

**EAST CAROLINA UNIVERSITY
2003-2004 FACULTY SENATE**

The eighth regular meeting of the 2003/2004 Faculty Senate will be held on **Tuesday, April 20, 2004**, at **1:10 p.m.** in the Mendenhall Student Center Great Room.

Please note the 1:10 start time and make appropriate arrangements with Alternates if necessary.

FULL AGENDA

This is the last meeting of the year for the 2003/2004 Faculty Senate.

Newly elected Faculty Senators and Alternates will begin their service on **Tuesday, April 27, 2004**, with an agenda forthcoming.

I. Call to Order

II. Approval of Minutes

March 30, 2004

III. Special Order of the Day

A. Roll Call

B. Announcements

C. Bill Shelton, Interim Chancellor

D. Jim Smith, Interim Vice Chancellor for Academic Affairs

E. Rick Niswander, Chair of the Faculty

F. Bob Morrison, Faculty Assembly Delegate
Written Report on the Faculty Assembly Meeting of April 16, 2004.

G. Question Period

IV. Unfinished Business

V. Report of Committees

A. University Curriculum Committee, Tim Hudson

1. Curriculum matters contained in the minutes of the March 11, 2004, and March 25, 2004, Committee Meetings.
2. Proposed Instructions for Completing the Course Proposal Form (attachment 1).
3. Revised Course Proposal Form (attachment 2).

- B. Academic Standards Committee, Catherine Rigsby
Recommendation to Conduct a Study of the Web Based Student Survey
(attachment 3).
- C. Educational Policies and Planning Committee, Mike Brown
 - 1. Proposed Policy for Transfer of Credits from Non-regionally Accredited Institutions
(attachment 4).
 - 2. Report on Streamlining Reporting Processes, Including a Proposed Modification to the
Current Five-Year Unit Evaluation Cycle (attachment 5).
 - 3. For Information Only:
 - a. Notification of Intent to Plan a BS degree in Sports Studies.
 - b. Notification of Intent to Plan a MA degree in Communications.
 - c. Permission to Establish a DPT Degree in Physical Therapy.
- D. Faculty Governance Committee, Dee Dee Glascoff
Proposed Revisions to the *ECU Faculty Manual*, Appendix Y. (attachment 6).
- E. Faculty Welfare Committee, David Lawrence
Proposed Policy on Serious Illness and Disability Leave (attachment 7).
- F. Unit Code Screening Committee, Christine Zoller
 - 1. Department of Child Development and Family Relations Unit Code of Operation.
 - 2. Department of Criminal Justice Unit Code of Operation.
 - 3. Department of Interior Design and Merchandising Unit Code of Operation.
 - 4. School of Social Work Unit Code of Operation.

VI. New Business

Resolution in Support of Interim Chancellor Bill Shelton, Faculty Officers
(attachment 8).

UNIVERSITY CURRICULUM COMMITTEE REPORT

PROPOSED Instructions for Completing the University Curriculum Committee's Course Proposal Form for Courses Numbered 0001 – 4999

Important:

- Use this form *only* for courses numbered between 0001 and 4999. Courses numbered 5000 and above should be submitted to the Graduate Curriculum Committee.
- Specific guidelines for submitting curriculum revision packages can be found at these URLs:
 - www.ecu.edu/fsonline/AcademicCommittees/cu/coursesubmission.htm
 - www.aa.ecu.edu/apd/forms.html

General Instructions:

- Each box on the form must be completed.
- To type in a box, merely put your cursor in the box, left-click once with the mouse, and type.
- Save the form as a Microsoft word document and submit electronically according to the instructions for submitting curriculum packages given here: www.aa.ecu.edu/apd/forms.html

Instructions for each Item on Course Proposal Form: The instructions numbered below refer to each numbered box on the UCC Course Proposal Form. Please complete the form in its entirety according to the following directions.

1. List the prefix and course number for the course, e.g., MATH 4331 or EXSS 4807.
2. Type in the date the form was completed in the format: mm/dd/20yy
3. Put an "X" in the appropriate box. Remember that if you are requesting approval for a new course, before choosing the course number you must first obtain email verification from the Registrar's Office giving their approval for the number you desire. If you are renumbering a course, type in the old and new numbers in the appropriate boxes. Otherwise, leave those two boxes blank. Forward the Registrar's email verification to the UCC chair with your curriculum package.
4. Type in the reason why your unit wishes to offer this course. The justification must indicate how the course responds to the assessment of student learning in the academic program. Cite specific outcomes of unit assessment of student progress, unit self-assessment, and evidence of student learning which led to the development of the course. If course is recommended to meet the standards of certain accrediting agencies, provide documentation to the UCC chair.
5. Type in the course description as it should appear in the catalog. Include the course prefix, number, title, s.h. credit, and description in the correct order. When applicable, also include Formerly, Same As, Writing Intensive, and Credit Statements, Semester(s) offering, General Education credit area, Lecture/lab/practicum hours, prerequisites/corequisites, etc. Please use correct punctuation to prevent clerical errors from appearing in the final version of the catalog. Here is an example:

HIST 3415. The Middle Ages (3) (F) (GE:SO) Major aspects of political, social, economic, and cultural history of the Middle Ages from third to sixteenth centuries.

6. If the requested action is the revision of an existing course, briefly describe the change(s).
7. Type in the page number the course description will appear in the "Courses" section of the Undergraduate Catalog.
8. If you intend to request Writing Intensive (WI) credit for this course, you must secure approval of the Writing Across the Curriculum Committee before submitting the course for approval by the University Curriculum Committee. If WI approval has been obtained, type an "X" in this box. If all sections will be WI, then the catalog description should include (WI). If only selected sections will be writing intensive, the catalog description should read (WI*).
9. If the proposed course is intended to satisfy general education credit in any area, approval must be obtained from the Academic Standards Committee before submitting the course for approval by the University Curriculum Committee. If the ASC has approval this course for general education credit, put an "X" in the appropriate box.
10. Put the appropriate number of hours in the appropriate box.
11. Type in the estimated annual enrollment in the proposed course.
12. Type in the appropriate box the degree(s) and or course(s) at both the undergraduate and graduate levels, if any, for which this course is required or prerequisite. Include any changes in credit hours required for degree. It is the responsibility of the unit submitting this proposal to cite the appropriate pages to ensure catalog revision. To obtain references search the course database at www.ecu.aa.ecu.edu/apd
13. Is there any overlapping or duplication of the proposed course with existing ECU courses? If so, the proposing unit must contact the affected units/programs and forward their responses electronically to the UCC. Type an "X" in the appropriate box. The UCC does not require that you obtain APPROVAL from other units/programs, just that you NOTIFY them and obtain a response. If we believe that your proposal overlaps with an existing course/program that you did not identify, we will table your proposal until we receive a written response from the affected unit.
14. Does the proposed curriculum revision have any effect upon course(s) required for teacher education? If so, approval for the change must be obtained by the Council for Teacher Education (CTE) before seeking University Curriculum Committee approval. Type an "X" in the appropriate box.
15. Type an "X" in the appropriate box in each of the six boxes.
16. Insert the syllabus for the course, following the guidelines on the form. The syllabus should include text(s) or readings, course objectives, course content outline, and the course assignments and grading plan. Do not include instructor names, policies, or other instructor-specific information (e.g., academic dishonesty policies, etc.).

UNIVERSITY CURRICULUM COMMITTEE REPORT

REVISED Course Proposal Form for Courses Numbered 0001 – 4999

Note: Before completing this form, please carefully read the accompanying instructions.

