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Resolutions
FS announcements
notice to centers

MEMORANDUM

TO: Rick Niswander
Chairman, Faculty Senate

FROM: William E. Shelton
Chancellor

DATE: October 6, 2003

SUBJECT: Approval of Resolutions

This is to confirm approval of the following resolutions adopted September 16, 2003 by the Faculty Senate:

- 03-37 Revisions to Parts I. and VI. and Appendices D., J., L., X., and Y of the *ECU Faculty Manual*.
- 03-38 Resolution requesting ECU faculty to support the implementation of a system that will eliminate the use of social security numbers as identifiers and that the faculty urge the University administration to use its best efforts to prevent unauthorized disclosure of social security numbers, even prior to the implementation of a new system, by avoiding the use of social security numbers whenever possible and by educating students, faculty, and staff regarding the security risks associated with social security numbers and the best practices for their safe use.
- ✓03-39 Revised College of Education, Health Sciences Library, and Department of Chemistry unit codes of operation.



Faculty Senate

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September 23, 2003

Interim Chancellor Bill Shelton
East Carolina University
Spilman Building

Dear Dr. Shelton:

On September 16, 2003, the Faculty Senate adopted the following resolutions for your consideration.

- 03-37 Revisions to Parts I. and VI. and Appendices D., J., L., X., and Y of the *ECU Faculty Manual* (attachment 1).
- 03-38 Resolution requesting ECU faculty to support the implementation of a system that will eliminate the use of social security numbers as identifiers and that the faculty urge the University administration to use its best efforts to prevent unauthorized disclosure of social security numbers, even prior to the implementation of a new system, by avoiding the use of social security numbers whenever possible and by educating students, faculty, and staff regarding the security risks associated with social security numbers and the best practices for their safe use (attachment 2).
- 03-39 Revised College of Education, Health Sciences Library, and Department of Chemistry unit codes of operation (attachment 3).

Following your approval of the revisions to Appendices D, L, and Y, please forward the revised appendices to the Board of Trustees and UNC Board of Governors (Appendix D) for their consideration.

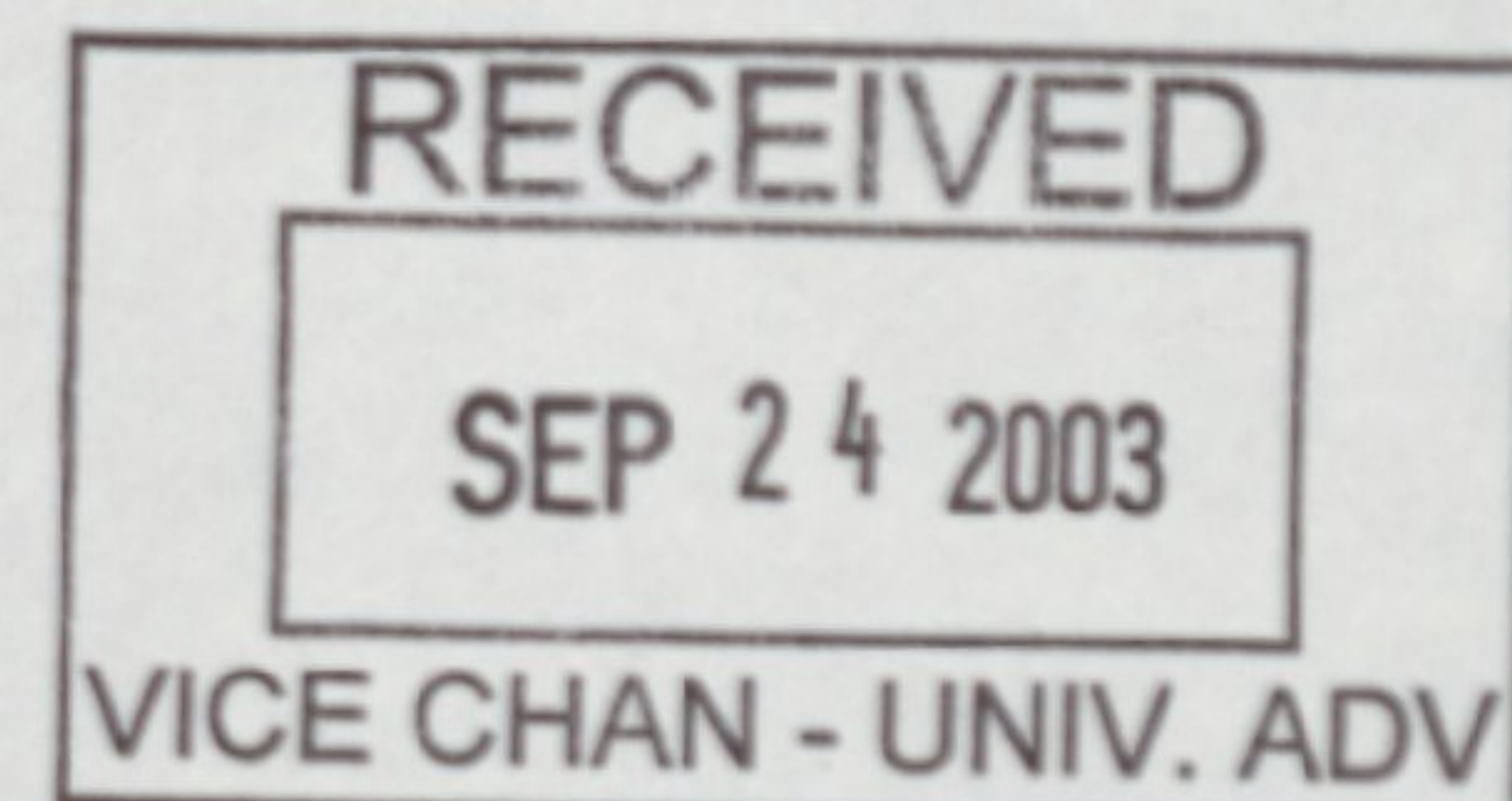
The Faculty Senate also approved the following resolution that does not require your approval at this time.

