



2021-2022 FACULTY SENATE

FULL MINUTES OF JANUARY 25, 2022

[WebEx Meeting Recording](#)

The fifth regular meeting of the 2021-2022 Faculty Senate was held on **Tuesday, January 25, 2022**, at 2:10 as a WebEx meeting.

Agenda Item I. Call to Order

Purificación Martínez, Chair of the Faculty, called the meeting to order at 2:10 p.m.

Agenda Item II. Approval of Minutes

The [December 7, 2021](#) meeting minutes were approved as presented.

Agenda Item III. Special Order of the Day

A. Roll Call

Alternates present were: Professors Eakins (Business), Katwa (Medicine), Kearney (Medicine), Nagaraj (Medicine), Oakley (History), Selim (Medicine), and Wang (Geography, Planning and Environment).

B. [Announcements](#)

Chair Martínez highlighted the following from the linked announcements:

The recently approved resolutions, revisions to the Faculty Manual, information on the February 11 ECU Board of Trustees meeting, the call for volunteers for Faculty Senate university committees, the call for award nominations, and faculty representative nominations.

The following people have been granted speaking privileges for the meeting: Associate Vice Chancellor Bill Bagnell, Vice Chancellor Stephanie Coleman, Vice Chancellor Virginia Hardy, Associate Vice Chancellor Bill Koch, Assistant Vice Chancellor Sara Lilley, Director LaNika Wright, General Counsel Paul Zigas, and members of the committees reporting at this meeting.

C. Philip Rogers, Chancellor

Chancellor Rogers attended three classes on January 10th where he saw deeply engaging and interactive learning experiences that gave him great confidence in what the future holds for ECU. He thanked the faculty for being there for the students, for our commitment to the institution, stepping up constantly during these uncertain times to advance our mission, and for our great contributions to the university.

He then spoke on the three areas of the Report on Faculty Employment which are linked below.

(Please refer to the footnote for different selection criteria for each table and note that temporary faculty are included in these reports as required by IPEDS reporting criteria. The "Full and Part-Time Faculty by Unit and Tenure Status" does not identify faculty numbers by gender, due to expressed concerns with providing data that could potentially be personally identifiable.)

[Faculty FTE by Unit and Gender*](#)

[Full and Part-Time Faculty by Unit and Tenure Status*](#)

[Longitudinal Profile of Faculty Tenure Status and Percent Totals \(all units\)*](#)

**Faculty Senate Meeting
January 25, 2022**

He highlighted that the faculty/administrator FTE peaked for ECU in the fall of 2019. In 2020 and 2021, there were fewer tenure-track positions available, and some who were on the tenure-track secured tenure. The overall female faculty FTE surpassed male faculty FTE in 2021. There are several conversations surrounding what is known as The Great Resignation. At ECU, Administration & Finance have been posting positions multiple times due to the limited applicant pools and a competitive market. Faculty roles see similar challenges with respect to retention and recruitment opportunities. In Academic Affairs, there have been 35 resignations since August of 2020. 79 fixed-term and tenure-track positions have been approved for recruitment since July 1, 2020. The Division of Health Sciences has seen about 97 faculty resignations, not including retirement. When adding in those who retired from the health sciences campus, the total is 128. 165 faculty positions were approved to be recruited since July 1, 2020 in this division.

Many factors affect these trends. ECU and other similarly situated institutions did not begin the pandemic in a position of financial strength. Many are building back two-thirds of the resources since the Great Recession. ECU also does not operate in an environment allows for adaptive leadership flexibility that would be able to meet emerging and very relevant workforce needs. Budget shortfalls have required reductions in higher education funding, which has led to increased workloads and reduced services, especially so in the constantly changing pandemic landscape. ECU has not seen a season of steady and sustained enrollment growth and student credit hour production in recent years. Resource prioritization and reallocation are important considerations to respond to these challenges, as we consider alignment with ECU's mission, alignment with ECU's strategic priorities, and in budget planning over the next few years.

Chancellor Rogers said the recently announced restructuring at ECU is another step toward facilitating a more strategic institutional set of responses as the university will be addressing resource allocation decisions under a single academic leadership position. This would occur while also ensuring the identities of those units are preserved and the unique needs of the programs supported by ECU are understood and are met. In terms of recruiting and meeting needs of the region, ECU knows there is a current unmet need in the College of Nursing. There is currently a nursing shortage, and ECU has an opportunity to immediately grow enrollment in this college. The Chancellor has approved a targeted investment from institutional funds to support a strategic growth plan in this college. Supporting the College of Nursing addresses a critical workforce need that not only has an economic impact but improves health and wellness in this region. Chancellor Rogers has also asked the Academic Council to think through how ECU can prioritize one or two additional programs with similar potential to make an immediate enrollment impact.

Focusing on enrollment is not enough on its own. The new UNC System funding formula prioritizes performance in addition to enrollment growth. It prioritizes four-year graduation rates, student success, cost per degree, and student debt. ECU's future performance drives the institution's resources.

The American Council of Education's most recent survey of university presidents asked their institution's top five most pressing issues, and those are currently hiring, finances, enrollment, mental health of students (68 percent of all university and college leaders who were surveyed), and faculty and staff morale (a concern for 45 percent). Over a third of those surveyed selected retention of faculty and staff as a pressing concern. This semester, ECU will do a new systemwide employee engagement survey in addition to collecting and analyzing data from exiting employees to learn more about how to improve employee experience at ECU and across the UNC System. Resource

**Faculty Senate Meeting
January 25, 2022**

prioritization and allocation, recruitment strategies, onboarding, retention, support, rewards, and recognition are all opportunities for ECU to engage. ECU must take a holistic, relationship-driven approach. The institution must spend time with the data then drive action and continuous improvement in the spaces where the university knows there are opportunities. The national current concerns resonate at ECU, as the chancellor learned during the Pirate Perspective sessions. He is committed to an ongoing dialogue with the campus community as the university works toward adaptive solutions to ensure ECU is well-positioned to deliver on its mission. ECU's mission is focused on advancing student success, advancing public service, and regional transformation. Through challenges, the chancellor asks the faculty to remember all of us are in this together, and he is grateful for our important voice, critical perspective, and expertise as we move forward together in 2022.

Questions

Professor Ticknor (Education) asked if there were any reasons faculty gave why they resigned, if there were data from ECU's exit interviews on this aspect that the Chancellor could share. She had heard from others some concerns had been low pay, being overworked, lack of resources, and other issues.

Chancellor Rogers had heard the same anecdotal information. We are operating in a stressful environment that created greater gaps. Being "overworked" is something heard continuously from university employees. ECU operates in a market where the university as an employer is constrained in efforts to be able to retain employees. Pirate Nation is a special place and will work as hard as possible to value the faculty and staff.