1. Course Prefix and Number: 2. Date:
3. Requested Action (check only) ☐

<input type="checkbox"/>	New Course
<input type="checkbox"/>	Revision of Active Course
<input type="checkbox"/>	Revision & Unbanking of a Banked Course
<input type="checkbox"/>	Renumbering of an Existing Course from
	from # to #

4. Justification for new course or course revision or renumbering:

5. Course description exactly as it should appear in the next catalog:

6. If this is a course revision, briefly describe the requested change:

7. Undergraduate Catalog Page Number from current undergraduate catalog:

8. The Writing Across the Curriculum Committee must approve Writing Intensive (WI) Credit for all courses prior to their consideration by the UCC. If WI credit is requested, has this course been approved for Writing Intensive (WI) credit (yes/no)?

- If Yes, will all sections be Writing Intensive (yes/no)?

9. The Academic Standards Committee must approve General Education Credit for all courses prior to their consideration by the UCC. If GE credit has been approved by the ASC, then fill in the date and check the appropriate box (check at most one):

<input type="checkbox"/>	English (EN)	<input type="checkbox"/>	Science (SC)
<input type="checkbox"/>	Humanities (HU)	<input type="checkbox"/>	Social Science (SO)
<input type="checkbox"/>	Fine Arts (FA)	<input type="checkbox"/>	Mathematics (MA)

	Health (HL)		Exercise (EX)
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10. Course Credit:

Lecture Hours		Weekly	<u>OR</u>		Per Term	Credit Hours		s.h.
Lab		Weekly	<u>OR</u>		Per Term	Credit Hours		s.h.
Studio		Weekly	<u>OR</u>		Per Term	Credit Hours		s.h.
Practicum		Weekly	<u>OR</u>		Per Term	Credit Hours		s.h.
Internship		Weekly	<u>OR</u>		Per Term	Credit Hours		s.h.
Other (e.g., independent study) Please explain.								
Total Credit Hours								s.h.

11. Anticipated yearly student enrollment:

12. Affected Degrees or Academic Programs:

Degree(s)/Course(s)	Current Catalog Page	Changes in Degree Hours

13. Overlapping or Duplication with Affected Units or Programs:

<input type="checkbox"/>	Not Applicable
<input type="checkbox"/>	Applicable and notification & response from affected units is attached

14. Approval by the Council for Teacher Education (required for courses affecting teacher education programs):

<input type="checkbox"/>	Not Applicable
<input type="checkbox"/>	Applicable and CTE has given their approval.

15. Statements of Support:

<input type="checkbox"/>	Current staff is adequate
<input type="checkbox"/>	Additional Staff is needed (describe needs in the box below):

<input type="checkbox"/>	Current facilities are adequate
<input type="checkbox"/>	Additional Facilities are needed (describe needs in the box below):

<input type="checkbox"/>	Initial library resources are adequate
<input type="checkbox"/>	Initial resources are needed (in the box below, give a brief explanation and an estimate for the cost of acquisition of required initial resources):

	Unit computer resources are adequate
	Additional unit computer resources are needed (in the box below, give a brief explanation and an estimate for the cost of acquisition):
	ITCS Resources are not needed
	The following ITCS resources are needed (put a check beside each need):
	Mainframe computer system
	Statistical services
	Network connections
	Computer lab for students
	<i>Remember to forward email approval from the Director of ITCS to UCC.</i>

16. **Syllabus** – please insert course syllabus below. You must include (a) the name of the textbook chosen for the course, (b) the course objectives, (c) the course content outline, and (d) the course assignments and grading plan.

Faculty Senate Agenda
April 20, 2004
Attachment 3.

ACADEMIC STANDARDS COMMITTEE REPORT

Recommendation to Conduct a Study of the Web Based Student Survey

The Department of Institutional Planning and Research should be permitted to perform a study of the web based student survey during all summer session courses this year. The study should compare the web-based survey with the traditional SOIS forms by surveying the same class both ways. Participation in the study should be on a voluntary basis. Individual faculty results should not be made available to anybody other than the faculty member.

Faculty Senate Agenda
April 20, 2004
Attachment 4.

EDUCATIONAL POLICIES AND PLANNING COMMITTEE REPORT

Proposed Policy for Transfer of Credits from Non-regionally Accredited Institutions

In one response to its charge, the ECU Regional and Campus Initiatives Team, appointed by Vice Chancellor Jim Smith, is investigating ways to improve articulation agreements between NCCC institutions and ECU and to enhance ECU's support of military personnel enrollment in East Carolina programs. As part of its work, the team has learned about current transfer issues, reviewed the current catalog information on transfer of credit, and met with Registrar Angela Anderson and the Educational Policies and Planning Committee.

Background

First, as costs of education and the numbers of college-age students increase, ECU will face larger enrollments of transfer students, many with academic records from two or more institutions.

Evaluation of transcripts and the awarding of appropriate credit are sometimes very complicated.

University policy must be clear and appropriate with regard to the transfer of credit to the university.

The UNC/NCCC Comprehensive Articulation Agreement was developed to assist in the smooth transfer of NCCC students to UNC system schools, but the agreement has been limited by the diverse policies among the UNC system institutions themselves. ECU is currently working to develop a system (NCCC) -to-university (ECU) agreement to improve that transition.

Second, recent reports have identified the military as the third largest employer in North Carolina.

The economic benefit to North Carolina's economy from this military presence is huge. The goal of North Carolina is to enhance that relationship. The goal of ECU is to facilitate enrollment of military and other nontraditional students while maintaining and enhancing standards.

Third, current review of education policies at the national level promises pressure on institutions, through their accrediting bodies, to be more accepting of credit from non-regionally accredited institutions, provided confirmation of quality can be assured.

Problem

At issue is whether or not ECU transfer policies currently facilitate or serve as roadblocks for transfer of community college and military students. The Regional and Campus Initiatives Team's review of the Undergraduate Catalog information on transfer indicated that the published policy may be more generous than the university practice and that minimal adjustments in the policy or its interpretation can allow the university to respond positively to the call for smoother transfer.

University practice has required all accepted transfer credit to come from regionally accredited institutions ("East Carolina University routinely accepts credit from institutions accredited by regional accrediting associations" -page 27). The university has required a validation test or credit by examination for credit **not** earned at a regionally accredited institution: ("Validating examinations may be required in any or all subjects and will be required for work done at institutions not accredited by regional associations if the student wishes to establish such credit" (page 27). Team members suggested that allowing a broader interpretation of the statement, "All transfer students must earn a minimum of one half the hours of credit required for graduation through enrollment in a regionally accredited senior college" (page 27), would allow the university to accept transfer of validated credit from non regionally accredited institutions as part of the 'other half' of the required hours. Present interpretation of "one half the hours" has been used to determine the number of hours that can be taken at a two-year school (regionally accredited community colleges).

Page 58 of the catalog specifies that

Credit will be awarded in accordance with the American Council on Education recommendations provided that the credit recommended is at the baccalaureate level; is applicable to the general education requirements, to the student's declared major field of study, or to the elective hours prescribed within the student's designated program of study; and is comparable to courses offered at East Carolina University.

As in the case of transfer of credit from regionally accredited institutions, the academic units make the final decision about transfer course acceptability for courses offered in their units.

The Educational Policies and Planning Committee, as a result of consultation with the Regional and Campus Initiatives Team, recommends the following catalog interpretation and procedure for awarding of transfer credit.

Interpretation

Up to ½ the hours of credit required for graduation can be taken at regionally accredited community colleges and/or non-regionally accredited institutions, provided in the latter case that the credit is validated by unit testing, credit by exam, or unit acceptance of ACE (American Council on Education) recommendations pertaining to that credit. All granting of credit must be approved by the faculty in the discipline of the course.

