Resolution #22-01*
Approved by the Faculty Senate: January 25, 2022
Received by the Chancellor: February 25, 2022

*Note: resolution was originally submitted and recorded as #21-74; the numbers were editorially revised to start over with the new year.

Formal faculty advice on curriculum and academic matters acted on and recorded in the December 13, 2021 Graduate Council meeting minutes, including level I action items from the November 3, 2021 Graduate Curriculum Committee meeting minutes which were approved by its delegated authority and are reported here for informational purposes. Programmatic action item (GC 21-11) recorded in the December 13, 2021 Graduate Council meeting minutes, including a level II action item from the November 3, 2021 Graduate Curriculum Committee meeting minutes, which was forwarded to the Educational Policies and Planning Committee (EPPC), included a revision to an existing degree – History, MA from the Department of History within the Thomas Harriot College of Arts and Sciences. Policy action item (GC 21-12) from the December 13, 2021 Graduate Council meeting, included a Graduate Catalog revision to the Faculty Manual, Section I- F (Graduate Faculty Membership), to help clarify that the department chair votes as part of the committee and simply forwards the recommendation to the dean of the college or professional school as part of the appointment process to the graduate faculty.

Resolution #22-02*
Approved by the Faculty Senate: January 25, 2022
Approved by the Chancellor: February 25, 2022

*Note: resolution was originally submitted and recorded as #21-75; the numbers were editorially revised to start over with the new year.

Curriculum and academic matters acted on and recorded in the Undergraduate Curriculum Committee meeting of December 9, 2021 including curricular actions in the Department of Human Development and Family Science within the College of Health and Human Performance.

Resolution #22-03*
Approved by the Faculty Senate: January 25, 2022
Approved by the Chancellor: February 25, 2022

*Note: resolution was originally submitted and recorded as #21-76; the numbers were editorially revised to start over with the new year.

Curriculum and academic matters acted on and recorded in the Educational Policies and Planning meeting of January 14, 2022, including a new undergraduate certificate in Maternal and Child Health in the Department of Health Education and Promotion within the College of Health and Human Performance, and revision to the MA in History in the Department of History within the Thomas Harriot College of Arts and Sciences.
Resolution #22-04*
Approved by the Faculty Senate: January 25, 2022
Received by the Chancellor: February 25, 2022, *with comment**

*Note: resolution was originally submitted and recorded as #21-77; the numbers were editorially revised to start over with the new year.

**Chancellor’s comment:**
The Student Affairs Division leadership has reviewed the Faculty Senate’s proposed edits to the University Property PRR and believe these changes would severely limit the ability to offer student engagement experiences and would all but eliminate several long-standing university traditions. The Student Affairs Division leadership is further refining the PRR to create a new version that considers the Faculty Senate’s proposed edits while meeting institutional needs and remaining in compliance with University policies.

Formal faculty advice developed by the Committee on the Use of University Property Interim Regulation, as follows:

The Faculty Welfare Committee originally reviewed this regulation and presented it to the Faculty Senate as formal faculty advice at the April 23, 2019 meeting. It was returned to the Committee for further review (Faculty Senate resolution #19-44). The Committee’s revised formal faculty advice is as follows:

Additions in **bold**, deletions in *strikethrough*.

Policy: REG07.30.08
Title: Use of University Property
Category: Finance, Operations and Auxiliary Services
Sub-category: Facilities
Authority: Chancellor

History:
Previous Name: Use of University Facilities and Outdoor Facilities Regulation. Revisions ongoing August 14, 2012; Revised interim April, 2013; Interim revised October 2, 2014; Revised October 31, 2016; Revised November 21, 2016; Repealed July 2017; Revised and renamed Use of University Property and approved by Chancellor’s Executive Council April 8, 2019.

Central Reservations Office:
Main Campus (252) 328-4731/Email cro@ecu.edu
Health Sciences Campus (252) 744-1057/Email crohealthsciences@ecu.edu

Facilities Services:
Main Campus (252) 328-6776
Health Sciences Campus (252) 744-2251

ECU Materials Management: (252) 328-6434
Business Services, Director of Marketing (252) 737-1310

Associated Entities; UNC Policy Manual 600.2.5.2[R]
Delegation of Authority to Sign Contracts
Environmental Health and Safety Requirements for Events – Interim

Related Policies:
Freedom of Expression Regulation
Guidelines Concerning use of UNC System Resources for Political Campaign Activities
Interim Regulation: Assemblies and Public Addresses in Designated Public Forums; 7.30.02
Student and Employee Computer Use Policy
Student Code of Conduct
1. Introduction and Overarching Principles Applicable to this Regulation

East Carolina University (the “University”) is committed to making its Property available for use by internal and external groups and individuals. This Regulation provides a framework for use and allocation of University Property in order to assist the University in fulfilling its Mission, while at the same time protecting the rights of freedom of expression and association guaranteed by the First Amendment to the United States Constitution (“First Amendment”).

1.1. The University’s primary mission is to provide an environment that is conducive to education, research, and patient care. Therefore, all Expressive Activities on or in University Property are subject to content-neutral time, place, and manner measures, as set forth in this Regulation, the University’s Freedom of Expression Regulation, and all other applicable laws and University policies, rules and Regulations.

1.2. Physical attributes, locations, approved uses, and availabilities vary widely. Therefore, different content-neutral time, place and manner requirements may apply to Expressive Activity in or on different University Properties.

2. Definitions

2.1. “All Persons and Organizations” means, collectively, all Members of the University Community, their Guests and Non-Members of the University Community.

2.2. Amplified Sound” is defined as any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced. This includes the use of any type of electrical sound equipment from large amplifiers to portable stereo systems.
2.32. “Approved Use” means an Event or Expressive Activity on or in University Property that has been scheduled and approved. All such Approved Uses shall be in compliance with this Regulation and any other applicable University Policy, Regulation, Rule or Standard Operating Procedure (SOP). Spontaneous Expressive Activity is not subject to these requirements (see below provisions that apply to Spontaneous Expressive Activity).

2.32.1. The Central Reservations Office (CRO) or a CRO Sub-Scheduler schedules and approves uses of University Property within its/their scheduling jurisdiction. Contact the CRO for a list of University Properties under the scheduling jurisdiction of the CRO or its Sub-Schedulers.

2.32.2. Use of University Property that is outside the scheduling jurisdiction of the CRO or Sub-Schedulers is scheduled and approved by the University Unit that has scheduling jurisdiction or control over that Property, and requests for use should be directed to that Unit.

2.4.3. “Associated Entity” means a private organization, foundation, association, or 501(c)(3) corporation that operates under its own charter or bylaws, but which provides funding or other support to the University.

2.5.4. “Brickyard” means the approximately 2.3-acre Main Campus space, which consists of a brick plaza and associated green-space. It is bounded on the south by Mendenhall, bounded on the north by the Erwin, Bloxton and Mamie Jenkins Buildings, bordered on the west by the Eakin Student Recreation Center parking lot, and bordered on the east by the Old Cafeteria Building. Contact the CRO with questions.

2.6.5. “Bulletin Boards”

2.6.5.1. “General Use Bulletin Board” means, for purposes of this Regulation, bulletin boards that are not Official Bulletin Boards, and that may be used by Members of the University Community and their Guests to post Printed Materials. The CRO may be contacted regarding the locations of General Use Bulletin Boards.

2.6.5.2. “Official Bulletin Board” means any bulletin board on or affixed to University Property that is reserved for use by the University or any University Unit for official publications. General Use Bulletin Boards are excluded from this definition.

2.7.6. “Central Reservation Office” (CRO) means the University Department responsible for coordinating, scheduling, and approving space reservations for Events and Expressive Activities on or in University Property that is under the CRO’s scheduling jurisdiction. In doing so, the CRO coordinates with Sub-Schedulers and other campus officials to support Expressive Activities and Events. The CRO shall comply with this Regulation.

2.8.7. “Commercial Solicitation” means the sale or promotion of goods or services, typically in exchange for money or other consideration, on University Property by a person or organization, for-profit. This definition also applies to goods or services offered for free when the ultimate goal of the person or organization is to turn a profit.

2.9.8. “Commercial Solicitation” is typically conducted by one of the following:
2.98.1. “Contracted Vendor” means a Non-Member of the University Community, such as an outside person or business, whether operating for-profit or Non-Profit, that has a current contract with the University to provide products or services.

2.98.2. “Non-Contracted Vendor” means a Non-Member of the University Community, such as an outside person or business, whether operating for-profit or Non-Profit, that does not have a current contract with the University to provide products or services.

2.109. “Common Areas of the Student Center(s)” means the lounge spaces located on the first, second and third floors of both Student Centers. These spaces are open for use at all times during hours of operation. This excludes all dining seating locations.

2.110. “Designated Forums”

2.110.1 “Main Campus Designated Forum” means the approximately 5,250 square foot area, within the Mall, that contains the Cupola and is bounded on all four sides by well-traveled pedestrian sidewalks. Contact the CRO for details.

2.10.2 “Health Sciences Campus Designated Forum” means the approximately 0.5-acre green space located immediately northwest of the intersection of the street designated as “North Campus Loop” and the street designated as “Campus Loop,” and bounded on the east by a parking lot, which site affords those in attendance an unobstructed view of any speaker and is easily accessible to event participants. Contact the CRO with questions.

2.1211. “Event” means a use of University Property which falls outside the definition of “Expressive Activity.” The term “Event” includes, but is not limited to, advertising or Commercial and/or Non-Profit Solicitations that promote the sale or use of a product or service, training seminars, workshops, job fairs, fundraisers, experiential activities, receptions, ceremonies, banquets, recreational events, and dances. Events should be scheduled using content-neutral criteria, including a consistently applied fee structure for use of University Property.

2.1312. “Expressive Activity” or “Activity” means all forms of expression that occur on University Property and that fall within the ambit of the First Amendment to the United States Constitution, which may include, but not be limited to, demonstration, speech-making, oral presentation, protest (including silent protest), marching, picketing, signs, leafleting, petition circulation, distribution of written information, counter-protest, symbols, and similar expressive communications and activities that are non-commercial in nature.

2.1413. “Expressive Activity Area” (EAA) means, with regard to the Main Campus, the Mall, the Brickyard, the Main Campus Designated Forum, those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval, and the Common Areas of the Student Center. With regard to the Health Sciences Campus, EAA includes the Health Sciences Campus Designated Forum, the Common Areas of the Student Center, and those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval. All parking lots are excluded during hours when they are in use. All Expressive Activity on or in University Property, whether inside or outside an EAA, remains subject to the provisions of this Regulation.
2.1514. “Fronting” means the person or organization making a reservation or using University Property is not the primary beneficiary of the Event, but the Event is in fact for the primary benefit of a different person or organization.

2.1615. “Fundraiser” means events and activities designed to increase the visibility of student organizations and encourage individuals to make financial contributions. The policies that govern a student organization’s handling of donations are established by the University and are approved and enforced by the Office of Student Activities and Organizations.

2.1716. “Guest” means a person, group, club or other organization that is invited to engage in Expressive Activity in or on University Property and is sponsored by a Member of the University Community. Any Member of the University Community may revoke their own Guests’ invitations at any time.

2.1817. “Instructional Facilities” means University Property that is directly related to the educational mission of the University.

2.1918. “Mall” means the approximately 5.5-acre site in the heart of Main Campus that is bounded on the east by Founders Drive, bounded on the north by Faculty Way, bounded on the west by Cupola Court and bounded on the south by Alumni Walk.

Contact the CRO with questions about space reservations for the Mall.

2.2019. “Material and Substantial” or “Materially and Substantially” refers to actions or activities that have an actual impact, as opposed to a predicted one. It includes actions that materially infringe upon the rights of others to engage in, or listen to, Expressive Activity. When determining whether this threshold has been met, officials should apply content-neutral, objective and relevant factors, including, but not limited to, whether an Expressive Activity is closed to the public; whether the Activity is occurring inside or outside; whether someone is interfering with the ability of others to hear, participate in or otherwise benefit from an Expressive Activity; whether someone is impeding ingress or egress to/from an Expressive Activity; and whether University functions are impeded or disrupted, including, but not limited to, University offices, classrooms, walkways, streets, and medical facilities.

2.2120. “Member of the University Community” or “Member” means a University Unit (including the Board of Trustees), a Registered Student Organization, a current employee, or a currently enrolled student.

2.2120.1. This definition excludes K-12 students and K-12 employees when they are in attendance at, or operating in the course and scope of their work duties, within a secondary school, as applicable, because such students and employees enjoy different First Amendment protections in the secondary school setting.

2.2221. “Non-Profit Solicitation” means the sale or promotion of goods or services, including, but not limited to, fundraisers, on University Property by a person or organization for non-profit purposes.

2.2322. “Officially Authorized” or “Official Authorization” means Events that have been approved by the persons or organizations managing or having jurisdiction over the University Property for the purpose for which a person or organization wishes to use, or is using the Property. This involves, but is not limited to, the CRO, Sub-Schedulers, Police, Facilities personnel, and Student Affairs personnel.
2.2423. “Non-Member of the University Community” means all persons, groups, clubs or other organizations that do not come within the definitions of Member of the University Community or Guest.

2.2524. “Political Activities” means actions directed toward the success or failure of a candidate for public office, political party, or partisan political group, including, but not limited to, campaigning, political management, and soliciting financial contributions for political purposes.

2.2625. “Printed Materials” means documents or papers of any kind that convey information via the written word. Examples include Commercial Solicitations, Non-Profit Solicitations, announcements, Banners, signs, declarations, Table Tents, handbills, leaflets, flyers, messages, statements, notices, pictures, posters, pronouncements, proclamations, and similar materials.

2.2625.1. “Banner” means a flag, strip of cloth, sheet, paper or poster that has a total surface area greater than 625 square inches (e.g., larger than 25 inches by 25 inches).

2.2625.2. “Table Tents” are folded miniature Printed Materials that are placed on top of tables (similar to a center piece).

2.2625.3. “Yard Sign” (also known as lawn signs, placards, or political candidate signs), means Printed Materials that are displayed on approved University Property locations. Information can be displayed on each side. Yard signs are typically accompanied by yard sign wires/metal rods. The most common form of Yard Sign is called an “H-frame” sign.

2.2726. “Registered Student Organization” means an organization (including a club) comprised of University students, that is fully registered, and in good standing with, the Office of Student Activities and Organizations.

2.2827. “Responsible Person” is one who serves as a liaison between a person or persons engaging in an Expressive Activity and University Officials in order to promote compliance with this Regulation, and who shall identify themselves upon the request of an Authorized University Official, including in the course of a Spontaneous Expressive Activity. The University recognizes that the nature of the Expressive Activity may make it impractical to have someone serving in this role. An example could be Spontaneous Expressive Activity involving a large number of persons. If there is only one person exercising their free speech rights, then that person would serve as the Responsible Person. The Responsible Person shall be a Member of the University Community, except in cases where the Expressive Activity is carried out by Non-Members of the Community in a Designated Forum.

2.2928. “Sponsored Organization” is any organization that is not an Affiliated Organization, but which is sponsored by a University Unit.

2.3029. “Spontaneous Expressive Activity” means Expressive Activity by Members of the University Community in an Expressive Activity Area in which the Activity was planned fewer than two business days prior to the date of the event.

2.3130. “Student Center” means the Main Campus Student Center and the Health Sciences Student Center.
2. "Sub-Schedulers" means those University employees and units who have responsibilities for managing space reservations for particular University Property outside of the CRO’s scheduling jurisdiction. In doing so, Sub-Schedulers work in concert with the CRO.

2. "True Threats" means statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.

2. "University," except when otherwise indicated, means East Carolina University.

2. "University Property" or "Property" means all grounds, buildings, rooms, auditoriums, facilities, stadiums, or other space or improvements, that are owned, leased, used, or otherwise controlled by the University.

2. "University Unit" means the Board of Trustees, the Chancellor, and all University Divisions, Departments, Associated Entities, Registered Student Organizations, Centers, Institutes and any other organization that is wholly sanctioned, supervised and governed by the University or a Division or Department of the University.

3. Aesthetics, Safety and Efficient Operations

3.1. In order to accomplish its mission, the University must enforce measures to protect the safety of persons and property, promote efficient operations and maintain aesthetically pleasing and orderly University Property. When determining whether an Expressive Activity should be moved or limited, officials should apply content-neutral, objective and relevant factors, including, but not limited to, whether an Expressive Activity is closed to the public; whether the Activity is occurring inside or outside; whether someone is interfering with the ability of others to hear, participate in or otherwise benefit from an Expressive Activity; whether someone is impeding ingress or egress to/from an Expressive Activity; and whether University functions are impeded or disrupted, including, but not limited to, University offices, classrooms, walkways, streets, and medical facilities.

3.2. General Requirements for Using University Property for Events

3.2.1. The CRO’s website lists the University Property under CRO’s scheduling jurisdiction. Some University Property, however, is scheduled by designated Sub-Schedulers in other University Academic or Administrative Units. Due to its nature and functions, some University Property is not available for Events or Expressive Activities. The CRO will direct persons to the appropriate Sub-Schedulers and remain involved as necessary to facilitate an Event or Expressive Activity.

3.2.2. The University requires a fee for use of some Property. This fee may differ depending on whether the person or entity seeking to use the Property is a Member of the University Community or Guest vs. a Non-Member of the University Community. The CRO should be contacted for the latest fee information.

3.2.3. Events and Expressive Activities must be conducted in compliance with any applicable laws, regulations, and rules, including those that require accessibility, reasonable accommodations and that facilitate health and safety. The CRO will direct Event organizers to relevant regulatory departments, which may include, but not be limited to, University Environmental Health and Safety (EH&S), Disability Support Services, and/or ECU Police.
3.2.4. Throughout the planning and implementation stages of an Event, all organizations and persons who wish to use University Property for Events or Expressive Activities shall designate one or more Responsible Persons who shall be readily available and responsive to the CRO, Sub-Schedulers, and University officials and Departments that enforce applicable laws, rules, or regulations.

3.2.5. University Property is not available when the University and/or the Facility to be used for an Event is/are closed.

3.2.6. During scheduled class times, Instructional Facilities are available only to University Units. Outside of scheduled class times, Instructional Facilities may be made available to Sponsored Organizations or Non-Members of the University Community, provided all applicable University policies, regulations, and rules, including this Regulation, are satisfied.

3.2.7. Unless all applicable safety and access laws, rules, and regulations are satisfied, including, but not limited to this Regulation, Event and Expressive Activity participants shall not maintain any open flame or erect or place in or on any Facility any permanent or semi-permanent structure or object, including, but not limited to, tents, trailers, Banners, signs, tables, or stakes driven into the ground (See EH&S Event Safety Guide in Additional References).

3.2.8. As listed by the CRO, certain outdoor Events or Expressive Activities may include the serving of food or beverages if a University-approved caterer is used and all applicable health and safety rules and regulations are followed.

3.2.9. University Property may not be used for overnight Events or Expressive Activities, except for those conducted by Campus Recreation and Wellness, ECU Athletics, the Youth Programs and Camps Office or University sanctioned events/programs.

3.2.10. Event organizers and sponsors, as applicable, shall maintain the cleanliness and orderliness of all University Property in compliance with the CRO and the rules of the particular Property being used. The Properties may charge their standard fee for housekeeping services as well as grounds services. The fee may vary depending on the needs of the particular Event or Expressive Activity.

