

**EAST CAROLINA UNIVERSITY
FACULTY SENATE**

The first regular meeting of the Faculty Senate for academic year 1989/90 will be held on Tuesday, September 12, 1989, at 2:10 p.m. in Mendenhall 244.

AGENDA

- I. Call to Order
- II. Approval of Minutes of April 25 and April 26, 1989
- III. Special Order of the Day
 - A. Roll Call
 - B. Announcements
 - C. Richard Eakin, Chancellor
 - D. Vice Chancellors' Reports
 - Marlene Springer, Academic Affairs
 - Richard Brown, Business Affairs
 - Alastair Connell, Health Sciences
 - Jim Lanier, Institutional Advancement
 - Al Matthews, Student Life
 - E. Appellate Committee Elections
 - Due Process Committee (Attachment 1)
 - Hearing Committee (Attachment 2)
 - Reconsideration Committee (Attachment 3)
- IV. Unfinished Business
- V. Report of Committees
 - Committee on Committees
 - Second Reading of the Charge of the Educational Policies & Planning Committee (Attachment 4)
- VI. New Business
 - Racial and Ethnic Harassment Policy (Attachment 5)

DUE PROCESS COMMITTEE

(Senators will be given a list of tenured faculty members at the meeting.)

The Due Process Committee guarantees that a tenured faculty member may not be discharged or suspended from employment without good and just cause. The Committee consists of five members and five alternates, all of whom must be members of the regular teaching faculty who hold permanent tenure.

Within ten days of receipt of the notice from the Chancellor, or his delegate, of intention to discharge him/her, the faculty member may request a hearing before the Due Process Committee.

The hearing deals only with those written specifications for reasons of the intended discharge or suspension. In reaching its decision, the Committee shall consider only evidence presented at the hearing and such written and oral arguments as the Committee, in its discretion, may allow. The faculty member has the right of appealing the Committee's decision.

<u>Current Membership:</u>	<u>Term Expires</u>
Sheldon Downes, Allied Health Sciences	1990
Connie Kledaras, Social Work	1990

Terms Expiring: Emily Boyce, Library & Information Studies
Larry Hough, Political Science
Christa Reiser, Sociology & Anthropology

3 Vacancies - Two-Year Terms:

_____ (1991) _____ (1991) _____ (1991)

<u>Current Alternates:</u>	<u>Term Expires</u>
Doug McMillan, English	1990

Terms Expiring: Henry Ferrell, History
Gregg Givens, Allied Health Sciences
Vila Rosenfeld, Education

Resignation: Jim Joyce, Physics (1990)

3 Vacancies - Two Year Terms:

_____ (1991) _____ (1991) _____ (1991)

1 Vacancy - Unexpired Term (1990)

_____ (1990)

HEARING COMMITTEE

The Hearing Committee guarantees to nontenured faculty members the right of a hearing concerning an unfavorable action resulting in nonreappointment or nonconferral of permanent tenure.

The Hearing Committee is composed of five members and five alternates who are full-time faculty members without administrative appointment.

Within five days after receiving notice of an unfavorable action concerning nonconferral or permanent tenure resulting from the conference with the Chancellor, the faculty member may request a hearing before the Hearing Committee.

The Hearing Committee's review of the faculty member's case shall be limited solely to determining whether the decision not to reappoint or confer permanent tenure was based upon any of the grounds stated to be impermissible in Section 604 B of The Code of The University of North Carolina.

The Hearing Committee shall consider the written request and grant a hearing if it determines that (a) the request contains a contention that the decision was based upon impermissible grounds under Section 604 B of The Code and that (b) the facts suggested, if established, will support the contention.