Procedure

- During the 2004-2005 academic year, the faculty in each academic unit will review ACE Guide recommendations for awarding of credit in their disciplines. Each unit shall determine and publish its approval process for awarding of credit according to ACE recommendations. Units may not approve awarding of credit for courses not in their discipline.
- The Office of Undergraduate Admissions will solicit additional unit review of transfer student records for enrolling students whose transcripts include such previously disallowed credit.

Current ECU Undergraduate Catalog, Page 27

Transcripts will be evaluated on the basis of East Carolina University requirements, not those of any institutions previously attended. If a transfer student meets all admission requirements, full credit will be awarded for all transfer courses passed with a grade of C or better and for which East Carolina University has equivalent courses. To have a transcript evaluated, the student must have on file in the admissions office an application for admission, the \$50 application fee, and an official transcript from each school previously attended.

Any record submitted for evaluation may be totally or partially disallowed according to East Carolina University policies and regional accrediting association regulations. East Carolina University routinely accepts credit from institutions accredited by regional accrediting associations. Validating examinations may be required in any or all subjects and will be required for work done at institutions not accredited by regional associations if the student wishes to establish such credit. All transfer students must earn a minimum of one-half the hours of credit required for graduation through enrollment in a regionally accredited senior college; a minimum of 30 s.h. and one-half the hours in the major must be completed through enrollment in ECU.

Current ECU Undergraduate Catalog, Page 58

CREDIT BY TRANSFER

Upon Admission

A student transferring to the university from another college or university will have transcripts evaluated by the Office of Admissions during the admissions process. Credit will be awarded for all transferable courses for which a grade of C or better was earned. This evaluation will then be reviewed by the student's academic unit. It is only upon the review by the academic unit that the student will know what additional courses are necessary to meet degree requirements. All courses and grades transferred become a part of the student's transcript. Courses in which the student received a grade of D or F will be used in the calculation of degrees with distinction.

Students who have satisfactorily completed basic military training may receive credit for the exercise and sport science and/or health courses required for general education upon submitting a DD-214 or

DD-295 to the Office of Admissions. Students who have completed service schools while on active duty with the military may request an evaluation through the Office of Admissions. Credit will be awarded in accordance with the American Council on Education recommendations provided that the credit recommended is at the baccalaureate level; is applicable to the general education requirements, to the student's declared major field of study, or to the elective hours prescribed within the student's designated program of study; and is comparable to courses offered at East Carolina University. Students who have prior military training (active duty, JROTC, College ROTC, reserve, or National Guard) may be eligible for 6 s.h. of credit if pursuing a commission through the AFROTC, AROTC, Marine Corps Platoon Leaders course, or Coast Guard Basic Program. Additional information may be obtained from the Office of Admissions.

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Attachment 5.

EDUCATIONAL POLICIES AND PLANNING COMMITTEE REPORT

Report on Streamlining Reporting Processes

(including a proposed modification to the current Five-Year Unit Evaluation cycle)

East Carolina University must maintain the current impetus for assessment of academic programs and support services and develop a more practical system for conducting program evaluation. Given the limited resources and the time demands for faculty and administrators, it is important that the system integrate program review, assessment, and unit evaluation. Currently, the university conducts the following evaluations and self-studies.

1. SACS Self Study: The Southern Association of Colleges and Schools (SACS) self-study is the part of the reaffirmation of accreditation cycle. The cycle currently used by SACS is 10 years but SACS has notified the university that the next on-campus visit will be postponed one-year and will be conducted in 2013. The expectation of SACS is that assessment is on going. Additionally, there is considerable pressure at the federal level to mandate assessment in higher education and the possibility of SACS requesting an interim assessment report should not be ignored.
2. Strategic Planning: ECU engages in strategic planning based on a 5-year cycle with a requirement for annual reports on objectives and provisions for a mid-cycle review of the strategic plan. ECU is currently developing a 5-year strategic plan. The current alignment of the 5-year strategic planning cycle coupled with the delay in the SACS site visit presents ECU with an opportunity to develop an integrated planning and assessment cycle. For example, a 5-year unit assessment plan derived from the unit's identified mission and outlining the assessment goals of the unit could be required as part of the strategic planning process. This plan would require units to outline their planned assessment activities and would be reviewed on an annual basis as part of the strategic plan.
3. Five-Year Reports: The ECU Faculty Senate has mandated a 5-year unit evaluation that was postponed during the 2003-2004 academic year.
4. Unit Evaluations: Academic units provide annual reports to the Vice Chancellor for Health Sciences or the Vice Chancellor for Academic Affairs.
5. Assessment and Effectiveness: SACS and many professional accreditation boards require assessment of student learning and academic and educational support unit services. These assessments are conducted using an annual academic year cycle.
6. Graduate Program Review: The Graduate School has completed a 6-year cycle of reviews of all graduate programs. Currently, the future of the graduate program review process is

uncertain. However, many administrators and faculty have reported that the process was valuable and have advocated that graduate program review be continued. The current SACS Principles state:

The institution engages in ongoing, integrated, and institution-wide research-based planning and evaluation processes that incorporate a systematic review of programs and services that (a) results in continuing improvement and (b) demonstrates that the institution is effectively accomplishing its mission.

7. Undergraduate Program Review: ECU has not systematically engaged in undergraduate program review. However, the Office of Institutional Effectiveness was established with a charge to coordinate assessment and develop a process for developing a system for undergraduate program review.
8. Professional Accreditation: A significant number of the degree programs at ECU are accredited by professional societies. The assessment cycles vary from 3- to 10-years.
9. Miscellaneous OP Requirements: The Office of the President (OP) also requires reports on assessment activities and performance indicators from units. These reports are provided on a 5-year cycle. Low productivity programs (as defined by OP and the BOG) also have to write a self-study every two years.

The committee reviewed each report to determine its purpose, its audience, its effectiveness, and the degree of redundancy incorporated within it and recommends the following:

The Educational Policies and Planning Committee, in consultation with the Committee on Integrating and Streamlining Planning, Review, Assessment, and Evaluation Processes, recommends the following:

1. The committee recommends to Institutional Planning and the VCAA, VCHS, and VC for Research and Graduate Studies the formation of a new Administrative Committee, the Process Improvement Committee, consisting of the Director of IPRE, the Director of Institutional Effectiveness, the Director of Institutional Research and Testing, a representative from the Division of Academic Affairs, the Division of Health Sciences, and the Faculty Senate, ITCS, the Graduate School, and a dean's representative from each college or school. The charge of this administrative committee should be to review the reporting process and make recommendations to the vice chancellors to coordinate reports, reduce duplication of effort, and enhance the usability of information requested. The committee will develop a charge and membership with staggered terms.
2. The committee recommends to Institutional Planning and the VCAA, VCHS, and VC for Research and Graduate Studies that graduate and undergraduate program review should be initiated using a 10-year cycle beginning in fall 2005. The reviews should be coordinated with external professional accreditation reports whenever possible. For programs that have professional accreditation, the program review process will not involve external reviewers and will consider the accreditation agency's standards. It is possible that the accreditation report would suffice for internal review purposes. Both internal and external reviewers will review programs without professional accreditation.
3. The committee recommends to Institutional Planning and the VCAA a significant revision of the Unit Annual Report to be used in spring 2004. The revised report eliminates requests for information that is provided in other reports or that is no longer being used.

4. The committee recommends that the Process Improvement Committee continue to move toward developing relational databases to improve efficiency in report preparation and analysis and to provide units more access to information.
 5. The committee recommends that the Process Improvement Committee develop a staggered schedule for the Five-Year Unit Evaluations to begin in 2004-05.
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Faculty Senate Agenda
April 20, 2004
Attachment 6.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*

Appendix Y. Grievance Policies and Procedures of East Carolina University

This **new text replaces all of the current text** located in Appendix Y. and available at:
<http://www.ecu.edu/fsonline/FacultyManual2/AppendixY/AppY.htm>

This appendix establishes structures and procedures for addressing faculty grievances through a formal procedure that includes access to mediation or direct review, and the potential for a committee hearing of the grievance. The following grievance procedures are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Appendix Y beyond the Board of Trustees.

