

PLEASE POST FOR ALL FACULTY TO READ!

**EAST CAROLINA UNIVERSITY
1997-1998 FACULTY SENATE**

The second regular meeting of the 1997/1998 Faculty Senate will be held on **Tuesday, 4 November 1997**, at 2:10 in the Mendenhall Student Center Great Room.

FULL AGENDA

I. Call to Order

II. Approval of Minutes

14 October 1997

III. Special Order of the Day

A. Roll Call

B. Announcements

C. Vice Chancellor's Report

D. Approval of Fall 1997 Graduation Roster

IV. Unfinished Business

V. Report of Committees

A. Committee on Committees, Mark Taggart
Second Reading of a Revision to the Research/Creative Activity
Policies Committee charge (attachment 1).

B. Faculty Computer Committee, Wayne Godwin
Model Computer Use Policies (attachment 2).

C. Faculty Governance Committee, Patricia Anderson
1. Revision to the *ECU Faculty Manual*, Part VI. Section I.D.
Leaves of Absence (attachment 3).
2. Revised Description of Faculty Entitled to Participate in Both the
DECAD and Administrator Survey (attachment 4).

D. University Curriculum Committee, James Smith
Curriculum matters contained in the minutes of the 23 October
1997, Committee Meeting (Copies of these minutes have been
distributed to all units and are available on the Faculty Senate web
page.)

VI. New Business

Memorandum
4 November 1997
Attachment 1.

COMMITTEE ON COMMITTEES REPORT

Second Reading of a Revision to the Research/Creative Activity Policies
Committee Charge

Increase the committee membership to 8 faculty members with the charge reading as follows:

"2. Membership:

8 faculty members. Ex-officio member (with vote): The Chair of the Faculty.
Ex-officio members (without vote but with all other parliamentary privileges): The Chancellor, the Vice Chancellor for Academic Affairs, the Vice Chancellor for Health Sciences, the Vice Chancellor for Research/Dean of the Graduate School, and the Director of Sponsored Programs, or their appointed representatives.

Each member shall have demonstrated accomplishment in scholarship, research, or creative activity, as evidenced by data submitted for each person nominated by the Committee on Committees or from the floor of the Faculty Senate. "

MODEL COMPUTER USE POLICY FOR UNIVERSITY EMPLOYEES

I. INTRODUCTION

The University of North Carolina's (hereinafter "University") computing and telecommunicating networks, computing equipment and computing resources are owned by the University and are provided primarily to support the academic and administrative functions of the University. The use of this equipment and technologies is governed by federal and state law, and University policies and procedures. Additional rules and regulations may be adopted by various divisions/departments to meet specific administrative or academic needs. Any adopted requirements must be in compliance with applicable federal and state laws, and this policy.

II. REGULATORY LIMITATIONS

A. The University may monitor access to the equipment and networking structures and systems for the following purposes:

1. To insure the security and operating performance of its systems and networks.
2. To review employee performance.
3. To enforce University policies.

B. The University reserves the right to limit access when federal or state laws or University policies are violated or where University contractual obligations or University operations may be impeded.

C. The University may authorize confidential passwords or other secure entry identification; however, employees have no expectation of privacy in the material sent or received by them over the University computing systems or networks. While general content review will not be undertaken, monitoring of this material may occur for the reasons specified above.

D. The University generally does not monitor or restrict material residing on University computers housed within a private domicile or on non-University computers, whether or not such computers are attached or able to connect to campus networks.

E. All material prepared and utilized for work purposes and posted to or sent over University computing and other telecommunicating equipment, systems or networks must be accurate and must correctly identify the creator and receiver of such.

F. Any creation of a personal home page or a personal collection of electronic material that is accessible to others must include a disclaimer that reads as follows:

The material located at this site is not endorsed, sponsored or provided by or on behalf of the University.

III. PERMISSIBLE USE

Employees are expected to follow this policy and any related University rules, regulations and procedures for University work produced on computing equipment, systems and networks. Employees may access these technologies for personal uses if the following restrictions are followed:

- A. The use is lawful under federal or state law.
- B. The use is not prohibited by Board of Governors, University or institutional policies.
- C. The use does not overload the University computing equipment or systems, or otherwise harm or negatively impact the system's performance.
- D. The use does not result in commercial gain or private profit (other than allowable under University intellectual property policies).
- E. The use does not violate federal or state laws or University policies on copyright and trademark.
- F. The use does not state or imply University sponsorship or endorsement.
- G. The use does not violate state or federal laws or University policies against race or sex discrimination, including sexual harassment.
- H. The use does not involve unauthorized passwords or identifying data that attempts to circumvent system security or in any way attempts to gain unauthorized access.