Interim Provost Hayes said that ECU does not collect exit interview information at the division level, but the departments and colleges do have that data. He only has three exit interviews in his database from those who agreed to participate in that process. He has heard the same anecdotal data that Professor Ticknor expressed, but his division has not collected this data at that level.

Interim Vice Chancellor Mitchelson said the Division of Health Sciences' clinical areas are very competitive, and some employees were lost due to salary. Non-clinical areas are being aggressively pursued by R1 institutions.

Professor Haberstroh (Health Sciences Library) asked if fixed-term faculty from the Division of Health Sciences would see changes in current contracts in the new fiscal year when the restructuring takes place.

Chancellor Rogers anticipates all fixed-term contracts that are currently in place will be fulfilled. Interim Vice Chancellor Mitchelson agreed and said that he has also indicated this to health sciences leadership.

Professor Millea (Economics) asked how ECU is positioning itself to respond to changes in the funding model to be able to optimize appropriations from the state.

Chancellor Rogers provided a background and overview of the current and new funding model and said the system would give us the one we perform better under to start as a one-year grace period. The first year for the funding model would be in FY23. ECU is beginning to gather data and perform an analysis, as well as talking to other system institutions to better influence and strengthen the new funding model.

Professor Wolf (Physics) asked what the definition of performance is for the new funding model. Chancellor Rogers said there are five performance metrics within three categories. Student Success: Four-Year Graduation Rates (formerly, the system had a focus on five-year graduation rates) and

**Faculty Senate Meeting
January 25, 2022**

Undergraduate Degree Efficiency, Student Debt (average cumulative debt at the completion of the bachelor's degree for first time freshman and transfer students), and Education and Related Expenses. ECU will be able to pick a sixth institution-specific performance metric.

Chair Martínez said there was a recent email from Rachel Baker on the funding formula and on Project Kitty Hawk.

Professor Haberstroh (Health Sciences Library) asked when a revised organizational chart may be released in relation to the divisional restructuring.

Chancellor Rogers said it will be some time before that is released as there are implementation owners who will be working on operationalizing and implementing the recommendations from the fiscal sustainability report that have been approved at this point. They will be engaging stakeholders across the different units to ensure the final organizational chart can be prepared over the next couple of months.

Professor Bailey (UNC Faculty Assembly Delegate/Philosophy and Religious Studies) asked about the medical and dental schools not being included in the funding model.

Chancellor Rogers said that these schools have always been separate from ECU's traditional student credit hour funding model. They have always been funded on a per student basis, rather than on the student credit hour funding model. The only difference with the new funding model is that instead of us being funded in the arrears, ECU will need to make strategic decisions about growth within dentistry and medicine. The university will have to actively go to the NC General Assembly and the UNC Board of Governors to present growth plans and request associated funding in advance of growth happening.

Professor Fuh (Medicine) asked if the funding formula takes into account students' socioeconomic backgrounds to determine graduation rates.

Chancellor Rogers said that was not yet talked about, but they will look deeply at the metrics, the key drivers of the metrics, particularly the performance metrics on which ECU will be measured to see if there is any related information on this aspect. This could be included in the feedback to the System Office that ECU will be providing within the next couple of weeks.

Professor Moss (Dental Medicine) asked what the role of faculty will be in terms of shared governance on the reorganizational plans.

Chancellor Rogers said he recognizes the sensitivity in approving these recognitions. The Pirate Perspectives tour and engagement with other constituencies were completed prior to these recommendations being prioritized for implementation. The implementation team has been asked by Chancellor Rogers to engage through shared governance and all broader stakeholder groups necessary to ensure all appropriate perspectives, ideas, and knowledge are provided with the level of detail needed to ensure the affected infrastructure can be successful. Not every detail is known at this point in terms of emerging efficiencies, investments, reallocations, and engagements, but engagement with the appropriate stakeholders is critical. Interim Vice Chancellor Mitchelson plans to meet with health sciences senators later in the week.

Professor Millea (Economics) asked for the mechanism that ECU will be using to provide feedback on the new funding model.

Vice Chancellor Coleman has shared the funding model details with Academic Council, University Council, and Chair Martínez. She is requesting Academic Council's feedback and said that she will

Faculty Senate Meeting January 25, 2022

take feedback from anyone. The System institutional CFOs are currently looking at how the calculations are formulated.

D. Paul Gemperline, Dean of the Graduate School

Dean Gemperline had been asked if Graduate School funds could be used to support the students and what can be done to increase the amount of support. ECU had an enrollment decline in 2019 with -1.3 percent at the graduate level. There was a temporary surge in the fall of 2020, then another decline of -3.4 percent. For the last five or six years, the Graduate School has been focusing on assisting colleges with marketing, advertising, and recruitment management. Three years ago, Dean Gemperline established a graduate recruiting and marketing council that meets monthly to review benchmark data with support from IPAR, Academic Program Development, and the Graduate School. They discuss strategies and tactics and review trends in inquiries, applications, offers of admission, and enrollment at the college level down to the program level. Associate Deans take this information back to their colleges and chairs' meetings for discussion to look for opportunities to increase enrollment. The informal council leads to institutional learning across the colleges. Three years of benchmark data enables the Graduate School to better assess the progress on its targets.

The Graduate School manages a \$7.3 million assistantship budget and a \$3.3 million tuition remission budget that has been protected from budget cuts for many years. In a typical year, assistantship expenditures range from 11.5-12 million dollars. The additional amount beyond the current assistantship budget comes from grant funds and other unit budgets (including the libraries and Student Affairs). The tuition remission budget is the scarcest budget the Graduate School has to allocate. UNC institutions are not allowed to waive tuition for graduate assistantships. Rather, the institutions are to pay the difference between in-state and out-of-state tuition. Some of the other universities in the system have large state appropriations designated for this purpose, but ECU does not. In 2012, Dean Gemperline undertook a biennial budget reallocation process. During the pandemic, assistantship policies and tuition remission eligibility were adjusted. Prior to the pandemic, the Graduate School restricted graduate assistantships and tuition remission eligibility to on-campus students only. However, during the pandemic, this restriction was relaxed due to a need for remote work. In December of 2021, the Graduate Council Executive Committee began work on a revised policy that would provide for greater flexibility for online students. The policy is in an early draft form with a review to take place at the Council in February. Dean Gemperline is concerned about the competitiveness of ECU's graduate assistantships, particularly at the doctoral level. There have not been any increases in pay in some years. Because of flat budgets, increasing the pay would potentially decrease enrollment. The Graduate School is in conversation with two doctoral programs about their graduate assistantship levels. Any decision on changes would have to go to Academic Council for review. External funding has increased significantly, so there can be increased support for doctoral students that increase the amounts while remaining enrollment-neutral.