I. Faculty Grievances

Grievances within the scope of this appendix shall be limited to matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. Such grievances shall also be limited to those remediable injuries attributable to the violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges, and responsibilities attending university employment or wrongful conduct that deprived the faculty member of an advantage that he or she believes would have received. No grievance that involves matters related to a formal proceeding for the suspension, imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee falls within the scope of this appendix.

A grievant¹ is any faculty member who seeks the remedies afforded by the provisions of this appendix. A respondent² is the person identified by a grievant as the person whose action is the object of the grievance and may include the person(s) who requested the action that is the object of the grievance.

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters. This deadline may be extended by a majority vote of the Grievance Committee³.

I. The Faculty Grievance Committee

A. Membership

The Faculty Grievance Committee shall be composed of eight members and two alternates, each of whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment. All professional ranks except instructor shall be represented on the committee. The chair of the faculty or, as his or her delegate, the vice-chair of the faculty or the chair of the Faculty Governance Committee shall serve as an ex-officio member of the committee. Members shall be elected in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be five elected members or alternates. Except where otherwise stated in this appendix, the committee shall conduct its business in accordance with the most recent edition of *Robert's Rules of Order, Newly Revised*.

B. Authorization and Powers

The Committee shall be authorized to provide access to mediation services or Chancellor Review; provide a hearing; and, based on such hearing, to issue reports and recommendations in an effort to resolve the grievances of faculty members.

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. Excessive delays in the completion of Steps One through Three may result in the committee's decision to terminate the grievance process, with no further review available under this Appendix. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair.

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to him or her information that may be controlled or in the possession of another party to the grievance or the administration. Upon request by a party to the grievance, the other party to the grievance or the administration shall provide the requesting party with information bearing on the grievance that is not otherwise privileged⁴. The requested information shall be distributed to all parties to the grievance. The committee chair shall be informed of any request for information among the parties to the grievance.

The committee may seek such information or documentation not provided by the grievant or respondent but considered necessary by the committee to provide a fair and complete peer hearing of the grievance. Should the committee seek such information or documentation, it shall ask the party most likely to have custody of the documentation or in the best position to obtain it. Such information will be shared by the committee with all parties to the grievance.

The committee chair shall inform the respondent, when the respondent has administrative responsibilities for grievant's Personnel File, that information gathered to respond to grievant's charges shall not be placed in grievant's accumulated Personnel File. Any information collected as part of this grievance shall be placed in a physically separate part of the file, specifically established for this purpose. At the conclusion of the grievance process, this separate file shall be forwarded to the Faculty Senate Office where it will become a part of the grievance file maintained by that office.

The committee and the committee chair shall not function as an advocate for either party to the grievance. The committee chair shall provide only procedural information to the parties of the grievance⁵. The committee's responsibility is to provide the grievant and respondent a process for a possible resolution of the grievance.

III. Grievance Steps

A. Step One (Meet with Respondent)

Prior to bringing a grievance to the attention of the committee chair, the grievant shall meet with the respondent and shall attempt to resolve the proposed grievance⁶. It is required that as part of this meeting the grievant provide the respondent with a written copy of the proposed grievance. If, in the opinion of the grievant, this attempt to resolve the grievance fails, the grievant shall so inform the respondent in writing. The grievant shall also inform the respondent of his or her intentions to pursue the grievance through Appendix Y in this memorandum.

The grievant shall forward to the chair of the committee a copy of the proposed grievance and a written memorandum indicating his or her intention to seek redress. Upon notification by the grievant, the committee chair shall have under the grievant's name a grievance file opened in the Faculty Senate Office⁷.

B. Step Two (Petition for Redress)

Based on the grievant's memorandum to the respondent required in Step One, the committee chair shall inform all parties to the grievance that Step One has been completed and the grievant may move to Step Two. Step Two requires the selection of counselors who will serve as advocates for their respective client and shall provide advise throughout the grievance process^{8,9}. Counselors shall not participate in the hearing nor can they be called as witnesses (Step 5).

Appendix Y is established to provide a peer review of faculty grievances and the use, for any purpose, of attorneys, whether employed by the university or by a party to the grievance, is prohibited. Except that the custodian of the records may seek advice from the University Attorneys in determining the privilege of materials as stated in Section II.B. above.

The parties to the grievance shall inform the committee chair of the name of their respective counselor. If a party to the grievance chooses to serve as his or her own counselor, that information must be communicated to the chair of the committee.

The grievant's counselor will advise and assist him or her in developing the Petition for Redress for the alleged grievance. The Petition for Redress shall set forth the identity of the respondent, the nature of the grievance, and the redress sought. Individual issues must be developed and presented separately in the Petition for Redress. The Petition for Redress shall include all information necessary to support each of the grievant's charges. The grievant, through the committee chair, may request information bearing on the grievance (See II, B).

Upon completion of the Petition for Redress, the grievant shall provide a copy to the respondent and the chair of the committee and by way of memorandum to the committee chair, indicate his or her intention to continue with the grievance. The Petition for Redress must be provided to the respondent by certified mail or by another means that provides proof of delivery.

The counselor for the respondent shall provide advice as to the grievance process and help the respondent develop a response to grievant's Petition for Redress.

C. Step Three (Mediation or Chancellor Review)

When the committee chair receives the memorandum and Petition for Redress required in Step Two, he or she shall ascertain if the grievant has taken Steps One and Two, above. If

the grievant has not followed these steps, the committee chair shall inform the grievant that he or she must take these steps prior to any further action being taken by the committee.

If the committee chair determines that Steps One and Two have been completed, he or she shall call a meeting of the committee. The committee shall make a final determination that Steps One and Two have been completed. Based on information contained in grievant's Petition for Redress, the committee shall determine whether the grievance is within the scope of Appendix Y. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the scope of Appendix Y. Issues not within the scope of Appendix Y will receive no further attention. The committee's decision concerning grievance issues within the scope of Appendix Y shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee. Except as noted here and below, the Petition for Redress shall not be modified.

Mediation

After the committee determines which, if any, issues raised in grievant's Petition for Redress are within the scope of Appendix Y, the committee shall so inform the parties to the grievance in writing and offer them the opportunity to seek a resolution through mediation. Each party to the grievance shall be asked to respond within 15 calendar days after the date of notification by the committee chair as to his or her acceptance of mediation. If any party to the grievance rejects mediation, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Mediation is limited solely to the grievant and the named respondent. The rejection of mediation shall have no bearing on decisions or recommendations related to the grievance.

If all parties to the grievance accept mediation¹⁰, the committee chair by random selection will select a mediation provider¹¹. The committee chair will contact the mediation provider informing them of the need for their services¹² and requesting a list of available mediators. The parties to the grievance will be provided this list and asked to designate each available mediator as either A (Acceptable) or U (Unacceptable). The evaluated lists will be returned to the chair of the committee who will make a random selection from mediators evaluated as Acceptable by all parties to the grievance. If there is no Acceptable mediator, a second mediation provider will be contacted by the committee chair and the process repeated. If there is no acceptable mediator after the second effort, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four).

If an Acceptable mediator is identified, the parties to the grievance and the mediation provider will be informed of the selection. The Petition for Redress will be provided to the mediator by the committee chair. The mediator will communicate to the committee chair the beginning date of the process. The mediator shall inform the committee chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed three months without formal approval of the committee chair or four or more months without the formal approval of the committee. Mediation will involve only parties to the grievance.