- 03-40 The Commission on Scholarships' report was accepted as a document to be forwarded to the Chair of the Faculty to disseminate to the Faculty Governance Committee to discuss in light of the University as a whole and, if appropriate, to bring proposed revised documents to the Faculty Senate for consideration at a later date.

Thank you for your consideration of the above mentioned resolutions.

Sincerely,

Rick Niswander
Chair of the Faculty



copy via email (without attachments):

Faculty Officers
William Swart, Provost
Michael Lewis, Vice Chancellor for Health Sciences
Tom Feldbush, Vice Chancellor for Research, Economic Development & Community Engagement

Faculty Senate Resolution #03-37

Approved by the Faculty Senate: September 16, 2003

Approved by the Chancellor: pending

Approved by the Board of Trustees (appendices D, L,Y): pending

Approved by the UNC Board of Governors (appendix D.): pending

ATTACHMENT # 1

Revision to the *ECU Faculty Manual*, Part I.

Revise Part I. to read as follows:
(additions are noted in **bold** print.)

*"East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, **gender**, age, sexual orientation, **political affiliation**, or disability."*

Revisions to the *ECU Faculty Manual*, Part VI.

Revise Part VI. Section I. to read as follows:
(additions are noted in **bold** print.)

"I. Employment Policies

*It is a policy of the university throughout the campus and all its branches, divisions, departments, facilities, and activities that firm and positive steps be taken by all supervisory and management personnel to prevent any discriminatory employment practices; and that affirmative action will be taken to ensure that applicants for employment will be considered and employed based on actual job requirements; and that all personnel matters pertaining to employment, placement, training, upgrading, promotion, demotion, transfer, layoff, termination, and salary administration will be conducted in a nondiscriminatory way without regard to race, color, national origin, religion, **gender**, age, sexual orientation, **political affiliation**, or disability."*

Revise Part VI. Section VI. to read as follows:
(additions are noted in **bold** print.)