The Graduate School is implementing TargetX: the new admissions system with a soft launch for graduate admissions on February 1 for two large programs. The go-live date for this system will be February 15. Admissions currently operates in a system called Radius, which will operate in tandem with an end date of April 30. There may be incentives used as mechanisms for those who began applications in Radius to migrate their application into TargetX.

Questions

Professor Walker (Chemistry) said there had been a big conversation on graduate student stipends last month in the Research and Creative Activities Committee. The committee has felt the maximum

**Faculty Senate Meeting
January 25, 2022**

amount of pay for graduate students is inflexible, particularly as some graduate students come back with counteroffers. What is the system for determining the pay for graduate students?

Dean Gemperline said that with the biennial budget reallocation process that he ran for a few cycles, an RFP was sent out, and programs came back with a proposed budget, a rationale, and a short narrative on program quality. Then this proposal was vetted by their college, sent to Dean Gemperline, and then he reviewed and made allocations after consulting with Academic Council. The proposals included the amount of pay for graduate assistants in the programs. Some programs asked for increases; some asked for decreases. The Graduate School said the approved amount varies discipline by discipline and asks the programs to hold to the limit for equity. Oklahoma State does a survey on graduate student pay. He would be happy to share how they do their survey to see the competitive landscape, but he noted that ECU paid for the report, so it should only be shared internally. (Links to the reports: [2019-2020 OSU GA Survey](#), [2020-2021 OSU GA Survey](#))

E. Pamela Reis, Faculty Assembly Delegate

Faculty Assembly Delegate Reis reported on the [January 14, 2022](#) UNC Faculty Assembly Meeting.

Questions

No questions were asked at this time.

F. Purificación Martínez, Chair of the Faculty

Chair Martínez provided her full remarks, below:

“This week my students and I are studying a fascinating piece of literature, the *Reply*, or as I prefer, the *Answer to Sor Filotea de la Cruz*, by 17th century Mexican nun Sor Juana Inés de la Cruz. With implacable rhetorical skill, skilled use of irony, and a ferocity unheard of in a woman at that time in New Spain, Sor Juana defends the right of women to dedicate their lives to the pursue of intellectual achievement. It is impossible to read those words, even thousands of times, and not feel that one must speak up and fight for what is right. As a student asked me last night during my office hours: what can I do? I must do something to change the world! That is the power of Sor Juana’s words. Silence, you come to understand, is not an option.

Because of her, I feel more empowered this week than I have felt in the past few weeks, when a defeated attitude overtook me. It seemed to me that once again, we started the semester not fully prepared for what we knew was coming. I was surprised to find that guidance for the Spring came up so late, January 6th, just 4 days before the beginning of classes. I was disappointed that instructions and measures were in some cases contradictory. I was despondent to see that the Faculty Officers were not consulted before communications were sent. At the very least, we could have done what we always do: read everything carefully, point out inconsistencies, make sure that the faculty perspective is incorporated. At the end, the officers always end up meeting with the Chancellor, the Vice Chancellors, the Associate Vice Chancellor for Campus Safety, and the Associate Vice Chancellor for Human Resources, and they hear and respond to our concerns, but it is exhausting not to be able to change the order of events, after so many months trying and also proving that our expertise and input is fundamental to ensure that classes remain face to face and that everyone is as safe as can be reasonably expected. I will admit to you: if it were not because of Jean-Luc, Marlena, Anne, and Rachel, I might have given up on asking for weekly meetings about Covid.

I am not alone in having those feelings. On January 19th, Kevin R. McClure and Alisa Hicklin

**Faculty Senate Meeting
January 25, 2022**

Fryar published an opinion piece titled “The Great Faculty Disengagement.” Allow me to do what I always tell my students never to do: to quote extensively to argue a point, instead of articulating the point myself. I told you, I am tired:

‘As we think about the causes of disengagement, there’s no denying that institutional management of the pandemic and poor communication are front and center. People responded to our thread with unmistakable fury and a palpable sense of betrayal over how decisions were made and how faculty and staff members have been treated as a result of those decisions. And we’ve been involved in enough university governance over the years to understand that there’s always some slow-simmering conflict between the faculty and administration. It’s inevitable and probably healthy in small doses. But the anger and subsequent turning away from institutions we’ve observed? This feels more like a rolling boil.’

I am not particularly comforted by the fact that all institutions of higher learning are managing things the same way. The Academic Council of Education 2021 Fall Term Pulse Point Survey of College and University Presidents show that senior administrators around the country are aware of the mental health of the faculty and the effect that this has on retention and recruitment. But how do they translate that knowledge into action? I do not think they have done so yet. I am not sure if they know how. I agree with the answer proposed by McClure and Hicklin Fryar: ‘Making a concerted effort to invest in shared-governance structures and processes can go a long way toward repairing broken relationships between the faculty and administration. And when the next crisis pops up, that investment can really pay off.’

But going back to McClure and Hicklin Fryar, listen to what they have to say:

‘we still very much need faculty serving on hiring committees, approving curricula, designing new programs, and reviewing tenure criteria — to name just a few of the processes that depend on them. Now more than ever, we need faculty leaders willing to use tenure protections to ask hard questions and push back against bad policies, which makes this kind of mass malaise dangerous to shared governance.’

The ambitious reorganization that Chancellor Rogers announced on January 14th is a clear indication that we the faculty at ECU do not have ‘the luxury of withdrawing’. The Chancellor has asked me on more than one occasion what I was hearing about the memo, and I had to answer truthfully: nothing. The reason might be that we had all seen the writing on the wall, and that there were no surprises. That might be the case, but there is still a lot of work to do, and the faculty must be involved. Part IV of the Faculty Manual, although silent about what to do when reorganization happens at the division level, makes clear that restructuring that affects faculty life must be done in consultation with the faculty. Associate Vice Chancellor Linda Ingalls and I are meeting regularly in order to create the appropriate processes. I have also met with Past Chairs of Faculty Morehead, Stiller, and Popke to gather their thoughts about this topic. My conversations with the Chancellor, the Academic Council, and the Deans of Health Sciences are unequivocal about one point: the faculty must be very involved in designing the steps necessary to successfully transition towards a single Chief Academic Officer. Some of the questions in my mind: what are the financial implications of this restructuring? What happens to contracts, criteria for tenure and promotion, ex-officio members in the Faculty Senate and all its committees, references in the Faculty Manual to the Vice Chancellor for Health Sciences? We the faculty must

**Faculty Senate Meeting
January 25, 2022**

provide answers, not just the questions.

