, 6, 16, 20, 21, 25, 26, 47, 142, 169, 174, 175, 180, 184, 187, 189, 229, 256
S
salary conversion rates, 219
Salary Increments, 130, 139
Salary Policies, 214, 218
salary recommendations, 169
sanctions, 74, 76, 78, 126, 127, 157, 182, 183, 193, 197, 225, 254, 255, 260
Scholarly Reassignment, 59, 136, 215
scholarly works, 97, 106, 110, 149
Scholarship, 3, 95, 96, 97, 98, 112, 131
Scholarship/Research/Creative Activity Guidelines, 3, 96, 98
Secretary of the Faculty, 13, 14, 15, 16, 17, 19
Section 604B, 179
Selection and Appointment of New Faculty, 130
semimonthly, 218
seminars, 29, 133, 147, 148, 204
Senior faculty member, 87
serialization, 194
Serious Illness, 165, 215, 221, 222
serious sanction, 126, 127, 182, 183, 184, 185, 229, 254, 255, 256, 259, 260
Service Learning credit, 91
Services Available to Faculty, 4, 213, 223
seven year unit program evaluation, 2, 42, 51, 94
sexual harassment, 140
sexual orientation, 162, 179, 214, 248, 251
sexual relationships, 249
Small Business Innovation Research Program, 147
social acquaintances, 179, 245
Social and Behavioral Institutional Review Board, 100
SPA staff, 68, 109, 110, 111
Special Committees, 12, 19
Special Funding, 162
spokesperson, 54, 180, 181
Sponsored Programs, 99, 148, 154, 155, 204, 205, 206, 223
Sponsored Work, 108
Staff Senate, 24
Standard of Review, 237
Standards for Online Learning, 82
Strategic Directions, 2, 9, 10, 11
Student Appeals, 85
Student Code of Conduct, 77, 84, 85, 86
Student Educational Records, 84
Student Government Association, 20, 24, 80
Student Health Services, 67
Student Privacy, Conduct, and Complaints, 3, 58, 84
Student Recreation Center, 217
Student Works, 108
Students' Rights and Responsibilities, 37
students with disabilities, 86
Subsequent Evaluation, 193, 197
Substance Abuse, 4, 213, 225
substantiated claims, 254
substantive review, 181
summer overloads, 218
summer school, 60, 136, 156, 157, 219
supersedes, 37, 243
supervisory authority, 183, 184
supplemental payment, 219
survey, 102, 136, 204
suspension, 20, 75, 76, 80, 101, 118, 125, 140, 141, 159, 160, 182, 186, 229, 252, 254, 259, 260
synchronous, 81
T
tax withholdings, 218
Teacher Licensure Areas, 91, 93
Teaching Load, 130, 136
Teaching Regulations, 3, 58, 59
Teaching Responsibilities, 130, 136
technology, 22, 103, 110, 148, 150, 151, 155, 216, 223
Tenure Committee, 165, 167, 171, 172, 173, 176, 194, 195, 201, 202, 211
tenure decisions, 149, 202
terminal degree, 29, 131, 132, 133, 134, 138
termination, 56, 116, 121, 125, 126, 140, 153, 159, 160, 182, 186, 187, 188, 191, 214, 229, 231, 244
Termination, 37
testimony, 113, 119, 120, 122, 181, 185, 190, 234, 235, 239, 257, 258, 259
Textbooks, 59, 61
The Code, 24, 45, 46, 47, 111, 162, 163, 179, 186, 193, 197, 229, 237, 243, See UNC Code 
threats, 85
three-ninths, 219
Time Allotted for Decision, 209, 210, 211
time delays, 230
time line, 197
Titles of Fixed-Term Appointments, 133
Traineeships, 204
training, 10, 20, 67, 75, 82, 97, 101, 102, 133, 134, 144, 148, 208, 214, 223
traits, 179, 245
transcript, 65, 75, 80, 102, 115, 116, 121, 123, 181, 185, 190, 259
transfer, 31, 99, 102, 103, 105, 107, 108, 109, 140, 141, 214
travel expenses, 39, 214, 220
Tuition Privileges, 223
tuition refund policy, 85
twelfth consecutive calendar month, 168
twelve-month employment, 221

U
UMCIRB, 100, 101, 154, 155
UNC Academic Program Inventory, 92
UNC Code, 2, 35, 36, 37, 161, 163, 184, 192, 241, 254, 255, 257, 260, See The Code
UNC Policy, 2, 36, 37, 59, 127, 148, 149, 150, 175, 179, 183, 185, 188, 190, 193, 229
UNC Policy Manual, 2, 36, 37, 127, 148, 149, 150, 179, 193, 229
UNC System, 2, 192, 193
UNC-GA, 90, 91, 92, 93, 94
undergraduate curriculum changes, 91
undisputed, 179, 245
Unit Code Availability, 47, 49
Unit Code Requirements, 47, 48
Unit Code Training, 47, 49
Unit Codes, 2, 44, 47
unit curriculum committees, 81
University Registrar, 64
unprofessional, 247
unsatisfactory performance, 182
upgrading, 214
Use of Legal Counsel, 117

V
Vacation, 221
verbal warning, 85
Vetting, 2, 9, 24, 25
Vetting of Administrative PRRs, 2
Vice Chair of the Faculty, 13, 15, 16, 19
video recordings, 205, 244
Vision, 2, 9, 10, 11
visitors, 135, 205, 248
volunteers, 215
voting faculty, 19, 48, 90, 159, 168, 169, 170, 171, 178, 183, 188, 195, 229, 256
Voting Privileges, 27

W
waiver, 28, 137, 177, 237
Weapons, 4, 213, 225
Web Service, 218
workers’ compensation, 220
work-place environment, 247
Works for Hire, 108, 109
Writer-in-Residence, 134
Writing Intensive credit, 91

Y
years of service, 87, 178, 184, 187, 189, 256

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