"VI. Equal Employment Opportunity/Affirmative Action Policy (Formerly Appendix K)

*East Carolina University is committed to equal opportunity for all members of the university community. In addition, it will take affirmative action to increase recruitment and hiring of black and female faculty and staff. The following is the Equal Employment Opportunity Policy as it appears in the East Carolina University Affirmative Action Plan (1983-1986). East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, **gender**, age, sexual orientation, **political affiliation**, or disability. "*

Faculty Senate Resolution #03-37 (continued)

Revisions to the *ECU Faculty Manual*, Appendix D.

● Revise Appendix D, Section II.A.3. to read as follows:

(addition is noted in **bold** print.)

“3. *Terms and Conditions for Appointment and Reappointment*

*The chancellor or the chancellor's designee shall set out in writing, with a copy to the faculty member, the terms and the conditions of each appointment, including fixed-term appointments, and each reappointment. Prior to initial appointment the unit administrator shall provide a copy of the unit's criteria for evaluating faculty performance to persons offered a faculty appointment in the unit. Criteria for evaluating faculty performance shall be discussed by the unit administrator in a meeting with each fixed-term and probationary-term faculty member at the beginning of the first term of employment. Criteria for evaluating faculty performance shall be discussed by the unit administrator in a meeting with each probationary-term faculty member at the beginning of an academic year in which a reappointment or tenure decision is made. A record of the discussion shall be placed in the faculty member's personnel file. The terms shall incorporate by reference appropriate sections of the Faculty Manual and shall state any conditions placed on the appointment or reappointment. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Notice of reappointment or non-reappointment to probationary-term persons shall be written. The decision not to reappoint probationary term faculty shall not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, color, national origin, religion, **gender**, age, sexual orientation, political affiliation, **or disability**; or (3) personal malice.”*

● Revise Appendix D, Section V.D.2. as follows:

(additions are noted in **bold** print and deletions are noted by ~~strikethrough~~.)

“2. *Conduct of the Hearing*

*The chair of the Hearing Committee is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of Robert's Rules of Order, Newly Revised. Attendance at the hearing is limited to the committee's members and alternates, the complainant, one person who may advise the complainant but who may not take an active part in the proceedings, the respondents, an East Carolina University faculty member (with or without administrative appointment) selected by the chancellor to represent the respondents in the conduct of the hearing, an East Carolina University attorney who shall advise the respondents and their representative but who may not take an active part in the proceedings, the chancellor, and an East Carolina University attorney representing the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. ~~An audio recording or a "court reporter's" transcript of the proceedings shall be made.~~ **For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.**”*

Revise Appendix D, Section V.E. as follows:

(deletions are noted by ~~strikethrough~~.)

● *“Within 10 working days of finishing its deliberations the committee shall provide the complainant, respondents, and the chancellor with a copy of the committee's report and a copy of the ~~audio recording or court reporter's transcript of the hearing.~~”*

Faculty Senate Resolution #03-37 (continued)

Revise Appendix D, Section VI.F.2. as follows:

(Additions are noted in **bold** print and deletions are noted by strikethrough.)

"2. *Conduct of Hearing*

*The hearing shall be on the written specification of reasons for the intended penalty. The chair of the Due Process Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the vice chancellor with supervisory authority, and counsel for the vice chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. ~~An audio recording or a "court reporter's" transcript of the proceedings shall be made.~~ **For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.**"*

Revise Appendix D, Section VI.G. as follows:

(deletions are noted by strikethrough.)

"Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the ~~audio recording or court reporter's transcript of the hearing.~~ In its report the committee shall state whether or not it recommends that the intended penalty be imposed."

Revise Appendix D, Section VII.B.7.b. as follows:

(Additions are noted in **bold** print and deletions are noted by strikethrough.)

"b. *Conduct of Hearing*

*The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. ~~An audio recording or a "court reporter's" transcript of the proceedings shall be made.~~ **For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.**"*

Revise Appendix D, Section VII.8. as follows:

(deletions are noted by strikethrough.)

"Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the ~~audio recording or court reporter's transcript of the hearing.~~"

Faculty Senate Resolution #03-37 (continued)

Revisions to the *ECU Faculty Manual*, Appendix J.

Revise Appendix J. Section I. to read as follows:
(additions are noted in **bold** print.)

