



# 2021-2022 FACULTY SENATE

The sixth regular meeting of the 2021-2022 Faculty Senate will be held on  
**Tuesday, February 22, 2022**, at 2:10 pm via WebEx.

## AGENDA

*\*Revised*

[WebEx meeting link](#)

### I. Call to Order

### II. Approval of Minutes

[January 25, 2022](#)

### III. Special Order of the Day

A. Roll Call

B. [Announcements](#)

C. Philip Rogers, Chancellor

D. Angela Anderson, Associate Vice Chancellor, Chief Academic Success Officer, and University Registrar  
Valerie Kisler-van Reede, Director, Center for Counseling and Student Development  
[Center for Counseling and Student Development – Informational Report\\*](#)

E. Bill Koch, Associate Vice Chancellor with Campus Operations  
[Annual report on Parking and Transportation Services and 2021 Parking Price Comparison](#)

F. George Bailey, Faculty Assembly Delegate  
Report on [February 18, 2022](#) UNC Faculty Assembly Meeting

G. Approval of Spring 2022 Graduation Roster, including Honors College graduates

H. Purificación Martínez, Chair of the Faculty

I. Election of Five Members to the Faculty Officers Nominating Committee  
(as prescribed in *ECU Faculty Manual*, [Part II, Section II](#))

J. Question Period

### IV. Unfinished Business

## V. Graduate Council, Ron Preston\*

Formal faculty advice on 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.

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.

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 used as electives only; 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.

## VI. Report of Committees

### A. Undergraduate Curriculum Committee, Stacy Weiss

Curriculum and academic matters acted on and recorded in the 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)

B. Writing Across the Curriculum Committee, Lisa Ellison

Curriculum and academic matters acted on and recorded in the 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 pre-requisite.

C. Unit Code Screening Committee, Ken Ferguson\*

[Revised Criminal Justice Unit Code of Operations.](#)

D. Calendar Committee, Mark McCarthy

1. Proposed 2023-2024 University Academic Calendars (attachment 1).
2. Proposed Alternative Block Schedule Calendars for Fall 2022 and Spring 2023 (attachment 2).

E. Admission and Retention Policies Committee, Eli Hvastkovs

Formal faculty advice on the Student Conduct Process Interim Regulation (attachment 3).

F. Faculty Governance, Mark Bowler

1. First reading of proposed revisions to *ECU Faculty Manual* Part II Faculty Constitution and By-Laws (attachment 4)\*
2. Proposed revisions to *ECU Faculty Manual* Part XII, Section II. Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure (attachment 5)

G. General Education and Instructional Effectiveness Committee, George Bailey

Curriculum and academic matters acted on and recorded in the meeting of [January 24, 2022](#), including:

- Domestic Diversity (DD) credit for MUSC 2226 Introduction to Popular Music
- Global Diversity (GD) credit for PHIL 1700 Philosophy of Death and Dying
- General Education Social Sciences (GE:SO) credit for ANTH 1088 The Anthropology of Monsters, Vampires, and Zombies
- Global Diversity (GD) credit for ANTH 1088 The Anthropology of Monsters, Vampire, and Zombies

- General Education Humanities (GE:HU) credit for ENGL 2490 Introduction to Environmental Humanities
- General Education Humanities (GE:HU) credit for HIST 2005 Humans and Nature: Global Environmental History
- Global Diversity (GD) credit for HIST 2005 Humans and Nature: Global Environmental History
- Maintaining General Education Mathematics (GE:MA) credit for MATH 2121 after prerequisite change
- Maintaining Domestic Diversity (DD) credit for HAFS 1103 after course title change
- Maintaining General Education Natural Sciences (GE:SC) credit for GEOL 1600 after credit hour change
- And the following transfer credit approvals:
  - Domestic Diversity (DD) credit for SYG 2000 Introductory Sociology from Valencia Community College
  - Global Diversity (GD) credit for HIS 1301 Introduction to Global History from Winston Salem State University
  - Global Diversity (GD) credit for PHIL 1316 History of Religions from Central Texas College
  - Global Diversity (GD) credit for SCMT Global Terrorism from American Military University
  - Global Diversity (GD) credit for INTL 450 Terrorism and Counter-Terrorism from American Public University System

## **VII. New Business**

**CALENDAR COMMITTEE REPORT**  
Proposed 2023-2024 University Academic Calendars

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

**University Academic Calendar - Summer Sessions 2023**

March 24, Friday	Early registration for special populations begins at 1:00 pm.
March 27, Monday	Registration for Summer Sessions 2023 begins.

**First Summer Session 2023**

(5 Mondays, 5 Tuesdays, 5 Wednesdays, 5 Thursdays, 5 Fridays; 1 day for final examinations)

May 12, Friday	Advising, registration and schedule adjustments
May 15, Monday	Classes begin; schedule adjustments.
May 16, Tuesday	Last day for registration and schedule adjustments (drop / add), by 5:00 pm
May 17, Wednesday	Census Day (Official enrollment count taken at 5:00 pm.)
May 29, Monday	State Holiday (no classes)
June 6, Tuesday	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.
June 13, Tuesday	Survey of Student Opinion of Instruction (SSOI) becomes available.
June 19, Monday	Last day for graduate students to submit work for removal of incompletes given during First Summer Session 2022
June 19, Monday	Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.
June 20, Tuesday	Final Examinations
June 23, Friday	Grades due at 8:00 am

### Second Summer Session 2023

(5 Mondays, 4 Tuesdays, 5 Wednesdays, 6 Thursdays, 5 Fridays; 1 day for final examinations)

June 21, Wednesday	Advising, registration and schedule adjustments
June 22, Thursday	Classes begin; schedule adjustments.
June 23, Friday	Last day for registration and schedule adjustments (drop / add), by 5:00 pm
June 26, Monday	Census Day (Official enrollment count taken at 5:00 pm.)
July 4, Tuesday	State Holiday (no classes)
July 14, Friday	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.
July 21, Friday	Survey of Student Opinion of Instruction (SSOI) becomes available.
July 27, Thursday	Last day for graduate students to submit work for removal of incompletes given during Second Summer Session 2022
July 27, Thursday	Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.
July 28, Friday	Final Examinations
July 31, Monday	Grades due at noon

