

AGENDA ATTACHMENTS WILL BE DISTRIBUTED TO ALL ADMINISTRATORS, DEANS, CHAIRS, DIRECTORS, SENATORS, CHAIRS OF ALL ACADEMIC COMMITTEES, AND AVAILABLE ON "FSONLINE".

EAST CAROLINA UNIVERSITY
FACULTY SENATE

The first regular meeting of the Faculty Senate for academic year 1991/92 will be held on Tuesday, September 10, 1991, at 2:10 p.m. in the Mendenhall Student Center, Great Room.

AGENDA

- I. Call to Order
- II. Approval of Minutes of April 16, 1991, and April 17, 1991 + June 20, 1991
- III. Special Order of the Day
 - A. Roll Call
 - B. Announcements
 - C. Richard Eakin, Chancellor
 - D. Vice Chancellors' Reports
 - E. Dave Hart, Director of Athletics
 - F. Ken Wilson, Faculty Assembly Report
April 19, 1991, meeting
 - G. James LeRoy Smith, Director of Self Study for
Southern Association of Colleges and Schools
- IV. Unfinished Business

The recommended Racial and Ethnic Harassment Policy (Appendix W) and Grievance Procedures (Appendix X), originally planned for discussion and action at this meeting, will be postponed until the October 8, 1991, meeting in order that the Faculty Affairs Committee can review several revisions requested by the General Administration.
- V. Report of Committees
 - A. Committee on Committees, Doug McMillan
Election of Appellate Committee members (Attachment 1)
 - B. Faculty Affairs Committee, Henry Ferrell
Proposed amendments to Appendix V: East Carolina University Sexual Harassment, Discrimination and Conflicts of Interest Policies (Attachment 2)
 - C. Faculty Computer Committee, Karl Wuensch
Draft Policy Statement on Evaluating Faculty Authored Computer Programs or Software (Attachment 3)

VI. New Business

Hearing Committee (3 year terms)**1 Regular Member and 1 Alternate Member Needed**

Members must be full-time faculty without administrative appointment.

<u>Regular Members</u>		<u>Alternate Members</u>	
Malcolm Smith, English	1992	Don Ensley, Allied Hlth.	*1991
Miriam Quick, Nursing	1992	Donald Parkerson, History	1992
James O. Smith, Business	1992	Pat Dunn, HPERS	1992
Tinsley Yarbrough, Pol.Sc.	1993	James Bruner, Social Work	1993
Open Position	*1993	Artemis Kares, Acad. Lib.	1993

The faculty member not elected as a regular member is nominated along with the one listed below to fill the alternate member vacancy.

<u>Regular Member Nominees</u> (1993 Term)	<u>Alternate Member Nominee</u> (1994 Term)
Henry Ferrell, History	Ernie Marshall, Philosophy
Karen Baldwin, English	

Due Process Committee (2 year terms)**4 Regular Members and 3 Alternate Members Needed**

Members must be of the regular teaching faculty who hold permanent tenure.

<u>Regular Members</u>		<u>Alternate Members</u>	
Emily Boyce, Library and Info.	*1991	John Cope, Psychology	*1991
Larry Hough, Political Science	*1991	Bob Morrison, Chemistry	*1991
Connie Kledaras, Social Work	*1991	Christa Reiser, Soc/Anth.	*1991
Frances Eason, Nursing	*1991	Marsha Ironsmith, Psych.	1992
Doug McMillan, English	1992	Linda Mooney, Soc/Anth.	1992

The faculty members not elected as regular members are nominated along with the others listed below to fill the alternate member vacancies.

<u>Regular Member Nominees</u> (*1992 Term)	<u>Alternate Member Nominees</u> (1993 Term)
Rosina Chia, Psychology	Richard Ray, Medicine
Bob Hanrahan, Medicine	Tom Buttery, Education
	Frank Rabey, Medicine

<u>Regular Member Nominees</u> (1993 Term)
Martha Engelke, Nursing
Christa Reiser, Sociology/Anthropology
Bob Morrison, Chemistry
Larry Hough, Political Science
Sam Pennington, Medicine
Mary Susan Templeton, Allied Health Sciences

*Regular member will be elected to a 1 year term in order to re-organize committee terms.

Reconsideration Committee (3 year terms)**1 Regular Member and 1 Alternate Member Needed**

Members must be full-time faculty without administrative appointment.