Mediation will continue until such time that:

- a. An agreement among the parties is reached (subject to time limits).
- b. A party to the grievance communicates to the chair of the committee that further mediation is unlikely to be successful.

- c. The mediator communicates to the chair of the committee that further mediation is unlikely to be successful.
- d. A party to the grievance communicates to the chair of the committee that he or she has experienced resistance or delaying tactics in scheduling mediation meetings.
- e. A party to the grievance communicates to the chair of the committee that the mediator is no longer acceptable.

Events b. through e., above, will cause the chair of the committee to notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four). Decisions by the grievant, respondent(s), or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance.

If an agreement is reached, the grievance will be considered closed and a copy of the agreement, signed by all parties to the grievance, will be placed in the grievance file maintained in the Faculty Senate Office. It is expected that most agreements will require only the authority of the respondent for a unit commitment but some may require the authority of the Chancellor. If an agreement is reached between the parties to the grievance but that agreement is rejected by the Chancellor, the grievant may request a hearing on the Chancellor's decision.

If the mediation process produces a partial settlement, those issues shall be removed from the committee's letter to the grievant. A signed copy of the partial agreement shall be placed in the grievance file. The grievant may request a hearing for those remaining issues (Step Four).

Chancellor Review

In response to the committee's offer for mediation, a grievant who, for any reason, believes that mediation or a hearing would not fairly address issues raised by the grievant, may so inform the committee chair. The committee chair shall inform the grievant that he or she may pursue a Chancellor Review, which consists of a review by the Chancellor of grievant's Petition for Redress and the committee's memorandum. If the grievant chooses Chancellor Review, he or she may not request mediation or a hearing.

The grievant shall provide copies of the Petition for Redress and the committee's memorandum along with any information the grievant believes supports his or her contentions to the Chancellor and the committee chair. The Chancellor may request (with a copy to the Faculty Grievance Committee Chair) that the respondent provide within 10 calendar days a written response to the Petition for Redress and any other documents provided by the grievant. The Chancellor shall provide a response to the grievant within 20 calendar days of the Chancellor's receipt of all materials. A copy of his or her decision shall be provided to the respondent and the committee chair.

The Chancellor's decision is final and may not be appealed. A copy of the information submitted by the grievant to the Chancellor and the Chancellor's decision shall be placed in the grievance file and the grievance closed.

D. Step Four¹³ (Request for a Hearing)

The grievant shall request, by memorandum to the committee chair with copies to the respondent, a hearing by informing the chair of the Grievance Committee that the grievant has followed the first three grievance steps, that his or her grievance is not resolved, and that he or she requests a hearing by the Grievance Committee.

The committee will review the grievant's Petition for Redress, the committee's memorandum to the grievant, and any changes to this memorandum that may have resulted from mediation. The committee may accept all, some, or none of the unresolved issues for a hearing. If the committee decides not to hear certain issues or decides that a hearing will not be granted because the grievant fails to allege an injury that would entitle the faculty member to relief under Section I. of Appendix Y or because the grievance (or a portion thereof) is not within the purview of the Faculty Grievance Committee, this decision will exhaust the administrative appeals process. The committee's decision shall be communicated by certified mail, return receipt requested to all parties to the grievance.

If the committee determines that a hearing should be granted, the committee chair shall so notify the grievant and respondent and shall set a time, date, and place for a hearing on the Petition for Redress.¹⁴ The notification shall also include the names of all committee members and alternates. The date of the hearing shall be within 30 working days of this notification¹⁵. A court reporter must be used to record and transcribe any hearing.

A member of the committee shall recuse himself or herself from participating in a hearing if there is reason to believe that such participation will create a conflict of interest. Any party to a grievance may request that a member of the committee recuse himself or herself from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and provided to the committee chair not later than five calendar days after notification of the hearing date. If the member declines, the committee shall determine by a majority vote, the member in question not participating, whether the member shall recuse himself or herself.

The notice of hearing will also request that both parties submit to the committee all information and documents they intend to introduce at the hearing to support or defend their respective positions¹⁶. The grievant's information shall include a copy of the Petition for Redress, a copy of the committee's memorandum describing the grievance, a brief statement as to the results of the mediation effort¹⁷, a list of witnesses, and all information to be used in support of grievant's charges. The respondent's information shall include a list of witnesses and all information to be used to defend against grievant's charge. The committee may also request information (see II, B) or the inclusion of witnesses from either party to the grievance. A mediator shall not be called as a witness in the hearing of a grievance and no part of the mediation effort (e.g., conversations, offers, proposals, etc.) shall be introduced as evidence to support or defend against grievant's charge.

Thirteen copies¹⁸ of all information and documents shall be submitted to the Faculty Senate Office fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to the respondent and one copy of the respondent's (s') information will be provided to the grievant.

Information submitted to the committee shall be numbered in chronological order using Arabic numbers with numbers assigned to all pages that exhibit information¹⁹. If the back of a page contains information, it also must be numbered. This number shall be preceded by a G for information submitted by the grievant and an R for information submitted by the respondent. If more than one grievant or more than one respondent is involved, their designation will be communicated by the committee chair. If grievant's Petition for Redress includes more than one grievance, each grievance shall be identified by a Roman Numeral with associated evidence numbered as above in chronological order.

E. Step Five (The Hearing)

The committee shall limit its investigations to the issues presented in the Petition for Redress and confirmed by the committee's memorandum to the grievant. During the hearing, the committee may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress and its confirming memorandum. The committee's responsibility is limited to issuing recommendations based on the information presented as part of Step Four and at the hearing. Except as noted in Appendix Y, II, B and III, D, the power of the committee shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The committee chair shall begin the hearing by briefly reviewing the committee's authorization and powers. The chair then shall state the conditions necessary for a hearing, the committee's belief that the issues about to be heard satisfy these conditions, and the procedures to be followed during the hearing.

The chair shall then enter into the hearing record information submitted in Step Four by the grievant and the respondent. The submitted information shall include all information necessary to support or defend the grievance. However, with approval of the committee, the grievant, respondent, or a witness may submit information during the hearing. All such information must be numbered and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the committee, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The burden is on the grievant to establish, by a preponderance of the evidence, that his or her claim and requested redress are consistent with Appendix Y, I.

The grievant is responsible for presentation of his or her case, including the testimony of witnesses. Committee members may question the grievant, the respondent or witness (es) at any time during the hearing. After each of grievant's witness has completed his or her testimony and has responded to questions from the respondent, the witness will be excused from the hearing unless recalled by the hearing committee. At the end of the grievant's presentation of his or her case; the respondent(s) may question the grievant.

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Committee members may question the grievant, the respondent(s), or witnesses at any time during the hearing. When neither the grievant, the respondent, nor the committee has further questions, the grievant is given the opportunity to make a final statement, and then the respondent(s) is given the opportunity to make a final statement.

F. Step Six (Committee Report)

The committee's report shall be based only on facts, documentation, arguments presented at the hearing. Committee recommendations are to be based on but are not limited to grievant's requested redress.

Copies of the committee's report will be sent to the grievant and respondent by certified mail, return receipt requested. A copy of the committee's report, a copy of the written record of the hearing proceedings, and a copy of all evidence submitted will be placed in the grievance file. This file will be open to the committee and all parties to the grievance until the grievance is closed (See below).

If the committee finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, chair of the faculty, and Chancellor. Within 20 calendar days the Chancellor shall in writing inform the grievant, respondent, chair of the faculty, and grievance committee of his/her decision. The decision of the Chancellor is final.

If the committee finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, and Chair of the Faculty. Within 20 calendar days of the recommendations, the respondent shall communicate in writing to the committee chair his or her response to the committee recommendations. If the respondent's adjustments are not consistent with the recommendations of the committee but are satisfactory to the grievant, the grievance will be closed.