### Eleven-Week Summer Session 2023

(10 Mondays, 9 Tuesdays, 10 Wednesdays, 11 Thursdays, 10 Fridays; 1 day for final examinations)

May 12, Friday	Advising, registration and schedule adjustments
May 15, Monday	Classes begin; schedule adjustments.
May 16, Tuesday	Last day for registration and schedule adjustments (drop / add), by 5:00 pm
May 17, Wednesday	Census Day (Official enrollment count taken at 5:00 pm.)
May 29, Monday	State Holiday (no classes)
June 20 - 21, Tuesday - Wednesday	Mid-Summer Break
June 28, Wednesday	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.
July 4, Tuesday	State Holiday (no classes)
July 21, Friday	Survey of Student Opinion of Instruction (SSOI) becomes available.
July 27, Thursday	Last day for graduate students to submit work for removal of incompletes given during the Eleven-week Summer Session 2022
July 27, Thursday	Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.
July 28, Friday	Final Examinations
July 31, Monday	Grades due at noon

## University Academic Calendar - Fall Semester 2023

(Actual Class Days: 14 Mondays, 14 Tuesdays, 14 Wednesdays, 14 Thursdays, 14 Fridays)

March 24, Friday	Early registration for special populations begins at 1:00 pm.
March 27, Monday	Registration for Fall Semester 2023 begins.
August 18, Friday	Faculty Convocation at 9:00 am; Faculty Meetings
August 18, Friday	Advising, registration and schedule adjustments
August 21, Monday	Classes begin; schedule adjustments.
August 25, Friday	Last day for registration and schedule adjustments (drop / add), by 5:00 pm
September 1, Friday	Census Day (Official enrollment count taken at 5:00 pm.)
September 4, Monday	State Holiday (no classes)
October 7 - 10, Saturday - Tuesday	Fall Break -- Classes resume at 8:00 am Wednesday, October 11.
October 23 - 27, Monday - Friday	Advising for Spring Semester 2024
October 30, Monday	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.
November 3, Friday	Early registration for special populations begins at 1:00 pm.
November 6, Monday	Registration for Spring Semester 2024 begins.
November 7, Tuesday	Election Day / Civic Engagement Day (classes meet)
November 21, Tuesday	Survey of Student Opinion of Instruction (SSOI) becomes available.
November 21, Tuesday	Last day for undergraduate students to submit work for removal of incompletes given during Spring or Summer Sessions 2023
November 22 - 26, Wednesday - Sunday	Thanksgiving Break -- Classes resume at 8:00 am Monday, November 27.
December 4, Monday	Last day for graduate students to submit work for removal of incompletes given during Fall Semester 2022
December 4, Monday	Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.
December 5, Tuesday	Reading Day
December 6, Wednesday	Final Examinations begin.
December 13, Wednesday	Exams for Fall Semester end.
December 15, Friday	Commencement
December 15, Friday	Grades due at 4:30 pm

## Final Examinations Schedule - Fall Semester 2023

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:

FREN 1001, 2003, SPAN 1001, 2004, GERM 1001	5:00 - 7:30 Monday, December 11
FREN 1002, SPAN 1002, 2003, GERM 1002	5:00 - 7:30 Wednesday, December 6
MATH 0001, 0045	5:00 - 7:30 Friday, December 8

Time and days class regularly meets	Time and day of final examination
8:00 MWF	8:00 - 10:30 Friday, December 8
8:00 TTh	8:00 - 10:30 Monday, December 11
9:00 MWF	8:00 - 10:30 Thursday, December 7
9:00 TTh (9:30)	8:00 - 10:30 Tuesday, December 12
10:00 MWF	8:00 - 10:30 Wednesday, December 6
10:00 TTh	8:00 - 10:30 Wednesday, December 13
11:00 MWF	11:00 - 1:30 Friday, December 8
11:00 TTh	11:00 - 1:30 Monday, December 11
12:00 MWF	11:00 - 1:30 Thursday, December 7
12:00 TTh (12:30)	11:00 - 1:30 Tuesday, December 12
1:00 MWF	11:00 - 1:30 Wednesday, December 6
1:00 TTh	11:00 - 1:30 Wednesday, December 13
2:00 MWF	2:00 - 4:30 Friday, December 8
2:00 TTh	2:00 - 4:30 Monday, December 11
3:00 MWF (3:30)	2:00 - 4:30 Thursday, December 7
3:00 TTh (3:30)	2:00 - 4:30 Tuesday, December 12
4:00 MWF	2:00 - 4:30 Wednesday, December 6
4:00 TTh	2:00 - 4:30 Wednesday, December 13



5:00 MWF (5:30)	5:00 - 7:30 Thursday, December 7
5:00 TTh (5:30)	5:00 - 7:30 Tuesday, December 12

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)

November 3, Friday	Early registration for special populations begins at 1:00 pm.
November 6, Monday	Registration for Spring Semester 2024 begins.
January 5, Friday	Advising, registration and schedule adjustments
January 8, Monday	Classes begin; schedule adjustments.
January 12, Friday	Last day for registration and schedule adjustments (drop / add) by 5:00 pm
January 15, Monday	State Holiday (no classes)
January 22, Monday	Census Day (Official enrollment count taken at 5:00 pm.)
March 3 - 10, Sunday - Sunday	Spring Break -- Classes resume at 8:00 am Monday, March 11.
March 11 - 15, Monday - Friday	Advising for Summer Sessions and Fall Semester 2024
March 21, Thursday	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.
March 22, Friday	Early registration for special populations begins at 1:00 pm.
March 25, Monday	Registration for Summer Sessions and Fall Semester 2024 begins.
March 29 - 30, Friday - Saturday	State Holiday (no classes)
April 10, Wednesday	Survey of Student Opinion of Instruction (SSOI) becomes available.
April 11, Thursday	Last day for undergraduate students to submit work for removal of incompletes given during Fall 2023
April 23, Tuesday	Last day for graduate students to submit work for removal of incompletes given during Spring Semester 2023
April 23, Tuesday	State holiday makeup day; classes which would have met on Friday, March 29 will meet on this day so there will be effectively the same number of Fridays and Tuesdays as every other weekday during the semester. Tuesday classes will not meet.