<u>Current Membership:</u>	<u>Term Expires</u>
James Bruner, Social Work	1990
Mariam Quick, Nursing	1991
Tinsley Yarbrough, Political Science	1990

Terms Expiring: Marie Farr, English
James O. Smith, Business

2 Vacancies - Three-Year Terms:

_____ (1992) _____ (1992)

<u>Current Alternates:</u>	<u>Term Expires</u>
Don Ensley, Allied Health Sciences	1991
Donald Hoffman, Medicine	1990
Robert Rasch, Art	1990

Terms Expiring: Pat Dunn, HPERS
Brian Harris, Foreign Languages & Literatures

2 Vacancies - Three-Year Terms:

_____ (1992) _____ (1992)

2nd Reading

**COMMITTEE ON COMMITTEES
CHARGE OF THE EDUCATIONAL POLICIES AND PLANNING COMMITTEE**

Whereas, The Teacher Education Committee has been disbanded; be it

Resolved, That ex-officio membership of the Chair of the Teacher Education Committee be removed from the charge; and, be it further

Resolved, That the Council of Teacher Education elect a representative, from among the faculty representatives of the Council membership, to serve as an ex-officio member of the Educational Policies and Planning Committee.

~~~~~

**RACIAL AND ETHNIC HARASSMENT POLICY  
OF  
EAST CAROLINA UNIVERSITY**

Table of Contents

| <u>Topic</u>                                                                                                        | <u>Page</u> |
|---------------------------------------------------------------------------------------------------------------------|-------------|
| I. Preamble.....<br>(Description of why Policy is necessary and necessity of protection of First Amendment rights.) | 1           |
| II. Definition of Racial and/or Ethnic Harassment.....                                                              | 1           |
| III. Policy.....<br>(Definitions of what constitutes racial and ethnic harassment for students and employees.)      | 2           |
| IV. Effective Date.....                                                                                             | 2           |

I. PREAMBLE

Discrimination on the basis of race and/or ethnic affiliation is unacceptable at East Carolina University. Such behavior threatens to destroy the environment of tolerance, civility and mutual respect that must prevail if the University is to fulfill its purpose.

The University, through this racial and ethnic harassment policy, is providing an additional means for the enforcement of its nondiscrimination policy. Enforcement of this policy shall be consistent with the freedom of speech guaranteed by the First Amendment to the United States Constitution. At the same time, it is hoped that it will deter discriminatory conduct that is not protected by the legally defined boundaries of free speech, in fulfillment of the University's duty to protect its educational environment.

Because there may be conflict among freedom of speech, the right of individuals to be free from injury caused by discrimination, and the University's duty to protect the educational process, the enforcement procedures shall recognize that it may be necessary to have varying standards depending upon the place of the conduct in question. Thus a distinction may be drawn among public forums, educational and academic centers and housing units.

II. DEFINITION

A. Racial and/or ethnic harassment constitutes any physical or verbal behavior that subjects an individual to an intimidating, hostile or offensive educational, employment or living environment.

Such harassment:

1. denigrates or stereotypes an individual because of his or her racial and/or ethnic affiliation;
2. demeans or slurs an individual through pictorial illustrations, graffiti or written documents or material because of his or her racial and/or ethnic affiliation;
3. makes unwarranted and disparaging references or innuendos in attributing an individual's personal conduct, habits or lifestyle to his or her racial and/or ethnic affiliation.

B. Racial and/or ethnic harassment is defined for employees, including student employees in the course and scope of their employment, according to, but not limited to, the definition noted above. Moreover,

