

2-16-99  
Faculty  
Assembly  
Report

**East Carolina University Responses**  
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**Goal 1: Identify perception of the effectiveness/ineffectiveness of the process:**

**The Process:**

- 1) Briefly describe the grievance and/or hearing process/procedures/regulations on your campus. We have five appellate committees:
  - a) Due Process Committee. Refer to attachment labeled "Due Process Before Discharge or Imposition of Serious Sanction for appeal and hearing procedures." This committee is empowered to make recommendations to the Chancellor regarding faculty grievances on matters directly related to a faculty member's discharge or suspension from employment or diminish in rank for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty.
  - b) Faculty Grievance Committee. Refer to attachment labeled "Grievance Policies and Procedures of East Carolina University." This committee hears grievances on matters directly related to a faculty member's employment status and instructional relationship within the University. It also hears appeals by any faculty member concerning the implementation of governance procedures of both the *ECU Faculty Manual*, Appendix L. East Carolina University Code and the Unit Codes within the units. The committee submits its report to the next higher administrator empowered to provide the relief sought, and shall continue in this way until the report either is acted upon or is submitted to the Chancellor.
  - c) Grievance Board. Refer to attachment labeled "Grievance Procedures For Complaints Of Sexual Or Racial Harassment Or Discrimination Or Conflicts Of Interest Brought Against East Carolina University Faculty Members Or Administrators Holding Faculty Status.." The board is empowered to make recommendations to the Chancellor regarding faculty grievances on matters directly related to sexual, racial, or ethnic harassment or discrimination, or conflicts of interest. Within ten working days of the Board's reaching a determination to sustain or not to sustain a grievance of sexual, racial, or ethnic harassment or discrimination, or conflict of interest against East Carolina University faculty members, or administrators with faculty status, the Board's determination and a summary of the basis for its decision will be communicated in writing to the complainants, the respondents, the Grievance Officer, the relevant unit administrator, the University Attorney, and the Chancellor. Within thirty working days of receiving the Board's report, the Chancellor shall notify the complainants, respondents, Grievance Officer, relevant unit administrator, and University attorney of the Chancellor's concurrence or nonconcurrent with the findings of the Board, and of the disciplinary action, if any, being taken against the respondents.
  - d) Hearing Committee. Refer to attachment labeled "Procedure for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure for hearing procedures. This committee is empowered to make recommendations to the

Chancellor regarding faculty grievances on matters directly related to the decision not to reappoint or not to confer permanent tenure based on (a) any ground stated to be impermissible in Section 604B of *The Code of The Univesity of North Carolina* or (b) attended by a material procedural irregularity.

- e) Reconsideration Committee. Refer to attachment labeled "Termination of Faculty Employment for hearing procedures." The committee is empowered to make recommendations to the Chancellor regarding faculty grievances on matters directly related to the decision to discharge the faculty member because of (1) demonstrable, bona fide institutional financial exigency, or (2) major curtailment or elimination of a teaching, research, or public service program.
- 2) What are the strengths of your process? The process allows for faculty input and peer examination of situation. The committee is elected from volunteers and are not forced into membership. The process provides an independent decision.
- 3) What are the weaknesses of your process? In most appellate committee processes, the administration is not required to provide reasons for its concurrence/noncurrence of the committee decisoin.
- 4) Is your campus process/procedure perceived as fair? Most would consider the process and procedures fair.

#### **The Faculty:**

- 5) What published documents are readily available for the faculty to use? Would a "How to Grieve" manual be helpful? The attached appendices of the ECU Faculty Manual are the only available "guides."
- 6) Does the grievant receive any support/education in how to conduct a procedure? The grievant often directs questions to the Chair of the Faculty or previous member of an appellate committee.
- 7) How receptive would your faculty be to a "circuit rider" as an external hearing officer to assist the committee in conducting hearingins (committee as jury, circuit rider as judge)? I believe the faculty would not be very receptive of a circuit rider.
- 8) Would your faculty be receptive to a grievance procedure that culminates in binding arbitration in lieu of appeal to the Board of Trustees and Board of Governors? This is a difficult question to answer. Some faculty would support arbitration while others would prefer to try to improve communication within the current system first.

#### **The Administration**

- 9) Does administraiton fulfill its responsibilities to actively cooperate with the grievance process? Yes. Of course, the administration does not always agree with the committee recommendations.

#### **The Committee**

- 10) Do members of hearing/grievance committees on campus receive any support/education in how to conduct a procedure? Where do they turn when they have questions during the process? Because of our staggered membership, current committee members have some experience (at least on the Hearing Committee and

Grievance committee). When they have questions they turn to the Chair of the Faculty and sometimes the University Attorney.

**Goal 2: Identify how many and what kind of "traffic" is on each campus:**

Estimate, since 1992, how many hearings have been held on

- 1) 603 actions (terminations)
  - a) none have been held
- 2) 604 (non-reappointment and tenure denials)
  - a) 1997-1998 (1 - Hearing)
  - b) 1996-1997
  - c) 1995-1996 (1 - Hearing)
  - d) 1994-1995
  - e) 1993-1994 (2 - Hearing)
  - f) 1992-1993 (1 - Hearing)
- 3) Other grievances on promotion, merit, personnel status
  - a) 1997-1998 (1 - Due Process)
  - b) 1996-1997
  - c) 1995-1996 (1 - Faculty Grievance; 2 cases referred to mediation with one being resolved at that level and the other still going on)
  - d) 1994-1995 (4 evidentiary hearings - Faculty Grievance -- 1 carried on to following year)
  - e) 1993-1994
  - f) 1992-1993

**Goal 3: Identify the number of cases resolved at the campus level:**

1. For each of the actions above, how often does the Chancellor overturn a committee recommendation? Rarely has the Hearing Committee ruled in favor of the grievant. The Chancellor has supported the actions of the committee except on two occasions. To my knowledge only 1 committee decision has been unfavorable to the faculty since 1992 and the Chancellor did not concur with the committee. The Chancellor has overturned the committee's favorable ruling based on the issue of material irregularity. Affirm the committee recommendation? Are written reasons provided in either instance? No written reasons were provided from the Chancellor for the Hearing Committee decisions. Regarding sexual discrimination, the Chancellor has only gone against one decision of the faculty regarding sexual discrimination. Most of the committee's findings have been approved by the Chancellor. Regarding dismissal, only one case has been brought forward and the committee decision was not supported by the Chancellor.
2. What percentage of the actions is appealed? Board of Trustees (est. 50%); Board of Governors (est 50%)
3. Is mediation available? If so, does it "work"? Mediation is available on Grievance committee.
4. Do you have problems getting faculty on your campus to serve on the grievance/hearing committee? Why? On "active" committees, there is rarely a large pool of volunteers. Typically, the Committee on Committees has to actively recruit volunteers.