April 23, Tuesday	Classes end; last day for Survey of Student Opinion of Instruction (SSOI); last day for submission of grade replacement requests.
April 24, Wednesday	Reading Day
April 25, Thursday	Final Examinations begin.
May 2, Thursday	Exams for Spring Semester end.
May 3, Friday	Commencement
May 6, Monday	Grades due at 8:00 am

## 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:

FREN 1001, 2003, SPAN 1001, 2004, GERM 1001	5:00 - 7:30 Friday, April 26
FREN 1002, SPAN 1002, 2003, GERM 1002	5:00 - 7:30 Monday, April 29
MATH 0001, 0045	5:00 - 7:30 Wednesday, May 1

Time and days class regularly meets	Time and day of final examination
8:00 MWF	8:00 - 10:30 Tuesday, April 30
8:00 TTh	8:00 - 10:30 Wednesday, May 1
9:00 MWF	8:00 - 10:30 Friday, April 26
9:00 TTh (9:30)	8:00 - 10:30 Thursday, April 25
10:00 MWF	8:00 - 10:30 Monday, April 29
10:00 TTh	8:00 - 10:30 Thursday, May 2
11:00 MWF	11:00 - 1:30 Tuesday, April 30
11:00 TTh	11:00 - 1:30 Wednesday, May 1
12:00 MWF	11:00 - 1:30 Friday, April 26
12:00 TTh (12:30)	11:00 - 1:30 Thursday, April 25
1:00 MWF	11:00 - 1:30 Monday, April 29

1:00 TTh	11:00 - 1:30 Thursday, May 2
2:00 MWF	2:00 - 4:30 Tuesday, April 30
2:00 TTh	2:00 - 4:30 Wednesday, May 1
3:00 MWF (3:30)	2:00 - 4:30 Friday, April 26
3:00 TTh (3:30)	2:00 - 4:30 Thursday, April 25
4:00 MWF	2:00 - 4:30 Monday, April 29
4:00 TTh	2:00 - 4:30 Thursday, May 2
5:00 MWF (5:30)	5:00 - 7:30 Tuesday, April 30
5:00 TTh (5:30)	5:00 - 7:30 Thursday, April 25

**Faculty Senate Agenda  
February 22, 2022  
Attachment 2.**

**CALENDAR COMMITTEE REPORT**

Proposed Alternative Block Schedule Calendars for Fall 2022 and Spring 2023

**ALTERNATE BLOCK SCHEDULING**

**Fall Semester 2022**

	<b>BLOCK 1</b>
August 19, Friday	Advising, registration, and schedule adjustments.
August 22, Monday	Classes begin; schedule adjustments.
August 24, Wednesday	Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.
September 5, Monday	State Holiday (no classes)
September 19, Monday	Last day for undergraduate and graduate students to withdraw from Block 1 courses by 5:00 p.m.
September 29, Thursday	Survey of Student Opinion of Instruction (SSOI) becomes available
October 6, Thursday	Classes end.
October 12, Wednesday	Grades due by 8:00 am
	<b>BLOCK 2</b>
October 12, Wednesday	Classes begin; schedule adjustments.
October 14, Friday	Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.

November 10, Thursday	Last day for undergraduate and graduate students to withdraw from Block 2 courses by 5:00 p.m.
November 18, Friday	Survey of Student Opinion of Instruction (SSOI) becomes available
November 23-27 Wednesday-Sunday	Thanksgiving break – Classes resume at 8:00 am Monday, November 28.
November 30, Wednesday	Classes end.
Friday, December 16	Grades due at 4:30 pm

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**

<b>BLOCK 1</b>	
January 6, Friday	Advising, registration, and schedule adjustments.
January 9, Monday	Classes begin; schedule adjustments.
January 11, Wednesday	Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.
January 16, Monday	State Holiday (no classes)
February 6, Monday	Last day for undergraduate and graduate students to withdraw from Block 1 courses by 5:00 p.m.
February 16, Thursday	Survey of Student Opinion of Instruction (SSOI) becomes available
February 23, Thursday	Classes end.
March 1, Wednesday	Grades due at 8:00 am
<b>BLOCK 2</b>	
February 27, Monday	Classes begin; schedule adjustments.
March 1, Wednesday	Last day for registration and schedule adjustments (drop/add), by 5:00 p.m.
March 5-12 Sunday-Sunday	Spring break – Classes resume at 8:00 am Monday, March 13.

April 3, Monday	Last day for undergraduate and graduate students to withdraw from Block 2 courses by 5:00 p.m.
April 12, Wednesday	Survey of Student Opinion of Instruction (SSOI) becomes available
April 19, Wednesday	Classes end.
May 8, Monday	Grades due at 8:00 am

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

**Faculty Senate Agenda  
February 22, 2022  
Attachment 3.**

**ADMISSION AND RETENTION POLICIES COMMITTEE REPORT**  
Formal faculty advice on the Student Conduct Process Interim Regulation

Overview: The Student Conduct Policy outlines the behavioral expectations for ECU students and the protocols to be followed when students do not follow these expectations. Our committee was tasked with reviewing this policy and providing formal faculty advice on its contents to the full Faculty Senate.

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.