"I. Preamble

*East Carolina University is committed to the principle of equal opportunity for all faculty regardless of rank, temporary or permanent employment status, and tenure or nontenure status. Therefore, it is university policy that no member of the faculty will suffer discrimination in his or her employment status as a member of the faculty on the basis of based on race, color, national origin, religion, **gender**, age, sexual orientation, political affiliation, **or disability**. If any faculty member believes that he or she has experienced discrimination on the basis of any of the above factors, he or she is encouraged to seek redress of the grievance by informal administrative corrective action."*

Revise Appendix J. Section II. to read as follows:
(additions are noted in **bold** print.)

"II. Steps in the Faculty Informal Grievance Procedure

*If any faculty member has a grievance with regard to his or her employment relationship with the university alleging discrimination on the basis of race, color, religion, **gender**, sexual orientation, age, national origin, political affiliation, **or disability**, he or she should comply with the following procedure. "*

Revisions to the *ECU Faculty Manual*, Appendix L.

Revise Appendix L, Section C.3.g. to read as follows:
(additions are noted in **bold** print and deletions are noted by ~~strikethrough~~.)

"g. procedures for the unit's faculty members to indicate in a timely fashion and by vote their approval or disapproval of the unit's ~~SACS report~~, major planning documents, **assessment documents**, and other **major reports** ~~assessments of unit operations~~ prior to their submission **in final form** to person(s) outside the unit."

Revise Appendix L., Section D.3.c. to include the following:

"The unit administrator will not participate in this vote."

Revisions to the *ECU Faculty Manual*, Appendix X.

Revise Appendix X. Section VII.D. to read as follows:
(additions are noted in **bold** print.)

"The hearing shall begin with an opening statement by the Chair of the Board. This statement shall identify the purpose of the hearing, the contents of the complaint, the identity of complainants, respondents, and witnesses to be called, and the procedures to be followed during the hearing. The Board shall specifically note that only testimony and other information clearly bearing on the grievance at

Faculty Senate Resolution #03-37 (continued)

Revisions to the *ECU Faculty Manual*, Appendix X. Section VII.D. (continued)

hand shall be admissible as evidence. It shall be the Chair's responsibility to reject immediately, stop the presentation or introduction of, or question the relevance of information having no clear bearing on the grievance. However, at any time during a hearing the Board may, by a majority vote, override the Chair's decision regarding admissibility and/or relevance of testimony, written evidence, or other material presented to the Board. It shall also be the chair's responsibility to maintain control of the Hearing so that an orderly exchange of information can be accomplished. **For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.**"

Revise Appendix X. Section VII.E. to read as follows:
(additions are noted in **bold print**.)

*"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. **The Board shall provide the faculty member and the chancellor with a copy of the court reporter's transcript of the hearing.**"*

Revisions to the *ECU Faculty Manual*, Appendix Y.

Revise Appendix Y. Section III.E.1. to read as follows:
(additions are noted in **bold print**.)

*"The Grievance Committee shall limit its investigations to the written complaints and statement of relief sought provided by the grievant. The committee's responsibility is limited to making recommendations based on the information presented at the hearing. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance and to advise adjustment by the administration when appropriate. In addition to testimony by the grievant, the respondent, and witnesses, presentations may include written materials, sound recordings, video recordings, photographs and other forms of evidence. Each evidentiary item shall be numbered and shall be a part of the formal record of the hearing. **For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing.**"*

Revise Appendix Y. Section III.F. to read as follows:
(additions are noted in **bold print**.)

"F. Step Six

*The Faculty Grievance Committee shall submit a written report of its findings and recommendations, **along with a copy of the court reporter's transcript of the hearing** to the administrator most directly empowered to provide the relief sought or otherwise to adjust the grievance, with a copy **of the materials** to the grievant, the respondent and the chair of the faculty. If the committee's report is not acted upon to the committee's satisfaction within twenty working days, the committee shall submit its report to the next higher administrator empowered to provide the relief sought, and shall continue in this way until the report **er** is acted upon or is submitted to the Chancellor. "*



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