1. such conduct involves an expressed or implied threat to an individual's academic efforts, University employment, participation in University sponsored extracurricular activities or personal safety; or
2. such conduct has the purpose or reasonably foreseeable effect of interfering with an individual's academic efforts, University employment, participation in University sponsored extracurricular activities, or personal safety; or

3. such conduct creates an intimidating, hostile or demeaning environment for educational pursuits, University employment, or participation in University sponsored extracurricular activities.

In determining whether alleged conduct constitutes racial and/or ethnic harassment, the record as a whole will be considered, as well as the totality of the circumstances. This means that the nature of the alleged conduct and the context in which the alleged conduct occurred will be examined and evaluated.

### III. POLICY

- A. Racial and/or ethnic harassment is contrary to the University's statement on equal opportunity, and it can constitute unlawful discrimination on the basis of race or ethnicity. Such behavior will not be condoned by members of the University community.
- B. It is the responsibility of every employee and student who is a member of the University community to strive to create an environment free of racial and/or ethnic harassment.
- C. This policy applies to University students, agents, and employees, including faculty, EPA non faculty, staff, and student employees. Unless otherwise indicated herein, the word "employee" includes members of the faculty, EPA non faculty employees, staff employees, and student employees.
- D. Through this policy students and employees are encouraged to express freely, responsibly, and in an orderly way their opinions and feeling about any problem or complaint of racial and/or ethnic harassment. Any act by a University employee or agent of reprisal, interference, restraint, penalty, discrimination, coercion or harassment - overtly or covertly - against a student or an employee for responsibly using the policy interferes with free expression and openness. Accordingly, such acts violate this policy and demand appropriate and prompt disciplinary action.
- E. This policy shall not be used to bring frivolous or malicious charges against students, employees, or agents.
- F. Information and assistance regarding this policy is available from departmental chairs, directors, the Assistant to the Chancellor for Equal Education Opportunity Programs, Director of Personnel, and the Assistant Vice Chancellors for Student Life for Student Services and Minority Student Affairs. Potential complaining parties, persons accused of violations of this policy, and supervisors and administrators are encouraged to contact these offices.

### IV. EFFECTIVE DATE

This Policy shall be effective as of May 1, 1989.

**EAST CAROLINA UNIVERSITY FACULTY SENATE  
MINUTES OF SEPTEMBER 12, 1989**

The first regular meeting of the Faculty Senate for the academic year 1989/90 was held on Tuesday, September 12, 1989, in Mendenhall 244.

Members absent were as follows: Vice Chancellor Connell, Moskop (Faculty Assembly), Sykes (Cont. Ed), White (HPERS), and Pories (Medicine). Alternates present were as follows: Anderson for Terrell (Education), Brown for Lee (Nursing), and Kavaly for Joyce (Physics).

Agenda Item I. Call to Order

Vice Chair Stella Daugherty called the meeting to order at 2:11 p.m.

Agenda Item II. Approval of Minutes of April 25 and 26, 1989

Sharon Bland (Faculty Senate Secretary) presented an editorial correction to the minutes of April 26, 1989, as follows: On Page 3, Administrative Committees, add: Judy Bernhardt, Nursing, elected to serve as an alternate member of the Academic Integrity Committee for a term of three years. The minutes of both meetings were approved.

Agenda Item III. Special Order of the Day

B. Announcements, Stella Daugherty, Vice Chair

1. Jim Joyce, Chair of the Faculty, is presenting a paper at a national meeting in Austria and cannot be in attendance today. He promises that the next Faculty Senate meeting will be conducted in German!!
2. The tellers for elections will be as follows: Caroline Ayers (Chemistry), Jim Pinkney (Counseling Center), Dave Glascoff (Business), Ellen Campbell (Economics), Larry Hough (Political Science), Jack Thornton (Business).