<b>Policy</b>	REG11.30.01
<b>Title</b>	Student Conduct Process
<b>Category</b>	Student Affairs
<b>Sub-category</b>	Student Discipline
<b>Authority</b>	Chancellor
<b>History</b>	Version 1: revised August 17, 2010 to be effective August 23, 2010; Version 2: revised and effective August 21, 2012; Version 3: revised December 2012 to be effective February 1, 2013; Version 4: revised and effective April 8, 2013; Version 5: revised and effective October 1, 2013; Version 6: revised and effective November 11, 2013; Version 7 & 8: revised and effective May 29, 2014; Version 9: revised November 11, 2014 to be effective January 1, 2015; Version 10: revised March 2016; Version 11: revised August 18, 2017; Version 12 (interim): revised February 19, 2018; Version 13 (interim): revised January 31, 2019; Version 14 (interim): revised August 29, 2019; Version 15 (interim): revised August 21, 2020.
<b>Contact</b>	Director for the Office of Student Rights and Responsibilities, (252) 328 - 6824 <a href="#">UNC Policy Manual 700.4.1, Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings</a>  <a href="#">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</a>  <a href="#">UNC Policy Manual 700.4.2, Policy on Student Conduct</a>  <a href="#">UNC Policy Manual 700.4.3[G], Guidelines on Student Disciplinary Proceedings: Meaning and Effect of Expulsion</a>
<b>Related Policies</b>	<a href="#">University Alcohol Policy</a>  <a href="#">REG07.30.06 Freedom of Expression Regulation</a>  <a href="#">ECU Policy on Drug Abuse, Graduate Catalog</a>  <a href="#">ECU Policy on Drug Abuse, Undergraduate Catalog</a>  <a href="#">ECU University Regulation Concerning Weapons on Campus</a>  <a href="#">ECU University Student and Employee Computer Use Policy</a>  <a href="#">ECU Hazing Policy</a>

[Notice of Nondiscrimination and Affirmative Action Policy](#)

[University Good Samaritan Regulation](#)

[REG06.40.04 Title IX Compliance and Resolution Regulation](#)

[REG06.40.05 University Regulation on Reports of Prohibited Interpersonal Violence and Related Misconduct](#)

[Use of University Facilities and Outdoor Facilities Regulation](#)

[Residence Handbook \(pdf\)](#)

[Graduate School Policies and Forms](#)

[Graduate and Undergraduate Catalogs](#)

[Brody School of Medicine Code of Student Conduct \(pdf\)](#)

[Brody School of Medicine Code of Professional Conduct \(pdf\)](#)

[School of Dental Medicine Handbook \(pdf\)](#)

[Code of Ethical Conduct and Professional Behavior for Students and Residents \(pdf\)](#)

[East Carolina University Faculty Manual, Part VI, Section II, Academic Integrity](#)

[Residence Handbook](#)

[Graduate School Policies and Forms](#)

[Graduate and Undergraduate Catalogs](#)

[Brody School of Medicine Code of Student Conduct \(pdf\)](#)

[Brody School of Medicine Code of Professional Conduct \(pdf\)](#)

[School of Dental Medicine Handbook \(pdf\)](#)

[Code of Ethical Conduct and Professional Behavior for Students and Residents \(pdf\)](#)

[Procedures for Reports Against Student Organizations](#)

[Student Organization Registration Tiers](#)

**Additional  
References**

## 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 herein 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 System Policy Manual 700.4.1.1 [R] and N.C. General Statute §116-40.11. 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 Allegations 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 be received by 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 information 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, or 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).

**Faculty Senate Agenda**  
**February 22, 2022**  
**Attachment 4.**

*\*Revised*

**FACULTY GOVERNANCE COMMITTEE REPORT**

First reading of proposed revisions to *ECU Faculty Manual* Part II Faculty Constitution and By-Laws

Below is a clean copy of the proposed revisions to *ECU Faculty Manual* Part II Faculty Constitution and By-Laws. Additional documentation can be found linked below.

\*Note: A correction was made to the following sentence in the By-Laws of the Faculty Constitution, Article XI Committees of the Faculty Senate:

“A majority of the voting members of all Committees must be faculty members, and a majority of the elected members of all Committees must be tenured or probationary (tenure track) faculty.”

The original draft contained the following sentence, which was an error:

“A majority of the voting members of all Committees must be tenured or probationary (tenure track) faculty.”

- [Summary of Key Changes](#)
- [Tracked-changes Constitution draft](#)
- [Tracked-changes By-Laws draft](#)

**PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE**

**SECTION II**

Faculty Constitution and By-Laws of East Carolina University

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**FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY**

**ARTICLE I**  
**ORGANIZATION OF THE FACULTY**

The purpose of the faculty organization shall be to provide the means by which the faculty is enabled to fulfill its function with respect to academic and educational policies and other affairs of East Carolina University. The faculty organization shall be comprised of the General Faculty and the Faculty Senate. The General Faculty shall be the general electorate, and the Faculty Senate shall be a legislative and advisory body representing the General Faculty and shall consist of elected and ex-officio members. The functions, duties, and privileges of these two bodies, stipulated in the following document, shall be exercised under the authority of the Chancellor of East Carolina University.

**ARTICLE II**

## THE GENERAL FACULTY

**Section 1.** The General Faculty shall consist of all persons holding appointment to the rank or title of professor, associate professor, assistant professor or instructor inclusive of all modifiers; artists-in-residence and writers-in-residence; and emeritus faculty. The General Faculty shall have as its presiding officer the Chair of the Faculty, who shall be responsible for calling its meetings and for keeping a record of its proceedings.

**Section 2.** The voting membership of the General Faculty shall consist of all permanent employees of East Carolina University holding appointment to a tenured or probationary-term rank or a fixed-term title.

**Section 3.** The General Faculty shall be empowered to perform the following functions: consider reports from and make recommendations to the Chancellor, the appropriate vice chancellor, and the Faculty Senate; discuss any matter relating to the welfare of East Carolina University or of the members thereof.

**Section 4.** The General Faculty shall meet at the pleasure of the Chancellor or the Faculty Senate of East Carolina University or upon petition to the Chancellor by at least fifteen percent of the General Faculty. A quorum is conclusively presumed at any meeting of the General Faculty called with at least ten days written notice. Otherwise, the presence of 125 voting members is necessary for a quorum.

**Section 5.** The academic units shall be organized into code units according to guidelines approved by the Faculty Senate and the Chancellor. Except for the academic libraries, each code unit shall be responsible for at least one degree program.

## ARTICLE III ORGANIZATION OF THE FACULTY SENATE

**Section 1.** The Faculty Senate and the various committees on which the faculty serve shall be the primary fora for the essential joint effort of faculty and administration in the government of East Carolina University. The Chancellor and the Chair of the Faculty shall facilitate communication which will enable continuing and effective faculty participation. The membership of the Faculty Senate shall consist of elected representatives and ex-officio members.

