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**East Carolina University  
FACULTY SENATE  
FULL MINUTES OF FEBRUARY 24, 2009**

The fifth regular meeting of the 2008-2009 Faculty Senate was held on Tuesday, February 24, 2009, in the Mendenhall Student Center Great Room.

**Agenda Item I. Call to Order**

Janice Tovey, Chair of the Faculty called the meeting to order at 2:10 p.m.

**Agenda Item II. Approval of Minutes**

The minutes of [January 27, 2009](#), were approved as distributed.

**Agenda Item III. Special Order of the Day**

**A. Roll Call**

Senators absent were: Professors Romack (Chemistry), Robinson (Mathematics), Talente (Medicine), Grymes (Music), Eason (Nursing), Brown (Psychology), Jenkins (Social Work), Pagliari and Ciesielski (Technology and Computer Science), Provost Sheerer, Taggart (Music/Past Chair of the Faculty) and Niswander (Business/Academic Deans' Representative).

Alternates present were: Professors Lawrence for Winstead (Academic Library Services), Goodwillie for Schmidt (Biology), Bond for Stiller (Biology), Kros for Gibson (Business), and Morris for Evans-Case (Political Science).

**B. Announcements**

Special thanks was extended to Donna Kain (Department of English Media Lab) for her efforts on behalf of the faculty with taping and editing services of the recent appellate training session. The dvds and duplication services were provided by RENCI at ECU Center for Coastal Informatics and Modeling. Copies of the training session are available in the Faculty Senate office and will be made available online as soon as possible.

The annual Teaching Awards Ceremony is scheduled for Tuesday, April 28, 2009, at 11:00 a.m. in the Mendenhall Student Center Great Room. A reception will follow immediately afterwards. Faculty awarded for their teaching achievements will be recognized at this event and all faculty are welcome to attend.

Thanks was extended to Faculty Senate Alternate Kate LaMere (Art and Design) for serving as a Teller during the meeting.

Below is a list of the funded 2009-2010 Teaching Summer Stipends and Project Expense Grants awarded through the Teaching Grants Committee and funded by Provost Marilyn Sheerer. Please direct any questions to John Bort, Chair of the Committee at [bortj@ecu.edu](mailto:bortj@ecu.edu).

2009	Name	Unit	Proposal Title	Type	Amount
<a href="#">05</a>	Elizabeth Jones	Biology	Improvement of curriculum materials for teaching BIOL 2141, Human Anatomy and Physiology Lab I	SS	\$8,547
<a href="#">08</a>	Karen Vail-Smith	Health & Human Performance	"Safe and Sound": A comprehensive learning module for HLTH 1000 classes designed to promote safety on campus	SS	\$10,704
<a href="#">06</a>	Susanne	Health &	Develop computerized patient simulation	SS	\$7,074



	Raedeke	Human Performance	modules to enhance learning of therapeutic modalities		
<a href="#">02</a>	John Kros	Business	Web-based multimedia teaching aids for operations and supply chain management	SS	\$18,837
<a href="#">07</a>	Jennifer Cremeens	Health & Human Performance	Development of a photovoice project to enhance learning in community health	Project Expense	\$1,240

### C. Steve Ballard, Chancellor

Chancellor Ballard stated that the [Report on Faculty Employment](#), that included a longitudinal profile of faculty tenure status and tenure status of permanent and temporary faculty (by unit), was provided to the Senators prior to the meeting and that Provost Sheerer would answer any questions. Chancellor Ballard suggested that those with questions email Provost Sheerer since she was absent from the meeting in order to participate in a conference call with the UNC Chief Academic Officers.

The Chancellor began his general remarks by saying that he wished he had good news. He said that the Governor's budget is getting refined at this point and that he heard that the University System is to receive a seven percent reduction, half of which will be recurring. That is the worst of the three scenarios that ECU was asked to prepare for in December which would amount to about \$20 million in lost revenue. The Chancellor stated that he had been hoping for the last two months President Bowles' compromise would be accepted although that seemed less and less likely now although he had not given up hope. At this point the official notice is expected that the reduction will go from six to seven percent this fiscal year and seven percent next year. The next year of the biennium is expected to be like this year if not worse. Thus over these two years ECU would lose between \$50 to \$60 million. The House of Representatives is looking at a goal of fifteen percent reductions. Generally the House is higher than the Senate and the Governor's office in terms of what they cut from the budget. The only good news is that North Carolina's budget situation is better than most states except for a few Western states with energy reserves like Wyoming.

