

THE REVISION OF APPENDIX 'D': A HISTORY

In the late Spring of 1988 Chancellor Eakin appointed an ad hoc committee to consider revisions to Appendix 'D' that would address his concern for consistency in the review of personnel policies.

Members were:

- J. Conner Atkeson, Chair of the Faculty
- Henry Ferrell, Department of History
- Robert J. Hursey, Department of Mathematics
- Donald R. Sexauer, School of Art
- Ben G. Irons, University Attorney
- William A. Bloodworth, Acting Vice Chancellor for Academic Affairs

The ad hoc committee held its first meeting on May 17, 1988 and worked through the Spring, Summer and Fall of 1988 and into the beginning of 1989 in order to complete the amendments to Appendix 'D'.

The results of the ad hoc committee's work offers some major changes with respect to the original document. What follows outlines changes of particular significance:

- (1) The publication and the maintenance of the Faculty Manual is a joint responsibility of the Chancellor and the Office of the Faculty Senate.
- (2) A candidate for a probationary appointment may request credit for prior experience. Initial probationary appointments shall be for periods of two years. Lengths of subsequent reappointments are also specified.
- (3) The role of the permanently tenured faculty is consistent in all units of the university on matters of peer review concerning promotion, permanent tenure and reappointment. While at first glance the scheme may seem complex, such is actually not the case. Once implemented, disparate disciplines are covered by a single procedure.
- (4) A major revision occurs in the document with regards to the way personnel actions are approved and/or denied. The responsibility of the permanently tenured faculty has increased. A personnel recommendation that is denied by the appropriate permanently tenured faculty or an administrator above the unit level is final. All administrators who are charged with review of personnel recommendations above the level of that administrator or the faculty body who originally denied the recommendation are informed of the denial as a matter of information. The underlying principle here is that no unit faculty and no administrator charged with review of personnel actions should be compelled to accept a particular action without having had the opportunity to deny the action. And, if appeal should occur, it should occur as early as possible and should not involve administrators above the level of the unit faculty or administrator who made the original decision to deny.
- (5) The procedure for appeal of decisions not to reappoint and not to grant permanent tenure have been changed appreciably. If it occurs, the first step is a conference with the agent who originally denied the action. If the decision to deny is unreversed, the faculty member may appeal to the Hearing Committee, a committee whose membership qualifications have been strengthened.

NOTE: DENIAL OF A PERSONNEL ACTION IS NOT AMONG OTHER REASONS, TO RESULT FROM A MATERIAL PROCEDURAL IRREGULARITY OR THE DENIAL OF ACADEMIC FREEDOM.

If the Hearing Committee and the Chancellor find that a material procedural irregularity has corrupted a personnel action, then a negative decision is remanded to the appropriate unit or administrator for reconsideration (making clear that such remand shall not result in de facto tenure). Should action (or lack of same) by the administration result in a delay of the appeal process beyond the period of employment of the faculty member, the salary of the faculty member shall be continued until appeal within ECU is completed.

- (6) Requirements for membership on the Due Process Committee have been strengthened and the alternate members are to be ranked.
- (7) When it appears that financial exigency or curtailment of a major program will be experienced, the Chancellor shall consult with and receive a report from the Educational Policies and Planning Committee.
- (8) Requirements for membership on the Reconsideration Committee have been strengthened.
- (9) The composition of the Faculty Grievance Committee has been changed. Procedure for appointment of additional members, as necessary, has been included.

On March 28, 1989 the document, with the endorsement of the Chancellor, was submitted to the Faculty Governance Committee for their review and modification.