3.2.11. Non-Members of the University Community and Guests using University Property for Events or Expressive Activities shall procure and maintain personal injury and property damage liability insurance, with limits of not less than $1 million per occurrence and $3 million aggregate. All such insurance policies must name East Carolina University as an additional insured, and the declarations page naming the University as an insured must be provided to CRO or the identified Sub-Scheduler at least 3 business days prior to the Event.

3.2.12. All Events and Expressive Activities must be conducted so that pedestrian traffic and vehicular traffic are not impeded and such that those members of the University community who are not participating in the Event may proceed with their normal educational and operational activities.

3.2.13. Event and Expressive Activity participants shall not damage, alter, or deface any Facility or other University property.

3.3. Reservation of University Property for Events
3.3.1. Except for Spontaneous Expressive Activity, persons wishing to reserve all or part of University Property that is under the scheduling jurisdiction of the CRO or Sub-Schedulers for an Event or Expressive Activity must submit a completed CRO Request Form through 25Live no fewer than 10 business days prior to the planned Event. If the person making the request is unable to access or use the web portal, the person should call or email the CRO. Although the CRO or a Sub-scheduler will make reasonable efforts, timely submission of the Form does not guarantee permission to hold an Event at the requested Facility on the requested date(s). All applicable pre-Event content-neutral time, place and manner rules, regulations, and policies, including this Regulation, must be satisfied before an Event may be scheduled, or take place, as applicable. Requests submitted to CRO fewer than 10 business days may be accommodated if space and resources are available. Contact the CRO for the latest listing of reservable University Property.

3.3.2. Physical attributes, locations, capacities, suitable uses, and availabilities vary widely. Therefore, different content-neutral time, place and manner requirements may apply to different University Properties. The CRO, or a Sub-Scheduler, as applicable, will help to ensure the requestor is timely advised of fees and requirements applicable to the Property requested.

3.3.3. In cases where University Property is requested/reserved by two or more persons or organizations, or where one use would interfere or detract from another use, the CRO and/or Sub-Schedulers shall first attempt to resolve the conflict to the satisfaction of all parties, including moving Events or Expressive Activities to other Property and scheduling that avoids conflict. In cases where a conflict cannot be resolved, priority is determined as follows:

3.3.3.1. Chancellor or Board of Trustees;

3.3.3.2. Members of the University Community;

3.3.3.3. Guests; and

3.3.3.4. Non-Members of the University Community.

3.3.4. The University has determined that this hierarchy best serves its Mission. The Vice Chancellor for Student Affairs/Designee, in consultation with Central Reservations Office, University Police, Facilities and other key stakeholders, may alter the above hierarchy for single Events or Expressive Activities, based solely on content-neutral time, place and manner criteria.

3.3.5. Before approving a request, the CRO or Sub-scheduler will require such content neutral information necessary in order to comply with this Regulation and/or facilitate the Event or Expressive Activity, including: (i) the size and nature of the planned Event; (ii) the intended date and time; (iii) the names and contact information of the organizer(s) and/or sponsor(s); and (iv) other content neutral time, place, and manner information necessary to facilitate an Event or Expressive Activity in that venue.

3.3.6. With the exception of Spontaneous Expressive Activity, the CRO or Sub-schedulers may require the following prior to the Event:

3.3.6.1. Identification and contact information for the Event Responsible Person; and
3.3.6.2. Written proof, including an email, that a Guest is invited by a Member of the University Community.

3.3.7. University Property under the jurisdiction of the University Athletics Department is scheduled by Athletics Sub-Schedulers. The CRO will direct persons wishing to hold an Event or Expressive Activity on or in those Properties to the appropriate Sub-Scheduler for Athletics.

3.3.8. The CRO will coordinate with the Office of the Chancellor and Chief of Staff in order to facilitate requests for lawful use of University Property for Political Activities. No University equipment or services (e.g., vehicles and other equipment, campus mail, computers and e-mail, postage, photocopying and fax, etc.) may be used for Political Activities. This applies equally to All Persons and Organizations.

3.3.9. Fronting is prohibited. If it is determined that a Person or Organization is Fronting for a different Person or Organization, the CRO will not schedule the Event and/or may rescind approval previously given, unless the Person or Organization that is the primary beneficiary can satisfy the requirements of this Regulation. If it is discovered after the fact that a Member of the University Community fronted for a Non-Member of the University Community, both will be liable for payment pursuant to the fee structure applicable to Non-Members of the University Community, until the total fee is collected.

3.3.10. Markings on University Property are prohibited.

3.3.11. When a University Unit co-sponsors an Event or Expressive Activity with a Non-Member of the University Community, the University Unit will be charged the standard charge for the use of space, if any, applicable to a Non-Member of the University Community.

3.3.12. An Event or Expressive Activity may be cancelled, moved, or limited under certain circumstances, which are spelled out in the Freedom of Expression Regulation and/or this Regulation.

3.3.13. Space at the UNC Coastal Studies Institute is available for reservations (see above additional references for website access).

3.3.14. Reserving space in some campus parking lots or roadways is available through ECU Parking and Transportation (see above additional references).

3.4. Commercial Solicitation

3.4.1. Non-Contracted Vendors are prohibited from conducting Commercial Solicitation on University Property. This includes Non-Contracted Vendors engaged in fronting with a Member of the University Community or Guest.

3.4.2. Contracted Vendors may not engage in Commercial Solicitation of University Students or employees in or on University Property unless it is the job of the student or employee to participate in such Commercial Solicitations on behalf of the University.

3.4.3. Non-Profit Solicitation
3.4.3.1. Officially Authorized Members of the University Community and/or their Guests may sell or promote goods and services on University Property for non-profit purposes, including as part of non-profit fund-raisers.

3.4.3.2. Members of the University Community and/or their Guests may conduct Non-Profit Solicitations of their own members on University Property, as deemed necessary and appropriate by their rules and practices.

3.4.3.3. All organizations and persons wishing to engage in Non-Profit Solicitation, including but not limited to fund-raising in the residence halls, shall first receive permission and direction from the Associate Vice Chancellor for Campus Living, pursuant to content-neutral time, place, and manner rules.

3.4.3.4. Non-Profit Solicitations of charitable contributions must comply with North Carolina General Statutes Chapter 131F, entitled “Solicitation of Contributions.”

3.4.4. Additional Requirements Applicable to both Commercial and Non-Profit Solicitation

3.4.4.1. Food/beverages may not be prepared at the place of distribution, and must comply with all applicable health code standards, as well as ECU Environmental Health and Safety Requirements for Events.

3.4.4.2. Goods and services offered for sale or free of charge must comply with applicable State and Federal health and safety laws and regulations.

3.4.4.3. Sale of dangerous or unlawful items, or items that are forbidden on University Property by Policy or law, including but not limited to guns, knives, and lighters is prohibited.

3.4.4.4. If applicable, Event sponsors must schedule and reserve space for the solicitation event through the Central Reservations Office (CRO) or its authorized Sub-Schedulers.

3.4.4.5. Unless Officially Authorized, sale promotion, or distribution of goods or services that are the same or similar to the goods or services already provided by the University or its Contracted Vendors, including, but not limited to, University dining services, course materials, books (print or electronic versions), electronics, beverages, food, school and office supplies, merchandise, apparel, or printing services, is prohibited.

3.4.4.6. Solicitation or distribution of products or services that violate University copyrights or that infringe upon University trademarks without written approval to do so and payment of all fees and royalties in compliance with the ECU Creative Services Logo Review process, or similar official process as from time to time may be designated by the University for such purposes, is prohibited. And

3.4.4.7. Door-to-door Solicitation in ECU owned buildings or operated residence halls is prohibited.

3.4.4.8. All Solicitation must be done in compliance with the Freedom of Expression Regulation. The Event sponsor is responsible for compliance with this Regulation, the Environmental Health.
and Safety Requirements for Events and all other applicable laws, policies, rules and regulations concerning event safety.

3.4.4.9. A Responsible Person who is a University employee must attend the entire Event and function as the point of contact for the office of Environmental Health and Safety (EH&S), the ECU Police and other authorized University officials.

3.4.5. Exclusions

3.4.5.1. Nothing in this Regulation shall be deemed to affect the Officially Authorized activities of University Units, departments or their authorized members and agents (which may include students) from conducting the normal operation of the University and/or its educational, patient care or research activities, including, but not limited to, the following: taking surveys, administering the State Employees Combined Campaign, or sponsorship activities taking place in Athletic Facilities under contract/written agreement with ECU Athletics or its Sports Marketing/Licensing contracted partner.

3.5. Posting of Printed Materials On or In University Property.

3.5.1. All Persons and Organizations posting or distributing Printed Materials are responsible for compliance with this Regulation and all other applicable laws, policies, regulations and rules. No University Property shall be damaged by posting of Printed Materials.

3.5.2. Subject to this Regulation, Printed Materials may be posted in Expressive Activity Areas for a maximum of 5 business days, at which time they must be removed by the Responsible Person. Failure to do so constitutes permission for Authorized University Officials to remove or dispose of them.

3.5.3. Printed Materials not in compliance with this Regulation may be removed immediately without notice by Authorized University Officials.

3.5.4. Bulletin Boards.

3.5.4.1. Members of the University Community and Guests may post Printed Materials on General Use Bulletin Boards. All such Materials must be removed by the person or organization that posted them within 24 hours after the Event concludes. Failure to do so constitutes permission for Authorized University Officials to remove or dispose of them.

3.5.4.2. Placement of Printed Material on Official Bulletin Boards is limited to University Units and those Non-Members of the University Community who are operating under the direction of a University Unit. Official Bulletin Boards are managed by building managers or department offices.

3.5.4.3. Printed Material posted on Bulletin Boards must not exceed 187 square inches (e.g., 11 inches x 17 inches), and shall not extend beyond the frame of the bulletin board. No matter the size, no more than one item for the same Event or other purpose may be placed on the same Bulletin Board.

3.5.4.4. Printed Materials about an upcoming Event or Expressive Activity may also be posted on General Use Bulletin Boards which serve the site of the Event or Expressive Activity, no sooner
that 14 days prior to the Event or Expressive Activity. The Responsible Person must remove them within 24 hours after the conclusion of the Event or Expressive Activity, or they may be removed without notice by Authorized Officials.

3.5.4.5. All Printed Materials posted on all Bulletin Boards may be removed and discarded in the month following the end of each semester and at the end of the second summer term by University Housekeeping Services, regardless of the date of posting.

3.5.5. Table Tents

3.5.5.1. Table Tents may be placed by University Units only in the following Facilities: Mendenhall, Health Sciences Campus Student Center, Main Campus Student Center, Campus Dining locations, and the Eakin Student Recreation Center.

3.5.6. Yard Signs

3.5.6.1. Yard Signs may be self-installed only by a University Unit.

3.5.6.2. A Yard Sign may be placed on University Property no more than two (2) weeks prior to the Event or Expressive Activity and must be removed within 24 hours following the Event or Expressive Activity, or they may be removed without notice by Authorized Officials.

3.5.6.3. Yard Signs may not penetrate more than 3 inches into the ground.

3.5.6.4. Yard Signs must not exceed 360 square inches in size.

3.5.6.5. Yard Signs may be placed only in mulch areas of landscaping. Yard Signs placed elsewhere may be moved, without notice, to the nearest mulch area.

3.5.7. Banners

3.5.7.1. Except as provided below, in order to avoid damage to University Property, only Facilities Services may hang or remove Banners on the exterior of University Property. Facilities Services will use content-neutral criteria. Facilities Services will hang Banners only on behalf of Members of the University Community.

3.5.7.2. Members of the University Community are permitted to hang or self-install Banners only at pre-designated Banner locations. The Banner locations must be reserved through the Central Reservation Office. There are ten (10) reservable spots at two (2) designated Banner areas:

3.5.7.2.1. Center of the Mall between Joyner Library and Student Health Services; and

3.5.7.2.2. Bottom of College Hill.

3.5.7.3. In order to avoid confusion about where Events will be taking place and allow University Officials sufficient time to prepare for and facilitate Events, all Banners should be Event or Expressive Activity specific and should include information such as the name, date, event sponsor, and University Property location.
3.5.7.4. Event or Expressive Activity Banners may hang for no more than two (2) weeks prior to the Event or Expressive Activity and must be removed by the Responsible Person within 24 hours following the Event, or they may be removed without notice by Authorized Officials.

3.5.7.5. A Banner not in compliance with this Regulation will be removed without notice, to the extent it is brought to the attention of the CRO or other Authorized University Officers.

3.5.7.6. Banners may not hang over sidewalks or in any way inhibit pedestrian or vehicle movement. If a Banner causes any damage to University Property, the Member(s) of the University Community responsible for installation of the Banner are responsible for the cost of repair.

3.5.7.7. Banners referencing Events or Expressive Activities that are being held outside of University Property or being sponsored by Non-Members of the University Community renting or reserving space on University Property shall not be posted on University Property.

3.5.8. Leaflets/Handbills/Flyers

3.5.8.1. This section relates only to Non-Profit distribution of leaflets, handbills, and flyers. Distribution of leaflets, handbills or flyers constituting Commercial Solicitation are governed by those sections pertaining to Commercial Solicitation.

3.5.8.2. Leaflets, handbills, and flyers may be distributed by mail, including campus mail, in compliance with University Mail Services content-neutral rules and regulations.

3.5.8.3. Only Members of the University Community and their Guests may distribute leaflets, handbills, or flyers on or in University Property.

3.5.8.4. Except in the connection with Spontaneous Expressive Activity, persons who wish to distribute leaflets, handbills, or flyers on or in University Property should contact the CRO to reserve one or more of the pre-designated spaces for distribution.

3.5.8.5. The organizations and persons distributing leaflets, handbills, or flyers are required to collect and remove any loose, dropped, or littered leaflets, handbills, or flyers in the vicinity of the distribution area. Failure to do so may result in a charge to the distributing organizations or persons if Facilities Services must provide housekeeping or grounds services due to violation of this subparagraph. This subparagraph also applies to Spontaneous Expressive Activity.

3.5.9. Fundraisers

3.5.9.1. Except as provided below under the heading “Raffles,” all activities in which participants must pay to be eligible to win a game of chance are prohibited on University Property.

3.5.9.2. All fundraisers are also subject to the Official Student Organization Handbook fundraising guidelines.

3.5.10. Bake Sales
3.5.10.1. Non-Profit bake sales are allowed as a form of fundraising for Registered Student Organizations only.

3.5.10.2. A University Unit may not conduct a Non-Profit bake sale unless it is doing so in partnership with one or more Registered Student Organizations.

3.5.10.3. The CRO must be contacted to reserve space.

3.5.10.4. Registered Student Organizations and partnered University Units may sell only pre-packaged goods or foods from a licensed establishment. No homemade products may be offered for sale. The attempt to sell homemade products will be cause for shutting down the bake sale.

3.5.10.5. All such Events shall be conducted in compliance with the Environmental Health & Safety Requirement for Events.

3.5.11. Raffles

This section applies only to those divisions, departments, schools, centers and other bodies that are legally and operationally within and under the exclusive and direct control of the University. This section places no limitations or requirements on Associated Entities. Associated Entities are advised, however, to consider the requirements and limitations they may be individually subject to by virtue of North Carolina General Statute section 14-309.15.

3.5.11.1. Registered Student Organizations are not permitted to conduct raffles.

3.5.11.2. All Raffles covered by this section shall be conducted in compliance with North Carolina General Statute section 14-309.15.

3.5.11.3. There may be up to a total of four Raffles conducted per calendar year collectively, by all divisions, departments, schools, centers or other bodies that are legally and operationally within and under the exclusive and direct control of the University, and prior to conducting a raffle they must first check with the Vice Chancellor for University Advancement or designee to determine whether or not the collective number of raffles has already reached the annual limit. Raffles conducted by Associated Entities do not count for purposes of this determination. Legal questions regarding Raffles should be directed to the Office of University Counsel.

3.5.12. Amplified Sound

3.5.12.1 Amplified Sound is permitted only on Thursdays and Fridays from 5:00 PM-10:00 PM, Saturday from 8:00 AM-10:00 PM, and Sundays from 8:00 AM-7:00 PM.

3.5.12.2 Outside of the times designated in 3.5.12.1, Amplified Sound, including recorded music, sound checks, microphones, or bull horns is not permitted within 25 feet of classrooms, research facilities, and the libraries.

3.5.12.3 Amplified Sound events are prohibited outdoors during class hours, regardless of the time of day with the exception of Mall area, Trustees Fountain, Whichard side yard, Spilman lawn, Jenkins front yard, grassy knolls behind the Student Centers, band practice area of
College Hill, and athletic grounds (including North Recreation Complex and Blount Recreational Sports Complex).

3.5.12.4 All outdoor events are subject to noise provisions of the Greenville City Code Chapter 5 (sound limit 60dbA measured at least 25 feet from speakers by a sound meter).

3.5.12.5 Amplified Sound in excess of 15dBA is not allowed within 25 feet of libraries and other research locations at all times that these facilities are open.

3.5.12.6 Organizations seeking to have events outdoors that involve Amplified Sound must articulate at the time they make reservations how they will control sound levels as specified in this Regulation.

3.5.12.7 Testing sound systems in excess of the allowed 60dbA limit is not allowed under any circumstances and may result in the event being ejected from the University grounds.

3.5.12.8 Amplified Sound from personal devices is prohibited during events.

3.5.12.9 All Amplified Sound events are to be conducted so that campus pedestrian, bicycle, and automobile traffic are unimpeded, and members of the University community are not deterred from participating in their usual activities.

3.5.12.10 Amplified Sound events are to be conducted in an orderly and peaceful manner, and harassing, physically abusive, threatening, or intimidating conduct is strictly prohibited.

3.5.12.11 Amplified Sound shall be reduced or ended if in violation of this Regulation and the Freedom of Expression Regulation, including North Carolina General Statute 14-190.1 governing obscene literature and exhibitions.

3.5.12.1. University Property – Subject to this Regulation and the exceptions set forth below, Amplified Sound is not allowed within 25 feet of any classroom building or study area during those times they are in use.

3.5.12.2. Special Locations – Amplified sound is allowed in the following areas during official University Events arranged by the Chancellor’s Office or designees:

3.5.12.2.1. Trustees Fountain at Wright Circle;

3.5.12.2.2. Whichard side-yard area;

3.5.12.2.3. Fifth Street yard area (beside Spilman); and

3.5.12.2.4. Fifth Street yard area (in front of Jenkins).
3.5.12.3. Amplified sound is also allowed in the following areas in accordance with the guidelines established by this Regulation:

3.5.12.3.1. Bottom of College Hill area;

3.5.12.3.2. Athletic grounds; and

3.5.12.3.3. Recreation field areas (North Recreation Complex and Blount Recreational Sports Complex);

3.5.12.4. In addition to any policies, regulations, and rules governing the specific area being used, all outdoor Events and Expressive Activities are subject to the City of Greenville Noise Ordinance.

3.5.12.5. The performing groups, sound amplification providers, and the Sponsoring Organizations must acknowledge awareness of and adherence to all sound regulations by including agreement to this Regulation in the contract when scheduling an Event.

3.5.12.6. Amplified Sound shall be reduced or ended to the extent it violates this Regulation or the Freedom of Expression Regulation, including North Carolina General Statute 14-190.1, governing obscenity.