The Chancellor stated that he continued to work on short term cuts that are reversible; there could be some hard decisions ahead regarding teaching courses since 85% of the ECU's budget is payroll. There is hope that the campus-wide budget task force will bring some ideas about how to do business in a different way. Some campuses have started to use outside reviewers. There are daily demands from UNC General Administration related to costing out expenses for next year. President Bowles speaks to the Appropriations Committee next Wednesday. We will be seeking guidance from the Board of Trustees in their meeting on Thursday.

On a happier note, the fountain in front of Wright Auditorium will be working soon. Admission applications are higher than they have ever been; we have stopped accepting applications and we feel that we will have a freshman class this year that will be smaller than the freshman class of last year by about 400 students. The projected GPA of these freshmen is expected to be better than previous classes. We are managing the numbers of transfer students and freshmen very carefully. We feel that 4500 freshmen are too many to enroll and we are aiming to enroll around 4000 freshmen this coming year. The Chancellor stated that enrollment growth will likely be funded next year and will be the only sure way to generate budget increases during the time we are experiencing all these budget reductions. The Chancellor concluded that this was about



all he had to report about the deteriorating budget situation and other campus news and would be happy to answer questions.

Professor Sprague (Physics) stated that with budget reductions and an increase in teaching loads, and should the University not consider offering fewer sections of courses? He asked how the University could be expected to teach as many, if not more classes with less money. Chancellor Ballard stated that academic deans should look into that issue and discuss it with their faculty. The Chancellor stated that ECU had mandated target enrollments and we are at this point ahead of our mandated enrollment targets. The Chancellor stated that we must teach as many students as we promised or the legislature will take the money away. If we underpredict the number of students, ECU does not get the money that it deserves. If ECU underestimates enrollment, the University does not get the right money either. The Chancellor concluded that it is not a good situation to be in at the moment.

Professor Rigsby (Geology) stated that faculty understood the targets, but wondered why ECU had more students now than was been announced at the start of the Fall semester. Chancellor Ballard replied that there were an estimated 4,600 new students, with the target just over 4,000 and that ECU had stopped admitting students and begun to put students on waiting lists. He agreed that stricter admissions statements would help tremendously, but that the general administration funding formula would hurt ECU if we underestimate the number of students. If ECU reduced the Freshman class to 3,800 or 3,700 that would cost the University money as well. The enrollment management system is now in place and working.

Professor Martinez (Foreign Languages and Literatures) stated that the UNC Chancellor had announced that he would not declare financial exigency and asked if Chancellor Ballard would follow with a similar statement. Chancellor Ballard replied that he would not. He stated that UNC-Chapel Hill was at a different level. Professor Martinez asked if there would be any sort of plan to assist those who do lose their jobs at ECU. Chancellor Ballard responded yes, he will work through a formal EPA office to assist faculty and others affected by the budget crisis.

Professor Martinez (Foreign Languages and Literatures) asked Chancellor Ballard about the idea to hire an outside firm to study the University and wondered how would he pay for it? She suggested that the administration use talented faculty from the College of Business or Department of Economics to study the University's budget situation. Chancellor Ballard responded that every penny could help the losses among the various university areas and that any expenditures now will be reviewed. He stated that if the University could obtain a private donor to support hiring an outside firm, like Chapel Hill had done, then he would. The Chancellor said that he had talked to Chancellor Thorpe at UNC Chapel Hill and was told that it was too early to tell if the outside consultant was a good investment for the University. Since Chapel Hill had a donor for this expense the cost was not an issue, but it was too early to tell if this is a good strategy. Professor Martinez's final question regarded support for University employees who might be laid off. The Chancellor responded that services would have to depend on the cost to the University.

Professor Rigsby (Geology) asked how oversight could be offered and if Chancellor Ballard could assure the faculty that if there was a person hired, then there would be a promise that the person hired would not have a conflict of interest. Chancellor Ballard stated that he appreciated the concerns and would need to vet any outside firm to ensure that it was a credible firm that had done this type of study before and to check with other institutions to find out what the



reaction had been to their efforts. Chancellor Ballard reiterated that, with the budget situation, the University needs to be thorough in identifying options.