**Section 2.** The electoral units for the Faculty Senate shall be the academic code units. Each electoral unit shall be represented in the Faculty Senate in proportion to its share of the voting membership of the General Faculty, with at least one Senator but not to exceed fifteen percent of the elected Senators. All voting members of the General Faculty in at least their second year of appointment to the electoral unit that they will represent are eligible for election to the Faculty Senate.

**Section 3.** The number of elected faculty senators shall not exceed 63 nor be fewer than 57. Prior to the election in February of each academic year, the ratio of faculty members to elected faculty senators will be determined by the Faculty Officers in accordance with the [Faculty Senate](#)

[Apportionment Guidelines](#). The Apportionment Guidelines will be reviewed by the Faculty Governance Committee every five years. Apportionment shall be based upon the number of voting members of the General faculty appointed to each electoral unit at the start of the spring semester. In the event that an electoral unit must reduce its existing number of faculty senators, it shall do so by following democratic procedures.

**Section 4.** Each electoral unit shall elect such alternate representatives as it deems necessary but not fewer than its allotment of Faculty Senators. Alternates shall be available to represent the electoral unit in place of an elected Senator at that Senator's request. In such a situation, the alternate shall notify the Secretary of the Faculty.

**Section 5.** The faculty of each electoral unit shall establish procedures for the election of its Faculty Senate delegation (elected Senators and Alternates). All voting shall be by secret ballot. Each unit's election procedures, and any revisions of such procedures, must be approved by the Faculty Senate.

**Section 6.** All voting members of the General Faculty are eligible to vote for faculty senators. Elections shall be held no later than the end of March each year with members-elect to take office on the day following the last regular meeting of the Faculty Senate in the spring semester. The administrative officer of each electoral unit shall report the results of the election to the Secretary of the Faculty.

**Section 7.** Senators and alternates shall serve two-year terms. Senators may be re-elected twice. After a lapse of one year following the expiration of this third term, they will again be eligible for election. Alternate representatives are not subject to term limits.

**Section 8.** In the event that a Faculty Senator is unable to complete a full term, that Senator's electoral unit shall elect a replacement to serve the remainder of the original term.

**Section 9.** The seat of an elected senator who fails to attend more than three consecutively held meetings of the Faculty Senate shall be declared vacated by the Chair of the Faculty. If a senator is awarded a research or medical leave and an alternate senator attends in their place, the three consecutive meeting rule will not be invoked. (Faculty Senate Resolution #09-06)

**Section 10.** The ex-officio members of the Faculty Senate with vote shall include the following representatives of the East Carolina University administration: Chancellor; Provost/Senior Vice Chancellor for Academic Affairs; Vice Chancellor for Health Sciences; Vice Chancellor for Research, Economic Development and Engagement; Vice Chancellor for Student Affairs; and one academic dean selected by the Provost. The immediate past Chair of the Faculty and the elected Delegates of East Carolina University's Faculty Assembly shall also be ex-officio members. Ex-officio members of the Faculty Senate with vote shall have a vote in all Senate matters except the election of officers and committee members. Ex-officio members of the Faculty Senate without vote shall include a representative selected by the Staff Senate.



## **ARTICLE IV FUNCTIONS OF THE FACULTY SENATE**

**Section 1.** The legislative powers of the General Faculty are vested in the Faculty Senate. The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare that have been recommended by any standing or special committee of East Carolina University, or initiate any policies in such matters that it deems desirable.

**Section 2.** The Faculty Senate shall be authorized to set up such committees as are necessary for the performance of its duties. The Faculty Senate may, at its own discretion, seek the advice and counsel of any member of the General Faculty.

**Section 3.** In exercising its function the Faculty Senate shall establish whatever procedures are necessary.

**Section 4.** Acts or decisions of the Faculty Senate shall be considered approved unless vetoed within thirty calendar days of the action by the Chancellor of East Carolina University by written notice to the Chair of the Faculty or unless the Chancellor notifies the Chair of the Faculty in writing that the proposal has been forwarded to the Board of Trustees or to the Board of Governors.

**Section 5.** The voting membership of the General Faculty shall be empowered to amend or rescind the articles establishing the Faculty Senate as provided for in this constitution and to amend or rescind the action of the Faculty Senate as provided for in this constitution. Such action shall require an affirmative vote of at least two-thirds of those present and voting at a meeting of the General Faculty.

## **ARTICLE V OFFICERS OF THE FACULTY AND FACULTY SENATE**

**Section 1.** The Faculty Officers shall consist of the following: the Chair of the Faculty, the Vice Chair of the Faculty, and the Secretary of the Faculty. Other positions may be established as they become advisable or necessary.

**Section 2.** All full-time, permanently tenured faculty members are eligible to serve as Chair or Vice Chair of the Faculty. All full-time faculty members in at least their second year of appointment are eligible to serve as Secretary of the Faculty. In the event that a Faculty Officer is also a faculty senator, the electoral unit having elected the Senator is invited to elect a replacement. Faculty Officers who are not elected members of the Faculty Senate will not have a vote or count toward a quorum. The term of Faculty Officers shall be one year with the privilege of reelection.

**Section 3.** At the second regular meeting of the spring semester the elected members of the Faculty Senate shall nominate and elect a nominating committee to consist of five members. The nominating

committee shall be elected from the ranks of elected members of the Faculty Senate by a majority of those present and voting. Voting for members of the nominating committee shall be by secret ballot.

**Section 4.** The nominating committee shall submit to the Faculty Senate Office Administrator a slate of candidates for each office of the Faculty Senate at least two weeks prior to scheduled elections. Election of officers shall take place during an organizational meeting to be held on a Tuesday following the last regular meeting of the spring semester. Further nominations put forward by elected Senators or their designated alternates will be accepted from the floor. Voting for all officers shall be by secret ballot. Officers shall be elected by a majority of the elected Senators present and voting and shall assume their duties on July 1 following election.