<u>Regular Members</u>		<u>Alternate Members</u>	
Ralph Scott, Academic Lib. Svcs.	*1991	Garrett Hume, Allied Hlth	*1991
Bill Grossnickle, Psychology	1992	Mabel Laughter, Education	1992
Sandra Wurth-Hough, Pol. Science	1992	Jannis Shea, Human Envir.	1992
Brian McMillen, Medicine	1993	Wes Hankins, Geography	1993
Rita Reaves, Industry and Tech.	1993	Greg Givens, Allied Hlth.	1993

<u>Regular Member Nominees</u> (1994 Term)	<u>Alternate Member Nominees</u> (1994 Term)
Shel Downes, Allied Health Sciences	Biruta Erdmann, Art
Linda Rikard, HPERS	Susan McDaniel, Biology

Draft with recommended amendments to the policy adopted by the Senate March 19, 1991 (Resolution #91-20).

Recommended new material occurs in caps and underlined.

Recommended deletions are indicated by strike-through (xxx).

APPENDIX ~~U~~ V

(the Senate adopted
a New U elsewhere, so "U" here becomes "V")

EAST CAROLINA UNIVERSITY

SEXUAL HARASSMENT, DISCRIMINATION AND

CONFLICTS OF INTEREST POLICIES

SEXUAL HARASSMENT, DISCRIMINATION AND CONFLICTS OF INTEREST POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY*

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SECTION VI. EDUCATION OF STUDENTS, STAFF AND FACULTY

* East Carolina University's EEOC policies on non-discrimination in recruitment and hiring are contained in Appendix K of the Faculty Manual. The University of North Carolina Committee of Governors resolution regarding potential favoritism between University employees is contained in Appendix H of the East Carolina University Faculty Manual.

[NOTE: Recommended new material occurs in caps and underlined. Recommended deletions are indicated by strike-through (xxx).]

SECTION I. RATIONALE

Well-publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of SEXUAL harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of sexual harassment or discrimination are discouraged. Toward this end, all members of the UNIVERSITY academic community should UNDERSTAND support the principle that sexual harassment, and SEXUAL discrimination represents a failure in ethical behavior and that sexual exploitation of professional relationships VIOLATES UNIVERSITY POLICY AND WILL NOT BE TOLERATED. ~~will not be condoned.~~ Members of the University Community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee for using these policies responsibly interferes with free expression and openness, AND VIOLATES THIS POLICY. Accordingly, members of the University community charged with violations of these policies are prohibited from acts of reprisal against INDIVIDUALS WHO BRING CHARGES OR ARE INVOLVED AS WITNESSES OR OTHERWISE TRY TO USE THIS POLICY RESPONSIBLY. ~~their accusers exclusive of actions brought in the North Carolina or United States courts.~~

SECTION II. POLICY ON SEXUAL HARASSMENT, DISCRIMINATION, AND CONFLICTS OF INTEREST

A. INTRODUCTION

Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail if the University is to fulfill its mission. East Carolina University is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process. ~~As mandated in the EEOC guidelines interpreting Title VII (issued in 1980) and Title IX (issued in 1972, as interpreted in Alexander et. al. v. Yale [631 Fed. 2d. 178 (2nd Cir. 1980)]), the University recognizes its responsibility for the acts of those in the University's employ and academic purview with respect to sexual harassment.~~

Further, amorous relations between a student and a University employee who is responsible for supervising and/or evaluating the student, OR BETWEEN AN EMPLOYEE AND THE PERSON SUPERVISING THAT EMPLOYEE may derogate the merit principle of supervision and evaluation. This policy is the University's statement of its intent to prohibit sexual harassment and discrimination, and to prohibit amorous relations between University employees and students, AND EMPLOYEES AND SUPERVISORS when these relations create a risk of favoritism.

B. DEFINITIONS

B-1. SEXUAL HARASSMENT

The following constitute sexual harassment:

~~(a) Making lewd or obscene sexual remarks or gestures towards a person or persons of either sex;~~

~~(b) Making lewd or obscene sexual remarks or gestures about a specific individual or individuals of either sex;~~

~~(A) (e) Making verbal remarks or committing physical actions that propose to people of either sex that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward;~~

~~(B) (d) Singling out people of either sex and creating or attempting to create a hostile university or working environment or otherwise attempting to harm or harming people because of their sex.~~

~~(C) (e) Continuing verbal or physical conduct of a sexual nature when the person or persons it is directed toward has indicated clearly, by word or action, that this conduct is unwanted.~~

B-2. SEXUAL DISCRIMINATION

Sexual discrimination consist OF ~~in~~ actions that ~~single out people and~~ subject EMPLOYEES OR STUDENTS ~~them~~ to unequal treatment on the basis of their sex.

B-3. CONFLICTS OF INTEREST

Consensual amorous relationships in which one person is responsible for supervising ~~and~~ or evaluating the other create conflicts of interest because they impair or reasonably can be expected to impair the professional judgment of the supervisor.