I have been impressed with the long hours that all of you senators have spent at these monthly Faculty Senate meetings. You have not been shy about asking questions of the administration. These vigorous question periods mean two things: first, that we deeply care about what is going on at ECU; but second, that we don't think that we are in control of what is happening at the institution. We ask because we don't know. We cannot be in that position during the restructuring of the university.

Neither can we be in that position when it comes to three other important recommendations in the Chancellor's memo which will need to be fully discussed: 1. 'Leverage online offerings to increase FTE generation by ensuring general education (GE) requirements can be completed online and expand offering of online bachelor's degree programs.' 2. 'Develop a process internal to ECU for continual financial evaluation of baccalaureate, master's, and doctoral programs.' and 3. 'Revise ECU PRR REG02.07.06 on faculty workloads to provide greater clarity and alignment with other workload regulations set forth by UNC System Office.' In shared governance, curriculum and faculty status are primary responsibilities of the faculty.

ECU must offer the faculty the necessary support to develop rigorous online courses and programs. The ECU Online initiative, and, for that matter, although on a different scale, Project Kitty Hawk, both recognize that instructional technology experts, advisors specialized in online students, and aggressive recruiting practices are necessary to be successful in the online competitive environment. This is not the time for a lone faculty member putting together a course. This is the time for a strategic approach. Otherwise, we will end up where we always are, overworked and underpaid.

And how about faculty workload? In an environment where sabbaticals exist only theoretically, and where we find ourselves teaching three different graduate classes in one semester, while supervising theses and serving in committees, an examination of faculty workload should only move in one direction: examination of best practices at ECU and achievement of equity.

While a process will have to be designed to specifically address the restructuring of the divisions, we are in better shape when it comes to curriculum and faculty workload: the Faculty Senate already has the committees in place and charged to carry on this work: Distance Education, Educational Policies, General Education, Faculty Governance, and Undergraduate Curriculum. The call to volunteer to serve on Faculty Senate committees has been issued, those five committees will be instrumental in designing the future of ECU. We need strong faculty voices from all colleges in those committees to frame the dialogue, to provide the answers.

Henry Ferrell once wrote that at ECU there was no time for ivy. I will repeat here what McClure and Hicklin Fryar say and adopt it as the new mantra for us: no luxury of withdrawing. And when you are feeling down and are ready to give up, do what I have been doing these past few weeks, lean on your colleagues to support you, and encourage you. I am certain there are plenty of Jean-Lucs, Marlenas, Annes, and Rachels all around you. And remember, silence is not an option."

Questions

There were no questions at this time.

H. Question Period

Professor Millea (Economics) said summer course offerings have declined. The funding model may disrupt getting students to graduation. She is curious how the model will affect summer school. Vice Chancellor Coleman said that for summer 2022 ECU has to have our rate set and courses registered before the General Assembly can vote on this new policy, so no changes will occur for this year. Face-to-face summer instruction will continue to be self-supporting. Distance Education will stay how it is. In the summer of 2023, the funding appropriations will change.

Professor Walker (Chemistry) asks that courses in certain disciplines be considered differently, rather than to move everything online. She said that online labs are not the same as hands-on labs. The entire general education program could not be moved online as a result. She asked if there is awareness of the difference of those issues.

Chancellor Rogers said this is an example of engaged feedback that is needed for consideration as ECU works on operational changes. There is a difference in recommendations from the fiscal sustainability work and the implementation. Being informed from various perspectives and experiences will be valuable for Drs. Van Scott, Mitchelson, and Hayes as they work through this process.

Professor Bowler (Psychology) asked about student debt in relation to a student's socioeconomic status. He is concerned there could be adverse impacts on access and diversity of students from the funding model.

Chancellor Rogers said a number of key drivers that influence student debt have and are being identified to aid institutions in ways to successfully reduce student debt.

Professor Chambers (Education) asked about ECU's decision to de-enroll students over the break who did not report their vaccination status to the university. What is the impact to students in terms of progress toward their degree?

Chancellor Rogers said the university needs to get as many students off this list as possible, so they can get their degree as quickly as possible.

Vice Chancellor Hardy does not have the number of students impacted, but she will work with Angela Anderson to obtain the numbers of those who were adversely impacted. The immunizations are required by the state and federal governments. Students are aware of the deadlines for reporting immunizations, and they have grace periods with ample opportunity to get the necessary information submitted to Student Health Services prior to a drop date.

Professor Bauer (English) said that as more undergraduate classes moved online, more students enrolled as those fit into their schedule. Some students do not do well in that type of class, however. There is some data on the consequences of asynchronous online learning for some students. As degree programs are being created for non-traditional students who need a few more classes to graduate or for members of the military, and also for the students here in Greenville who are learning online and not completing their work, are successful modalities of instruction being considered? Chancellor Rogers said ECU needs to take all these data points in consideration as the university grows online programs. 63,000 students in NC are enrolled in classes at for-profit or out-of-state institutions.

Faculty Senate Meeting January 25, 2022

Provost Hayes said that these data are critical, and the university plans to use these data when considering recommendations. A Faculty Senate committee will work on and assist in these recommendations.

Professor Greer (Medicine) wanted to remind the Faculty Senate that ECU has a Department of Public Health, graduate programs, and an interdisciplinary rural training program that generate student credit hours that are unrelated to medical doctors but that are awarded as part of the Brody School of Medicine. She is curious how those credit hours would be accounted for in the new funding model.

Vice Chancellor Coleman said these credit hours are counted in the SCH model by CIP code and broken down by discipline.

Professor Chambers (Education) said the student she is referring to had already attended public high schools and is a third-year student at ECU and is not sure how this student could have been dropped when they had already been compliant with existing immunization records. Were there glitches in the system?

Vice Chancellor Hardy said that she would speak with Professor Chambers and/or the student outside of this meeting. The immunization records reporting typically runs smoothly and if there were any missteps on the part of ECU, they will work to address those issues.

Professor Bauer (English) said that ECU's faculty rosters are low with a struggle to cover current instructional needs. With new online programs, there may need to be differently trained teachers to focus on new online courses. What is the priority for filling currently vacant faculty lines versus attracting more students to a new online program?

Provost Hayes said filling the current faculty ranks and having the instructional capacity to meet student needs when establishing or revising online programs, as well employing faculty with knowledge and skills to teach online are high priorities.

Professor Millea (Economics) said a student reached out to her for being automatically dropped from classes for no reason. She asks that when students are told they will be dropped, they need to have a person to contact for when that or other actionable items happen.

Vice Chancellor Hardy said if students come to faculty with questions like this, she asks the students or faculty member communicate with the Dean of Students Office.

Agenda Item IV. Unfinished Business

There was no unfinished business to come before the body at this time.