3. Please remind your colleagues that Senate approved resolutions are subject to the approval of the Chancellor. There has been some confusion regarding this issue in the past few months.
4. There is a letter in each folder regarding the status of the Senate resolutions approved during the March and April Senate meetings. All resolutions except 89-6 (89-4 & 89-5 and 89-7 thru 89-15) were approved by the Chancellor. Dr. Eakin will address resolution 89-6 (Grading Policy) in his remarks to the Senate today.
5. The Personnel Department has a limited supply of Liability Insurance brochures. If interested, please contact Ms. Elizabeth Whitley, ext. 4255.
6. A complete roster of Academic and Senate Committees membership is included in the meeting folders and will be distributed with the minutes to all faculty.
7. The Senate rosters distributed should be corrected to list Marlene Springer as Vice Chancellor for Academic Affairs (not Acting Vice Chancellor).

C. Richard Eakin, Chancellor

Chancellor Eakin explained that after lengthy deliberation, he declined to approve the Faculty Senate resolution calling for the adoption of a plus-minus grading system. He explained that he felt that the proposed grading system would harm the best students, since they could receive an A minus which could not be balanced by an A plus. He also noted that there is not sufficient evidence that the current grading system is failing to properly evaluate student performance. He also announced that last spring he put in place the Racial and Ethnic Harassment Policy, and asked for the Senate's careful review and recommendations with regard to improvements in the policy.



Chancellor Eakin commented on three of the fourteen points in the plan for the conduct of athletic programs at all universities of the UNC system as announced by President Spangler at the August 25, 1989, meeting of the UNC Board of Governors. President Spangler called for mandatory drug testing program for athletes. ECU has had a mandatory, random drug testing program since Fall 1985. Public reporting of financial records of athletic foundations is now required, but the Pirate Club has published an annual financial statement in the annual University Financial Report since its inception. Each Chancellor in the system is to review the faculty role in the Athletics Committee, and Chancellor Eakin has, therefore, alerted Ernest Schwartz, Chair of the Athletic Committee, that he wishes to discuss this matter with the Committee.

Finally, Chancellor Eakin pointed out a commentary from the September 6th Chronicle of Higher Education: "The UNC campuses at Charlotte and East Carolina University in particular are seen as institutions on the move."

#### D. Vice Chancellors' Reports

##### 1. Marlene Springer, Academic Affairs

Vice Chancellor Springer reported that she was enjoying touring the campus and meeting the faculty. She has found the University to be both an exciting and friendly place, and has been impressed with what she has learned. She went on to explain that the current most important coming events are the consideration of Appendix D of the Faculty Manual, efforts of improving the climate on campus for minorities and women, and the on-going process of strategic planning.

##### 2. Richard Brown, Business Affairs

Vice Chancellor Brown commented that he has been impressed with the quality of the staff with whom he is working, in particular their spirit of cooperation. As one of his first moves to improve efficiency and reduce bureaucracy, he removed review requirements for department decisions to buy small computers. He announced that his goals for the next year are: 1) cutting red tape, 2) making sure that Business Affairs operates to serve the University community, 3) to obtain higher appropriations from the state, and improve the efficiency of utilization of the resources received, 4) to help in the campus beautification projects, and work on the wealth of deferred maintenance projects, 5) make improvements in academic computing resources, 6) improve campus safety, and 7) in particular improve the night-time safety of the campus for women.