3.5.13. Alcohol

3.5.13.1. The distribution of alcohol on University Property is prohibited, except in compliance with the University Alcohol Policy.

3.5.14. Enforcement

3.5.14.1. Consistent with, and subject to, the Freedom of Expression Regulation, failure to adhere to this Regulation may result in one or more of the following sanctions:

3.5.14.1.1. Formal warning letter;

3.5.14.1.2. Loss of future solicitation opportunities on University Property;

3.5.14.1.3. Loss of future opportunities for formal sponsorship activity;

3.5.14.1.4. Loss of future opportunities to sign sponsorship agreements with student organizations;

3.5.14.1.5. Loss of opportunities to sign future contracts with the University; and

3.5.14.1.6. Loss of access to University sponsored events, such as, but not limited to, Market Days, Apartment Fairs, etc.

Resolution #22-05*
Approved by the Faculty Senate: January 25, 2022
**Chancellor’s response:**
The formal faculty advice has been received and is included in the final version of the policy that will be going to the Board of Trustees at their February 2022 meeting. Ms. Stephanie Coleman, Vice Chancellor for Administration & Finance, will present the policy during the Finance and Facilities Committee meeting.

Formal faculty advice on Employment-Related Background Checks and Criminal Activity Reporting Regulation, as follows:

The Faculty Welfare Committee reviewed this policy and provided advice to Chair of the Faculty Martínez to relay to the University Policy Committee, due to a requirement that the advice be provided on a tight timeline that did not allow for reporting to the Faculty Senate first. The advice they provided was in response to a draft version of the regulation, found here. The text of that document appears below, under the formal faculty advice, and does not have the comments included in the original document.

The Faculty Welfare Committee submits the following formal faculty advice on the regulation:

1. Please define “minor traffic violation”.
2. Please clarify if student employees will be included in this policy.
3. Please clarify if individuals in law enforcement will be exempt from the policy since they are subject to the State of North Carolina’s background check requirements for law enforcement certification.

Title Employment-Related Background Checks and Criminal Activity Reporting

PRR Classification # (List POL, REG RULE and leave #blank. To be done by Legal)

PRR General Subject Matter (Leave blank. To be done by Legal)

Print-friendly version (Print-Friendly version is a word version of this template available for downloading)

Authority: Board of Trustees

History: December 11, 2000, amended April 18, 2008, effective July 1, 2008, revised and transitioned to University Policy Manual XX, 2022

Related Policies:

Minors on Campus – https://www.ecu.edu/prr/01/15/13

Notice of Nondiscrimination and Affirmative Action Policy http://www.ecu.edu/prr/05/25/02

Volunteer Regulation http://www.ecu.edu/prr/06/05/03
1. Introduction

1.1. The East Carolina University (hereinafter ECU or University) Employment-Related Background Checks and Criminal Activity Reporting Policy seeks to promote a safe learning and work environment for students, staff, faculty, and visitors. Background checks will be used to evaluate prospective or current employees for employment purposes and will not be used to discriminate on the basis of any of the Protected Classes as outlined in the University’s Notice of Nondiscrimination and Affirmative Action Policy. Employment decisions must be solely job related for the position in question and consistent with business necessity.

2. Scope

2.1. ECU will conduct background checks on any applicant for employment with the University who has also been selected as a final candidate for a position, as well as current employees who change position, or employees holding designated sensitive positions, all employees subject to the State Human Resources Act (SHRA), Clinical Support Services (CSS), employees exempt from the State Human Resources Act (EHRA) faculty and non-faculty, Senior Academic and Administrative Officers (SAAO), temporary employees, including student employees, or post-doctoral positions at ECU.

3. Definitions

3.1. “Covered Individual” means any finalist for employment or current employee employed by the University in a permanent, temporary, or time-limited EHRA faculty and non-faculty, SAAO, SHRA, CSS, or post-doctoral position.
3.2. “Charge” means an accusation of a crime by a formal complaint, information, or indictment.

3.3. “Conviction” means a guilty verdict, guilty plea, or a “no contest,” nolo contendere, or Alford plea, or any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution.

3.3.1. For Employees who drive a dedicated State or University vehicle as part of their job, or to whom a State vehicle is provided for the purposes of conducting University business, suspension or loss of driving privileges will also be considered a Conviction for purposes of this regulation.

3.4. Minor traffic violation

3.5. “Positions with Sensitive Duties” are positions identified by the Human Resources Department in conjunction the unit, with the following duties, including:

3.5.1. Direct responsibility for the care, safety, and security of vulnerable populations.
3.5.2. Direct access to or responsibility for cash and cash equivalents, credit card information, University property disbursements or receipts, or extensive authority for committing the financial resources of the University.
3.5.3. Direct access to or responsibility for controlled substances, select agents, or hazardous materials.
3.5.4. Master key and/or badge access to buildings, residence halls or other secure facilities.
3.5.5. Direct access to, or responsibility for, information or areas designated by the University as safety or security sensitive.
3.5.6. Any other position deemed sensitive by the University due to the nature of the duties of the position.

4. Covered Individuals

4.1. Any finalist for selection and employment for all EHRA faculty and non-faculty, SHRA, CSS, SAAA, and post-doctoral positions, as well as finalists for all temporary appointments, including students, are subject to background check.

4.2 University employees who change jobs due to promotion, lateral transfer, or reassignment are subject to background checks. Current employees who assume new duties that cause the current position to become appropriate for background checks, such as assuming sensitive duties, are also subject to background checks at the time of the assumption of these duties.
4.3 University employees who are convicted of a criminal offense (other than a minor traffic violation), must report any conviction to their immediate supervisor within five (5) calendar days of the conviction. Upon report of a criminal conviction, employees will undergo a background check. The immediate supervisor shall notify the Employee Relations unit in Human Resources (HR) within five (5) business-days of receiving notice of a conviction in order to initiate the required background check.

4.4 Any other time deemed necessary by the Human Resources Department.

5. Scope and Types of Background Checks

5.1. Criminal history, and sex offender checks will be conducted on all covered individuals in accordance with the procedure applicable to the individual’s position designation. All background checks must include, at a minimum, federal criminal history, applicable criminal history for all local and state jurisdictions in which an individual has previously lived within the time period of the check, the national sex offender registry, and, for designated positions, a federal System for Award Management (SAM) and Office of Inspector General debarment check. The check should include a good faith attempt to identify any omissions by the candidate with respect to prior residences during the time period being checked. Certain University programs may have additional or more stringent requirements for background checks than those provided by this Regulation.

5.1.1 All background checks must cover a time period of no fewer than seven years as of the date of the check, when available within the relevant jurisdictions, or until age 18 if the applicant is younger than 25 years old, or as required by external, affiliated programs.

5.2 A criminal conviction does not necessarily eliminate a prospective or current employee from consideration for employment with the University. Each conviction will be reviewed, as outlined in Criminal Background Checks Standard Operating Procedure (SOP), with respect to the nature of the offense, the surrounding circumstances, seriousness, the amount of time since the conviction, and the relevance of the conviction to the position. In addition, an applicant’s criminal history will be considered in accordance with the U.S. Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act, and any guidance provided by the North Carolina Office of State Human Resources (OSHR). A candidate’s expunged or pardoned convictions; pending charges; arrests not resulting in a conviction; or charges resulting in dismissal or not guilty are prohibited. However, separate and apart from a specific judicial status or disposition, the institution may consider a candidate’s documented conduct incidental to an arrest (including matters that remain pending) if the conduct is demonstrably related to the position’s responsibilities or access to institutional resources.

5.3 A discovery of falsification of criminal history or activity, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration and may result in termination from employment.
5.4 Employees of the University are employees of the State of North Carolina and, as such, are expected to adhere to all federal and state laws both in the workplace and in the community. A Conviction for an Unlawful Offense may be considered unacceptable personal conduct for staff (specifically, conduct unbecoming a State employee that is detrimental to State service) or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty – or misconduct that interferes with the capacity of the employee to perform effectively the requirement of his or her employment for a NF-EHRA employee, and, accordingly, may result in disciplinary action up to and including separation from University employment.

5.4.1 Convictions for an Unlawful Offense that do not result in separation from University employment will be considered should the Employee take on additional duties or apply for other positions within the University.

5.4.2 If an Employee receives a Charge for an unlawful offense, the totality of the circumstances surrounding the Charge may be sufficient to be considered unacceptable personal conduct for staff or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty or misconduct that interferes with the capacity of the employee to perform effectively the requirement of his or her employment for a NF-EHRA employee, and, accordingly, may result in disciplinary action up to and including separation from University employment.

5.5 Exceptions- Background checks are not required in the following circumstances:

5.5.1 Faculty members under consideration for reappointment, or subsequent appointment, promotion to a new Faculty rank or title, or the conferral of permanent tenure;

5.5.2 Invited guest speakers, guest lecturers, or guest instructors having no interaction with sensitive activities and whose interactions with minors or other vulnerable populations is limited;

5.5.3 For the Community School, public school teachers do not require background checks if an adequate background check is required, and completed, by their respective local education agency.

5.6 Motor Vehicle Checks (MVR). Motor vehicle checks will be conducted on the final candidate(s) for any position(s) that require the individual to drive a State or University vehicle as a regular part of their job responsibilities or when a dedicated vehicle is provided to the employee for the purpose of conducting University business. MVR will be conducted in accordance with the Standard Operating Procedure (SOP) for MVR implemented with this Regulation.

6. Procedure

6.1 HR will process and obtain background checks required by this regulation, using a Professional Background Screening Association (PBSA) accredited vendor. No candidate may
commence work until the background check is completed and deemed satisfactory by the University.

6.1.1 In limited emergency hiring situation—such as filling a vacancy to perform critical work or to ensure campus safety—the Associate Vice Chancellor for Human Resources, or designee, in consultation with the Vice Chancellor of the applicable division for the position, may make an exception and allow an employee to begin work prior to completion of the background check.

6.1.2 In such cases where an exception is made for a candidate to commence employment, the offer and appointment letter shall state that both the offer and continued employment are contingent on the return of a background check which is deemed satisfactory by the University, through the Department of Human Resources.

6.2 Procedures for applicable background checks are provided by the Standard Operating Procedure (SOP) implemented with this Regulation. Specifically, the Criminal Background Checks SOP shall be followed for employment hires and events covered by this regulation.

6.3 The Department of Human Resources will receive and review the results of the background check to determine whether the results are satisfactory to the University. This review will be completed consistent with the applicable SOP and with input from other campus units, such as the Office of University Counsel and/or Campus Police, as needed.

6.4 Violations of this Policy, including failure to consent to any background checks required by this Policy, may result in the failure to meet the contingencies of the appointment and/or disciplinary action in accordance with the policies and procedures applicable to the Employee’s position designation.

6.5 The associated SOPs are subject to periodic updates. Any such revisions to the SOPs will be conducted in consultation with the Office of University Counsel.

7. Confidentiality and Retention of Background Checks

7.1 Employment-related background check records are considered to be part of an Employee’s confidential personnel file and are not subject to public release except as required or allowed under applicable provisions of state law NCGS §126-22. Background check records generated under this Policy will be maintained in accordance with University Policy.
Curriculum and academic matters acted on and recorded in the February 14, 2022 Graduate Council meeting, including level I action items from the November 17, 2021, December 1, 2021, January 19, 2022, and February 2, 2022 Graduate Curriculum Committee meeting minutes which were approved by its delegated authority and are reported here for informational purposes, and programmatic action item (GC 22-01) recorded in the February 14, 2022 Graduate Council meeting, included level II action items from the January 19, 2022, and February 2, 2022 Graduate Curriculum Committee meeting minutes, which were forwarded to the Educational Policies and Planning Committee (EPPC), and included an establishment of a New Certificate (Level II), Healthcare Emergency Planning and Disaster Response from the Department of Advanced Nursing Practice and Education within the College of Nursing; revision to an existing degree (Level II) Public Administration, MPA; establishment of New Accelerated Programs (Level II) Accelerated Bachelor of Arts in Political Science/Master of Public Administration and Accelerated Bachelor of Science in Political Science/Master of Public Administration; and the establishment of New Accelerated Programs (Level II) Accelerated Bachelor of Arts in Multidisciplinary Studies/Master of Science in Security Studies; Accelerated Bachelor of Science in Multidisciplinary Security Studies/Master of Public Administration from the Department of Political Science within the Thomas Harriot College of Arts and Sciences, and policy action item (GC 22-02) recorded in the February 14, 2022 Graduate Council meeting, included a revision to the “Significance of Course Numbers” policy in the Graduate catalog to clarify that 5000-5999 master’s courses must not be required in an undergraduate degree but may be elective; revision to the “Graduate School Financial Support” policy and eligibility requirements to allow students in online programs to be supported on a graduate assistantship; and recommendations for Prior Learning Assessment (PLA) Policies and Portfolio-Based Assessment Procedures.

Resolution #22-08
Approved by the Faculty Senate: February 22, 2022
Approved by the Chancellor: pending

Curriculum and academic matters acted on and acted on and recorded in the Undergraduate Curriculum Committee meeting of January 13, 2022 including curricular actions in the following units:

- Department of Mathematics, Science, and Instructional Technology Education (College of Education)
- Interdisciplinary Professions (College of Education)
- Department of Baccalaureate Education (College of Nursing)
- Department of Political Science (Thomas Harriot College of Arts and Sciences)

Also, curriculum and academic matters acted on and recorded in the meeting of January 27, 2022 including curricular actions in the following units:

- Department of Foreign Languages and Literatures within the Thomas Harriot College of Arts and Sciences
- School of Communication (College of Fine Arts and Communication)
- Department of Special Education, Foundations, and Research (College of Education)
- School of Art and Design (College of Fine Arts and Communication)

Resolution #22-09
Approved by the Faculty Senate: February 22, 2022
Approved by the Chancellor: pending
Curriculum and academic matters acted on and recorded in the Writing Across the Curriculum Committee meeting of **January 24, 2022** including:

- approval of writing intensive course designation (WI) for:
  - COMM 4321 In-depth Reporting Capstone
  - ENGL 4825 Writing, Rhetoric, and Social Movements
  - GEOL 2300 Current Topics in Geoscience
- removal of writing intensive (WI) designation from:
  - GEOL 4020/4021, Stratigraphy and its lab
  - GEOL 4200/4201 Paleontology and its lab
- and retention of WI designation for JUST 3502 Legal Aspects of Corrections after revision to prerequisite.

**Resolution #22-10**  
Approved by the Faculty Senate: February 22, 2022  
Approved by the Chancellor: pending

**Revised Criminal Justice Unit Code of Operations.**

**Resolution #22-11**  
Approved by the Faculty Senate: February 22, 2022  
Approved by the Chancellor: pending

2023-2024 University Academic Calendars, as follows:

**Student Application / Processing Calendar - Academic Year 2023-24**  
Includes thesis and dissertation submission deadlines

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**University Academic Calendar - Summer Sessions 2023**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 24, Friday</td>
<td>Early registration for special populations begins at 1:00 pm.</td>
</tr>
<tr>
<td>March 27, Monday</td>
<td>Registration for Summer Sessions 2023 begins.</td>
</tr>
</tbody>
</table>

**First Summer Session 2023**  
(5 Mondays, 5 Tuesdays, 5 Wednesdays, 5 Thursdays, 5 Fridays; 1 day for final examinations)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 12, Friday</td>
<td>Advising, registration and schedule adjustments</td>
</tr>
<tr>
<td>May 15, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>May 16, Tuesday</td>
<td>Last day for registration and schedule adjustments (drop / add), by 5:00 pm</td>
</tr>
<tr>
<td>May 17, Wednesday</td>
<td>Census Day (Official enrollment count taken at 5:00 pm.)</td>
</tr>
<tr>
<td>May 29, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>June 6, Tuesday</td>
<td>Last day for undergraduate and graduate students to withdraw from term-length courses or withdraw from school without grades, by 5:00 pm; block courses may be dropped only during the first 60% of their regularly scheduled class meetings.</td>
</tr>
<tr>
<td>June 13, Tuesday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available.</td>
</tr>
<tr>
<td>June 19, Monday</td>
<td>Last day for graduate students to submit work for removal of incompletes given during First Summer Session 2022.</td>
</tr>
<tr>
<td>June 19, Monday</td>
<td>Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.</td>
</tr>
<tr>
<td>June 20, Tuesday</td>
<td>Final Examinations</td>
</tr>
<tr>
<td>June 23, Friday</td>
<td>Grades due at 8:00 am</td>
</tr>
</tbody>
</table>

**Second Summer Session 2023**
(5 Mondays, 4 Tuesdays, 5 Wednesdays, 6 Thursdays, 5 Fridays; 1 day for final examinations)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 21, Wednesday</td>
<td>Advising, registration and schedule adjustments</td>
</tr>
<tr>
<td>June 22, Thursday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>June 23, Friday</td>
<td>Last day for registration and schedule adjustments (drop / add), by 5:00 pm</td>
</tr>
<tr>
<td>June 26, Monday</td>
<td>Census Day (Official enrollment count taken at 5:00 pm.)</td>
</tr>
<tr>
<td>July 4, Tuesday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>July 14, Friday</td>
<td>Last day for undergraduate and graduate students to withdraw from term-length courses or withdraw from school without grades, by 5:00 pm; block courses may be dropped only during the first 60% of their regularly scheduled class meetings.</td>
</tr>
<tr>
<td>July 21, Friday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available.</td>
</tr>
<tr>
<td>July 27, Thursday</td>
<td>Last day for graduate students to submit work for removal of incompletes given during Second Summer Session 2022.</td>
</tr>
<tr>
<td>July 27, Thursday</td>
<td>Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.</td>
</tr>
<tr>
<td>July 28, Friday</td>
<td>Final Examinations</td>
</tr>
<tr>
<td>July 31, Monday</td>
<td>Grades due at noon</td>
</tr>
</tbody>
</table>

**Eleven-Week Summer Session 2023**
(10 Mondays, 9 Tuesdays, 10 Wednesdays, 11 Thursdays, 10 Fridays; 1 day for final examinations)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 12, Friday</td>
<td>Advising, registration and schedule adjustments</td>
</tr>
<tr>
<td>May 15, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>May 16, Tuesday</td>
<td>Last day for registration and schedule adjustments (drop / add), by 5:00 pm</td>
</tr>
<tr>
<td>May 17, Wednesday</td>
<td>Census Day (Official enrollment count taken at 5:00 pm.)</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>May 29, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>June 20 - 21, Tuesday - Wednesday</td>
<td>Mid-Summer Break</td>
</tr>
<tr>
<td>June 28, Wednesday</td>
<td>Last day for undergraduate and graduate students to withdraw from term-length courses or withdraw from school without grades, by 5:00 pm; block courses may be dropped only during the first 60% of their regularly scheduled class meetings.</td>
</tr>
<tr>
<td>July 4, Tuesday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>July 21, Friday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available.</td>
</tr>
<tr>
<td>July 27, Thursday</td>
<td>Last day for graduate students to submit work for removal of incompletes given during the Eleven-week Summer Session 2022</td>
</tr>
<tr>
<td>July 27, Thursday</td>
<td>Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.</td>
</tr>
<tr>
<td>July 28, Friday</td>
<td>Final Examinations</td>
</tr>
<tr>
<td>July 31, Monday</td>
<td>Grades due at noon</td>
</tr>
</tbody>
</table>

Student Application / Processing Calendar - Academic Year 2023-24
Includes thesis and dissertation submission deadlines

**University Academic Calendar - Fall Semester 2023**
(Actual Class Days: 14 Mondays, 14 Tuesdays, 14 Wednesdays, 14 Thursdays, 14 Fridays)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 24, Friday</td>
<td>Early registration for special populations begins at 1:00 pm.</td>
</tr>
<tr>
<td>March 27, Monday</td>
<td>Registration for Fall Semester 2023 begins.</td>
</tr>
<tr>
<td>August 18, Friday</td>
<td>Faculty Convocation at 9:00 am; Faculty Meetings</td>
</tr>
<tr>
<td>August 18, Friday</td>
<td>Advising, registration and schedule adjustments</td>
</tr>
<tr>
<td>August 21, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>August 25, Friday</td>
<td>Last day for registration and schedule adjustments (drop / add), by 5:00 pm</td>
</tr>
<tr>
<td>September 1, Friday</td>
<td>Census Day (Official enrollment count taken at 5:00 pm.)</td>
</tr>
<tr>
<td>September 4, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>October 7 - 10, Saturday - Tuesday</td>
<td>Fall Break -- Classes resume at 8:00 am Wednesday, October 11.</td>
</tr>
<tr>
<td>October 23 - 27, Monday - Friday</td>
<td>Advising for Spring Semester 2024</td>
</tr>
<tr>
<td>October 30, Monday</td>
<td>Last day for undergraduate and graduate students to withdraw from term-length courses or withdraw from school without grades, by 5:00 pm; block courses may be dropped only during the first 60% of their regularly scheduled class meetings.</td>
</tr>
</tbody>
</table>
There will be no departure from the posted schedule, except as noted below: All examinations for one credit hour classes will be held during the last regular meeting of the class. Classes meeting more than three times a week will follow the examination schedule for MWF classes. Clinical and non-traditional class schedules, including graduate level courses, may also adopt a modified examination schedule as required. A final course meeting during the exam period is required in order to satisfy the 750 contact minutes per credit hour required by the University of North Carolina Office of the President. Department Chairs are responsible for monitoring adherence to scheduled examination requirements.