Agenda Item V. Report of Graduate Council

Graduate Council, Ron Preston

Professor Ron Preston (Education), Chair of the Graduate Council provided formal faculty advice on curriculum and academic matters acted on and recorded in the [December 13, 2021](#) Graduate Council meeting minutes, including level I action items from the [November 3, 2021](#) Graduate Curriculum Committee meeting minutes which were approved by its delegated authority and are reported here for informational purposes. Programmatic action item (GC 21-11) recorded in the [December 13, 2021](#) Graduate Council meeting minutes, including a level II action item from the [November 3, 2021](#) Graduate Curriculum Committee meeting minutes, which was forwarded to the Educational Policies and Planning Committee (EPPC), included a revision to an existing degree – History, MA from the Department of History within the Thomas Harriot College of Arts and Sciences. Policy action item (GC

**Faculty Senate Meeting
January 25, 2022**

21-12) from the [December 13, 2021](#) Graduate Council meeting, included a Graduate Catalog revision to the Faculty Manual, Section I- F (Graduate Faculty Membership), to help clarify that the department chair votes as part of the committee and simply forwards the recommendation to the dean of the college or professional school as part of the appointment process to the graduate faculty.

There was no discussion, and the Faculty Senate approved as formal faculty advice to the Chancellor, curriculum and academic matters acted on and recorded in the [December 13, 2021](#) Graduate Council meeting minutes, including level I action items from the [November 3, 2021](#) Graduate Curriculum Committee meeting minutes which were approved by its delegated authority and are reported here for informational purposes. Programmatic action item (GC 21-11) recorded in the [December 13, 2021](#) Graduate Council meeting minutes, including a level II action item from the [November 3, 2021](#) Graduate Curriculum Committee meeting minutes, which was forwarded to the Educational Policies and Planning Committee (EPPC), included a revision to an existing degree – History, MA from the Department of History within the Thomas Harriot College of Arts and Sciences. Policy action item (GC 21-12) from the [December 13, 2021](#) Graduate Council meeting, included a Graduate Catalog revision to the Faculty Manual, Section I- F (Graduate Faculty Membership), to help clarify that the department chair votes as part of the committee and simply forwards the recommendation to the dean of the college or professional school as part of the appointment process to the graduate faculty.

RESOLUTION 22-01

Agenda Item VI. Report of Committees

A. Undergraduate Curriculum Committee, Stacy Weiss

Professor Weiss (Education), Chair of the Committee, presented curriculum and academic matters acted on and recorded in the meeting of [December 9, 2021](#) including curricular actions in the Department of Human Development and Family Science within the College of Health and Human Performance.

There was no discussion, and curriculum and academic matters acted on and recorded in the meeting of [December 9, 2021](#) including curricular actions in the Department of Human Development and Family Science within the College of Health and Human Performance were approved as presented. **RESOLUTION #22-02**

B. Educational Policies and Planning Committee, John Collins

Professor Collins (Philosophy and Religious Studies), Chair of the Committee, presented curriculum and academic matters acted on and recorded in the meeting of [January 14, 2022](#), including a new undergraduate certificate in Maternal and Child Health in the Department of Health Education and Promotion within the College of Health and Human Performance, and revision to the MA in History in the Department of History within the Thomas Harriot College of Arts and Sciences.

There was no discussion, and the curriculum and academic matters acted on and recorded in the meeting of [January 14, 2022](#), including a new undergraduate certificate in Maternal and Child Health in the Department of Health Education and Promotion within the College of Health and Human Performance, and revision to the MA in History in the Department of History within the Thomas Harriot College of Arts and Sciences were approved as presented. **RESOLUTION #22-03**

C. Faculty Welfare Committee, Pamela Reis

**Faculty Senate Meeting
January 25, 2022**

Professor Reis (Nursing), Chair of the Committee, presented the formal faculty advice developed by the Committee on the Use of University Property Interim Regulation. The regulation had been sent back to the committee in 2019 due to concerns that it did not adequately address amplified sound. The Committee proposed many editorial revisions and several substantive revisions addressing amplified sound, which can be viewed in the agenda attachments.

There were no questions, and the formal faculty advice to the Chancellor regarding the Use of University Property Interim Regulation was approved as presented. **RESOLUTION #22-04**

Professor Reis then presented formal faculty advice developed by the Committee on the Employment-Related Background Checks and Criminal Activity Reporting Regulation. This advice has already been presented to the University Policy Committee due to a requirement that it be provided on a tight timeline that did not allow for reporting to the Faculty Senate first. The Committee provided the following advice:

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

There were no questions, and the formal faculty advice to the Chancellor regarding the Employment-Related Background Checks and Criminal Activity Reporting Regulation were approved as submitted. **RESOLUTION #22-05**

D. Committee on Committees, Melinda Doty

Professor Doty (Engineering and Technology), Chair of the Committee, presented the names of nominees to fill open seats on the upcoming UNC Faculty Assembly delegation with service beginning on July 1, 2022.

Professor Kelley Reinsmith-Jones (Social Work) was nominated by the Committee on Committees for the Delegate seat.

Discussion:

No additional nominations came from the floor, so Professor Reinsmith-Jones was elected through general consent as the incoming Delegate with a 2025 term.

Professor Doty then presented the name of two nominees to fill the two alternate positions. Professor Charles Meadows (Communication) and Professor Ralph Scott (Academic Library Services) were nominated to fill the two open 2025 Alternate terms.

Professor Powell (Nursing) self-nominated for an alternate position.

After the additional nomination from the floor, Professor Powell from (Nursing) and Professor Scott from (Academic Library Services) were elected as incoming Alternates with a 2025 term.

**Faculty Senate Meeting
January 25, 2022**

Professor Doty asked the faculty to please let the Committee of Committees know of their interest in university service.

Agenda Item VII. New Business

There was no new business to come before the body at this time.

There being no further business, the meeting adjourned at 4:15 pm.

Submitted by,

Marlena Rose
Secretary of the Faculty
Health Sciences Library

Rachel Baker
Faculty Senate

FACULTY SENATE RESOLUTIONS APPROVED AT THE JANUARY 25, 2022 MEETING

Resolution #22-01

Approved by the Faculty Senate: January 25, 2022

Received by the Chancellor: pending

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

Resolution #22-02

Approved by the Faculty Senate: January 25, 2022

Approved by the Chancellor: pending

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

Resolution #22-03

Approved by the Faculty Senate: January 25, 2022

Approved by the Chancellor: pending

Curriculum and academic matters acted on and recorded in the Educational Policies and Planning meeting of [January 14, 2022](#), including a new undergraduate certificate in Maternal and Child Health in the Department of Health Education and Promotion within the College of Health and Human Performance, and revision to the MA in History in the Department of History within the Thomas Harriot College of Arts and Sciences.