Professor Zoller (Art and Design) asked if the University increases faculty workloads, how it would affect accreditation. Chancellor Ballard responded that he would not agree to anything that would affect accreditation and suggested that faculty interested in the faculty workload issue send an email to Provost Sheerer to gather more information and become more involved in the discussion groups.

D. Kevin Seitz, Vice Chancellor for Administration and Finance

Prior to the meeting, Mr. Seitz provided [Report on the Division of Administration and Finance](#).

Mr. Seitz stated that the Chancellor covered many of the aspects that he was going to address. The budget situation seemed to change almost by the hour. In the beginning of budget year 2008-2009 there was a permanent reduction of \$2.4 million. We then began to hear about the one time or non-recurring cuts. We were then asked to make plans for reducing the budget to 2, the 4 then 6 percent when other agencies of state government were at 7%. The UNC system was allowed to stay at 6 %, but the UNC system will be asked now to cut the University budgets by 7% in recurring reductions by the first of March. A number of plans have been put in place to meet these budget reduction goals. One time reductions such as furloughs, incentives for early retirements, etc. are not in the purview of the UNC system. The University Budget Task Force is scheduled to have a preliminary report to the Chancellor by April 15. There were no questions posed to Vice Chancellor Seitz.

E. Janice Tovey, Chair of the Faculty

Professor Tovey began her remarks by thanking Professor Tim Gavin, Chair of the University Budget Committee for the Committee's sponsorship of the budget forum last week. Thanks was also extended to Kevin Seitz, Vice Chancellor for Administration and Finance for his contribution to the forum and also to the meeting today.

The Budget Task Force has created a website [www.ecu.edu/budget/](http://www.ecu.edu/budget/) for the purpose of communicating information about the budget. Members of the task force have tried to include as much material as possible, include a summary of the PACE report. Professor Tovey also thanked the Academic Deans who had scheduled budget forums in their colleges to help inform their faculties. To make suggestions to the committee, click on the "contact us" link on the left side of the page and email your ideas for cutting the budget, or for generating revenue. Professor Tovey noted that the task force has had a good response thus far through both email and in the forums and will continue to consider all suggestions. She stated that she couldn't promise that the task force could follow all of the suggestions, but they all would be studied and many implemented if possible. The task force will try to include announcements of all budget forums on the website.

Professor Tovey stated that right now, units were conducting evaluations of tenured faculty. The report was due mid March. If you have questions, please feel free to email her or the Provost. She also reported that the issue of tuition-by-credit-hour had come before the UNC Faculty Assembly for discussion and that they had not supported it. There were significant questions about the fairness and equity of the method of collecting tuition and the impact on student costs. It would seem that GA's support for UNC Online was a contributing factor to UNC Faculty Assembly's position. The UNC Faculty Assembly delegates and ECU's Faculty Senate Agenda Committee members have discussed in their meetings the problems of curriculum approval and continuity in programs if individuals were taking classes "pot luck" from a menu of courses from



the 16 system universities. It was asked which institution would issue the degree? Would a program accept courses from a variety of other schools? How does the University assure the quality and continuity of ECU's programs? She reminded Senators of the need to be aware of the challenges faculty and the University face.

Finally, Chair Tovey stated that she wished to follow up on a point made by Provost Sheerer at the last Faculty Senate meeting. In her response to a question about a curriculum resolution, Provost Sheerer pointed out that, as ECU faces potential budget scenarios that may make severe cuts in ECU's funding, she and the other vice chancellors questioned the number of new courses without appropriate consideration of current courses already on the books and the potential impact of those new courses on the unit. Chair Tovey stated that as ECU faces an uncertain budget future and begins the Unit Academic Program Reviews, she strongly urged the faculty of each unit to review their course offerings and do an honest appraisal of the courses on the books. She stated that as units build and grow and revise programs, and even develop new courses, that units should also consider banking courses that may no longer be taught, be necessary, be effective or no longer fit the goals of the program. She clarified that she would never suggest that for every new course, an old one is banked, but was asking faculty to make honest and fair assessments of their unit's course listings in the catalog, and consider whether or not a course continued to meet the needs and goals of the current program. She reminded faculty that the catalog a student used was a contract between him or her and the program. If a course was listed, a student had every right to assume that it was a course that would be available sometime during his or her years of attendance. She stated that she felt it was not fair to list a course that rarely was taught and that ECU should have some courses that allow for flexibility according to the needs of the program and its students.