If the respondent's adjustments are consistent with the committee's recommendation but are not satisfactory to the grievant, the grievant may appeal to the Chancellor. By memorandum, the grievant shall inform the Chancellor of his or her appeal and include a detailed explanation of the reason for the appeal. A copy of the appeal memorandum shall be sent to the chair of the committee and the faculty chair. The chair of the committee shall forward the committee report along with all supporting documentation to the Chancellor.

If the respondent's adjustments are not consistent with the committee's recommendation and are not satisfactory to the grievant, the committee report along with all supporting documentation shall be forwarded to the Chancellor with the committee's request that the recommended adjustment be made.

If the grievant appeals or the committee requests the Chancellor to make the recommended adjustment, "the Chancellor shall base his or her decision on the recommendations of the faculty committee and the record from the faculty grievance committee hearing. The Chancellor may, in his or her discretion, consult with the faculty grievance committee before making a decision." (The University of North Carolina, Board of Governors Policies, Section 101.3.2.IV.g) The Chancellor's decision shall be communicated in writing within 20 calendar days to the grievant, respondent, Chair of the Faculty, and Faculty Grievance Committee. The Chancellor's decision shall contain a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information in Section III.G. Step Seven (Appeal to the Board of Trustees), below and shall be signed, in descending order, by all individuals who contributed to the report.

If the Chancellor's decision does not support the recommendations of the committee, the grievant may appeal to the Board of Trustees of ECU in accordance with the procedures in Section III.G. Step Seven (Appeal to the Board of Trustees), below. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

Dissenting Chancellor's Report

Should the Chancellor disagree with the committee's report based on its interpretation of Appendix Y, I. or the *Faculty Manual*, the Chancellor shall withhold the Chancellor's decision, and inform the committee, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 20 days. The committee will then request the Faculty Governance Committee to begin the normal interpretation process as set forth in the procedures of the Faculty Governance Committee. It is expected that the Faculty Governance Committee will expedite this request. Upon completion of the interpretation process, the

Faculty Grievance Committee will make any necessary recommendations. The report will be distributed in accordance with Appendix Y, III, F., with the grievant's rights to appeal intact.

G. Step Seven (Appeal to Board of Trustees)

I. Decisions which may be appealed.

- A. If the committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the Chancellor is final and may not be appealed.
- B. If neither the relevant administrative official nor the Chancellor makes an adjustment that is advised by the committee in favor of the grievant, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.

II. The Board of Trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances submitted pursuant to section 607 of *The Code*.

III. Timeline for Appeals

- A. A grievant who seeks to appeal the Chancellor's disposition of his grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery, within 10 days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the Board agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board or from a committee of the Board which has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the time for compliance or it may dismiss the appeal.
- B. If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method which produces adequate evidence of delivery.

IV. Standard of Review: In order to prevail before the Board of Trustees, the faculty member must demonstrate that the Chancellor's decision was clearly erroneous, that it violated applicable federal or state law or university policies or regulations, or that the process used in deciding the grievance was materially flawed.

IV. Annual Report:

The Grievance Committee chair shall report on grievances during the second meeting of the Faculty Senate each academic year. Such reports shall protect the confidentiality of the grievance proceedings and parties. The following form and information shall be used.

Number of Grievants in Grievance Process for Academic Year _____
April 31 _____ through May 1 _____

Time in Step

Less than One Month One-Two Months Two-Three Months More than Three Months

Step One

Number of Grievances Filed (Completed Step One) by:

Fixed Term Faculty _____ Probationary Faculty _____ Tenured Faculty _____

Step Two	_____	_____	_____	_____
Step Three	_____	_____	_____	_____
Step Four	_____	_____	_____	_____
Step Five Hearing				

Scheduled for Hearing: _____ Hearings Completed: _____ In Report Stages: _____

Reports Issued: _____

Reports Issued in Favor of: Grievant _____ Respondent _____

Number Appealed to Chancellor: _____ Reports Issued by Chancellor: _____

Number at Faculty Governance: _____ Reports at Rewrite or Reissued by Faculty Grievance Committee: _____

Number Successful at Mediation _____ Number Successful at Chancellor Review _____

Number Terminated by Grievant _____ Number Terminated by Committee _____

V. Application

This appendix supersedes other grievance provisions except those contained in *The Code* and other regulations of the University of North Carolina and in other provisions of the East Carolina University Faculty Manual for grievances filed on or after the date of approval of this appendix by the East Carolina University Board of Trustees.

VI. Grievance Committee By-Laws and Procedures

The Faculty Grievance Committee may draft bylaws and detailed procedures that are consistent with the procedures stated above, subject to approval by the Faculty Senate and the Chancellor.

FOOTNOTES for the Proposed New Appendix Y.

¹A grievant must be a current faculty member of East Carolina University. A grievance may be initiated by multiple grievants. If a faculty member's employment ends during the grievance process, the grievant may request the Chancellor to allow the grievance to continue. Such a request must be made prior to the end of employment. Copies of such a request must be provided to the grievance committee chair, and the Chancellor is to respond to such a request, with a copy to the committee chair, within 20 calendar days.

²A named respondent must be a current employee of East Carolina University. If the named respondent was a former administrator, the person who presently occupies the administrative position will be named as the substitute respondent and the former administrator as the named respondent. A grievant may name multiple respondents. A faculty member or a departmental or unit committee and/or its chairperson may be named as a respondent. An administrator who concurred with the actions of the respondent may not be named as a respondent.

³The committee may waive the time requirement for the introduction of evidence; the grievant's requested redress; or both.

⁴The committee may be asked by either party to the grievance to evaluate the basis for such privilege and to evaluate the value of such information to the grievance. If the privileged information bears on the grievance, the committee is required to resolve the issue of privilege. If such information bears on the grievance but cannot be obtained, the committee shall decide whether continuing the grievance/granting a hearing would be unfair to the grievant/respondent. If such a decision is made, the committee shall state its reason(s) and terminate the grievance process; thus, ending the administrative hearing process at East Carolina University.

⁵In this instance, procedural advice is limited to the nature of the committee, its charge, the options open to the party to the grievance, and the current membership of the committee.

⁶If a grievant does not complete Step One, any information collected by the committee chair will be destroyed. If the grievant completes Step One, all information collected by the committee chair in the administration of the grievance will, at the conclusion of the grievance, be placed in the grievance file.

⁷The grievance file maintained in the Faculty Senate Office under the grievant's name becomes a part of the Personnel File for both grievant and respondent. A note will be placed in grievant's and respondent's Personnel File Checklist regarding the location of this file.

⁸Unless requested in writing to the committee chair, the parties to the grievance agree that all communications, including e-mail, will be sent to their university addresses.

⁹A list of potential counselors is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor and have extensive experience in faculty governance as evidenced by service on university governance/appellate committees. The parties to the grievance may choose eligible ECU current or retired faculty members as their counselors or they may choose to serve as their own counselors.

¹⁰Once all parties to the grievance have accepted mediation; the grievant shall not take his or her grievances to administrative levels higher than that of the respondent. To do so is inconsistent with the mediation process and will result in the termination of the grievance procedures under Appendix Y, ending administrative review of the grievance.

¹¹To avoid the appearance of a conflict-of-interest all mediation will be performed by third-party groups/organizations/individuals who have no ties to East Carolina University. A list of such providers will be developed and maintained by the Faculty Chair. The provider must provide evidence to the Faculty Chair that the provider's mediator(s) are certified by the North Carolina Administrative Office of the Courts.

¹²Procedures for the origination of purchase orders and payment for services of the mediator will be developed and administered by the Chair of the Faculty.