**Section 5.** Before the first regular meeting of the Faculty Senate, the Chair will appoint the Parliamentarian of the Faculty. The Parliamentarian shall advise the Chair and the faculty on the parliamentary matters according to the latest edition of *Robert's Rules of Order, Newly Revised* and the *Faculty Constitution* and its *By-Laws*. The Parliamentarian need not be a member of the Faculty Senate.

**Section 6.** If the office of the Chair of the Faculty shall become vacant, the position shall be assumed by the Vice Chair of the Faculty. If other offices shall become vacant, they shall be filled by a special election conducted by the Faculty Senate.

## **ARTICLE VI DUTIES OF THE OFFICERS OF THE FACULTY SENATE**

**Section 1.** The Chair of the Faculty shall preside at all meetings. They are empowered to call special meetings as hereinafter provided. The Chair is an ex-officio member of all academic committees of the Faculty Senate, and represents the faculty on administrative committees. The Chair may delegate to the Vice Chair or an appointed representative their seat on any of the academic or various administrative committees. The Chair shall appoint persons to fill unexpired terms of committees.

**Section 2.** The Chair of the Faculty supervises the Faculty Senate Office Administrator and, with their assistance, plans the Fall Faculty Convocation. The Chair is responsible for conveying greetings of the Faculty at commencement exercises and representing the Faculty at university functions and Board of Trustees meetings. For the length of their term as Chair, the Chair of the Faculty serves as a Delegate to the Faculty Assembly (but not exceeding six consecutive years), with duties as a delegate described in the Bylaws of the Faculty Assembly of the University of North Carolina, and referenced in the *ECU Faculty Manual*.

**Section 3.** The Vice Chair of the Faculty shall perform all of the duties of the Chair in the absence or incapacity of the Chair. The Vice Chair of the Faculty shall serve, at the request of the Chair of the Faculty, as the Chair's representative on Faculty Senate Committees. The Vice Chair of the Faculty

shall succeed to the office of Chair of the Faculty in the event that the office should become vacant during the term of the incumbent.

**Section 4.** The Secretary of the Faculty, with assistance of the Faculty Senate Office Administrator, shall keep accurate minutes of all regular and special meetings, ensure distribution of copies of the minutes to all members of the General Faculty, keep an accurate list of membership of the Faculty Senate, keep an accurate record of attendance, inform the Faculty Senate Office Administrator when a seat becomes vacant, serve, at the request of the Chair of the Faculty, as the Chair's representative on Faculty Senate committees, and perform such other appropriate duties as directed by the Faculty Senate.

## **ARTICLE VII MEETINGS OF THE FACULTY SENATE**

**Section 1.** Four regular meetings of the Faculty Senate will be held each fall and spring semester according to a schedule prepared by the Agenda Committee and approved by the Senate in the Fall Semester of the preceding year. The organizational meeting of the Faculty Senate will be held on a Tuesday following the last regular meeting of the spring semester.

**Section 2.** Upon written petition of fifteen members of the Faculty Senate, the Chair shall call a special session of the Faculty Senate within four calendar days. In an exceptional situation in which the regular procedures for scheduling a meeting of the Faculty Senate are clearly inadequate and would occasion undue delay, the Chair of the Faculty shall be empowered to call a special session of the Faculty Senate. A notice stating the purpose of the special session shall be distributed to the members of the Faculty Senate and the General Faculty twenty-four hours prior to the meeting.

**Section 3.** A quorum shall consist of three-fifths of the elected faculty members of the Faculty Senate. Each elected member of the Faculty Senate shall have one vote. Unless otherwise indicated, the ex-officio members shall have one vote each. Voting by the Faculty Senate shall ordinarily be by voice vote. All matters shall be decided by a majority vote of those Senators present and voting except as stated in this constitution.

**Section 4.** The General Faculty shall be informed of the time, place, and agenda of all regular and special meetings. Meetings of the Faculty Senate shall be open to all members of the general public in accordance with the North Carolina Open Meetings Law.

**Section 5.** Upon the unanimous consent of the Faculty Officers, regular or special meetings of the Faculty Senate may be held via a teleconference or videoconference, provided that all Senators are able to be recognized, engage in discussion, receive pending motions, and participate in votes. The procedures for electronic meetings must be communicated to Senators at least two weeks prior to the meeting date. Participation in a meeting by teleconference or videoconference shall constitute presence for purposes of voting and the determination of a quorum.

**ARTICLE VIII  
AMENDMENTS TO THE FACULTY CONSTITUTION**

**Section 1.** As the creating body, the General Faculty shall be empowered to amend or abolish the Articles of the Faculty Constitution, including those articles establishing the Faculty Senate.

**Section 2.** All proposed amendments to the Faculty Constitution shall be presented first at a regular meeting of the Faculty Senate for discussion, amendment or substitution. At the next regular meeting of the Faculty Senate the amendment will be voted upon for submission to the General Faculty for approval. Final approval of any proposed amendment to the Faculty Constitution or action to abolish the articles therein shall require a two-thirds affirmative vote of those present and voting at a meeting of the General Faculty.

**ARTICLE IX  
ADOPTION AND CHANGING OF BY-LAWS OF THE FACULTY CONSTITUTION**

**Section 1.** The Faculty Senate shall establish whatever by-laws are necessary. A motion to amend the by-laws shall be presented first at a regular meeting of the Faculty Senate for discussion only. At the next regular meeting of the Faculty Senate the motion to amend the by-laws will be acted upon, requiring a vote of two thirds of those elected senators present and voting for approval. An amendment to the By-Laws of the Faculty Constitution shall be effected only by action of the Faculty Senate.

**BY-LAWS OF THE FACULTY CONSTITUTION**

**ARTICLE X  
OPERATION OF THE FACULTY SENATE**

**Section 1.** The Faculty Senate shall be free to establish its own agenda. The agenda for meetings of the Faculty Senate shall be prepared by the Agenda Committee and disseminated to each member of the faculty at least one week prior to the meeting.

**Section 2.** All matters of academic policy brought before the Agenda Committee by action of the general faculty, any senator, or any standing or special committee shall be placed on the agenda not

later than the time of the second regular meeting of the Faculty Senate after receipt of the recommendation.