Classes beginning 6:00 pm or later are considered night classes. Examinations in classes meeting one night a week will be held at 7:30-10:00 pm on the first night of their usual meeting during the examination period (December 6 - 13). Examinations in classes meeting two or more nights a week and beginning before 8:00 pm will be held at 7:30-10:00 pm on the first night of their usual meeting during the examination period (December 6 - 13). Examinations in classes meeting two or more nights a week and beginning at or after 8:00 pm will be held at 7:30-10:00 pm on the second night of their usual meeting during the examination period (December 6 - 13).

Distance education classes should give their final examinations in a timely fashion to allow submitting grades in time. Classes beginning on the half hour or meeting longer than one hour will have their final examination at the time determined by the hour during which the classes begin (e.g., 9:30-11:00 am TTh classes will follow the examination schedule of the 9:00 am TTh classes; 8:00-10:00 am MWF classes will follow the examination schedule of the 8:00 am MWF classes).

Common examinations, including DE sections, will be held according to the following schedule:

<table>
<thead>
<tr>
<th>Course Numbers</th>
<th>Exam Time and Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>FREN 1001, 2003, SPAN 1001, 2004, GERM 1001</td>
<td>5:00 - 7:30 Monday, December 11</td>
</tr>
<tr>
<td>FREN 1002, SPAN 1002, 2003, GERM 1002</td>
<td>5:00 - 7:30 Wednesday, December 6</td>
</tr>
<tr>
<td>Time and days class regularly meets</td>
<td>Time and day of final examination</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>8:00 MWF</td>
<td>8:00 - 10:30 Friday, December 8</td>
</tr>
<tr>
<td>8:00 TTh</td>
<td>8:00 - 10:30 Monday, December 11</td>
</tr>
<tr>
<td>9:00 MWF</td>
<td>8:00 - 10:30 Thursday, December 7</td>
</tr>
<tr>
<td>9:00 TTh (9:30)</td>
<td>8:00 - 10:30 Tuesday, December 12</td>
</tr>
<tr>
<td>10:00 MWF</td>
<td>8:00 - 10:30 Wednesday, December 6</td>
</tr>
<tr>
<td>10:00 TTh</td>
<td>8:00 - 10:30 Wednesday, December 13</td>
</tr>
<tr>
<td>11:00 MWF</td>
<td>11:00 - 1:30 Friday, December 8</td>
</tr>
<tr>
<td>11:00 TTh</td>
<td>11:00 - 1:30 Monday, December 11</td>
</tr>
<tr>
<td>12:00 MWF</td>
<td>11:00 - 1:30 Thursday, December 7</td>
</tr>
<tr>
<td>12:00 TTh (12:30)</td>
<td>11:00 - 1:30 Tuesday, December 12</td>
</tr>
<tr>
<td>1:00 MWF</td>
<td>11:00 - 1:30 Wednesday, December 6</td>
</tr>
<tr>
<td>1:00 TTh</td>
<td>11:00 - 1:30 Wednesday, December 13</td>
</tr>
<tr>
<td>2:00 MWF</td>
<td>2:00 - 4:30 Friday, December 8</td>
</tr>
<tr>
<td>2:00 TTh</td>
<td>2:00 - 4:30 Monday, December 11</td>
</tr>
<tr>
<td>3:00 MWF (3:30)</td>
<td>2:00 - 4:30 Thursday, December 7</td>
</tr>
<tr>
<td>3:00 TTh (3:30)</td>
<td>2:00 - 4:30 Tuesday, December 12</td>
</tr>
<tr>
<td>4:00 MWF</td>
<td>2:00 - 4:30 Wednesday, December 6</td>
</tr>
<tr>
<td>4:00 TTh</td>
<td>2:00 - 4:30 Wednesday, December 13</td>
</tr>
<tr>
<td>5:00 MWF (5:30)</td>
<td>5:00 - 7:30 Thursday, December 7</td>
</tr>
<tr>
<td>5:00 TTh (5:30)</td>
<td>5:00 - 7:30 Tuesday, December 12</td>
</tr>
</tbody>
</table>

**Student Application / Processing Calendar - Academic Year 2023-24**
Includes thesis and dissertation submission deadlines

**University Academic Calendar - Spring Semester 2024**
(Actual Class Days: 14 Mondays, 15 Tuesdays, 14 Wednesdays, 14 Thursdays, 13 Fridays; Effective Class Days: 14 Mondays, 14 Tuesdays, 14 Wednesdays, 14 Thursdays, 14 Fridays)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 3, Friday</td>
<td>Early registration for special populations begins at 1:00 pm.</td>
</tr>
<tr>
<td>November 6, Monday</td>
<td>Registration for Spring Semester 2024 begins.</td>
</tr>
<tr>
<td>January 5, Friday</td>
<td>Advising, registration and schedule adjustments</td>
</tr>
<tr>
<td>January 8, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>January 12, Friday</td>
<td>Last day for registration and schedule adjustments (drop / add) by 5:00 pm</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>January 15, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>January 22, Monday</td>
<td>Census Day (Official enrollment count taken at 5:00 pm.)</td>
</tr>
<tr>
<td>March 3 - 10,</td>
<td>Spring Break -- Classes resume at 8:00 am Monday, March 11.</td>
</tr>
<tr>
<td>March 11 - 15,</td>
<td>Advising for Summer Sessions and Fall Semester 2024</td>
</tr>
<tr>
<td>March 21, Thursday</td>
<td>Last day for undergraduate and graduate students to withdraw from</td>
</tr>
<tr>
<td></td>
<td>term-length courses or withdraw from school without grades, by 5:00</td>
</tr>
<tr>
<td></td>
<td>pm; block courses may be dropped only during the first 60% of their</td>
</tr>
<tr>
<td></td>
<td>regularly scheduled class meetings.</td>
</tr>
<tr>
<td>March 22, Friday</td>
<td>Early registration for special populations begins at 1:00 pm.</td>
</tr>
<tr>
<td>March 25, Monday</td>
<td>Registration for Summer Sessions and Fall Semester 2024 begins.</td>
</tr>
<tr>
<td>March 29 - 30,</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>March 31, Thursday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available.</td>
</tr>
<tr>
<td>April 11, Thursday</td>
<td>Last day for undergraduate students to submit work for removal of</td>
</tr>
<tr>
<td></td>
<td>incompletes given during Fall 2023</td>
</tr>
<tr>
<td>April 23, Tuesday</td>
<td>Last day for graduate students to submit work for removal of</td>
</tr>
<tr>
<td></td>
<td>incompletes given during Spring Semester 2023</td>
</tr>
<tr>
<td>April 23, Tuesday</td>
<td>State holiday makeup day; classes which would have met on Friday,</td>
</tr>
<tr>
<td></td>
<td>March 29 will meet on this day so there will be effectively the same</td>
</tr>
<tr>
<td></td>
<td>number of Fridays and Tuesdays as every other weekday during the</td>
</tr>
<tr>
<td></td>
<td>semester. Tuesday classes will not meet.</td>
</tr>
<tr>
<td>April 23, Tuesday</td>
<td>Classes end; last day for Survey of Student Opinion of Instruction</td>
</tr>
<tr>
<td></td>
<td>(SSOI); last day for submission of grade replacement requests.</td>
</tr>
<tr>
<td>April 24, Wednesday</td>
<td>Reading Day</td>
</tr>
<tr>
<td>April 25, Thursday</td>
<td>Final Examinations begin.</td>
</tr>
<tr>
<td>May 2, Thursday</td>
<td>Exams for Spring Semester end.</td>
</tr>
<tr>
<td>May 3, Friday</td>
<td>Commencement</td>
</tr>
<tr>
<td>May 6, Monday</td>
<td>Grades due at 8:00 am</td>
</tr>
</tbody>
</table>

**Final Examinations Schedule - Spring Semester 2024**

There will be no departure from the posted schedule, except as noted below: All examinations for one credit hour classes will be held during the last regular meeting of the class. Classes meeting more than three times a week will follow the examination schedule for MWF classes. Clinical and non-traditional class schedules, including graduate level courses, may also adopt a modified examination schedule as required. A final course meeting during the exam period is required in order to satisfy the 750 contact minutes per credit hour required by the University of North Carolina Office of the President. Department Chairs are responsible for monitoring adherence to scheduled examination requirements.

Classes beginning 6:00 pm or later are considered night classes. Examinations in classes meeting one night a week will be held at 7:30-10:00 pm on the first night of their usual meeting during the examination period (April 25 - May 2). Examinations in classes meeting two or more nights a week and beginning before 8:00 pm will be held at 7:30-10:00 pm on the first night of their usual meeting.
during the examination period (April 25 - May 2). Examinations in classes meeting two or more nights a week and beginning at or after 8:00 pm will be held at 7:30-10:00 pm on the second night of their usual meeting during the examination period (April 25 - May 2).

Distance education classes should give their final examinations in a timely fashion to allow submitting grades in time. Classes beginning on the half hour or meeting longer than one hour will have their final examination at the time determined by the hour during which the classes begin (e.g., 9:30-11:00 am TTh classes will follow the examination schedule of the 9:00 am TTh classes; 8:00-10:00 am MWF classes will follow the examination schedule of the 8:00 am MWF classes).

Common examinations, including DE sections, will be held according to the following schedule:

<table>
<thead>
<tr>
<th>Course Numbers</th>
<th>Time and Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>FREN 1001, 2003, SPAN 1001, 2004, GERM 1001</td>
<td>5:00 - 7:30 Friday, April 26</td>
</tr>
<tr>
<td>FREN 1002, SPAN 1002, 2003, GERM 1002</td>
<td>5:00 - 7:30 Monday, April 29</td>
</tr>
<tr>
<td>MATH 0001, 0045</td>
<td>5:00 - 7:30 Wednesday, May 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time and days class regularly meets</th>
<th>Time and day of final examination</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 MWF</td>
<td>8:00 - 10:30 Tuesday, April 30</td>
</tr>
<tr>
<td>8:00 TTh</td>
<td>8:00 - 10:30 Wednesday, May 1</td>
</tr>
<tr>
<td>9:00 MWF</td>
<td>8:00 - 10:30 Friday, April 26</td>
</tr>
<tr>
<td>9:00 TTh (9:30)</td>
<td>8:00 - 10:30 Thursday, April 25</td>
</tr>
<tr>
<td>10:00 MWF</td>
<td>8:00 - 10:30 Monday, April 29</td>
</tr>
<tr>
<td>10:00 TTh</td>
<td>8:00 - 10:30 Thursday, May 2</td>
</tr>
<tr>
<td>11:00 MWF</td>
<td>11:00 - 1:30 Tuesday, April 30</td>
</tr>
<tr>
<td>11:00 TTh</td>
<td>11:00 - 1:30 Wednesday, May 1</td>
</tr>
<tr>
<td>12:00 MWF</td>
<td>11:00 - 1:30 Friday, April 26</td>
</tr>
<tr>
<td>12:00 TTh (12:30)</td>
<td>11:00 - 1:30 Thursday, April 25</td>
</tr>
<tr>
<td>1:00 MWF</td>
<td>11:00 - 1:30 Monday, April 29</td>
</tr>
<tr>
<td>1:00 TTh</td>
<td>11:00 - 1:30 Thursday, May 2</td>
</tr>
<tr>
<td>2:00 MWF</td>
<td>2:00 - 4:30 Tuesday, April 30</td>
</tr>
<tr>
<td>2:00 TTh</td>
<td>2:00 - 4:30 Wednesday, May 1</td>
</tr>
<tr>
<td>3:00 MWF (3:30)</td>
<td>2:00 - 4:30 Friday, April 26</td>
</tr>
<tr>
<td>3:00 TTh (3:30)</td>
<td>2:00 - 4:30 Thursday, April 25</td>
</tr>
<tr>
<td>4:00 MWF</td>
<td>2:00 - 4:30 Monday, April 29</td>
</tr>
<tr>
<td>4:00 TTh</td>
<td>2:00 - 4:30 Thursday, May 2</td>
</tr>
<tr>
<td>5:00 MWF (5:30)</td>
<td>5:00 - 7:30 Tuesday, April 30</td>
</tr>
<tr>
<td>5:00 TTh (5:30)</td>
<td>5:00 - 7:30 Thursday, April 25</td>
</tr>
</tbody>
</table>
Resolution #22-12
Approved by the Faculty Senate: February 22, 2022
Approved by the Chancellor: pending

Alternative Block Schedule Calendars for Fall 2022 and Spring 2023, as follows:

**ALTERNATE BLOCK SCHEDULING**

**Fall Semester 2022**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 19, Friday</td>
<td>Advising, registration, and schedule adjustments.</td>
</tr>
<tr>
<td>August 22, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>August 24, Wednesday</td>
<td>Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.</td>
</tr>
<tr>
<td>September 5, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>September 19, Monday</td>
<td>Last day for undergraduate and graduate students to withdraw from Block 1 courses by 5:00 p.m.</td>
</tr>
<tr>
<td>September 29, Thursday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available</td>
</tr>
<tr>
<td>October 6, Thursday</td>
<td>Classes end.</td>
</tr>
<tr>
<td>October 12, Wednesday</td>
<td>Grades due by 8:00 am</td>
</tr>
</tbody>
</table>

**BLOCK 2**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 12, Wednesday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>October 14, Friday</td>
<td>Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.</td>
</tr>
<tr>
<td>November 10, Thursday</td>
<td>Last day for undergraduate and graduate students to withdraw from Block 2 courses by 5:00 p.m.</td>
</tr>
<tr>
<td>November 18, Friday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available</td>
</tr>
<tr>
<td>November 23-27</td>
<td>Thanksgiving break – Classes resume at 8:00 am Monday, November 28.</td>
</tr>
<tr>
<td>Wednesday-Sunday</td>
<td></td>
</tr>
<tr>
<td>November 30, Wednesday</td>
<td>Classes end.</td>
</tr>
<tr>
<td>Friday, December 16</td>
<td>Grades due at 4:30 pm</td>
</tr>
</tbody>
</table>

1. Classes meet four days a week, Monday through Thursday (27 class meetings)
2. Class length is one hour and twenty-five minutes (1:25)
3. No final exam period. Final exam is on the last day of class

**ALTERNATE BLOCK SCHEDULING**
### Spring Semester 2023

#### BLOCK 1

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 6, Friday</td>
<td>Advising, registration, and schedule adjustments.</td>
</tr>
<tr>
<td>January 9, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>January 11, Wednesday</td>
<td>Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.</td>
</tr>
<tr>
<td>January 16, Monday</td>
<td>State Holiday (no classes)</td>
</tr>
<tr>
<td>February 6, Monday</td>
<td>Last day for undergraduate and graduate students to withdraw from Block 1 courses by 5:00 p.m.</td>
</tr>
<tr>
<td>February 16, Thursday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available</td>
</tr>
<tr>
<td>February 23, Thursday</td>
<td>Classes end.</td>
</tr>
<tr>
<td>March 1, Wednesday</td>
<td>Grades due at 8:00 am</td>
</tr>
</tbody>
</table>

#### BLOCK 2

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 27, Monday</td>
<td>Classes begin; schedule adjustments.</td>
</tr>
<tr>
<td>March 1, Wednesday</td>
<td>Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.</td>
</tr>
<tr>
<td>March 5-12 Sunday-Sunday</td>
<td>Spring break – Classes resume at 8:00 am Monday, March 13.</td>
</tr>
<tr>
<td>April 3, Monday</td>
<td>Last day for undergraduate and graduate students to withdraw from Block 2 courses by 5:00 p.m.</td>
</tr>
<tr>
<td>April 12, Wednesday</td>
<td>Survey of Student Opinion of Instruction (SSOI) becomes available</td>
</tr>
<tr>
<td>April 19, Wednesday</td>
<td>Classes end.</td>
</tr>
<tr>
<td>May 8, Monday</td>
<td>Grades due at 8:00 am</td>
</tr>
</tbody>
</table>

4. **Classes meet four days a week, Monday through Thursday (27 class meetings)**

5. **Class length is one hour and twenty-five minutes (1:25)**

No final exam period. Final exam is on the last day of class

Resolution #22-13
Approved by the Faculty Senate: February 22, 2022
    Received by the Chancellor: pending

Formal faculty advice on the Student Conduct Process Interim Regulation, as follows:

Our committee assigned this task to a four-member subcommittee who reviewed the policy. Outside of a few minor questions and comments, the subcommittee did not have much to add in terms of the policy’s overview and scope.

Comments/Suggestions:

1. Page 5, 2.1, Alcohol: The inclusion of “Being intoxicated in public.” Was questioned by the committee as being redundant. We suggest removing that sentence.
2. P. 7, under section 2.6: “with the exception of a handgun possessed pursuant to a concealed handgun permit…” The committee had a question about this statement as it seemed to open the possibility of faculty or students carrying guns to class. Can we please get clarification on this? It was our understanding that firearms on campus was prohibited.

3. P. 7, under section 2.7: “refusing or failing to submit appropriate identification…” This comment refers to students required to provide ID off campus to law enforcement if requested. The committee wondered what the legality of this was and if it should be a student conduct violation if noted.