¹³A request for a hearing that continues from another part of the *Faculty Manual* (e.g. Appendix J, Appendix V, etc.) will be evaluated by the committee. If insufficient information is available, the committee will request that the grievant and respondent choose a counselor and the grievant complete a Petition for Redress. Presentation of the Petition for Redress will allow the committee to evaluate the grievance. If the committee agrees that the grievance is within the scope of

Appendix Y, the grievant will be allowed to choose mediation or request a hearing. A Chancellor Review is not an option.

¹⁴Scheduling a committee hearing during the summer months is complicated by the absence of faculty and teaching schedules. If the committee on its first effort cannot schedule a hearing during the summer, it will be scheduled during the committee's organizational meeting in the fall semester.

¹⁵ If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for health reasons or due to a personal emergency, the committee chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or the respondent petitions the committee in writing for a postponement of the hearing for reasons other than health or personal emergency, the committee chair shall determine by telephone or e-mail whether it is the general agreement of the committee to postpone the hearing for one week from the scheduled date.

¹⁶Such information and documents are not limited to written materials but may include sound recordings, video recordings, photographs as well as other forms of information or documentation.

¹⁷This statement shall only include information as to the beginning and ending dates of the mediation and whether mediation was successful, partially successful, or unsuccessful. For a grievant requesting a hearing under Footnote 14, who did not choose mediation, this statement is unnecessary.

¹⁸The department or unit to which a party to a grievance is assigned is responsible for providing access to copy services during the grievance process. These services shall be at no cost to the grievant or respondent.

¹⁹Required Numbering:

One Grievance

Grievant: Petition for Redress G page 1....n
Supporting Information G, page 1...n (In chronological order)
Respondent: Supporting Information R, page 1...n (In chronological order)

Multiple Grievances

Grievant: Petition for Redress:
Grievance I G I page 1...n
Grievance II G page 1...n
Continue for the number of included grievances.

Supporting Information:

Grievance One: G I, page 1....n (In chronological order)
Grievance Two: G II, page 1....n (In chronological order)
Continue for the number of included grievances.

Respondent: Supporting Information:

Grievance One R I, page 1....n (In chronological order)
Grievance Two R II, page 1...n (In chronological order)

FACULTY WELFARE COMMITTEE REPORT

Proposed Policy on Serious Illness and Disability Leave for Faculty

(Once approved, this policy will be placed in the *ECU Faculty Manual*, Part VI. section VII and referenced in section I.D.)

Introduction and Purpose

The purpose of this policy is to provide permanent faculty who do not currently earn sick leave with paid leave for cases of a serious health condition, maternity leave, or parental leave as defined under the Family and Medical Leave Act (FMLA). The purpose of this policy is also to coordinate leaves granted under federal and state acts such as the FMLA [29 U.S.C. § 2601, et seq.], the North Carolina Family Illness Act (NCFIA) [SB1115, Section 28.3B], and the UNC Policy on Serious Illness and Disability Leave for Faculty [UNC Policy 300.2.11(G)]. All three policies cover the same serious health conditions, maternity leave or parental leave. This policy supplements the FMLA and NCFIA to provide for a period of paid leave rather than such leave being unpaid. This policy does not apply to brief absences of 14 calendar days or less that are usually accommodated informally.

Granting or denial of a request for a leave under this policy shall be made without regard to the faculty member's race, color, national origin, religion, gender, age, sexual orientation, political affiliation, disability, or personal malice.

I. Definitions

For purposes of this policy a brief absence is defined as fourteen (14) calendar days or less.

The following definitions are applicable to the Family and Medical Leave Act (FMLA), the North Carolina Family Illness Act (NCFIA) and ECU's Policy on Serious Illness and Disability Leave for faculty:

A serious health condition is defined as (a) an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider; (b) any period of incapacity requiring absence from work of more than fourteen calendar days that also involves continuing treatment by a health care provider; or (c) continuing treatment by a health care provider for conditions so serious that, if not treated would likely result in an absence of more than ten workdays. Prenatal care is also included. The period of actual physical disability associated with childbirth is considered a serious health condition and must be taken as family/medical leave, whether as paid or unpaid leave.

Immediate Family - spouse, parents, children - including step relationships, who reside (or must reside because of the illness) in the faculty member's home, or other legal dependents living in the faculty member's household and who require the faculty member's care.

Parent - a biological or adoptive parent or an individual who stood *in loco parentis* (a person who is in the position or place of a parent) to an employee when the employee was a child.

Child - a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Child would include: (a) biological, (b) adopted, (c) foster, (d) step-child, (e) legal ward, and (f) child of an employee standing *in loco parentis* as defined above.

Immediate Supervisor - Normally, the immediate supervisor is the individual who is the head of the code unit. However, in code units that describe department structures, the immediate supervisor is the department head/chair.

FMLA provides for a period of up to 12 weeks of unpaid leave for a serious health condition, maternity leave, or parental leave. NCFIA provides for up to 52 weeks of unpaid leave in a 5 year period of leave for a serious health condition, maternity leave, or parental leave.

Applicable vice chancellor. The applicable vice chancellor is the Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Affairs, whoever is appropriate for the particular faculty member.

Start Date - The period of paid leave under this policy begins with the first day of the absence from University contractual duties resulting from such illness or disability.

II. Eligibility

This policy applies to persons holding regular full-time faculty appointments (both 9 and 12 month appointments) who are eligible for participation in either the North Carolina Teachers and State Employees Retirement System or the Optional Retirement Program, and who are not eligible to earn sick leave under any other state or institutional leave policy. Consistent with FMLA, a faculty member must have been employed at least one year and have worked at least 1,040 hours within the last 12 months to be eligible to apply for leave under this policy. If a faculty member has been in a previous leave-earning position and has an accumulated sick leave balance, the faculty member must exhaust any previous sick leave balance prior to requesting coverage under this policy. Part-time permanent faculty holding appointments of at least 75% are also covered under this policy and must meet the same eligibility requirements as full-time faculty.

III. Benefit

(A) In all cases, leave granted under this policy shall be in increments that are appropriate to the facts and circumstances surrounding the illness or disability, the academic calendar, the needs of the unit, and the responsibilities of the faculty member.

(B) A faculty member who has a medically verifiable illness or disability, with proper medical documentation, as defined under FMLA, or whose immediate family member has a medically documented, verifiable illness, may request a paid leave of absence for up to 15 calendar weeks in accordance with Section V. Such request must be approved by the immediate supervisor and the dean with notification of the action taken submitted to the appropriate vice chancellor and the Associate Vice Chancellor for Human Resources.

If the illness or disability requires an absence from faculty duties in excess of the 15 calendar weeks, the faculty member may petition for an extension of paid leave (see (C) below) or for a leave of absence without pay under procedures described in the *Faculty Manual* or under University policies implementing the FMLA or under statutory regulations of the NCFIA. The

faculty member may also apply to Human Resources for salary continuation through the Disability Income Plan or through another salary continuation plan that may be offered to University employees on an optional basis.

(C) A faculty member who provides the appropriate additional medical documentation and whose illness or disability, or that of the family member, extends beyond the 15 weeks provided for under this Policy, may submit a written request to the unit administrator for an extension of leave with pay up to a maximum of one year (determined by counting forward 12 months from the date the leave begins) at the discretion of the University. Such requests must be approved by the appropriate dean, vice chancellor, and the Associate Vice Chancellor for Human Resources.

(D) In addition, the North Carolina Family Illness Act allows for an extension of up to a total of 52 weeks of unpaid leave during a five-year period in cases of a personal illness or disability or the serious illness of a child, spouse, or parent. FMLA leave and any leave used under this policy will count as part of the 52 week allowable total under the NCFIA and will run concurrently.