**Section 3.** The following order of business shall be observed in meetings of the Faculty Senate unless Senators vote to change the procedures as provided in this constitution: (I) call to order, (II) approval of the minutes, (III) special order of the day, (IV) unfinished business, (V) report of Graduate Council, (VI) reports of committees, (VII) new business.

**Section 4.** Matters to be brought before the Faculty Senate shall be considered in the order set forth by the Agenda Committee unless modified by a two-thirds vote of faculty senators present and voting at any meeting of the Faculty Senate.

**Section 5.** To facilitate the efficient flow of business, seats shall be assigned as follows: Faculty Senators or their alternates shall be assigned seats in alphabetical order by electoral units. Ex-officio members shall be assigned seats on one row. Faculty members visiting the Senate shall seat themselves in the back of the meeting room, behind the seats assigned to Senate members.

**Section 6.** Only elected and ex-officio members (including alternates, representing their electoral units) may answer the roll call, vote, or occupy seats assigned to senators. Visitors may not participate in Senate discussions and business except by advance invitation of the Senate Agenda Committee or the Chair of the Faculty. Such an invitation will be announced to the Senators prior to the meeting.

**Section 7.** The minutes of the Faculty Senate shall be the responsibility of the Faculty Senate Committee on Minutes comprised of the Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty with the assistance of the Faculty Senate Office Administrator. Minutes shall become official on approval by the Faculty Senate Committee on Minutes. The Faculty Senate Office Administrator will post the official minutes on the Faculty Senate website. Any corrections to the minutes by the Senate shall be made a part of the official minutes of the subsequent meeting. Incorporation into the official minutes of verbatim remarks shall be allowed or disallowed at the discretion of the Faculty Senate Committee on Minutes. The Chair of the Faculty may request that verbatim remarks be submitted in writing to the Secretary of the Faculty.

## **ARTICLE XI COMMITTEES OF THE FACULTY SENATE**

**Section 1.** The standing committees of the Faculty Senate shall consist of Academic Committees, Faculty Senate Committees, and the Appellate Committee. The charge of each standing committee is available electronically on the Faculty Senate web site. The establishment and dissolution of standing committees is the responsibility of the Committee on Committees.

**Section 2.** Unless otherwise specified in a committee's charge, all faculty members in at least their second consecutive year of full-time employment at East Carolina University are eligible to serve on Faculty Senate standing committees. A majority of the voting members of all Committees must be faculty members, and a majority of the elected members of all Committees must be tenured or probationary (tenure track) faculty. The Chancellor and the Chair of the Faculty or their representatives serve as ex-officio members of all committees. (Faculty Senate Resolution #20-27). Student members are nominated by the Student Government Association for appointment by the Chancellor. Members of committees serve in accordance with their ability, training, and experience rather than as representatives of their electoral unit.

**Section 3.** Members of Academic and Appellate Committees are elected to staggered three-year terms, which extend to the beginning of the fall semester. Service on an academic or administrative committee is limited to election to two consecutive three-year terms with ineligibility for election to the same committee for at least one year. Faculty members are not eligible to serve as an elected regular member on more than one Academic Committee at a time.

**Section 4.** The Chair of the Faculty may declare an elected member's seat vacant upon the occurrence of three consecutive absences of that member. The Chair of the Faculty will appoint faculty members to fill vacancies of any Faculty Senate or Academic Committee that may occur during the academic year.

**Section 5.** The election of members to Academic Committees shall be as follows:

1. Volunteers are solicited for committee service by the Committee on Committees with the assistance of the Faculty Senate Office Administrator.
2. After reviewing the list of volunteers, the Committee on Committees presents to the Faculty Senate a slate of one or more nominees for each vacancy. Nominations may also be made from the floor of the Faculty Senate by any elected Senator (or their alternate). Election of Academic Committee members will take place at the Faculty Senate Organizational Meeting. Election will be by majority of elected Senators present and voting.
3. The process above shall also be used in the election of faculty members to university Administrative Committees in cases where the committee charge specifies election by the Faculty Senate.

**Section 6.** Appellate Committee members must be permanently tenured, or probationary (tenure-track) voting faculty holding no administrative title (*ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures*). The process for election of faculty to the Appellate Committee, which serves as a pool for populating hearing panels (see *ECU Faculty Manual Part XII, Faculty Grievance Policies and Procedures*) will be as follows:

1. Each year in January, the Committee on Committees will solicit volunteers to serve on the Appellate Committee. Responses are due in the Faculty Senate office in February.
2. The Committee on Committees will review all responses and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Appellate Committee members will be elected at the spring Faculty Senate Organizational meeting. Election will be by a majority of elected Senators present and voting. This by-law may be suspended in accordance with procedures specified in *Robert's Rules of Order, Newly Revised*.

3. A total of 30 tenured and probationary faculty will comprise the Appellate Committee, all serving three-year terms that are staggered with 10 members elected annually. All faculty ranks must be represented, with no fewer than 10 members from the rank of Professor, no fewer than 10 members from the rank of Associate Professor, and no more than five members from the rank of Assistant Professor. Individual faculty members are eligible to serve two consecutive three-year terms, which may extend to the beginning of the fall semester in the final year of a term. Faculty will be ineligible to serve again for one academic year after conclusion of a second consecutive term.
4. When vacancies occur in the Appellate Committee between annual elections, the Faculty Senate will elect additional faculty members to the committee through nominations initiated by the Committee on Committees.
5. Faculty who have been involved as either a grievant or respondent in an appellate hearing cannot serve on the Appellate Committee for the period of one three-year term from the date of the final decision on that appeal.
6. An Appellate Committee member who becomes a grievant or respondent while serving will be replaced by the usual procedure for vacancies between annual elections.
7. Members of the Faculty Governance Committee cannot be elected concurrently to the Appellate Committee.

**Section 7.** Regular members of the Agenda Committee and Committee on Committees must be elected Faculty Senators. Members are elected to one-year terms from among nominations made by elected Senators from the floor during the spring organizational meeting of the Faculty Senate. Service on the Agenda Committee and Committee on Committees is limited to six consecutive years with ineligibility for election to the same committee for at least one year.