##### 3. Vice Chancellor Connell was out of town.

##### 4. James Lanier, Institutional Advancement

Vice Chancellor Lanier reported that with the additional money received for the Rivers Scholarship fund, ECU was in 1989 the second in the country for alumni and other public giving among comprehensive universities. His goal is to receive 2 to 3 million dollars a year in gifts. Continuing the effort to improve the public perception of ECU, TV spots have been prepared to highlight strengths of the University. He asked if the faculty have further ideas of specific strengths or activities that would make good short TV spots (Not just requests to film a department).

##### 5. Al Matthews, Student Life

Vice Chancellor Matthews reported that one of his major efforts is to promote safety for women students, and to disseminate safety suggestions to women students, in view of the recent problems with assaults. The resident hall improvements are a continuing project. This year there is increased supervision, and special areas for studying and for computers will soon be added.

E. Appellate Committee Elections

1. Due Process Committee

Emily Boyce (Library & Information Studies), Frances Eason (Nursing), and Larry Hough (Political Science) were elected to two-year terms. Elected as alternates (two-year terms), were John Cope (Psychology), Bob Morrison (Chemistry), and Christa Reiser (Sociology & Anthropology). Paul Haggard (Math) was elected to fill a one-year unexpired term as alternate.

2. Hearing Committee

Elected to three-year terms were Malcolm South (English), and J.O. Smith (Business). Elected to three-year terms as alternates were Donald Parkerson (History) and Patricia Dunn (HPERS).

3. Reconsideration Committee

Elected to fill three-year terms were Sandra Wurth-Hough (Political Science) and Bill Grossnickle (Psychology). Elected to three-year terms as alternates were Mabel Laughter (Education) and Jannis Shea (Home Economics).

IV. Unfinished Business

There was no unfinished business.

V. Report of Committees

Judy Sadler, Committee on Committees, presented the second reading of the Charge of the Educational Policies and Planning Committee. Conner Atkeson called the question, and the proposed charge passed on a voice vote. (Resolution #89-16)

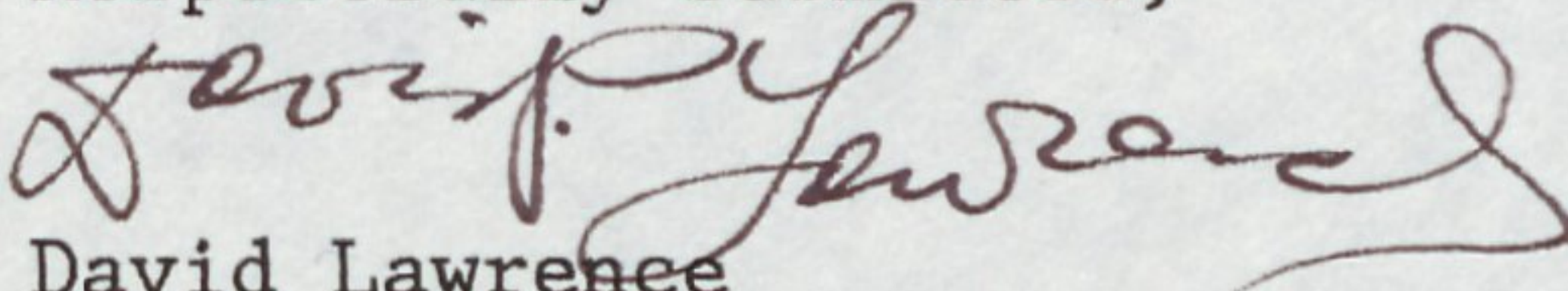
VI. New Business

The Racial and Ethnic Harassment Policy was presented to the Senate for review. Woodside questioned whether changes could be made to a policy already in place. Chancellor Eakin answered that the policy was an interim one, and suggestions for changes would be welcomed. Since the policy contains no provisions for judicial action, Sexauer asked what action would be taken if an infraction of the policy took place. Eakin answered that the judicial processes in the student code and in the governance of faculty and staff would be utilized. Sexauer asked if such other codes could be referred to in the policy, and Eakin replied that they could. Thomas noted that such a reference was needed in IIIA of the policy. Chamness questioned the logic of the last sentence of the second paragraph of the preamble. Woodside wanted to know if the document at the University of Michigan that has just been struck down by the courts had been reviewed. Larry Smith (Student Life) replied that it had not. Swanson moved to refer the policy to the Faculty Affairs Committee, and to direct the Committee to report back at the November Senate meeting. The motion was seconded by Woodside and passed on a voice vote. (Resolution #89-17)

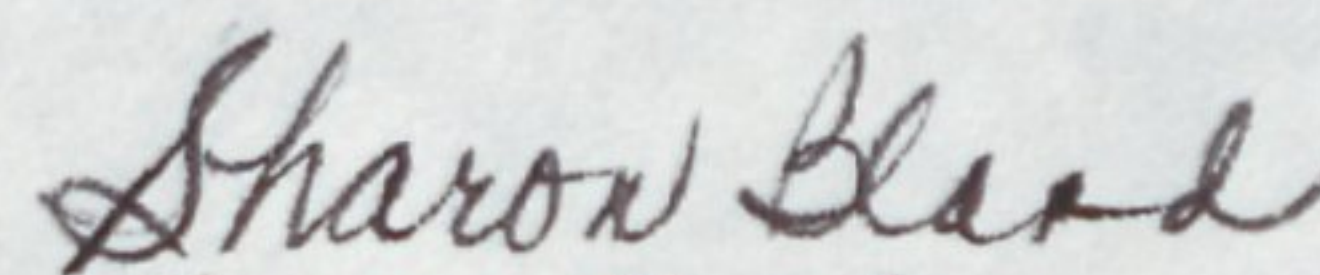
David Lawrence (Geology) was thanked by Vice Chair Daugherty for serving as temporary secretary.

There being no further new business, Vice Chair Daugherty adjourned the meeting at 3:30 p.m.

Respectfully submitted,



David Lawrence  
Acting Secretary

  
Sharon Bland  
Office Secretary

Resolutions:

- #89-16 Revision to the Charge of the Educational Policies & Planning Committee  
#89-17 Referral of the Racial and Ethnic Harassment Policy to the Faculty Affairs Committee with a report due to the Senate on November 7, 1989