Professor Rigsby (Geology) asked how the catalog was a legal contract with elective courses listed because if listed as elective, most students understand that the courses are only taught a various times, so what exactly was the legality of the catalog other than the degree program? She asked what was the financial burden to the University if the course was listed in the catalog but not taught? Chair Tovey responded that units should go through the course list and if a course has not been taught for over 10 years, it may need to be considered as a course to be banked. With the catalog, there was an expectation by students that even if an elective course, they expect that course to be taught during their tenure for a degree. She asked faculty to consider if the courses were in the regular rotation, did they need to be, and/or should they be listed or banked. Taking into account students' expectations are necessary in order to be fair to them and ECU's faculty.

Professor Martinez (Foreign Languages and Literatures) stated that she needed clarification on Appendix B and the post tenure review, stating that any changes to the review procedures need to be specified in the unit codes. Chair Tovey suggested that some procedures be a supplement to the unit code so that they could be revised more frequently.

Professor Rigsby (Geology) stated that there was no guarantee that tenured faculty would not be laid off and that multi-year contracts would not be renewed. She asked Chair Tovey how, in her interactions with administration, was she representing the faculty and trying to protect them, including the fixed term members of the university. Chair Tovey responded that she understood that academic units needed to cut everything possible before cutting faculty and that many decisions were being made at the unit level. For example, she stated that the Strategic Enrollment Task Force was told that the English Department had a difficult time teaching the extra 375 students in addition to the 1100 sections already in place. Chair Tovey stated that she



told the Task Force that the English Department needed more support to do this and that if the unit was going to be asked to teach those in the first semester, then the support may have to be in fixed term faculty. Chair Tovey stated that there will be cuts because there are no lapsed salary funds to cover many of the cuts being suggested. Chair Tovey stated that no one wanted the budget cuts to affect the classroom and suggested that faculty continue to send her their concerns and she would try to address them with the administration.

F. Election of Faculty Officers Nominating Committee

According to *ECU Faculty Manual*, Appendix A, [Section VIII.](#), the following Faculty Senators were elected by acclamation to serve on the Faculty Officers Nominating Committee. Professors Rodney Roberts (Philosophy), Margaret Bauer (English), Kimberly Heidal (Nutrition and Hospitality Management), Britton Theurer (Music), Jeni Parker (Theatre and Dance) will meet soon to begin their work and will provide a slate of Faculty Officer nominees to the Faculty Senate on April 28, 2009.

G. Question Period

Professor Glascoff (Health and Human Performance) stated that with faculty cuts, etc. how was the budget situation affecting our staff employees. VC Seitz responded that he had tried to keep positions vacant if possible and was trying to combine positions and consolidate services where possible. There was a concentrated effort to not cut SPA positions if at all possible.

Professor Sprague (Physics) asked VC Mageean if the expectations for tenure should be changed now that the budget was changing faculty responsibilities. VC Mageean responded that the issue was trying to increase research productivity and when looking at the distribution loads, it was very varied and not directly related to research activities. She stated that ECU needed to protect opportunities for faculty to do research. This was what made the University different from community colleges, etc. The University should strive to keep a balance and it was premature right now to think that the promotion and tenure guidelines needed to be revised. VC Mageean stated that they were looking to make sure that graduate assistants were being utilized to their potential and that, at present, teaching assistants were a good resource and could be better utilized.

Chancellor Ballard stated that *The Daily Reflector* was incorrect in their statement earlier in the month that there would be no layoffs at ECU. He stated that they had done everything they could to protect people but were operating on scenarios that were more severe than expected with things getting worse by the day. Chancellor Ballard reminded faculty that the current budget situation was much worse than what was stated last Fall and that by May, it could be a 10% budget reduction. Chancellor Ballard stated that the University needed to remain committed to the people that make the University unique and strong. He promised to do everything that he could to protect University personnel; however, he needed to maintain flexibility in order to handle the budget crisis and that there would be vertical cuts. For example, if we can get by without hiring a new federal relations officer than we will (and we have). Chancellor Ballard stated that ECU needed to protect those things that were vital to the University.