Policy  REG11.30.01
Title  Student Conduct Process
Category  Student Affairs
Sub-category  Student Discipline
Authority  Chancellor

History

Contact  Director for the Office of Student Rights and Responsibilities, (252) 328 - 6824

Related Policies

- UNC Policy Manual 700.4.1.1[R] Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations
- UNC Policy Manual 700.4.2, Policy on Student Conduct
- UNC Policy Manual 700.4.3[G], Guidelines on Student Disciplinary Proceedings: Meaning and Effect of Expulsion
- University Alcohol Policy
- REG07.30.06 Freedom of Expression Regulation
- ECU Policy on Drug Abuse, Graduate Catalog
- ECU Policy on Drug Abuse, Undergraduate Catalog
- ECU University Regulation Concerning Weapons on Campus
- ECU University Student and Employee Computer Use Policy
- ECU Hazing Policy
1. Introduction

1.1. Purpose Statement

As an academic community, East Carolina University is dedicated to providing a safe and vibrant learning and working environment for all its members. Under Section 502 D of the Code of the
Board of Governors of the University of North Carolina System, the Board of Governors and the President of the University of North Carolina System have delegated the responsibility to manage student conduct to the Chancellor of each constituent campus. ECU's Chancellor, in turn, charged the Vice Chancellor for Student Affairs with overseeing the student conduct process. The Office of Student Rights and Responsibilities and the Student Conduct Board have been created to assist in this effort.

1.1.1 The Student Conduct Process Regulation and supporting policies and procedures have been approved by the Chancellor and are based on input from students, faculty, and staff of East Carolina University. They are intended to aid in the fulfillment of ECU's mission and in securing the broadest range of freedom for each member of the community. These policies and procedures set behavioral standards that protect the health, safety, welfare, property, and human rights of all members of the community as well as the property of the University.

1.1.2. Additional behavioral standards are also set forth in the University's Title IX Compliance and Resolution Regulation – Interim (“Title IX Regulation”) (which governs Title IX Conduct, and the University Regulation on Reports of Prohibited Interpersonal Violence and Related Misconduct. (“Misconduct”).

If the conduct in question is such that the –Title IX Regulation or the Interpersonal Violence Regulation applies, each respective Regulation shall govern. This includes any conduct that might also violate paragraph 2.4 of this Regulation.

1.1.3. When a student with a disability is charged with an offense, the University will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

1.2. Office of Student Rights and Responsibilities

The Office of Student Rights and Responsibilities (“OSRR”) administers the Student Conduct Process (referred to here in as the “Student Code of Conduct” or the “Code”). OSRR fosters student growth by promoting students’ awareness and understanding of their rights and responsibilities as community members. It addresses student conduct and creates developmental learning opportunities in an effort to engage students in ethical decision-making. Any questions regarding the student conduct process should be directed to the Director of OSRR.

1.3. Scope of the Student Conduct Process

As members of the ECU community, students have the right to be treated with respect and consideration, have freedom of inquiry, and have reasonable use of services and facilities. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

1.3.1. The Code pertains to anyone registered for an academic course at the University, including but not limited to, undergraduate and graduate students who are classified as degree or non-degree seeking, as well as visiting students, medical students, dental students, professional students, and students studying abroad. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. Upon acceptance of admission to ECU, each student agrees to abide by the policies of the
University and to conduct her/himself on- and off-campus in a manner consistent with its educational mission. Students have a responsibility to review the Student Code of Conduct and other policies and to seek clarification if necessary from the OSRR. In addition, various academic units and administrative departments have policies specific to their area of responsibility. It is the responsibility of each student to be familiar with University policies and procedures. The Student Code of Conduct and related policies and procedures are available on-line. Printed copies are available in the OSRR upon request.

1.3.2. Students are subject to the Student Code of Conduct and related policies from the time they accept admission until they graduate from the University. This means that conduct occurring before classes begin, including New Student Orientation, or after classes end, during the academic year, and during periods between terms of enrollment is governed by this Code.

1.3.3. Recognized Student Organizations directly funded and advised by the University (e.g. councils and umbrella organizations) and Chartered Student Organizations affiliated with a national organization and/or department (e.g. fraternities, sororities, club sport teams, academic honor societies, or those chartered/registered with a national organization/office) are subject to the Student Code of Conduct. Registered Student Organizations are those consisting of any group of students formed with a common interest but not affiliated with the University except by location (e.g. the Chess Club at East Carolina University). Registered Student Organizations are not subject to the Student Code of Conduct. However, individuals within the organization remain subject to the Code as students enrolled at ECU. (For information regarding student organization categorization, please see Student Organization Registration Tiers under Additional References.)

Recognized and Chartered Student Organizations are subject to applicable accompanying policies and procedures accompanying this Regulation, including the standard operating procedure (SOP) entitled “Procedures for Reports Against Student Organizations”. OSRR in consultation with the Office of University Counsel will periodically review and implement updates to the Procedures for Reports Against Student Organizations.

1.3.4. In addition to the consequences outlined in this regulation, students who represent units within the University community, such as medical students, dental students, graduate students, student athletes, resident advisors, student organization leaders, and residential students might be subject to additional behavioral consequences under the standards set by those units.

1.3.5. The Student Conduct Process regulation also applies to student behavior that violated University policies, but which was discovered after the student has left the University or has graduated. Depending on the circumstances of the case, degree revocation may be a consequence under applicable University policies.

1.4. Conduct Administrators and Hearing Advisors

1.4.1. The conduct administrator is a professional OSRR staff member who investigates all alleged violations of the Student Code of Conduct. In cases where possible sanctions do not include suspension or expulsion, the conduct administrator deters a student’s responsibility and issues sanctions.

1.4.2. A Hearing advisor is the professional OSRR staff member who facilitates the hearing process.
2. Student Code of Conduct

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community and to support the mission of the University. Such action may include taking disciplinary action as outlined in this Code against students for their on- and off-campus conduct.

East Carolina University students shall refrain from the following behaviors:

2.1. Alcohol: Illegally possessing, consuming, having consumed, and/or providing alcoholic beverages to those under the legal drinking age. Being intoxicated in public.

2.2. Drugs, Drug Paraphernalia, and Other Controlled Substances: Possessing, using, distributing, buying, selling, facilitating a sale, delivering, manufacturing, and/or abusing illicit or illegally obtained substances. Misusing prescription or counterfeit drugs. Consuming, including huffing or sniffing, any substance not intended for such use. Possessing or using drug paraphernalia.

2.3. Endangerment: Acting in a manner that could or did endanger or injure a person or the ECU community. Examples of endangerment include, but are not limited to, fighting, or operating a vehicle while under the influence of alcohol or drugs, and distributing drugs (on or off campus) to members of the University community.

2.3.1 Consideration may also be given as to whether the Respondent acted in self-defense, and, whether the amount of force used was reasonable under the circumstances. Self-Defense is defined as a justifiable action by a non-aggressor using reasonable force upon another person to enable oneself to get free from imminent physical harm.

2.3.2 Failing to take advantage of an opportunity to remove oneself from the situation may negate the claim of self-defense.

2.3.3 Actions consistent with appropriate self-defense may also be considered as a mitigating factor in consideration of potential sanctioning, if applicable.

2.4. Harassment, Threats, Bullying or Intimidation: Directing action toward a particular individual or group in a manner which is unwelcome, and under the totality of the circumstances, is so severe or pervasive, and objectively offensive that it undermines and/or detracts from the target individual’s academic pursuits, participation in University-sponsored activities, or employment, effectively denying equal access to University resources and opportunities.

2.4.1. The objective standard is whether the conduct was directed at a specific person, group, or entity in a manner that would cause a reasonable person to fear for one's safety, the safety of others, or the loss of or damage to property or that is defamatory.

2.4.2. East Carolina University will also enforce the University of North Carolina System Policy 700.4.2, which states:

2.4.2.1 While on University premises or while participating in University sponsored activities, acting or in a way to unlawfully threaten, coerce, harass or intimidate another person or identifiable group of persons; or acting or speaking in a manner that is a violation of a constitutionally valid University Policy prohibiting harassment and/or discrimination on the basis of a protected class, including: race/ethnicity, color, religion, sex, sexual orientation, gender-identity, national origin, age, disability, genetic information, political affiliation, or
veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service).

2.4.2.2. No student shall engage in unlawful harassment resulting in an environment determined to be hostile by a reasonable person. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria. It is:

a. Directed toward a particular person or persons;

b. Based in whole or in part upon any of the following protected statuses: disability, sexual orientation, race/ethnicity, age, sex, gender identity, color, veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service), gender identity, political affiliation, national origin, or religion;

c. Unwelcome;

d. Severe or pervasive;

e. Objectively offensive; and

f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

2.4.2.3. In determining whether student conduct violates these provisions (2.4.2.1. or 2.4.2.2.), all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. (Please see the Freedom of Expression regulation for more information.)

2.5. Hazing: Acting in a manner that would subject another student to physical injury or mental or emotional harm as part of an initiation, or as a criterion of initial or continued membership, into any organized University group, including any society, military groups, athletic team, fraternity or sorority, or other similar group. Planning or preparing to engage in hazing activity is also a violation of the Code. The expressed or implied consent of participants will not prevent disciplinary action. (For more information, see Procedures for Reports Against Student Organizations under Additional References.)

2.6. Weapons: Possessing, distributing, using, manufacturing, assembling, storing, transporting, selling, purchasing, or acquiring any weapons as defined in this Regulation on property owned or controlled by the University, including ECU vehicles is a violation of the Code, with the exception of a handgun possessed pursuant to a concealed handgun permit and stored according to law. Possessing, either on- or off-campus, any illegal weapons, including nuclear/biological/chemical weapons, or home-made weapons. This provision also applies to students on the way to and present at any off-campus curricular and extracurricular activity sponsored by the University. Illegally concealing any weapon is a violation of the Code.

2.6.1. Weapons include, but are not limited to, objects defined in the “Regulation Concerning Weapons on Campus”. Examples of weapons are: guns, rifles, pistols, bb guns, air rifles, air pistols, paintball guns, crossbows, arrows, fireworks, dynamite, bombs, grenades, mines, powerful explosives, bullets or ammunition cartridges, nunchuks, slingshots, leaded canes, blackjacks, metallic knuckles, martial arts weapons, throwing stars, Kamas, axes, razor blades, ice picks, dirks, daggers, swords, bowie knives, switchblade knives, butterfly knives, other knives with blades three or more inches in length, tasers, and stun guns.

2.6.2. Any item used or possessed for purposes of use as a weapon will be considered a weapon under this policy.
2.7. Disruptive Conduct: Being disruptive or disorderly in a manner that interferes with the function of the University or interferes with conduct of others, including law enforcement officers, who are on-campus or off-campus. Disruptive Conduct may include, but is not limited to, refusing or failing to submit appropriate identification or refusing to comply with a request from an identifiable University official acting on behalf of the University, violating University regulations or local, state, or federal orders in place to ensure the health and safety of the ECU community such as orders related to national pandemics or natural disasters, or the failure to abide by University policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases.

2.8. Theft: Stealing or attempting to steal property, including intellectual property, or services of any person or entity. Receiving, possessing, or selling/giving away such property when the student recognizes, or should have recognized, that the property was stolen. Selling books or helping sell books without the owner's permission is an example of theft.

2.9. Vandalism, Defacement, or Misuse of Property: Defacing, destroying, damaging, or misusing private, University, or other public properties.

2.10. Trespassing and Unauthorized Use of Property: Entering or using university facilities and/or the personal property of others without explicit permission. This includes but is not limited to, unauthorized access to residence halls, vehicles, stadiums and fields, as well as unauthorized possession, duplication, or use of the property of others or the University.

2.11. False Information, Forgery, and Fraud: Publishing and/or circulating false information that is harmful to others. Providing false information to the University, including, but not limited to, on an application required to participate in a University activity.

2.11.1. Altering, forging, or misusing documents or property which might include, but is not limited to, money, charge cards, checks, personal information, ECU One Cards, grade reports, transcripts, and parking tags. Possessing altered or forged documents or property, such as a fictitious driver's license. Deceitfully using the personal information of others.

2.12. Having Knowledge of or Assisting with a Violation: Having knowledge of, being present during, instigating, encouraging, or facilitating a violation of the Student Code of Conduct.

2.13. Gambling: Placing a bet or wager on an uncertain outcome for money or other items of value unless permitted by law.

2.14. Hindering the University Conduct Process: Coaching, intimidating, retaliating against, or otherwise influencing witnesses, Conduct Board members, conduct administrators, and other participants in the conduct process. Failing to provide the University with relevant information regarding a conduct case as a witness, except in instances where such failure would require a student to identify his/her own violation of the Code. Failing to abide by sanctions, including bans.

2.15. Violation of University Policies: Violating University policies including, but not limited to those listed in the related policy section of this regulations and the University Policy Manual. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the Student Code of Conduct and imposition of sanctions.

3. Sanctioning
3.1. Sanctioning. Violations of the Student Code of Conduct, will result in educational and/or disciplinary consequences called sanctions. Sanctions are designed with the intent of educating Respondents and protecting the ECU community. No sanctions will be enforced until all reviews have been exhausted with the exception of administrative actions taken to protect members of the ECU community. Each student who has been found responsible for violating the Student Code of Conduct shall be notified in writing of the appeal rights, including any applicable time constraints, as they pertain to her/his case.

Immediate Administrative Actions: The Office of Student Rights and Responsibilities, in conjunction with appropriate University administrators, may take interim action pending the resolution of a conduct case in order to preserve the safety and well-being of the ECU community and its members. These actions include, but are not limited to, counseling assessment and/or treatment, restriction of access or privileges, no-contact ban or removal from classes, and administrative suspension.

3.1.1. Administrative suspension is the immediate separation of the student from enrollment at the University. Administrative suspension becomes effective immediately whenever there is information that the continued presence of the student on University property poses a substantial threat. A substantial threat might include, but is not limited to, threatening the safety of any person, significantly harming or attempting to harm someone, threatening to cause or causing significant property damage, and interfering with the stability and continuance of University functions. The Director of OSRR will determine when a student poses a substantial threat to the University community.

3.1.2. OSRR will send notice to a student who has been placed on administrative suspension. A student on administrative suspension has a right to appeal this administrative action within five (5) calendar days of receipt of notice of the administrative suspension to the Dean of Students, or his/her designee. The student may submit any information he/she would like the Dean of Students to consider on appeal. While the Dean of Students is reviewing the appeal, the student shall remain on suspension.

3.1.3. In order for an administrative suspension to be modified, the student must show that the action was arbitrary or capricious, there was a procedural error, or that there is substantial new information mitigating the situation. The Dean of Students will review (1) the reliability of the information concerning the student's behavior; (2) whether or not the conduct and surrounding circumstances reasonably indicate that the continued presence of the student poses a substantial threat to others, to property, or to the stability and continuance of normal University functions; and/or (3) whether or not the student has complied with the directives of the conduct administrator placing the student on administrative suspension. The decision of the Dean of Students shall be final.

3.1.4. Students who are administratively suspended are entitled to participate in the ECU conduct process while separated from the University. (For information regarding student organization interim actions, please see Procedures for Reports Against Student Organizations under Additional References.)

3.2. Guidelines for Sanctioning. When determining sanctions, conduct administrators and members of the Student Conduct Board take into account the nature and seriousness of the violation, the impact of the violation on the community, the Respondent's past conduct history, as well as the Respondent's developmental needs, and mitigating or aggravating factors existing at the time of the offense, which may include, but are not limited to: past disciplinary record, the nature of the misconduct (i.e. the Respondent was acting under duress or a mental condition;
played a minor role in the commission of the offense; knowingly exposed others to a significant risk; convinced others to participate due to a position of leadership, dominance, trust or confidence; or the offense involved weapons or was especially heinous), as well as other relevant information regarding the degree of any damage, injury, or harm resulting from it. Multiple sanctions may be imposed for one violation.

3.2.1. Violations of the Code that involve alcohol, drugs, weapons, hazing, substantial theft or fraud, physical harm to persons or property, sexual misconduct, HIPAA violations, other actions that materially or substantially interfere with or disrupt the protected free expression right of others or create a substantial risk of harm to others or the University, or an accumulation of multiple violations of the Code may result in suspension or expulsion from the University.

3.2.2. Determinations made or sanctions imposed under the Student Code of Conduct will not be subject to change solely because criminal charges arising from the same facts giving rise to a violation of the Code were dismissed, reduced or resolved in favor of or against the criminal law defendant.

3.2.3. The University reserves the right to enhance sanctions for violations which are believed to have been motivated based on the person's disability, sexual orientation, race/ethnicity, age, sex, gender identity, color, veteran status, gender identity, political affiliation, national origin, or religion. In the event a student is found responsible for such a bias-motivated violation, the sanction imposed should be more serious than that appropriate for only the underlying violation. A finding that a violation constitutes a bias-motivated violation requires a separate finding to that effect by the conduct administrator or the Conduct Board.

3.3. Range of Sanctions: The range and explanation of sanctions is provided below.

3.3.1. Warning: A written notification informing the student that the University considers the student's behavior inappropriate and that the student needs to change this behavior.

3.3.2. Probation: A period of time during which the student's behavior is under University review. Probation is intended to communicate to the student that the University considers the student's behavior inappropriate and that further violations will result in more severe consequences, which may include suspension or expulsion. Probation shall be served during the student's active terms of enrollment at the University.

3.3.3. Deferred Suspension: Deferred suspension shall be used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or the repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Student Code of Conduct. However, suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violation of the Code. If found responsible for any subsequent violation, the student will be suspended for a minimum of two academic semesters, in addition to the other consequences imposed. Students on this status may be limited in their abilities to represent the University in certain capacities. Examples include, but are not limited to, athletic teams other than intramurals, hold an office in a student organization, or participate in any study abroad program.

3.3.4. Suspension: A temporary separation from enrollment at the University for a defined period of time. Suspended students are banned from the University premises during the period of suspension and may be required to complete specified sanctions prior to reenrollment.
Completion of the suspension period and other assigned sanctions does not automatically grant suspended students the right to return to the University community. All suspended students must petition the OSRR for readmission. A committee will consider the petition and make a recommendation to the Vice Chancellor for Student Affairs, or designee. After campus safety approval, students must re-apply to their academic program, but readmission to an academic program is not guaranteed.

3.3.5. Expulsion: Permanent separation from enrollment at the University and at any other member institution of the University of North Carolina System. Expelled students are banned from University premises. With the exception of review of a case due to the receipt of new information as outlined in section 5.5.9, below, only the Chancellor may amend this sanction to suspension if the student petitions the University demonstrating significant growth and contribution to society indicating that the individual should be given a new opportunity to pursue higher education. Such petitions can be filed with the OSRR after a minimum of five years of the completion of the conduct case. A student who has been expelled from the University may not be admitted to another constituent institution of the University of North Carolina System, unless and until the sanction of expulsion has been rescinded by the University.

3.3.6. Revocation of Degree: Revocation of an awarded degree for a serious violation of the Code that occurred prior to graduation, but which was discovered after a student had graduated from the University.

3.3.7. No Contact Ban: A ban requiring the student to have no contact with a designated individual, including, but not limited to, verbal, written, or physical contact, or contact made or attempted through a third party, all of which are prohibited. Violation of a no contact ban may be a violation of this Regulation resulting in conduct charges or other administrative action. OSRR may amend a no contact ban as necessary throughout the conduct process to protect the interests of the parties.