Resolution #22-04

Approved by the Faculty Senate: January 25, 2022

Approved by the Chancellor: pending

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

Faculty Senate Meeting January 25, 2022

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

Additions in **bold**, deletions in ~~strike~~through.

Policy	REG07.30.08
Title	Use of University Property
Category	Finance, Operations and Auxiliary Services
Sub-category	Facilities
Authority	Chancellor
History	Previous Name: Use of University Facilities and Outdoor Facilities Regulation. Revisions ongoing August 14, 2012; Revised interim April, 2013; Interim revised October 2, 2014; Revised October 31, 2016; Revised November 21, 2016; Repealed July 2017; Revised and renamed Use of University Property and approved by Chancellor's Executive Council April 8, 2019. Central Reservations Office: Main Campus (252) 328-4731/Email cro@ecu.edu Health Sciences Campus (252) 744-1057/Email crohealthsciences@ecu.edu
Contact	Facilities Services: Main Campus (252) 328-6776 Health Sciences Campus (252) 744-2251 ECU Materials Management: (252) 328-6434 Business Services, Director of Marketing (252) 737-1310 Associated Entities; UNC Policy Manual 600.2.5.2[R] Delegation of Authority to Sign Contracts Environmental Health and Safety Requirements for Events – Interim Freedom of Expression Regulation Guidelines Concerning use of UNC System Resources for Political Campaign Activities Interim Regulation: Assemblies and Public Addresses in Designated Public Forums; 7.30.02
Related Policies	Student and Employee Computer Use Policy Student Code of Conduct Supplies, Equipment and Contractual Services UNC Code sections 601, 604, and 608 UNC Policy Manual, section 1300.8, Free Speech and Free Expression Within the University of North Carolina UNC Policy Manual, sections 101.3.1, 300.1.1, 300.2.1, and 700.4.2 University Alcohol Policy University Mission Statement Campus Maps Central Reservations Office ("CRO") ECU Environmental Health & Safety SOP for Non-Service Animals on Campus
Additional References	ECU Environmental Health & Safety University Event Guide ECU Foundations ECU OrgSync ECU Parking and Transportation – Parking Lot Reservation SOP First Amendment, United States Constitution

[North Carolina General Statute 14-190.1 governing obscenity](#)
[North Carolina General Statute 14-309.15 governing raffles](#)
[Office of Student Activities and Organizations](#)
[UNC Coastal Studies Institute Reservations](#)
[University Mail Services](#)
[Creative Services Logo Review Process](#)

1. Introduction and Overarching Principles Applicable to this Regulation

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

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

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

2. Definitions

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

2.2. “Amplified Sound” is defined as any sound that is broadcast through electronically amplified equipment or sound that is electronically enhanced. This includes the use of any type of electrical sound equipment from large amplifiers to portable stereo systems.

2.3.2. “Approved Use” means an Event or Expressive Activity on or in University Property that has been scheduled and approved. All such Approved Uses shall be in compliance with this Regulation and any other applicable University Policy, Regulation, Rule or Standard Operating Procedure (SOP). Spontaneous Expressive Activity is not subject to these requirements (see below provisions that apply to Spontaneous Expressive Activity).

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

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

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

2.5.4. “Brickyard” means the approximately 2.3-acre Main Campus space, which consists of a brick plaza and associated green-space. It is bounded on the south by Mendenhall, bounded on the north by the

Faculty Senate Meeting January 25, 2022

Erwin, Bloxton and Mamie Jenkins Buildings, bordered on the west by the Eakin Student Recreation Center parking lot, and bordered on the east by the Old Cafeteria Building. Contact the CRO with questions.

2.65. "Bulletin Boards"

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

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

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

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

2.98. "Commercial Solicitation" is typically conducted by one of the following:

2.98.1. "Contracted Vendor" means a Non-Member of the University Community, such as an outside person or business, whether operating for-profit or Non-Profit, that has a current contract with the University to provide products or services.

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

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

2.110. "Designated Forums"

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

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

2.121. "Event" means a use of University Property which falls outside the definition of "Expressive Activity." The term "Event" includes, but is not limited to, advertising or Commercial and/or Non-Profit

Faculty Senate Meeting January 25, 2022

Solicitations that promote the sale or use of a product or service, training seminars, workshops, job fairs, fundraisers, experiential activities, receptions, ceremonies, banquets, recreational events, and dances. Events should be scheduled using content-neutral criteria, including a consistently applied fee structure for use of University Property.

2.13~~12~~. “Expressive Activity” or “Activity” means all forms of expression that occur on University Property and that fall within the ambit of the First Amendment to the United States Constitution, which may include, but not be limited to, demonstration, speech-making, oral presentation, protest (including silent protest), marching, picketing, signs, leafleting, petition circulation, distribution of written information, counter-protest, symbols, and similar expressive communications and activities that are non-commercial in nature.

2.14~~13~~. “Expressive Activity Area” (EAA) means, with regard to the Main Campus, the Mall, the Brickyard, the Main Campus Designated Forum, those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval, and the Common Areas of the Student Center. With regard to the Health Sciences Campus, EAA includes the Health Sciences Campus Designated Forum, the Common Areas of the Student Center, and those out-of-doors areas that have been consistently open to the Expressive Activity of Members of the University Community by tradition or by administrative approval. All parking lots are excluded during hours when they are in use. All Expressive Activity on or in University Property, whether inside or outside an EAA, remains subject to the provisions of this Regulation.

2.15~~14~~. “Fronting” means the person or organization making a reservation or using University Property is not the primary beneficiary of the Event, but the Event is in fact for the primary benefit of a different person or organization.

2.16~~15~~. “Fundraiser” means events and activities designed to increase the visibility of student organizations and encourage individuals to make financial contributions. The policies that govern a student organization’s handling of donations are established by the University and are approved and enforced by the Office of Student Activities and Organizations.

2.17~~16~~. “Guest” means a person, group, club or other organization that is invited to engage in Expressive Activity in or on University Property and is sponsored by a Member of the University Community. Any Member of the University Community may revoke their own Guests’ invitations at any time.

2.18~~17~~. “Instructional Facilities” means University Property that is directly related to the educational mission of the University.

2.19~~18~~. “Mall” means the approximately 5.5-acre site in the heart of Main Campus that is bounded on the east by Founders Drive, bounded on the north by Faculty Way, bounded on the west by Cupola Court and bounded on the south by Alumni Walk.