IV. VIOLATION OF POLICY

- A. Any violation of this policy is "misconduct" under EPA policies (faculty and EPA non-faculty) and "unacceptable personal conduct" under SPA policies.
- B. Sanctions for violation of this policy may include one or more of the following: a revocation of access privileges; a written warning or written reprimand; demotion; suspension without pay; dismissal; or prosecution for criminal violations.

V. APPLICATION OF PUBLIC RECORDS LAW

All information created or received for work purposes and contained in University computing equipment files, servers or electronic mail (e-mail) depositories are public records and are available to the public unless an exception to the Public Records Law applies. This information may be purged or destroyed only in accordance with the University records retention schedule and State Division of Archives regulations.

MODEL COMPUTER USE POLICY FOR UNIVERSITY STUDENTS

I. INTRODUCTION

The University of North Carolina's (hereinafter "University") computing and telecommunicating networks, computing equipment and computing resources are owned by the University and are provided primarily to support the academic and administrative functions of the University. The use of this equipment and technologies is governed by federal and state law, and University policies and procedures. Additional rules and regulations may be adopted by various divisions/departments to meet specific administrative or academic needs. Any adopted requirements must be in compliance with applicable federal and state laws, and this policy.

II. REGULATORY LIMITATIONS

A. The University may monitor access to the equipment and networking structures and systems for the following purposes:

1. To insure the security and operating performance of its systems and networks.
2. To enforce University policies.

B. The University reserves the right to limit access when federal or state laws or University policies are violated or where University contractual obligations or University operations may be impeded.

C. The University may authorize confidential passwords or other secure entry identification; however, students have no expectation of privacy in the material sent or received by them over the University computing systems or networks. While general content review will not be undertaken, monitoring of this material may occur for the reasons specified above.

D. The University generally does not monitor or restrict material residing on University computers housed within a private domicile or on non-University computers, whether or not such computers are attached or able to connect to campus networks.

E. All material posted to or sent over University computing and other telecommunicating equipment, systems or networks must be accurate and must correctly identify the creator and receiver of such.

F. Any creation of a personal home page or a personal collection of electronic material that is accessible to others must include a disclaimer that reads as follows:

The material located at this site is not endorsed, sponsored or provided by or on behalf of the University.

III. PERMISSIBLE USE

Students are expected to follow this policy and any related University rules, regulations and procedures for University work produced on computing equipment, systems and networks. Students may access these technologies for personal uses if the following restrictions are followed:

- A. The use is lawful under federal or state law.
- B. The use is not prohibited by Board of Governors, University or institutional policies.
- C. The use does not overload the University computing equipment or systems, or otherwise harm or negatively impact the system's performance.
- D. The use does not result in commercial gain or private profit (other than allowable under University intellectual property policies).
- E. The use does not violate federal or state laws or University policies on copyright and trademark.
- F. The use does not state or imply University sponsorship or endorsement.
- G. The use does not violate state or federal laws or University policies against race or sex discrimination, including sexual harassment.
- H. The use does not involve unauthorized passwords or identifying data that attempts to circumvent system security or in any way attempts to gain unauthorized access.

IV. SUSPENSION OF PRIVILEGES BY SYSTEM ADMINISTRATOR

A. The University's System Administrator may suspend a student's access privileges for as long as necessary in order to protect the University's computing resources. As soon as practicable following the suspension, the System Administrator must take the following actions:

1. The student must be provided with notice of the suspension and the reasons for it.
2. The student must be given an opportunity to meet with the System Administrator to discuss the suspension if the student requests it.
3. Following the meeting, the student must be notified that the student may appeal to the System Administrator's immediate supervisor if the student is dissatisfied with the outcome of the meeting.

B. If the System Administrator believes that this policy has been violated, the System Administrator may refer the matter to [the appropriate disciplinary mechanism].

V. VIOLATION OF POLICY

A. Any violation of this policy is "misconduct" under the University's student conduct code. Violations should be reported as provided in that code.

B. Sanctions for violation of this policy may include revocation or suspension of access privileges in addition to any other sanction permitted under the student conduct code.