3.3.8. Restricted Privileges: A period during which the student's privilege of using University facilities or participating in University functions is modified or limited. Depending on the circumstances, restrictions may be structured to allow a student to attend class, participate in a job or internship, or use the library. A student with restricted privileges may not be eligible, for example, for early arrival on campus, extended stays in residence halls, representing the University in competition or other official capacities, campus employment, and campus leadership opportunities.

3.3.8.1. In enforcing this provision, OSRR will periodically review rosters of University and University recognized student organizations to identify any students on restricted privileges that may be violating this provision. A student found in violation may be subject to additional disciplinary action as noted above.

3.3.9. Restitution: Reimbursement to the person or entity harmed by the violation.

3.3.10. Service: Service hours completed at an approved service site. A student may be given up to sixty hours of campus service in response to one finding of responsibility and up to sixty calendar days to complete the service.

3.3.11. Educational Task: A task designed to provide the student with an opportunity to examine her/his actions and their impact on self and/or on the community.

3.3.12. Counseling: Assessment and counseling and/or treatment provided by the Center for
Counseling and Student Development. A student referred for assessment must comply with the recommendations of the counselor. Information shared with a counselor is confidential; however, OSRR is advised about the overall results of the student's assessment, attendance and quality of participation in counseling. Under certain circumstances, the student may be referred for off-campus counseling/treatment. The student will assume all responsibility for off-campus counseling fees.

3.3.13. Failure to Comply with Sanctions: OSRR monitors sanctions to ensure compliance. Students who do not complete sanctions within the specified time may not be permitted to enroll for courses or may be suspended until they complete their sanctions. Students who leave the University prior to the completion of sanctions may not be allowed to reenroll until proof is provided that the sanctions imposed have been completed.

4. Rights and Responsibilities

4.1. Respondent Rights and Responsibilities: A student whose conduct is under review is a Respondent and has the following rights and responsibilities. The Respondent may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

4.1.1. Respondent Rights

4.1.1.1. The right to an objective and impartial evaluation of the complaint.

4.1.1.2. The right to be present during the meeting with a conduct administrator and/or during the Conduct Board hearing.

4.1.1.3. The right to reasonable access to all information gathered throughout the investigation pertinent to the alleged violation.

4.1.1.4. The right to present information relevant to the alleged violation, including inviting witnesses.

4.1.1.5. The right to respond to information presented against her/him.

4.1.1.6. The right to a separate meeting with a conduct administrator or Conduct Board hearing in cases involving multiple Respondents. Charges against multiple Respondents involved in the same incident may be heard in a single case only if each Respondent consents to such a proceeding. In cases involving multiple Complainants against a single Respondent which arise from the same action or event, the Respondent has the right to a separate meeting with the conduct administrator or Conduct Board hearing. Charges by multiple Complainants against a single Respondent involved in the same incident may be heard in a single case only if all parties consent to such a proceeding.

4.1.1.7. The right not to provide information with the understanding that the University will make a determination with or without the Respondent's information.

4.1.1.8. The right, after receiving written notice of the outcome, to review of the decision, including to appeal as described in section 5.5.

4.1.1.9. The right to be represented, at the student's expense, by a licensed attorney or non-attorney advocate who may participate in accordance with University of North Carolina
A Respondent represented by an attorney or non-attorney advocate is still expected to attend all scheduled meetings and hearings.

4.1.1.10. The right to be informed of pertinent University-based support services.

4.1.2. Respondent Responsibilities:

4.1.2.1. The responsibility to be honest and direct in communicating with individuals involved in the conduct process.

4.1.2.2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.

4.1.2.3. The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.

4.1.2.4. The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.

4.1.2.5. The responsibility to participate in the conduct process in a manner that is civil and respectful.

4.2. Complainant Rights and Responsibilities: Any ECU student, faculty, or staff member who has been negatively influenced by the alleged behavior of a student, may file a complaint against that student, and be designated by the OSRR as a Complainant. Complainants have the following rights and responsibilities. The Complainant might forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

4.2.1. Complainant Rights

4.2.1.1. The right to an objective and impartial evaluation of the complaint.

4.2.1.2. The right to present information relevant to the alleged violation, including inviting witnesses.

4.2.1.3. The right to submit a written impact statement.

4.2.1.4. The right, after receiving written notice of the outcome, to review the decision, if also permitted under ECU policies, University of North Carolina System policies and local, state, and federal laws.

4.2.1.5. The right to be informed of pertinent University-based support services and to be presented with an option of reporting the incident to law enforcement, if appropriate.

4.2.1.6. For cases specific to sexual misconduct, the Complainant is entitled the rights enumerated in 4.1.1, above, such as the right to an observer/support person at the hearing; to have the same access to the proceedings as the Respondent, including the ability to question witnesses; and to appeal a decision based on grounds described in section 5.5. The
Complainant may have an attorney, at the Complainant’s own expense, present at the hearing.

4.2.2. Complainant Responsibilities

4.2.2.1. The responsibility to be honest and direct in communicating with individuals involved in the conduct process.

4.2.2.2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.

4.2.2.3. The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.

4.2.2.4. The responsibility to provide the decision-maker with pertinent information that the Complainant would like considered in the review of the alleged violation.

4.2.2.5. The responsibility to participate in the conduct process in a manner that is civil and respectful.

4.3. If the Respondent and/or Complainant believes that a committee member or hearing official has a conflict with, bias about or an interest in a case that may unduly influence the decision making either positively or negatively, the Respondent and/or Complainant may request a different committee member or hearing official.

4.4. Students have the responsibility to update personal contact information on their Pirate Port account as soon as it changes and to consistently monitor their ECU e-mail account and telephone answering equipment, as the University frequently communicates through these modes. U.S. Post letters will be sent to the local address provided by the student in the One-Stop system or to the permanent address if attempted contact with the student through other means is unsuccessful.

5. Student Conduct Hearing Procedure

5.1. The student conduct hearing procedure described below is used to address alleged violations of the Code, except for alleged academic integrity violations, which are resolved through the conduct process outlined in the Academic Integrity Policy and any other applicable campus policies and procedures, such as those enforced by the Division of Research and Graduate Studies. Similarly, some behaviors described as violations under the Code also may be violations of the rules and policies of organizations to which the student belongs, other university units, violations of city ordinances, and/or state or federal law. When such violations occur, the student or student organization might be held accountable in multiple venues.

5.1.1 Allocations of Title IX Conduct or Interpersonal Misconduct are resolved in accordance with the University’s Title IX Compliance and Resolution Regulation and the Regulation Prohibiting Interpersonal Violence and Related Misconduct applicable Appendices. These Regulations provide the applicable procedures for Title IX Conduct and Misconduct, including the investigatory, hearing, and final determination process for allegations made pursuant to these Regulation(s). A final determination finding a respondent responsible for a violation of the Regulation(s) shall include a finding of a violation of Section 2.15 of this Student Code of Conduct.
5.1.2. Alleged violations of a minor nature occurring in a residence hall may be reviewed under the Code by Campus Living staff as assigned by Campus Living. Campus Living staff will not address cases involving drugs, weapons, sexual assaults, sexual harassment, serious bodily harm or property damage without prior approval from the Director of OSRR. OSRR will address all incidents which might result in deferred suspension, suspension or expulsion.

5.1.3. The ECU conduct process is a separate and independent process from the criminal justice system. At the student's expense, he/she may be represented by a licensed attorney or non-attorney advocate who may participate in accordance with this Regulation, University of North Carolina System Policy Manual 700.4.1.1[R] and N.C. General Statute §116-40.11, or as otherwise required by law.

5.1.4. The Respondent has a right to have a non-participating support person present with him/her throughout the conduct process. The support person is not permitted to actively participate in the process, but is simply to provide comfort to the Respondent. If the Respondent chooses to have a licensed attorney or non-attorney advocate, as outlined in 4.1.1.9 and 5.1.2, in a Student Conduct Board Hearing, as outlined in section 5.4, the Respondent will not be permitted to have a non-participating support person present at the hearing. In the meetings with a conduct administrator, as described in sections 5.2 and 5.3, students may have both one (1) licensed attorney or non-attorney advocate as outlined in 4.1.1.9, and one (1) non-participating support person.

5.1.5. The standard used throughout the conduct process to reach case resolution is preponderance of the evidence. This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation; meeting the standard constitutes the conclusion it is more likely than not that the alleged conduct occurred. Formal rules of evidence do not apply to student conduct cases.

5.1.5.1 To ensure the health and safety of individuals and the ECU Community, there may be times when OSRR determines it necessary to conduct operations through alternative means, including virtual platforms. This may include, but is not limited to, assigned sanctions providing educational resources (including Make Better Choices), pre-hearing or gathering of information meetings and administrative hearings, Student Conduct Board hearings, and Title IX hearings. Decisions regarding OSRR operations may be determined by guidance from the UNC system, University administration, and/or local, state, or federal directives.

5.2. Initial Intake

5.2.1. All complaints will be reviewed by the OSRR Director or his/her designee to determine whether or not the reported behavior is governed by the Code. Anonymous complaints may result in a formal charge if they contain sufficient information to independently establish a violation of the Code. Allegations may also be addressed with education and through referrals to on- and off-campus resources, if appropriate.

5.2.2. The University does not tolerate retaliation against individuals who file a complaint. Retaliation means any act of interference, restraint, penalty, coercion, reprisal, intimidation, threats, or harassment against an individual for using applicable policies responsibly (including testifying, assisting, or participating in a hearing, proceeding, review process or investigation; opposing an illegal act; or exercising any other right protected by this Regulation). Students who retaliate against such persons will be held accountable under the Code. It is the responsibility of the target of the retaliation to immediately report the behavior to OSRR.
5.2.3. The determination to investigate a conduct case will be made within a reasonable period of time after receipt of a complaint. If it is believed that the behavior is governed by the Code, the student will be invited to a pre-hearing or gathering of information meeting ("Initial Meeting") with a conduct administrator. The student will be notified of the Initial Meeting date and time in writing.

5.2.4. The Respondent may request a reasonable postponement of the meeting by contacting the conduct administrator in writing no less than two (2) business days before the scheduled meeting. The Respondent will need to explain why he/she is requesting a different meeting date or time and will need to provide an alternate meeting date and time. The conduct administrator will make the final determination of the meeting date and time. If the Respondent does not appear for a scheduled meeting, the University reserves the right to make a determination regarding formal charges in the student's absence.

5.2.5. After the Initial Meeting, the conduct administrator will determine whether formal charges will be pursued. OSRR may consider any additional information received after the Initial Meeting to determine whether or not to formally charge a student with a conduct violation. If a student is to be formally charged with a potential violation of the Student Code of Conduct, the student will receive written notice of the following: the offense(s) charged with a brief summary of the factual allegations supporting the charge, a referral to a hearing with the conduct administrator or the Conduct Board, the hearing date and time, and possible sanctions.

5.2.5.1. If the alleged violation might result in a sanction other than suspension or expulsion, the hearing will take place with the conduct administrator, described in 5.3, below. The hearing will take place no earlier than five (5) calendar days after the notice is sent to the Respondent via letter or e-mail, unless the Respondent agrees to an earlier hearing date. The Respondent may waive the hearing and accept a sanction proposed by the conduct administrator. The waiver and acceptance must be in writing and signed by the Respondent.

5.2.5.2. If the alleged violation might result in suspension or expulsion, the matter will be referred to the Conduct Board, described in 5.4, below, and will take place no earlier than ten (10) calendar days after the notice is sent to the student via letter or e-mail, unless the student requests an earlier hearing date. In charges that might result in expulsion, the student will be informed that expulsion precludes matriculation at any UNC constituent institution. If a hearing date is not set in the notice of the charge, written notice of the hearing date shall be sent to the student not less than five (5) calendar days before the proceeding is scheduled for hearing.

5.2.6. If the Respondent fails to meet with the conduct administrator or Conduct Board after being properly notified, the case will be decided on the basis of information gathered by the conduct administrator or the Conduct Board.

5.2.7. If the conduct administrator believes that there was no violation or there is insufficient information to make a determination that a violation of the Student Code of Conduct occurred, the conduct case will be closed.

5.3. Hearing with a Conduct Administrator

5.3.1. The Respondent will meet with a conduct administrator to discuss the reported behavior. In this hearing, the conduct administrator will review all available, relevant information, including all evidence and defenses, witness testimony and documents presented by the parties, and will
determine by a preponderance of the evidence whether or not a violation of the Code occurred. This determination shall be based solely on the evidence presented at the hearing.

5.3.1.1. A conduct administrator who has a conflict with, bias about or an interest in a case should recuse him/herself. If the conduct administrator has a conflict with, bias about or an interest in a case and refuses to recuse him/herself, the Director of OSRR, or his/her designee, shall make the recusal decision. Challenges to the conduct administrator received prior to the hearing will be determined within five (5) calendar days of OSRR’s receipt of the challenge or at the start of the hearing, whichever is earlier.

5.3.2. The Respondent and/or Complainant may request a reasonable postponement of the hearing by contacting the conduct administrator in writing no less than two (2) business days before the scheduled hearing. The Respondent or Complainant will need to explain why he/she is requesting a different hearing date or time and will need to provide an alternate hearing date and time. The conduct administrator will make the final determination of the hearing date and time. If the Respondent does not appear for a scheduled hearing, the University reserves the right to make a determination in the student’s absence.

5.3.3. If the conduct administrator determines by a preponderance of the evidence that a violation of the Student Code of Conduct did occur, he/she will assign appropriate sanctions and will notify the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and will outline Respondent’s right to appeal the decision to the Director of OSRR or his/her designee, including the time in which to appeal and the permitted grounds for the appeal.

5.3.4. Prior to a hearing, the Respondent may make an appointment in OSRR to review the information and witness lists to be presented at the hearing. An appointment to review information in OSRR must be made at least two (2) business days in advance.

5.3.5. The student may waive the hearing and accept a sanction proposed by the conduct administrator. The waiver and acceptance must be in writing and signed by the student.

5.3.6. Hearings with the conduct administrator are closed to the public.

5.4. Student Conduct Board Hearing

5.4.1. As indicated above, Student Conduct Board hearings will be convened when the Respondent’s case involves possible sanctions of suspension or expulsion. The student will be notified by the OSRR in writing of the formal charge against the student and referral of the charge to the Student Conduct board. The notice shall specify the offense(s) charged, the possible sanctions, a brief recital of the factual allegations supporting the charge, and the hearing date and time. For all charged offenses which could result in expulsion, the notice shall indicate this possibility, and shall specify that expulsion precludes matriculation at any UNC constituent institution. The hearing date may not be scheduled for at least ten (10) calendar days after the student receives notice of the referral, unless the student agrees to an earlier hearing date.

5.4.2. The Respondent and/or Complainant may request a reasonable postponement of the hearing by delivering a request to OSRR in writing no less than two (2) calendar days before the hearing. The person requesting the postponement will need to explain why he/she is requesting a different hearing date or time and will need to provide an alternate hearing date and time.
OSRR will make the final determination of the hearing date and time. If the Respondent or Complainant does not appear for a scheduled hearing after being properly notified, the University reserves the right to make a determination in the individual's absence.

5.4.3. Conduct Board Hearing Panel Composition. The hearing panel is composed of three students, one faculty member and one staff member of the Student Conduct Board. One of the student members will be the Chair; the Chair will direct the hearing process, outline the basic facts of the case gathered by the University, and, in consultation with the other Board members, make determinations about what information is relevant to the proceedings. The Chair is responsible for ensuring an orderly hearing and, therefore, may remove any person who, in his/her discretion, interferes with the work of the Board. The Chair will facilitate the Board’s discussion regarding the case and will vote only in the event of a tie. It is the Chair’s responsibility to write a rationale for the Board's decision.

5.4.3.1. A Board member who has a conflict with, bias about or an interest in a case must recuse him/herself. If the Board member refuses to recuse him/herself, the Chair, along with the hearing advisor (a professional OSRR staff member) will make the recusal decision. If the Board Chair has a conflict with, bias about or an interest in a case and refuses to recuse him/herself, the hearing advisor, in consultation with the Director of OSRR, will make the recusal decision. The Respondent and/or Complainant may also challenge the participation of any Board member due a conflict with, bias about or an interest in a case that may unduly influence the Board’s decision making, either positively or negatively. The challenging party will be asked to provide specific reasons for the challenge. The Chair, along with the hearing advisor (a professional OSRR staff member), will determine whether the identified Board member should be removed from the case. If the removal of a Board member results in less than five members being able to serve during the hearing, the Respondent will be given an option to continue with the existing Board or reschedule the hearing in order for the case to be reviewed by a full five-member Board panel. Challenges to the Board's composition received prior to the hearing will be determined by the Chair and hearing advisor within five (5) calendar days of OSRR’s receipt of the challenge or at the start of the hearing, whichever is earlier.

5.4.3.2. The hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room with the Board at all times. This includes, but is not limited to, during the Board's consideration of any procedural issues (requests to continue the hearing, objections to the Board’s consideration of certain witness or documentary evidence, challenges to the Board’s composition, etc.) raised by the parties.

5.4.4. Hearing Outline. During the hearing, the Board will review all available, relevant information and, based on a preponderance of the evidence standard, make a determination as to whether or not a violation of the Code had occurred. A hearing will be divided into two parts: (1) the presentation of the facts and (2) if the Board finds the student responsible, the Board will determine sanctions.

5.4.4.1. The basic facts of the case gathered by the University will be outlined. At the hearing, the University must present sufficient witness and/or documentary evidence to establish the violation. The Respondent shall be given an opportunity to question this evidence, either by direct questions (non-Title IX hearings only) or inquiries transmitted through the Board Chair. The Respondent and Complainant will be afforded an opportunity to speak to the Board and present any witness or documentary evidence, provided that the evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students. The Board will also have an opportunity to ask questions
of all involved.

5.4.4.2. Once all relevant information has been presented, the Conduct Board, along with the hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room and all other participants will be dismissed while the Board deliberates regarding a finding of responsibility or non-responsibility. This determination shall be based solely on the evidence presented at the hearing.

5.4.4.3. The Board will reconvene the hearing and announce its decision. If the student is found responsible, he/she may submit character witness letters and/or testimony attesting to his/her character. If such character witness letters or testimony are relevant to the underlying charge, such information may be presented to the Board before it makes a determination of responsibility. If the Respondent is found responsible, he/she may make any statements, oral or written, regarding mitigating or extenuating circumstances that he/she wishes the Board to consider. The Complainant may provide an impact statement to the Board.

5.4.4.4. The Board, along with the hearing advisor and an attorney from the Office of University Counsel, if in attendance, will remain in the hearing room and all other participants will be dismissed while the Board deliberates regarding appropriate sanctions. The Board will reconvene the hearing to announce its decision. The decision will also be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and, will outline Respondent's appeal rights. This decision may be appealed by the Respondent pursuant to 5.5 below.

5.4.4.4.1. Victims of crimes of violence shall be notified of the results of the disciplinary proceedings of the alleged Respondent. “Results” means the name of the student Respondent, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any imposed. The duration of the sanction and the date the sanction was imposed.

5.4.5. Prior to a hearing, the Respondent may make an appointment with OSRR to review any written evidence (including photographs or videos) that will be used at the hearing and to obtain a list of witnesses. An appointment to review information in OSRR must be made at least two (2) business days in advance.