C. POLICY

It is the responsibility of members of the University community to strive to create an environment free of sexual harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees.

~~C-1. It is against the policies of East Carolina University for its employees or students to make lewd or obscene sexual remarks or gestures towards other employees or students of either sex.~~

~~C-2. It is against the policies of East Carolina University for its employees or students to make lewd or obscene sexual remarks or gestures about other employees or students of either sex.~~

~~C-1. C-3. It is against the policies of East Carolina University for its employees or students to propose to other employees or students that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward.~~

~~C-4. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of the individual's or the group's sex and subject the individual or the group to malicious insults.~~

~~C-2. C-5. It is against the policies of East Carolina University for its employees or students to create a hostile University or workplace environment for an individual or group because of the individual's or the group's sex.~~

~~C-3. C-6. It is against the policies of East Carolina University for its employees or students to subject other employees or students to unequal treatment on the basis of their sex.~~

C-4. 6-7. It is against the policies of East Carolina University for its employees or students to continue verbal or physical conduct of a sexual nature when the employees or students of the University such conduct is directed toward have indicated clearly, by word or action, that such conduct is unwanted.

C-5. 6-8. It is against the policies of East Carolina University for ANY employees of the University to engage in consensual amorous relationships with students OR OTHER UNIVERSITY EMPLOYEES whom the employee is or will be supervising and/or evaluating. (This policy does not apply in cases where both the amorous relationship and the supervising and/or evaluating relationship were initiated before the policy's adoption date.)

~~—This policy applies to relationships between East Carolina University students, faculty, administrators, and staff. East Carolina University will take every step to resolve complaints of sexual harassment and/or discrimination promptly and confidentially.~~

SECTION III. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STUDENTS

Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the Student Government Association Documents, Section XIX.

SECTION IV. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STAFF

Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures stated in the East Carolina University Business Manual, Volume 2, Section VIII.

SECTION V. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING FACULTY STATUS

Complaints brought AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING FACULTY STATUS by East Carolina University students, faculty, staff, administrators, or visitors ~~against East Carolina University faculty members or administrators holding faculty status~~ are governed by the grievance procedures stated in the East Carolina University Faculty Manual, Appendix W.

SECTION VI. EDUCATION OF STUDENTS, STAFF AND FACULTY

The Committee on the Status of Women will develop educational materials to be distributed to students, faculty and staff. These materials will publicize the policies and procedures and help create a proper academic atmosphere that is free of sexual discrimination and harassment. Each year the Committee on the Status of Women will review the effectiveness of the educational materials and procedures and make any necessary revisions. All materials will be reviewed by the campus attorney before they are distributed.

The Faculty Computer Committee offers the following to the Faculty Senate in order to initiate a discussion and solicit additional comments on how to evaluate faculty authored computer programs or software.

DRAFT
POLICY STATEMENT ON EVALUATING FACULTY AUTHORED
COMPUTER PROGRAMS OR SOFTWARE

Computer programs or software should be evaluated and counted as are other intellectual products developed by faculty -- e.g., musical scores, works of art, poems, biographies, the identification of a chemical testing procedure, etc.

- A. Computer programs or software may further knowledge in a discipline, enhance a faculty member's teaching, or provide a service. When evaluating a faculty member's computer program or software for the annual report, the same basic criteria should apply as when evaluating other intellectual products: does it make an important contribution to one's teaching, does it further knowledge in one's discipline, is there some recourse to "standards" through a peer review process, does it enhance the university's image through service?
1. Teaching: If the faculty authored software is being applied to teaching, then the evaluation and credit should be under that category. (With East Carolina University's emphasis on incorporating computing and new technology into the instructional setting, there needs to be encouragement and reward for faculty who invest the time and training to do so.)
 2. Research: If the faculty authored software is a part or result of research which is published, then the evaluation and credit should be under that category. Published research incorporating faculty authored software should be treated as is other published research.
 3. Creative Activity: If the faculty authored software is published for use in research or teaching, then the evaluation and credit should be under the category of creative activity. The publication of software for use in research or teaching should be subject to a peer review process which would provide the same "tangible evidence" for its contribution to scholarly work or teaching that is provided by peer review of other published or juried works. Software which is included with a textbook authored by another is to be judged in this category.
 4. Service: If the faculty authored software is for use in service on behalf of the university, then it should be evaluated under that category.
- B. From discipline to discipline the form taken by the candidate's contribution will vary. (Such discipline-specific standards already apply to the evaluation of the annual reports and of materials reviewed for tenure and promotion.)