C. Violations of law may also be referred for criminal or civil prosecution.

MODEL UNIVERSITY E-MAIL RETENTION POLICY

A. Electronic mail or "E-Mail" is simply a method of communicating information and does not constitute a public record in and of itself. However, the information transmitted through the use of E-Mail may become a public record if it meets the definition of N.C.Gen.Stat. § 132-1, i.e., if it is information made or received in the transaction of public business by a state agency. If information transmitted by E-Mail meets the definition of "public record," then it may not be deleted or otherwise disposed of except in accordance with a records retention schedule approved by the State Division of Archives and History. The content of the E-Mail message determines the retention requirement.[1]

B. The individual to whom the message is addressed becomes the legal "custodian" once the message is received and is the person responsible for ensuring compliance with the Public Records Act. Although most agencies also periodically back up information residing on system hard drives, this is not done for archival purposes or in order to meet the requirements of the Public Records Act, but as a safety measure in case of system failure or unlawful tampering ("hacking"). The system administrator is not the legal custodian of messages which may be included in such back up files.

C. E-Mail messages generally fall into two categories.

1. First, some E-Mail is of limited or transitory value. For example, a message seeking dates for a proposed meeting has little or no value after the meeting date has been set. Retention of such messages in the computer system serves no purpose and takes up space. Such messages may be deleted as soon as they no longer serve an administrative purpose.

2. Second, E-Mail is sometimes used to transmit records having lasting value. For example, E-Mail about interpretations of an agency's policies or regulations may be the only record of that subject matter. Such records should not be maintained in E-Mail format, but should be transferred to another medium and appropriately filed, thus permitting E-Mail records to be purged at regular intervals.

D. While the methods for reviewing, storing or deleting E-mail vary, compliance with the retention requirements of the Public Records Act may be accomplished by doing one of the following:

1. Print the E-Mail and store the hard copy in the relevant subject matter file as would be done with any other hard-copy communication. Printing the E-Mail permits maintenance of all the information on a particular subject matter in one central location, enhancing its historical and archival value.

2. Electronically store the E-Mail in a file, a disk, or a server, so that it may be maintained and stored according to its content definition under the unit's records retention policy.

[1] Additional information on this topic may be found at the State Division of Archives and History web site entitled, Frequently Asked Questions About Public Electronic Records.

Memorandum
4 November 1997
Attachment 3.

FACULTY GOVERNANCE COMMITTEE REPORT

Revision to the *ECU Faculty Manual*, Part VI. Section I.D.
Leaves of Absence (page VI-4)

Revise this section to read as follows (addition noted in bold print):

"D. Leaves of Absence

Leaves of absence for one or more semesters without salary may be arranged with faculty members for the purpose of advanced study, research, or public service without prejudice to future promotions in rank, provided the period of absence is reasonable and does not work undue hardship upon the university. Requests for leave of absence must be made in writing and accompany the personnel recommendation form. Leaves of absence without compensation are **subject to Appendix D. Tenure and Promotion Policies and Procedures of ECU, Section II.C.3. Extensions of the Probationary Term** and normally should be for not more than two academic years or occur more often than once in three years. For faculty members who do not have tenure, a period of leave would not count as a part of the probationary period. It is impossible to judge the individual's readiness for tenure while he or she is on leave. Thus, the tenure decision will be postponed for a period equal to the length of the leave. Leaves are often granted under circumstances that place an ethical obligation on the recipient of such leaves to return. If the leave is accepted under an agreement to return, this agreement should be honored. Even when there is no obligation to return, the faculty member on leave should observe the same rules regarding adequate notice of resignation as found in *Appendix D, Tenure and Promotion Policies and Procedures of ECU*. The returning faculty member's pay will begin in the semester in which he or she returns to work. The contract between faculty members on leave and the university will be renewed. Raises and promotions awarded during the period of leave will be placed into effect at that time. While on leave, the faculty member will have the opportunity to maintain group life, health, and total disability insurance consistent with the policies of the university. It should be noted that if the health insurance is not continued while on leave of absence, the employee and dependents will be subject to a preexisting clause for any medical condition, whether diagnosed or not, for one year upon their re-enrollment in the plan."

Memorandum
4 November 1997
Attachment 4.

FACULTY GOVERNANCE COMMITTEE REPORT

Revised Description of Faculty Entitled to Participate in Both
the DECAD and Administrator Survey

Faculty Members participating in the DECAD and Administrator Survey must:

1. hold rank as professor, associate professor, assistant professor, instructor, or faculty title,
2. be employed currently,
3. hold full-time appointment, and
4. have been employed at ECU for at least one year.