(E) More than one serious illness or disability leave may be granted in a 12-month period, so long as the second illness or disability for which leave is sought is unrelated to the first. There may be circumstances where a major illness or disability is involved that would justify paid leave in excess of that covered by this policy, but the total maximum allowable paid leave for all such serious illnesses may not exceed one year in length. Such exceptions must be approved by the immediate supervisor (e.g., department head or equivalent administrator), the dean (where the dean is not the immediate supervisor), the appropriate vice chancellor and the Associate Vice Chancellor for Human Resources.

(F) Leave taken under this policy shall run concurrently with FMLA leave and/or with the statutory provisions of the North Carolina Family Illness Act. The immediate supervisor (e.g., department head or equivalent administrator) may require such medical documentation or certifications, second or third medical opinions (at its expense) or other documentation of the need for leave, probable length of absence from normal duties, ability to return to work, or intent to return to work as it may deem necessary. The University may also require satisfactory evidence that the faculty member will exercise primary responsibility for the care of those who would qualify the faculty member for leave under this policy.

(G) Leave offered under this policy is *not* allowable as terminal leave payment when the faculty member leaves the employment of the University. Unused leave shall not accumulate nor be carried forward from one academic year or calendar year to the next. It may not be used to extend years of creditable state service for retirement benefits. However, it may be exhausted prior to participation in the Disability Income Plan of North Carolina that is provided to eligible state employees.

(H) It is the intent of this Policy that faculty receive the benefits defined herein during the period(s) in which they have a contractual commitment to the University.

IV. Use of Leave

The period of leave provided under this policy may be used for medically verifiable sickness or injury as defined under the FMLA. Use of such leave includes the birth of a child and to care for the newborn child after birth or for temporary disability connected with childbearing and

recovery, which prevents the faculty member from performing usual duties. Leave also may be used for the placement of or to care for a child placed with the employee for adoption or foster care, and/or for a serious health condition of the employee that prevents the employee from performing the essential functions of his/her job. In accordance with ECU's policy on leave granted under the Family and Medical Leave Act, a faculty member may seek leave needed as a consequence of a medically verifiable illness/disability of a member of the immediate family, as defined in Section I. of this policy.

If the request is for the purpose of caring for a faculty member's family member or dependent, the immediate supervisor (e.g., department head or equivalent administrator) may request medical verification of the illness or disability of that person and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

When the request is for the care of the faculty member's family member or dependent, the immediate supervisor may base the recommendation on other factors, including the needs of the unit, timing within the academic year, effect on students, ability of the unit to compensate for the absence, etc.

A faculty member who anticipates the need for a temporary disability leave shall notify his or her immediate supervisor in writing as soon as possible.

Female faculty shall not be penalized because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. Disabilities resulting from pregnancy shall be treated the same as any other temporary disability. The type and nature of the faculty member's duties during pregnancy shall be determined by the faculty member's immediate supervisor in consultation with the faculty member and upon advice she receives from her physician.

V. Administration of Benefit

It is the responsibility of the faculty member to request, in writing, the use of leave provided by this policy as soon as possible upon learning of the need for the leave. This request will be made to the faculty member's immediate supervisor. The request for leave shall include an estimate of the amount of time the faculty member is expected to be on leave. The faculty member will notify his or her immediate supervisor if the estimate materially changes.

Such requests must be in writing, but there may be instances where the employee is unable to make the request either via a letter or by completing the necessary forms. All conditions covered by this serious illness and disability leave policy cannot be anticipated. The policy provided herein is expected to be appropriate in most situations. However, in unusual cases, the faculty member or other responsible party may be unable to provide the necessary notification. In those rare instances where the employee or a member of the employee's family is unable to make the necessary request, it is the responsibility of the immediate supervisor to consult with a Human Resources benefits counselor for direction.

The immediate supervisor will make a recommendation to the dean [where the dean is not the immediate supervisor] concerning whether or not to grant the request for leave. The dean is responsible for making a decision on whether or not to approve leave after reviewing the immediate supervisor's recommendation and consulting with the Office of Human Resources. The dean will provide written notification of the decision to the immediate supervisor, who will

then advise the faculty member. The dean will provide a copy of the notice to the appropriate vice chancellor and to the Office of Human Resources. If leave is denied, the written notification will include the grounds for denial.

In the case of a request for leave beyond the initial 15 week period, the request must also be approved by the appropriate vice chancellor and the Associate Vice Chancellor for Human Resources. The person responsible for notifying the faculty member is the Associate Vice Chancellor for Human Resources. If leave is denied, the written notification will include the grounds for denial.

The unit administrator is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the unit are at the discretion of the department chair with the approval of the dean and are subject to departmental and institutional needs and resources. In recommending approval of a leave, the unit administrator or dean will develop a written plan to cover the responsibilities of the faculty member for the duration of the leave. Funding of substitute personnel is the responsibility of the appropriate vice chancellor.

Nothing in this policy shall prohibit other faculty members from "covering" for the faculty member on leave but only so long as the faculty member on leave complies with this leave policy.

VI. Appeals

A decision not to grant a request for leave under this policy may be appealed to the appropriate vice chancellor. The vice chancellor's decision may be appealed to the chancellor. The chancellor's decision is final. Appeals of a negative decision must be made to the next higher level within ten (10) business days of receipt of the negative decision.

VII. Confidentiality

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records. The protection and confidentiality of personnel records is governed by NCGS 126-24.

VIII. Record-Keeping

Because this policy provides an important financial benefit, accurate records on all requests for leave, whether or not the request is granted, must be maintained. The immediate supervisor shall be responsible for forwarding all records pertaining to the use of this policy to the Office of Human Resources. The Office of Human Resources will maintain the official records concerning requests for leave under this Policy, and may, from time to time, be required to make general reports on its use to other University administrators and to the Faculty Senate.

IX. Coordination with Other Policies

ECU's *Faculty Manual* in Appendix D.II.C.3 indicates that leaves from all employment obligations which are granted to probationary-term faculty may include extension of the length of the probationary term. It is the responsibility of the faculty member to review the pertinent sections and determine the impact such leave would have on their probationary term.

A permanently tenured faculty member granted leave under this policy may have his or her five-year cumulative review delayed by a period agreed upon by the faculty member, the faculty member's immediate supervisor, the dean, and the appropriate vice chancellor.

The terms of this policy pertain only to a leave for a specified period because of illness or disability. This policy has no effect on provisions for other types of leave as described in the *Faculty Manual*.

The leave provided for under this policy shall have no effect on the faculty member's other employment benefits.

X. Effective Date

This policy shall become effective immediately upon approval by the President of The University of North Carolina and shall supersede any previous authority granting leave for faculty, if any.

Faculty Senate Agenda
April 20, 2004
Attachment 8.

RESOLUTION IN SUPPORT OF INTERIM CHANCELLOR BILL SHELTON

- Whereas, Interim Chancellor Bill Shelton unselfishly stepped forward to lead East Carolina University at a time of uncertainty and turmoil, and
- Whereas, Interim Chancellor Shelton provided a calming influence, promoted and supported free and open discussion, encouraged the University community to continue positive forward progress, and
- Whereas, Interim Chancellor Shelton practiced inclusive and collaborative decision making with faculty, staff, and administrators, and
- Whereas, Bill Shelton demonstrated clear leadership and served with high distinction and integrity as Interim Chancellor during a critical time in the history of the institution,

Therefore be it Resolved, that the faculty of East Carolina University expresses its collective thanks and heartfelt appreciation to Interim Chancellor Bill Shelton for his leadership, guidance, enthusiasm, steadying hand, belief in the faculty, and adherence to the precepts of shared governance during his tenure as Interim Chancellor, and

Be it Further Resolved, that the faculty looks forward to Dr. Shelton reassuming his full-time critical role in the Office of University Advancement as East Carolina University approaches its 100th anniversary.