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

2.20~~19~~. “Material and Substantial” or “Materially and Substantially” refers to actions or activities that have an actual impact, as opposed to a predicted one. It includes actions that materially infringe upon the rights of others to engage in, or listen to, Expressive Activity. When determining whether this threshold has been met, officials should apply content-neutral, objective and relevant factors, including, but not limited to, whether an Expressive Activity is closed to the public; whether the Activity is occurring inside or outside; whether someone is interfering with the ability of others to hear, participate

**Faculty Senate Meeting
January 25, 2022**

in or otherwise benefit from an Expressive Activity; whether someone is impeding ingress or egress to/from an Expressive Activity; and whether University functions are impeded or disrupted, including, but not limited to, University offices, classrooms, walkways, streets, and medical facilities.

2.21~~20~~29. “Member of the University Community” or “Member” means a University Unit (including the Board of Trustees), a Registered Student Organization, a current employee, or a currently enrolled student.

2.21~~20~~29.1. This definition excludes K-12 students and K-12 employees when they are in attendance at, or operating in the course and scope of their work duties, within a secondary school, as applicable, because such students and employees enjoy different First Amendment protections in the secondary school setting.

2.22~~21~~24. “Non-Profit Solicitation” means the sale or promotion of goods or services, including, but not limited to, fundraisers, on University Property by a person or organization for non-profit purposes.

2.23~~22~~22. “Officially Authorized” or “Official Authorization” means Events that have been approved by the persons or organizations managing or having jurisdiction over the University Property for the purpose for which a person or organization wishes to use, or is using the Property. This involves, but is not limited to, the CRO, Sub-Schedulers, Police, Facilities personnel, and Student Affairs personnel.

2.24~~23~~23. “Non-Member of the University Community” means all persons, groups, clubs or other organizations that do not come within the definitions of Member of the University Community or Guest.

2.25~~24~~24. “Political Activities” means actions directed toward the success or failure of a candidate for public office, political party, or partisan political group, including, but not limited to, campaigning, political management, and soliciting financial contributions for political purposes.

2.26~~25~~25. “Printed Materials” means documents or papers of any kind that convey information via the written word. Examples include Commercial Solicitations, Non-Profit Solicitations, announcements, Banners, signs, declarations, Table Tents, handbills, leaflets, flyers, messages, statements, notices, pictures, posters, pronouncements, proclamations, and similar materials.

2.26~~25~~25.1. “Banner” means a flag, strip of cloth, sheet, paper or poster that has a total surface area greater than 625 square inches (e.g., larger than 25 inches by 25 inches).

2.26~~25~~25.2. “Table Tents” are folded miniature Printed Materials that are placed on top of tables (similar to a center piece).

2.26~~25~~25.3. “Yard Sign” (also known as lawn signs, placards, or political candidate signs), means Printed Materials that are displayed on approved University Property locations. Information can be displayed on each side. Yard signs are typically accompanied by yard sign wires/metal rods. The most common form of Yard Sign is called an “H-frame” sign.

2.27~~26~~26. “Registered Student Organization” means an organization (including a club) comprised of University students, that is fully registered, and in good standing with, the Office of Student Activities and Organizations.

2.28~~27~~27. “Responsible Person” is one who serves as a liaison between a person or persons engaging in an Expressive Activity and University Officials in order to promote compliance with this Regulation, and who shall identify themselves upon the request of an Authorized University Official, including in the course of a Spontaneous Expressive Activity. The University recognizes that the nature of the Expressive Activity may make it impractical to have someone serving in this role. An example could be Spontaneous

Faculty Senate Meeting January 25, 2022

Expressive Activity involving a large number of persons. If there is only one person exercising their free speech rights, then that person would serve as the Responsible Person. The Responsible Person shall be a Member of the University Community, except in cases where the Expressive Activity is carried out by Non-Members of the Community in a Designated Forum.

2.29~~28~~. “Sponsored Organization” is any organization that is not an Affiliated Organization, but which is sponsored by a University Unit.

2.30~~29~~. “Spontaneous Expressive Activity” means Expressive Activity by Members of the University Community in an Expressive Activity Area in which the Activity was planned fewer than two business days prior to the date of the event.

2.31~~30~~. “Student Center” means the Main Campus Student Center and the Health Sciences Student Center.

2.32~~31~~. “Sub-Schedulers” means those University employees and units who have responsibilities for managing space reservations for particular University Property outside of the CRO’s scheduling jurisdiction. In doing so, Sub-Schedulers work in concert with the CRO.

2.33~~32~~. “True Threats” means statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.

2.34~~33~~. “University,” except when otherwise indicated, means East Carolina University.

2.35~~34~~. “University Property” or “Property” means all grounds, buildings, rooms, auditoriums, facilities, stadiums, or other space or improvements, that are owned, leased, used, or otherwise controlled by the University.

2.36~~35~~. “University Unit” means the Board of Trustees, the Chancellor, and all University Divisions, Departments, Associated Entities, Registered Student Organizations, Centers, Institutes and any other organization that is wholly sanctioned, supervised and governed by the University or a Division or Department of the University.

3. Aesthetics, Safety and Efficient Operations

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

3.2. General Requirements for Using University Property for Events

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

**Faculty Senate Meeting
January 25, 2022**

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

3.2.3. Events and Expressive Activities must be conducted in compliance with any applicable laws, regulations, and rules, including those that require accessibility, reasonable accommodations and that facilitate health and safety. **The** CRO will direct Event organizers to relevant regulatory departments, which may include, but not be limited to, University Environmental Health and Safety (EH&S), Disability Support Services, and/or ECU Police.

3.2.4. Throughout the planning and implementation stages of an Event, all organizations and persons who wish to use University Property for Events or Expressive Activities shall designate one or more Responsible Persons who shall be readily available and responsive to the CRO, Sub-Schedulers, and University officials and Departments that enforce applicable laws, rules, or regulations.

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

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

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

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

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

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

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

**Faculty Senate Meeting
January 25, 2022**

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

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

3.3. Reservation of University Property for Events

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

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

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

3.3.3.1. Chancellor or Board of Trustees;

3.3.3.2. Members of the University Community;

3.3.3.3. Guests; and

3.3.3.4. Non-Members of the University Community.

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

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

**Faculty Senate Meeting
January 25, 2022**

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

3.3.6.1. Identification and contact information for the Event Responsible Person; and

3.3.6.2. Written proof, including an email, that a Guest is invited by a Member of the University Community.

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

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

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

3.3.10. Markings on University Property are prohibited.

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

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

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

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

3.4. Commercial Solicitation

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

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

3.4.3. Non-Profit Solicitation

**Faculty Senate Meeting
January 25, 2022**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4.5. Exclusions

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

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

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

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

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

3.5.4. Bulletin Boards.

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

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

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

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

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

3.5.5. Table Tents

**Faculty Senate Meeting
January 25, 2022**

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

3.5.6. Yard Signs

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

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

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

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

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

3.5.7. Banners

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

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

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

3.5.7.2.2. Bottom of College Hill.

3.5.7.3. In order to avoid confusion about where Events will be taking place and allow University Officials sufficient time to prepare for and facilitate Events, all Banners should be Event or Expressive Activity specific and should include information such as the name, date, event sponsor, and University Property location.