5.4.6. The Respondent may waive the hearing and accept the sanction proposed by the University. A designated University official must determine that the waiver and acceptance is voluntary and that the charge and sanction have factual support. The Director of OSRR (or his/her designee) shall serve as the designated University official if the Respondent waives the hearing prior to the scheduled hearing date. In the event the Respondent waives the hearing the day of the hearing, the hearing advisor will serve as the designated University official. The waiver and acceptance must be in writing and signed by the student and the designated University official.

5.4.7. The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify the decision of the Conduct Board.

5.4.8. The Student Conduct Board hearings are closed to the public.

5.4.9. Conduct board members and staff assigned to perform work related to the hearing should report any potential procedural irregularities or procedural errors that come to their attention,
which may have occurred before or during the hearing, to the Director of OSRR for review by
the Vice Chancellor of Student Affairs. The Vice Chancellor of Student Affairs, or his/her
designee, shall have the authority to determine whether corrective action, including but not
limited to, a new hearing, is necessary to correct such procedural errors. This review does not
constitute an appeal and is a separate, independent review of the hearing procedures.

5.5. Appeals

5.5.1. During an appeal, the appealing party has the burden of showing either (1) a violation of
due process; or (2) a material deviation from Substantive and Procedural Standards adopted by
the Board of Governors:

5.5.1.1. Violation of Due Process. Due Process requires notice and an opportunity to be
heard. A violation of due process means that the appealing party was not provided the
required notice or an opportunity to be heard due to specified procedural errors, or errors in
interpretation of University policies or regulations, that were so substantial as to effectively
deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in
this Regulation will not invalidate a decision or proceeding unless the Respondent can show
that, but for the deviation or error, there likely would have been a different outcome in the
case.

5.5.1.2. Material Deviation from Substantive and Procedural Standards. Material Deviation
from Substantive and Procedural Standards require that the decision reached be neither
arbitrary nor capricious. A material deviation from substantive standards means that there is
a lack of information in the record that could support the decision or sanction(s). This does
not mean the information presented at the hearing can be re-argued on appeal; rather, it
requires a showing that no reasonable person could have determined the Respondent was
responsible or could have imposed the sanction that was issued, based on the information in
the record. A material deviation from procedural standards means that a lack of informa-
tion in the record that could support the decision is due to a procedural error that resulted in the
proffered evidence or testimony being excluded.

5.5.2. The student must specify in writing ("Appeal Letter") which grounds form the basis for
her/his appeal. The student must provide factual information to support her/his claim and
explain what outcome he/she is seeking. The student has a right to be assisted in preparing
his/her written challenge by a licensed attorney or non-attorney advocate, at the student’s
expense.

5.5.3. The Appeal Letter must be dated, signed by the student, and received by OSRR within
five (5) calendar days from the date that the written decision on sanctions is provided to the
student, either by hand delivery or by delivery or attempted delivery through e-mail or postal
mail. Appeals should be directed to osrr@ecu.edu; or 364 Wright Building. Failure to deliver
the written notice of appeal within this time limit will render the decision of the conduct
administrator/Conduct Board final and conclusive. An extension of time may be requested within
the five (5) day limit, but it is within the discretion of OSRR to grant or deny such requests.

5.5.4. Appeals will be limited to the record of the hearing, including the supporting documents
provided by the Respondent and available records ("Written Record") within the OSRR.

5.5.5. In appeals from a hearing with the conduct administrator, the Director of OSRR or his/her
designee will review the Written Record and make a determination as to whether a decision
and/or sanction should be altered. If the OSRR Director or his/her designee determines that an
appeal is not granted, the decision of the conduct administrator and any assigned sanctions will go into effect and the student will have no further appeal opportunities. The Director of OSRR or his/her designee’s decision is final.

5.5.5.1. The final decision of the Director of OSRR or his/her designee will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based.

5.5.6. In appeals from a hearing before the Conduct Board where suspension is assigned, the Director of OSRR will compile the Written Record and provide it to the Vice Chancellor for Student Affairs, or his/her designee, who will make the final administrative determination. The Vice Chancellor, or his/her designee, will determine whether to impose the sanctions recommended by the Conduct Board, to modify the sanctions recommended by the Conduct Board, to refer the case back to OSRR for a new hearing before a different Conduct Board, or take other necessary administrative action.

5.5.7. All hearings before the Conduct Board where expulsion is recommended will be reviewed by the Vice Chancellor for Student Affairs who will make the final administrative determination. The Director of OSRR, or his/her designee, will compile the Written Record and provide it to the Vice Chancellor for Student Affairs for review. The Vice Chancellor will determine whether to impose the sanctions recommended by the Conduct Board, to modify the sanctions recommended by the Conduct Board, to refer the case back to OSRR for a new hearing before a different Conduct Board, or take other necessary administrative action. If the Vice Chancellor determines that the student should be expelled from the University, the student has the right to file an appeal by following the process described in 5.6.

5.5.7.1. If the Vice Chancellor of Student Affairs is unavailable, has a conflict of interest, or when the Chancellor determines that a substitution is necessary to ensure a fair and timely review, the Chancellor may assume the responsibility of reviewing Conduct Board appeals or designate another vice chancellor.

5.5.8. The final decision in cases where suspension or expulsion is the sanction will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The letter will include a brief summary of the information upon which the decision was based and any appeal rights, including the time limits in which to appeal and the permitted grounds for appeal.

5.5.9. New Information. Requests for reconsideration based on new information, sufficient to alter a decision and not reasonably available at the time of the decision, should be directed to the original decision-maker. A Complainant or Respondent has one (1) calendar year after the final imposition of sanctions by the University to present new information.

5.6. Appeal of Expulsion

5.6.1. Should the Vice Chancellor for Student Affairs uphold the Conduct Board’s recommendation and make a final administrative decision to expel a student, the student has the right to appeal the decision to the East Carolina University Board of Trustees. The student should send a written appeal by certified or registered mail, return receipt requested, or by another means that provides proof of delivery to the Assistant Secretary to Board within ten (10) calendar days after the notice of the Vice Chancellor’s decision is sent to the Respondent. A copy should also be provided to the Office of Student Rights and Responsibilities and the Vice
Chancellor for Legal Affairs and University Counsel of East Carolina University. If the appeal is received in a timely manner, the Board of Trustees will establish a schedule for its review. If the Respondent fails to comply with the schedule, the Board of Trustees may dismiss the appeal. The decision of the Board of Trustees is final.

6. Records

6.1. Family Educational Rights and Privacy Act of 1974: Conduct case information is recorded and maintained by OSRR in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Generally, information contained in OSRR files that personally identifies a student will not be released without the written and dated consent of the student identified in the record. However, disciplinary records may be shared with third parties to the extent allowed under FERPA. Victims of violence will be notified of the final disposition of the case to include the name of the Respondent; the letter of the alleged violation committed; the findings supporting the conclusion; the sanctions imposed, if any; the duration of the sanctions; and the date the sanctions were imposed. For specific information on FERPA, please contact the Registrar's Office.

6.2. Maintenance of Records: Conduct records are maintained by the OSRR for at least eight years from the completion of the last sanction imposed. Records of students, who have been suspended, expelled, and of those who have a pending case or have not completed sanctions are kept indefinitely.

6.3. UNC Suspension/Expulsion Database: Information about students who are suspended, expelled, or have serious pending cases is entered into a UNC database, where it is stored permanently. All UNC constituent institutions have access to this information.

6.4. Transcript Notation: Conduct suspensions and expulsions will be marked on the student's transcript until all sanctions have been completed. For more information, please contact the Office of the Registrar.

6.5. Awarding of Degrees: The University does not award degrees solely because a student successfully completed all academic requirements. Violations of the Student Code of Conduct, including academic and non-academic violations, might result in a degree not being awarded. When a student has a disciplinary complaint pending, the awarding of the degree might be delayed until the complaint is resolved and, if imposed, the sanctions have been completed.

6.6. Withdrawal: Students with a pending conduct case will not be permitted to withdraw from the University without first resolving the case or receiving permission from the Director of OSRR to do so.

6.7. Continual Enrollment: Students with a pending conduct case might be prohibited from future enrollment until the conduct matter is resolved by the University.

7. Review of the Conduct Process

7.1. The Director of the OSRR will convene the Conduct System Review Committee every three years. This committee will assess the effectiveness of the conduct process and related policies and recommend any changes in policy, procedure, or the Code to the Chancellor.

7.2. The Committee shall be composed of two students appointed by the President of the Student Government Association, two staff members appointed by the Chair of the Staff Senate, and two
faculty members appointed by the Chair of the Faculty Senate. The Dean of Students or designee shall serve as a chair of the Committee, voting only if there is a tie.

7.3. The Director of OSRR shall present a report to the Vice Chancellor for Student Affairs reflecting information regarding the state of the conduct system no later than June 30th of the review year. The Director of OSRR and other staff members directly involved in the conduct process shall serve as non-voting members of the Committee. The Director of OSRR is permitted to convene the Committee outside of the typical three-year review cycle when necessary.

7.4. The University will review and update this Regulation, as appropriate, annually, in addition to the review every three years by the Committee. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).

Resolution #22-14
Approved by the Faculty Senate: February 22, 2022
    Approved by the Chancellor: pending
    Approved by the Board of Trustees: pending
    Approved by the UNC System Office: pending

Revisions to *ECU Faculty Manual* Part XII, Section II. Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure, as follows:

Additions in **bold** and deletions in * strikethrough *

**PART XII – FACULTY APPELLATE PROVISIONS**

**SECTION II**

Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure

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III. Effective Date

**SECTION II.I, Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure**

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Part XII, Section II.I provides for peer review of general faculty grievances and appeals of non-conferral of early tenure through a formal procedure that, depending on the grievance, includes access to mediation or direct review, and the potential for an appellate panel hearing of the grievance. Grievance procedures in Part XII, Section II.I are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Part XII-Section II.I beyond the Board of Trustees.

I. Faculty Grievances

There are two classifications of grievances covered by this section. 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).

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 separate grievance procedures provides two assurances. First, it ensures there is a review process for the faculty member when the non-conferral of permanent tenure was based on an early request, for which appeals to the Board of Governors are not allowed. Appeals of non-conferral of tenure at end of the established probationary period are governed by the provisions in Part XII, Section I.II. Second, the bases for the grievance provided in Part XII, subsection II.I.IV for a grievance of non-conferral of early tenure do not apply to General Grievances covered in this section.

No grievance that involves matters related to a formal proceeding for the imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another appellate panel, falls within the charge of these general Faculty Grievance provisions (See Part XII, Sections I.II covering review of non-reappointment or non-conferral of tenure at the completion of a probationary term; I.III covering due process before discharge or the imposition of serious sanctions; and I.IV covering appeals of termination of faculty employment based upon institutional considerations).

II. Grievance Panel

The Grievance Panel (or “the panel”) shall be composed of five regular members and one alternate, chosen from the Appellate Committee in accordance with Part XII, Section I.I.
Upon receipt of the grievant’s Petition for Redress (Step Two), the appellate chair responsible for Grievance Panel hearings (Part XII, Section I.I) will inquire of panel members about the existence of potential conflicts of interest (which include, but are not limited to, any grounds for recusal listed in this paragraph) and will automatically recuse from participation in the appeal any member from the grievant’s or respondent’s relevant department, unit, college, or school, or any member with whom either the grievant or respondent(s) has had an amorous relationship, or is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]). Committee members shall recuse themselves from participating in a grievance if they have a reason to believe that such participation represents or will create a conflict of interest.

The appellate chair’s responsibility is to provide the grievant and respondent(s) a process for a possible resolution of the grievance. The appellate chair will provide only procedural information to the parties of the grievance, and shall not function as an advocate for either party. Procedural information includes the membership of the Appellate Committee, its charge, the options open to the parties to the grievance, and similar information.

Upon receipt of a request for a hearing (Step Four), the appellate chair shall determine the availability of the Appellate Committee members in lottery rank order to form a Grievance Panel consisting of five members plus one alternate who will replace any member unable to attend the entire hearing. When choosing panelists in rank order, the appellate chair will ensure that representatives from the respective ranks of both the grievant and respondent are included on the panel. Any party to a grievance may request that any member of the panel be recused from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and be provided to the appellate chair not later than 5 calendar days after notification in Step Four of a hearing date. If the panel member declines recusal, the established panel, including the alternate, shall determine obligatory recusal by a majority vote (the member in question not participating). The recused panel member will be replaced by the current alternate member, and the appellate chair will appoint a new alternate following the same procedure as above.

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. It is the expectation that all parties to a grievance adhere to the professional ethics set forth in Part V, Section II, subsection 2. at all times and especially throughout the grievance procedure.

To promote and allow for adequate efforts at informal conflict resolution, 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 Appellate Steering Committee if, in the committee's opinion, there are extenuating circumstances despite due diligence.

The Appellate Steering Committee and Grievance Panel shall hold the grievant responsible for progressing through the grievance steps in a timely manner. If time delays are encountered because of the respondent(s), the grievant shall bring this to the attention of the appellate or panel chair as appropriate to the stage of the grievance at the time.
The grievant may terminate the grievance at any time during the process by notifying the appellate chair in writing. The appellate 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: Conflict Resolution.
Prior to initiating a grievance with the Appellate Committee, a faculty member shall make a concerted effort to resolve the issue through informal conflict resolution. Faculty are encouraged to take advantage of University resources for conflict resolution and informal mediation (https://ombuds.ecu.edu/) in trying to settle complaints without entering into formal grievance procedures. This can provide a less antagonistic venue, in the presence of a neutral third party trained to facilitate discussions, which can reduce tensions and lead to an equitable agreement.

Before filing a complaint with the Appellate Committee, an objecting faculty member (the potential grievant) at a minimum shall meet with the potential respondent(s) and attempt to resolve the conflict at issue. At or before this meeting the objecting faculty member shall provide the potential respondent(s) with a written statement setting forth the nature of the problem and the redress sought. If there are multiple claims, each should be presented clearly. This statement should include all information necessary to support each of the objecting faculty member’s claims, giving the respondent an opportunity to identify, understand, and address each concern. Both parties will have an opportunity to submit information and documents in support of their claims and responses before a hearing, should the issue proceed to a grievance (see Step Four below).

The objecting faculty member and respondent should meet in face-to-face discussion(s) about the substance of the problem and are encouraged to use University resources for informal conflict resolution to aid in resolving differences. In cases where the respondent refuses to meet, the objecting faculty member shall, by a memorandum with a copy to the respondent, inform the appellate chair and the next higher-level administrator in their program. Before proceeding to a formal grievance (Step Two), the objecting faculty member shall provide the respondent with the Petition for Redress that the grievant intends to submit in Step Two.

During attempts to resolve conflicts, each party may select a counselor who may also serve as an advisor throughout a conflict resolution and/or grievance process, but who shall not participate nor be called as a witness in a hearing (see Step Five). A list of potential faculty counselors is maintained by the Faculty Senate Office; however, the parties to the conflict may choose any eligible ECU current or retired faculty members as counselors, or may choose to have no counselor. It is recommended that counselors be tenured professors with extensive experience in faculty governance, as evidenced by service on university governance/appellate committees, and not be associated with the conflict in any way. Association with the conflict includes individuals who may reasonably be called as a witness by either party, should the complaint proceed into the formal grievance process.

For impartial adjudication of a conflict, either party may require availability of information that is controlled or in the possession of the other party or the administration. Upon specific request by a party to the conflict, the other party or the administration shall provide the requesting party with information bearing on the conflict that is not otherwise confidential as a matter of law (“privileged”).

In cases where a formal Petition for Redress has been filed (see Step Two below), either party to the grievance may request that the Appellate Steering Committee or Grievance Panel (once a grievance has proceeded to Step Four) evaluate the basis for a claim of privileged information, and the potential value of that information to resolving the grievance. If the privileged information is deemed to bear substantively on the grievance, the steering committee/panel is required to seek resolution of the issue of privilege through the relevant vice chancellor, or through the chancellor if
the vice chancellor is party to the grievance. If the information has a material bearing on the grievance but cannot be obtained for legal reasons, the steering committee/panel shall decide whether continuing the grievance would be unfair to the grievant and/or respondent. If deemed unfair to continue, the grievance process will be terminated with the reason(s) stated clearly in a memorandum to all parties to the grievance, thereby ending the administrative appeal process at East Carolina University. All requested information that is received shall be distributed to the appellate chair/panel chair and to all parties to the grievance.

B. Step Two (Petition for Redress)
A Petition for Redress by the grievant should be addressed to the Appellate Committee chair, and have appended a copy of the grievant’s written statement from a Step One meeting with the respondent. It shall be submitted with a statement that the grievant completed Step One above, and that with this petition the grievant intends to pursue a formal grievance.

Ten copies of the Petition for Redress, which should not exceed 20 pages, must be delivered to the Faculty Senate Office. The appropriate appellate chair will ascertain if the grievant has completed Step One. If the grievant has not followed Step One, the chair will inform the grievant that Step One is not completed and must be completed prior to any further action being taken by the Appellate Committee.

Based on information contained in the grievant’s Petition for Redress, the Appellate Steering Committee shall determine whether the grievance is within the charge of Part XII, Section II.I. The committee may decide that none, some, or all of the issues in the Petition for Redress are appropriate and non-frivolous for a general grievance. Issues not within the charge of Part XII, Section II.I will receive no further attention and the committee’s decision concerning grievance issues shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee, unless they fall within the scope of a different appellate process. 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. A note will be placed in the grievant’s and, where appropriate, respondent’s Personnel File(s) to indicate the location of the additional records.

A. 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 II.I, the grievant may request:
1) Mediation (see C.1) followed by the Chancellor Review (see C.2) or a hearing (see Step Four) on any unresolved issues.
2) The Chancellor Review without mediation (see C.2).
3) A hearing without mediation (see Step Four).
4) Termination of the grievance (see Step Four).

1. Mediation
The appellate 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 appellate chair as to their acceptance of mediation. Once all parties to the grievance have accepted mediation, the grievant shall not pursue the grievances at 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, ending administrative review of the grievance. Rejection of mediation shall have no bearing on decisions or recommendations related to the grievance. Unless the grievant pursues a Chancellor Review, if any party to the grievance rejects mediation and the grievant requests a hearing, the appellate chair will notify the parties that a Grievance Panel will be formed and will set a grievance hearing date (Step Four).

If the grievant and the respondent accept mediation, the Faculty Senate Office administrator and chair of the faculty will be responsible for securing a mediator. To avoid real or apparent conflicts of interest, all mediation will be conducted by a third party mediator with no formal association with East Carolina University nor prior association with either party to the grievance, and who is certified by the North Carolina Administrative Office of the Courts.

The parties to the grievance will inform the appellate 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 a Chancellor Review, if no acceptable mediator can be located, the appellate chair will so notify the parties to the grievance and inform them that, should the grievant request a hearing, a panel will be formed and grievance hearing date set (Step Four).

If an acceptable mediator is identified, the parties to the grievance will be informed of the selection. The Petition for Redress and the committee’s memorandum will be provided to the mediator by the appellate chair. The mediator will communicate to the appellate chair the beginning date of the process. The mediator will inform the appellate chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed 42 calendar days without formal approval of the appellate chair or 60 days without the formal approval of the full Appellate Steering Committee.

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 a desire to terminate mediation because of resistance to or undue delays in scheduling mediation meetings, or because the mediator is no longer deemed acceptable.