Chair Tovey stated that in reference to vertical cuts, these cuts would not be made unilaterally and that Provost Sheerer would work with units to allow the faculty within the units to offer suggestions on how best to handle things within their unit.

Professor Martinez (Foreign Languages and Literatures) asked VC Seitz about the recent published listing of EPA salaries and wondered why stipends were not included. She asked what



percentage of the salaries and stipends were dedicated to the budget? Would a reduction in stipends help? VC Seitz responded that less than 1% of the total University budget related to stipends. Chair Tovey stated that she is working with Judi Bailey in reviewing the list of those individuals receiving stipends to make sure that end dates are noted on all stipends.

Professor Wilson (Sociology) asked if a generous gift from the athletics dept (\$1 a ticket) would generate a fair amount of money for the University's use? Chair Tovey stated that she had spoken briefly with Nick Floyd in Athletics about this recently and that he had not automatically disregarded it, so the issue could be further discussed.

#### **Agenda Item IV. Unfinished Business**

There was no unfinished business to come before the body at this time.

#### **Agenda Item V. Report of Committees**

##### **A. Admission and Retention Policies Committee,**

Professors Wendy Sharer (English) and Gary Levine (Medicine), Co-Chairs of the Committee, presented the proposed revisions to the *ECU Faculty Manual*, Part V. Academic Information, Section I. Academic Procedures and Policies in reference to class roll verification (attachment 1). Professor Sharer noted that 500-600 faculty are contacted each semester to inquire if students are attending classes. 150 estimated students don't attend and the University needs to try and get financial aid money returned. Since the last Senate meeting, more explanation was added to the proposed revision to aid faculty in understanding that this be done twice.

Professor Rigsby (Geology) asked if it was not illegal to have the University contact faculty about students on financial aid? Professor Sharer responded that only if the students were failing the class. For students not attending 60% of class, they lose eligibility for financial aid and the faculty can be contacted by administration by asking something generic such as "Do you remember when the student last attended the class". If the student fails all classes, then all faculty must be contacted because it is then a violation of the federal guidelines to receive federal financial aid.

Following discussion, the proposed revision to the *ECU Faculty Manual*, Part V. Academic Information, Section I. Academic Procedures and Policies in reference to class roll verification was approved as presented. **RESOLUTION 09-07**

##### **B. Committee on Committees**

Professor Tom Caron (Education) presented the second reading of proposed revisions to the Standing Academic University Environment Committee Charge (attachment 2). He proposed a revision to the University Environment Committee Charge, as follows:

Item H: The committee raises the awareness and promotes how sustainability issues are included in the curriculum **and in faculty research**. ~~The committee also promotes how faculty research in areas related to sustainability.~~

There was no discussion, and the revised Standing Academic University Environment Committee Charge was approved as presented. **RESOLUTION 09-08**

Professor Caron then asked the Faculty Senators to postpone consideration of the report on the Appellate Hearing Committee until next month since there was not a need to rush the nomination process and the Committee needed more time to find a suitable nominee to fill the one year term on this important appellate committee. The Senate agreed.



C. Educational Policies and Planning Committee

Professor Sandra Warren (Education), Chair of the Committee, asked the Faculty Senators to postpone consideration of the proposed change in name of [BSBA in Management Accounting to BSBA in Accounting](#) in the Department of Accounting, College of Business. She stated that the request would be brought back to the Faculty Senate for consideration at a later date. Professor Christian (Business) asked why the Faculty Senate was not being asked to act on this now. Professor Warren stated that there were other entities that needed to be contacted prior to final approval by the Faculty Senate and Chancellor.

Professor Warren then presented a request for authorization to establish a [MS in Sustainable Tourism](#) in the Center for Sustainable Tourism, Division of Research and Graduate Studies. Professor Rigsby (Geology) asked how the budget situation was reflected in the proposed new Masters degree. VC Mageean stated that she supported this as an institution, in terms of operating dollars the budget money was mostly non-State dollars, and that the administration and part of the faculty were already a part of the University. She stated that it was important to note that this MS in Sustainable Tourism would be the first in the country and that she could not predict what will happen once the request to establish got to General Administration.

Following discussion, the request for authorization to establish a [MS in Sustainable Tourism](#) in the Center for Sustainable Tourism, Division of Research and Graduate Studies was approved as presented.