3.5.7.4. Event or Expressive Activity Banners may hang for no more than two (2) weeks prior to the Event or Expressive Activity and must be removed by the Responsible Person within 24 hours following the Event, or they may be removed without notice by Authorized Officials.

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

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

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

3.5.8. Leaflets/Handbills/Flyers

**Faculty Senate Meeting
January 25, 2022**

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

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

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

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

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

3.5.9. Fundraisers

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

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

3.5.10. Bake Sales

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

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

3.5.10.3. The CRO must be contacted to reserve space.

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

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

3.5.11. Raffles

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

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

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

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

3.5.12. Amplified Sound

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

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

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

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

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

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

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

3.5.12.8 Amplified Sound from personal devices is prohibited during events.

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

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

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

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

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

~~3.5.12.2.1. Trustees Fountain at Wright Circle;~~

~~3.5.12.2.2. Whichard side yard area;~~

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

~~3.5.12.2.4. Fifth Street yard area (in front of Jenkins).~~

~~3.5.12.3. Amplified sound is also allowed in the following areas in accordance with the guidelines established by this Regulation:~~

~~3.5.12.3.1. Bottom of College Hill area;~~

~~3.5.12.3.2. Athletic grounds; and~~

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

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

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

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

3.5.13. Alcohol

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

3.5.14. Enforcement

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

3.5.14.1.1. Formal warning letter;

3.5.14.1.2. Loss of future solicitation opportunities on University Property;

3.5.14.1.3. Loss of future opportunities for formal sponsorship activity;

**Faculty Senate Meeting
January 25, 2022**

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

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

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

Resolution #22-05

Approved by the Faculty Senate: January 25, 2022

Approved by the Chancellor: pending

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

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

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

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

Title Employment-Related Background Checks and Criminal Activity Reporting

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

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

Print-friendly version 

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

Authority: Board of Trustees

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

Related Policies:

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

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

Volunteer Regulation <http://www.ecu.edu/prr/06/05/03>

Illegal Drugs and Substance Abuse- Interim <https://www.ecu.edu/prr/05/20/10>

[UNC Policy Manual 300.8.7 Regulation on Pre-Employment Background Checks](https://www.northcarolina.edu/apps/policy/doc.php?type=pdf&id=2722)
<https://www.northcarolina.edu/apps/policy/doc.php?type=pdf&id=2722>

Additional References: [Insert task force reports, memoranda, forms, state or federal laws or regulations that may be pertinent and hyperlinks.]

Contact for Info:

Director of Employment and Clinical Support Services, Department of Human Resources
Phone: 252.328.9847 or 252.328.9897

Director of Employee Relations, Department of Human Resources
Phone: 252.328.9844

1. Introduction

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

2. Scope

2.1. ECU will conduct background checks on any applicant for employment with the University who has also been selected as a final candidate for a position, as well as current employees who change position, or employees holding designated sensitive positions, all employees

subject to the State Human Resources Act (SHRA), Clinical Support Services (CSS), employees exempt from the State Human Resources Act (EHRA) faculty and non-faculty, Senior Academic and Administrative Officers (SAAO), temporary employees, including student employees, or post-doctoral positions at ECU.

3. Definitions

- 3.1. “Covered Individual” means any finalist for employment or current employee employed by the University in a permanent, temporary, or time-limited EHRA faculty and non-faculty, SAAO, SHRA, CSS, or post-doctoral position.
- 3.2. “Charge” means an accusation of a crime by a formal complaint, information, or indictment.
- 3.3. “Conviction” means a guilty verdict, guilty plea, or a “no contest,” *nolo contendere*, or Alford plea, or any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution.
 - 3.3.1. For Employees who drive a dedicated State or University vehicle as part of their job, or to whom a State vehicle is provided to for the purposes of conducting University business, suspension or loss of driving privileges will also be considered a Conviction for purposes of this regulation.
- 3.4. Minor traffic violation
- 3.5. “Positions with Sensitive Duties” are positions identified by the Human Resources Department in conjunction the unit, with the following duties, including:
 - 3.5.1. Direct responsibility for the care, safety, and security of vulnerable populations.
 - 3.5.2. Direct access to or responsibility for cash and cash equivalents, credit card information, University property disbursements or receipts, or extensive authority for committing the financial resources of the University.
 - 3.5.3. Direct access to or responsibility for controlled substances, select agents, or hazardous materials.
 - 3.5.4. Master key and/or badge access to buildings, residence halls or other secure facilities.
 - 3.5.5. Direct access to, or responsibility for, information or areas designated by the University as safety or security sensitive.

3.5.6. Any other position deemed sensitive by the University due to the nature of the duties of the position.

4. Covered Individuals

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

4.2 University employees who change jobs due to promotion, lateral transfer, or reassignment are subject to background checks. Current employees who assume new duties that cause the current position to become appropriate for background checks, such as assuming sensitive duties, are also subject to background checks at the time of the assumption of these duties.

4.3 University employees who are convicted of a criminal offense (other than a minor traffic violation), must report any conviction to their immediate supervisor within five (5) calendar days of the conviction. Upon report of a criminal conviction, employees will undergo a background check. The immediate supervisor shall notify the Employee Relations unit in Human Resources (HR) within five (5) business-days of receiving notice of a conviction in order to initiate the required background check.

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

5. Scope and Types of Background Checks

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

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

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

5.3 A discovery of falsification of criminal history or activity, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration and may result in termination from employment.

5.4 Employees of the University are employees of the State of North Carolina and, as such, are expected to adhere to all federal and state laws both in the workplace and in the community. A Conviction for an Unlawful Offense may be considered unacceptable personal conduct for staff (specifically, conduct unbecoming a State employee that is detrimental to State service) or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty – or misconduct that interferes with the capacity of the employee to perform effectively the requirement of his or her employment for a NF-EHRA employee, and, accordingly, may result in disciplinary action up to and including separation from University employment.

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

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

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

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

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

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

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

6. Procedure

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

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

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

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

**Faculty Senate Meeting
January 25, 2022**

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

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

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

7. Confidentiality and Retention of Background Checks

7.1 Employment-related background check records are considered to be part of an Employee's confidential personnel file and are not subject to public release except as required or allowed under applicable provisions of state law [NCGS §126-22](#). Background check records generated under this Policy will be maintained in accordance with University Policy.