Events b. through c. above will cause the appellate chair to notify the parties to the grievance that the mediation process is being terminated and, unless the grievant requests 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. All information from the mediation process is confidential and 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 a 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 a Chancellor Review or a hearing for remaining issues (Step Four).

2. Chancellor Review
Within 20 calendar days from the request for a Chancellor Review, the grievant shall provide to the chancellor, the respondent, and the appellate 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 appellate 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 appellate chair and the respondent, within 20 calendar days of the chancellor’s receipt of all materials. The chancellor may extend any of these deadlines if he or she deems it to be in the best interest of the university.

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.

B. 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. If mediation has occurred, the Appellate Steering Committee will again review the grievant’s Petition for Redress in light of any changes that may have resulted from mediation. The steering committee will establish a Grievance Panel if it determines that all or some of the issues unresolved by mediation allege an injury that would entitle the faculty member to relief under Part XII, Section II.I. In this case, the steering committee shall provide an updated memorandum to the grievant and respondent(s) explaining remaining issue(s) to address in a hearing. Should the steering committee determine that remaining issues are no longer within the purview of a Faculty Grievance Panel, 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.

Once a Grievance Panel is established, the elected panel chair will 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 42 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 Grievance Panel cannot be assembled (The UNC Policy Manual 101.3.3). Scheduling an appeal panel during the summer months is complicated by the absence of many faculty and different schedules of those available. If the panel cannot schedule a hearing during the summer, a fall hearing date will be scheduled as soon as possible after the fall organizational meeting of the Appellate Committee.

If either the grievant or the respondent petitions the panel in writing for a postponement of the hearing for health reasons, or due to a serious personal emergency, the panel chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or respondent petitions the panel for a postponement of the hearing for reasons other than health or serious personal emergency, the panel chair shall determine whether it is the general agreement of the committee to postpone the hearing for good cause until the next possible scheduled date.

The notice of hearing will request that both parties submit to the panel the names of their counselors, and all information and documents they intend to introduce at the hearing to support or defend their respective positions. Such information and documents may include written materials,
sound or video recordings, photographs, or other forms of information or documentation approved by the panel. The grievant’s submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used in support of the grievant’s claim(s). The respondent’s submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used to defend against the grievant’s claim(s). The panel may also call other witnesses that it deems relevant 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.

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 department or unit of each party to a grievance is responsible for providing reasonable access to photocopy services for hearing documents during the grievance process. These services shall be at no cost to the grievant or respondent; provided, however, a party to the grievance or a unit bearing such costs may petition the panel to limit incurrence of copying costs by a grievant and/or respondent at the point those expenses appear to be extraordinary and grossly excessive, in which case the panel may direct alternative or adjusted means of making the information to be copied available for use in the hearing process. 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. Numbers shall be preceded by a “G” for the grievant’s submission or 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 panel chair.

Once the copies as described above are received from both parties, the Grievance Panel chair will provide one copy of the grievant’s submission to the respondent, and one copy of the respondent’s submission to the grievant. The 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 panel members and procedures for submission of new documents and handling of the witnesses, will be distributed to the Grievance Panel, the grievant and the respondent no less than 5 calendar days prior to the hearing date.

E. Step Five (The Hearing)
The Grievance Panel shall limit its investigations to the issues presented in the Petition for Redress and confirmed by the Appellate Steering Committee’s memorandum to the grievant. During the hearing, the panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The panel'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 II.I.III.D, the authority of the Grievance Panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The panel chair shall preside and be responsible for maintaining order and prompt progression of the hearing process. Except as provided for herein, the hearing shall be conducted according to the latest edition of Robert’s Rules of Order, Newly Revised. When, despite due diligence, circumstances make it necessary to resolve an issue not addressed in these provisions, the 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 Grievance Panel chair shall begin the hearing by briefly reviewing the panel's authorization and powers, 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 Appellate 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 Grievance Panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the panel, and shall become part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance 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 II.I. Preponderance is defined as the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

The grievant is responsible for presentation of the grievant’s case, including the testimony of witnesses. 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 Grievance 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. When the panel and grievant have 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 to the respondent(s) for a final statement.

F. Step Six (Grievance Panel Report)
The Grievance Panel’s report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. Panel recommendations are to be based on, but are not limited to, the grievant’s requested redress.

Copies of the panel’s report will be available to the grievant and respondent for their retrieval from the Faculty Senate Office. A copy of the 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, and will be open to the Grievance Panel and all parties to the grievance until the grievance is closed.

If the panel finds that the grievant’s contentions are not supported or makes no recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, chair of the faculty, and chancellor. In addition, the chancellor shall receive a transcript of the hearing proceedings and the evidence in the grievance file. The chancellor shall provide a decision in writing to the grievant, respondent, chair of the faculty, and the Grievance Panel within 20 calendar days of receipt of materials from the panel. The decision of the chancellor is final.

If the panel finds that the grievant’s contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the panel, these recommendations are not within the authority of the respondent to implement, the panel shall submit its report to the grievant, respondent, and chair of the faculty. By memorandum, the panel chair shall inform the chancellor that, in the opinion of the panel, its recommendations are not within the respondent’s authority to implement and request the chancellor make the appropriate adjustments.
If the Grievance Panel finds that some or all the grievant’s contentions are supported and within the authority of the respondent, and the panel makes one or more recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, and chair of the faculty. The respondents shall be provided the panel’s report and recommendations along with a copy of the transcript of the hearing proceedings, the evidence in the grievance file, and documents and communications filed by the parties and decision-makers in the proceeding (collectively, the “Record of the Appeal,” which may grow as additional petitions, memoranda and material procedural communications are filed by the parties and decision-makers in the process). Within 20 calendar days of receipt of these materials, the respondent shall communicate, in writing, a response to the panel’s recommendations to the panel chair, grievant and the chair of the faculty. Within 15 calendar days of receipt of the respondent’s response, the grievant will inform the panel chair if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory or if the grievant fails to provide timely notice to the panel that the adjustments are not satisfactory, the grievance will be closed.

If the respondent’s adjustments are not satisfactory to the grievant, the grievant may appeal to the chancellor. The grievant shall deliver to the Grievance Panel chair a memorandum addressed to the chancellor explaining in detail the reasons for the appeal. The panel chair shall forward a copy of this memorandum to the respondent and chair of the faculty and shall forward the grievant’s appeal memorandum to the chancellor along with the Grievance Panel report and the full Record of the Appeal described above.

If the grievant appeals to the chancellor, or if the Grievance Panel requests the chancellor to make a recommended adjustment, the chancellor’s decision shall be based on the recommendations of the hearing panel and the Record of the Appeal from the faculty Grievance Panel hearing. The chancellor has the discretion to consult with the panel and/or Appellate Steering Committee before making a decision (The UNC Policy Manual 101.3.2.IV.g). The chancellor will communicate a written decision within 20 calendar days of receipt of appeal materials, with copies to the grievant, respondent, chair of the faculty, and the Grievance Panel chair. The chancellor’s decision shall contain a notice of further appeal rights, if any, and, if the decision is appealable, it shall contain the information in subsection III.G., Step Seven (Appeal to the Board of Trustees) below, and shall be signed by all individuals who contributed to the report.

If the chancellor’s decision does not support the recommendations of the Grievance 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 Grievance Panel’s interpretation that the grievance is within the scope of redress covered by provisions of Part XII, Section II.I of the Faculty Manual, the chancellor shall withhold the decision, and inform the panel, all parties to the grievance, and the chair of the faculty of those areas of disagreement within the required 20 calendar days. The panel chair will then request that the chair of the faculty begin the normal interpretation process as set forth in the Faculty Manual. It is expected that the chair of the faculty will expedite this request. Upon completion of the interpretation process, the panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section II.I.III.F., with the grievant’s rights to appeal intact.

G. Step Seven (Appeal to Board of Trustees)

1. Explanation of decisions that may be appealed.
a. If the Grievance Panel did not advise an adjustment in favor of the grievant, then the decision of the chancellor is final and may not be appealed.

b. If the panel found in favor of the grievant, and neither the relevant administrative official nor the chancellor made an adjustment advised by the panel, 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 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 receipt of the chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. Unless the Board determines an appeal is not within its jurisdiction or fails to meet the procedural requirements for consideration by the Board, the Board will consider the appeal 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 at its discretion may extend the time for compliance or may dismiss the appeal.

   b. If the chancellor's decision is eligible for appeal, the chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) that a written notice of appeal to the Board of Trustees containing a brief statement of the basis for appeal is required within the 10 calendar day period and, (2) 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 erroneous based on a preponderance of the evidence, 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 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 a Faculty Grievance Panel (hereinafter, the panel) by submitting a Petition for Redress to the appellate chair.

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 non-conferral decision are allowed. Before the expiration of a deadline, however, the faculty member may request an extension, provided the request is made in writing and presented to the appellate chair. The Appellate Steering Committee will make its decision and communicate it to the grievant within 10 calendar days of receiving a request for an extension, except under unusual circumstances such as during summer months,
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 allowable 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 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 request for a hearing must be based on 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. Specifically, in no event shall a non-conferral decision be based upon (i) 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 (ii) 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 (iii) personal malice. The UNC Policy Manual 101.3.1.II.B).

(b) The decision was attended by a "material procedural irregularity," meaning 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 in effect when the initial decision was made and communicated. The Appellate Steering 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)

Ten copies of Petition for Redress not exceeding 20 pages shall be addressed to the appellate chair and delivered to the Faculty Senate Office. Upon receipt of the grievant’s Petition for Redress the appellate 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 appellate chair will convene a Grievance Panel if the Petition for Redress is timely, complete, and based on one or more of the criteria noted above. If the Petition for Redress fails to meet any one of these requirements, the Appellate Steering 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 valid criteria (defined in IV.A.2.a and b above), the Appellate Steering Committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

Once established, the Grievance Panel shall set the time, date, and place for the hearing. The date for the hearing shall 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 panel cannot be assembled.

The panel chair shall notify the grievant, the respondents, the chair of the faculty, 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 panel 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 (by the grievant) or in defense against the grievance (by the respondent). The grievant’s and respondent’s information must include: a) the identification of a witness(es) who may be willing to provide information relevant to the grievance; and b) a brief description of the information each witness may provide. This information and documentation 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 Grievance Panel shall limit its investigations to the issues presented in the Petition for Redress, and include only those not struck in the Appellate Steering Committee’s notification that a hearing would be granted. The panel’s responsibility is limited to issuing recommendations based on the Petition for Redress, information and documentation submitted prior to or accepted during the hearing, and information developed during the hearing based on the testimony of the grievant, the respondent, and witnesses.

The panel chair shall begin the hearing by briefly reviewing the panel’s authorization and powers, the conditions necessary for a hearing, the panel’s belief that the issues about to be heard satisfy these conditions, and the procedures to be followed 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*.

The Grievance Panel chair shall then enter into the hearing record correspondence (particularly any relevant correspondence from the Appellate Committee and/or panel chair) generated prior to the hearing as the Exhibit C, and information submitted (above) by the grievant and the respondent as Exhibits G and R respectively (Exhibit letter designations are prescribed only for labeling purposes). It is expected that the hearing will be limited to this information; however, with approval of a majority of the panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance Panel, and the court reporter shall be present for the duration of the hearing. Others who are 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 evidence. This means the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

The grievant is responsible for presentation of the grievant’s case, including the testimony of witnesses. Grievance 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 testimony, and has responded to questions from the respondent, the panel, 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 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. Panel members may question the grievant, the respondent, or witnesses during the hearing. When the panel and grievant have 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 final statement(s).

D. Grievance Panel Report
The Grievance Panel’s report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. The panel’s recommendations are to be based upon, but are not limited to, the grievant’s requested redress.

Copies of the Grievance Panel’s report will be available to the grievant and respondent for retrieval from the Faculty Senate Office. A copy of the 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 Grievance Panel and all parties to the grievance until the grievance is closed. The 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 Grievance Panel’s actions for each of these findings are noted below.

a. Panel Recommendations Do Not Support the Grievant’s Contentions.
If the Grievance Panel finds that the grievant’s contentions are not supported or makes no recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, chair of the faculty, and chancellor. Within 20 calendar days the chancellor shall, in writing, inform the grievant, respondent, chair of the faculty, and Grievance Panel of a decision. The decision of the chancellor is final and may not be appealed.

b. Panel Recommendations Support the Grievant’s Contentions and are Within the Respondent’s Authority.
If the Grievance Panel finds that the grievant’s contentions are supported and makes recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, and chair of the faculty. Within 20 calendar days of the recommendations, the respondent shall, with copies to the grievant and the chair of the faculty, communicate a response to the panel’s recommendation in writing to the Grievance Panel chair. Within 15 calendar days of receipt of the respondent’s response, the grievant will inform the Grievance Panel chair if the adjustments are satisfactory or not satisfactory. If the respondent’s adjustments are not consistent with the recommendations of the Grievance 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 described below.

c. Panel Recommendations Support the Grievant's Contentions, but are not Within the Respondent’s Authority to Implement.
If the Grievance Panel finds that the grievant’s contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the panel, these recommendations are not within the authority of the respondent to implement, the panel shall
submit its report to the grievant, respondent, and chair of the faculty. By memorandum, the Grievance Panel chair shall inform the chancellor that, in the opinion of the panel, its recommendations are not within the respondent’s authority to implement and request the chancellor to make the appropriate adjustments.

The Grievance 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 Grievance Panel. The chancellor has the discretion to consult with the Grievance Panel (The UNC Policy Manual 101.3.2.IV.g) and individuals with the delegated authority to implement the panel’s recommendations. It is expected that the chancellor will give deference to the advice of the faculty panel, but the final campus-based decision lies with the chancellor. Within 30 calendar days of receipt of the panel’s request, the chancellor will inform the grievant, respondent, Grievance Panel chair, and chair of the faculty of a decision. If the chancellor does not support the panel’s recommendation, the chancellor will inform the grievant that the decision may be appealed to the Board of Trustees. This appeal process is described in Section IV.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 Grievance Panel’s interpretation that the grievance is within the scope of redress covered by provisions of Part XII, Section II.I of the ECU Faculty Manual, UNC Code or Policies, the chancellor shall withhold a decision and inform the Grievance Panel, all parties to the grievance, and the chair of the faculty of those areas of disagreement within 30 calendar days. The Grievance Panel chair will then request the chair of the faculty begin the normal interpretation process as set forth in the Faculty Manual. It is expected that the chair of the faculty will expedite this request. Upon completion of the interpretation process, the Grievance Panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section II.I.III.F., with the grievant’s rights to appeal intact.

F. Appeals to the Chancellor
If the respondent’s adjustments are deemed unsatisfactory by the grievant, an appeal to the chancellor is to be made within 20 calendar days of the receipt of the response. The grievant shall deliver to the Grievance panel chair a memorandum to the chancellor explaining in detail the reasons for the appeal. The panel chair shall forward a copy of this memorandum to the respondent and chair of the faculty, and shall forward the grievant’s appeal memorandum to the chancellor along with the Grievance Panel report and all supporting documentation.

The chancellor’s decision is to be based solely on a thorough review of the information provided by the Grievance Panel and may, at the chancellor’s discretion, include consultation with the 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 panel, but the final campus-based decision lies with the chancellor. Within 30 calendar days of receipt of the grievant’s appeal and Grievance Panel’s recommendations, the chancellor will provide a decision to the grievant, respondent, panel chair and chair of the faculty. If the chancellor does not support the panel’s recommendation, the chancellor will inform the grievant of the provisions for appeal to the Board of Trustees.

A. Appeal 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 designated committee shall consider the appeal on the written transcript of the hearing held by the Grievance Panel (including evidence admitted in connection with the hearing), but it may, at its discretion, accept and consider 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. The decision of the Board of Trustees is final and shall end the University’s appeal process.

SECTION II.II, Grievance Procedures Related to Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

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I. Preamble
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I. Preamble
A. Federal and state laws and/or university policies prohibits unlawful discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service). East Carolina University establishes formal procedures to 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.

The East Carolina University Faculty Manual (Part XII) is subject to university policies governing nondiscrimination, sexual and gender-based harassment and other forms of interpersonal violence at East Carolina University, which are available through the University’s Office for Equity and Diversity (OED) (http://www.ecu.edu/cs-acad/oed/policies.cfm).

B. Unlawful or prohibited harassment, discrimination, or improper relationships violate 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 of East Carolina University. The University will take every reasonable step to resolve grievances promptly and confidentially.

C. Any act by a University employee or student of retaliation, interference, restraint, penalty, discrimination, coercion, reprisal, intimidation, threats, 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.
When complaints of harassment, discrimination, or improper relationships have been substantiated, the appropriate vice chancellor or the chancellor 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.

II. Grievance Procedures
A. Faculty subject to administrative sanction(s) for violations of University policies on harassment, discrimination or improper relationships have the right to due process through appropriate appeals procedures, based on the type of sanction imposed. Faculty not subject to administrative sanction(s) based on an investigation, but who believe the process has contributed to a hostile work environment, or that they otherwise have been harmed by the investigation, have the right to redress of specific findings or actions as allowed under provisions for general grievances covered in Part XII, Section II.I of this Faculty Manual (Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure). These rights apply to both the faculty complainants and faculty respondents in the original complaint brought on harassment, discrimination or improper relationship.

B. When disciplinary actions, if any, do not include a serious sanction, a faculty member may appeal minor sanctions, reprimands, or seek other redress through provisions governing general grievances contained in Part XII, Section II.I (this section) of the Faculty Manual.

C. Disciplinary actions that include a serious sanction may be appealed following provisions in Part XII, Section I.III of this Faculty Manual (Due Process Before Discharge or the Imposition of Serious Sanctions). Alleging that one or more specified provisions of The UNC Code have been violated in the imposition of a serious sanction, a faculty member may further appeal a Board of Trustees decision to the Board of Governors. Note that 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.

D. Appeals of specific findings, either positive or negative, of an investigation of complaints of unlawful or prohibited discrimination, harassment or improper relationship may be available under specific university policies. Current information on university policies governing these areas is available at the Office for Equity and Diversity (http://www.ecu.edu/cs-acad/oed/policies.cfm).

SECTION II.III, Effective Date
A. Except as otherwise provided below, these provisions shall become operative immediately after they are approved by the President of the University of North Carolina, and are enabled by approved revisions of the Bylaws of the East Carolina University Faculty Senate.

B. Provisions governing establishment of appellate hearing panels will become operative only after the establishment and initial fall organizational meeting of an Appellate Committee, as specified in the revised Bylaws of the East Carolina University Faculty Senate. The Appellate Committee shall be elected at the first April organizational meeting of the ECU Faculty Senate following the date of final approval of both the revised Part XII of the Faculty Manual, and the Bylaws of the Faculty Senate.
C. These provisions as amended shall apply to those appeals initiated after the effective dates indicated in parts A and B above. Appeals for which procedures for a hearing have been initiated before these provisions become operative will continue under the previous Faculty Manual provisions governing the type of appeal involved.

D. If secure electronic platforms for handling grievances become available, requirements for delivery, distribution and resolution of grievance materials may be modified accordingly through recommendation by the Faculty Senate and approval by the chancellor.

Faculty Senate Resolution #12-17, February 2012, Chancellor
Faculty Senate Resolution #14-32, April 2014, Chancellor
Faculty Senate Resolution #19-69, April 2021
Faculty Senate Resolution #19-70, April 2021

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