**Section 8.** Officers of each committee are elected from among the regular members for a term of one year. Previous service as a committee officer shall not prejudice a member's election to any committee office. Under normal circumstances each committee shall have a chairperson, a vice chairperson, and a secretary. Interim elections may be held to fill an office that has become vacant or to replace an officer that two-thirds of the full committee membership deems is not fulfilling the obligations of the office.

**Section 9.** Faculty Senate and Academic Committees meet on a standard schedule, set and revised by the Committee on Committees. All committees and subcommittees, unless prohibited explicitly by the committee's charge, University policies, or state statutes, shall hold their regular and special meetings in open session in accordance with the North Carolina Open Meetings Law. The committee chairperson is responsible for informing the Senate office of the time and place of such meetings so they may be placed on the Senate calendar and publicized in order that interested faculty may attend.

**Section 10.** Each committee shall operate according to the latest version of *Robert's Rules of Order, Newly Revised*. Minutes of each committee are on file in the Faculty Senate office and available electronically on the Faculty Senate web site and shall be sent to members of the committee and Chair of the Faculty.

A file on each committee's activities and records shall be maintained in the Faculty Senate office.

**Section 11.** The agenda for committee meetings is set by the committee chair and shall be disseminated to committee members in advance of the meeting. In carrying out the duties specified in their charges, committees should consult with appropriate administrators and are encouraged to invite persons with relevant expertise to attend committee meetings. The appropriate administrator should be provided an opportunity for adequate input during the development or revision of university policy.

**Section 12.** The officers of each committee shall prepare and submit to the Faculty Senate Office in May of each year an Annual Report outlining the committee's activities for that academic year. Copies of the committees' annual reports will be kept on file in the University Archives and Faculty Senate office, and made available electronically on the Faculty Senate web site. Upon request, copies of committees' annual reports shall be made available by the Faculty Senate office. Copies of the Annual Reports are also provided in committee organizational material at the start of the Fall semester.

**Section 13.** The Chair of the Faculty shall each year compile the Annual Report of the Faculty Senate. This report shall contain, among other things, a summary of Senate and Senate committees' activities for the immediate past year. The Report will be distributed to the Chancellor, academic Vice Chancellors and made available on the Faculty Senate web site. Copies of the report will also be kept on file in the University Archives and the Faculty Senate office. In addition, copies of the Annual Report of the Faculty Senate will be distributed to the members of the Faculty Senate not later than the first regular Faculty Senate meeting of the next academic year.

**Section 14.** Special committees may be established by the Senate at the discretion of the Chair of the Faculty in consultation with the Faculty Officers. Members of special committees may be appointed by the Chair of the Faculty or elected by the Faculty Senate. At least one senator shall be on each special committee. The chair of a special committee may be appointed by the Chair of the Faculty or elected by committee members.

## **ARTICLE XII THE GRADUATE COUNCIL**

**Section 1.** The Chair of the Faculty or their designee shall serve as an ex-officio member of the Graduate Council. The duties and responsibilities of the Graduate Council are described in the *ECU Faculty Manual* under Graduate School Governance. The Chair of the Graduate Council provides a monthly report to the Faculty Senate for information, comment, and advice.

## **ARTICLE XIII THE FACULTY ASSEMBLY**

**Section 1.** Faculty Assembly delegates and alternates shall be elected as follows:



- A. The Faculty Assembly nomination form will be distributed in November to all faculty by the Committee on Committees with assistance of the Faculty Senate Office Administrator. The completed nomination forms are due in the Faculty Senate office in December.
  - B. The Committee on Committees will review the nominations and present to the Faculty Senate a slate of one or more nominees for each vacancy. Additional nominations may be made from the Faculty Senate floor. Faculty Assembly representatives will be elected by the Faculty Senate at its January regular meeting. Election will be by majority present and voting. One Faculty Assembly Delegate will be the Chair of the Faculty, holding a term for each year they are elected to serve as Chair of the Faculty. As per the Bylaws of the Faculty Assembly, no delegate may serve on the Faculty Assembly for more than six consecutive years.
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Approved:

FS Resolution #05-18 (Appendix A) September 2005, Chancellor

FS Resolution #05-19 (By-Laws) April 2005, Chancellor

Amended:

FS Resolution #09-06, September 2009

FS Resolution #12-79, April 2012

FS Resolution #14-88, December 2014

FS Resolution #20-27, April 2020

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**Faculty Senate Agenda**  
**February 22, 2022**  
**Attachment 5.**

**FACULTY GOVERNANCE COMMITTEE REPORT**

Proposed revisions to *ECU Faculty Manual* Part XII, Section II. Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure

Chair of the Faculty Martínez charged the Faculty Governance Committee with considering revisions to the procedure that would address concerns from the Office for Equity and Diversity about language that could be interpreted to allow retaliation. The Committee propose the changes noted in the report below.

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**

## CONTENTS

- I. Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure
- 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
- III. Effective Date

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

## CONTENTS

- I. Faculty Grievances
- II. The Grievance Panel
- III. General Grievances
  - A. Step One (Informal Conflict Resolution)
  - B. Step Two (Petition for Redress)
  - C. Step Three (Mediation and/or Chancellor Review)
  - D. Step Four (Request for Hearing)
  - E. Step Five (The Hearing)
  - F. Step Six (Hearing Panel Report)
  - G. Step Seven (Appeal to Board of Trustees)
- IV. Grievances Resulting From the Non-Conferral of Early Permanent Tenure When the Non-Conferral Decision is Not Concurrent with A Reappointment Decision
- V. Annual Report
- VI. Application
- VII. Grievance Committee By-Laws and Procedures

## Footnotes

Part XII, Section 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 16<sup>th</sup> to December 31<sup>st</sup>) 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 1<sup>st</sup> to August 15<sup>th</sup>). 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 **both 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, official university breaks and holidays and when, despite reasonable efforts, the steering committee cannot be assembled in a timely manner.

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 the 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

CONTENTS

- I. Preamble
- II. Grievance Procedures

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.
- D. 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.

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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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