**RESOLUTION 09-09**

D. Faculty Governance Committee

Professor Puri Martinez (Foreign Languages and Literatures) first presented the proposed revision to *ECU Faculty Manual*, Appendix C. Section III. Evaluation, in reference to the Student Opinion of Instruction Survey (attachment 4).

Professor Sprague (Physics) stated, as a member of the Academic Standards Committee, that he wished to make an editorial amendment to delete the word "as" in the second line of the report. The editorial amendment was accepted.

Professor Jenkins (Allied Health Sciences) stated that since going to online transmission of the Student Opinion of Instruction Survey (SOIS), it was making it difficult on promotion and tenure decisions within academic units. He inquired what other Faculty Senators were experiencing and what could be done about it. Professor Christian (Business) stated that the College of Business has been re-evaluating how to effectively evaluate teaching effectiveness. He stated that they have been aware of the potential elimination of the use of the SOIS, which is what this policy would do. By only using the SOIS if it is 2 standard deviations below the mean this represents only 2 ½% of the population. The Accounting department within the College of Business has not had anyone fall in this category for two consecutive semesters. So the SOIS will no longer be a tool to use. While the SOIS has some weaknesses, we believe each College should be able to choose how and if they want to use it.

Professor Jenkins (Allied Health Sciences) asked if there were ways to improve the instrument and if not, what other methods could be weighted, etc. Professor Sprague (Physics) responded that the SOIS was not a measure of teaching effectiveness. It was intended to provide feedback for the faculty on how they teach. There were many factors that affect SOIS scores, i.e. attractiveness, grade student thinks he/she was getting. He stated that when someone's SOIS



scores deviated from the median, there probably was a problem and that should be addressed. However, some academic units incorrectly rank their faculty by using the SOIS scores. There was no statistical data to support the use of the SOIS to effectively measure teaching effectiveness.

Professor Wilson (Sociology) stated that the standard deviation referred to was the standard deviation of the means (or medians) and NOT the standard deviations printed on the SOIS sheets. You can get a ballpark estimate of the correct standard deviation by dividing the one printed on the SOIS by 5.

Professor Jenkins (Allied Health Sciences) asked then shouldn't ECU do something about the rate, because it was of importance to the students. Professor Sprague responded that the University was wrong to use the SOIS as a sole determination of faculty competence in teaching, especially when relating competence only to question 19.

Professor Novick (Medicine) stated that 2 standard deviations should be used especially with a small class and asked why not just substitute that? Professor Sprague stated that it was just such a limited measurement tool, with many flaws.

Professor Bauer (English) stated that if students do respond to the online SOIS, the gathered feedback should be between the faculty and students and not used as a evaluation tool. Professor Sprague stated that the problem with the SOIS was that in many courses, the median score was 7 and a person can not go above 2 deviations above the maximum score. The middle scores obtained are perfect, and so just based on scores that come in, all a person can do is to look at those scores lower than the perfect scores.

Professor Christian (Business) stated that it was the unit's faculty responsibility to decide on how much, if any, the SOIS scores were used in discussions on promotion, tenure, and merit raises. Professor Martinez (Foreign Languages and Literatures) stated that both academic committees believed that it was a true faculty unit decision in what the units wished to use when evaluating teaching effectiveness. The committees were not stating that teaching effectiveness should not be evaluated, but that it was up to the units to decide what the percentage and weights of teaching were.

Professor Sprague (Physics) stated that the proposed wording provided the academic units with more authority on how faculty would be evaluated. Their chosen methods within the units do not have to be approved up the line. The proposed language before the Senate permitted an academic unit to use the SOIS data, but they do not have to. Again, he reminded faculty members that the SOIS was not an effective evaluating of teaching effectiveness.

Professor Jenkins (Allied Health Sciences) stated that he would rather see the methods used to evaluate effective teaching chosen by the faculty and not forced by an academic unit administrator. Professor Paul (Business) stated that if the Senate's intent was to give the units the freedom and responsibility to pick the SOIS or not, then the specific burden of only being able to use the data if it falls above or below a median falls on the faculty within the unit. Professor Martinez replied that, if the proposed revisions to the manual are approved, academic units can use the SOIS as it is written in Appendix C.

Professor Kerbs (Criminal Justice) reminded Senators that the SOIS scores did not correlate with teaching effectiveness and wondered how the use of SOIS had risen to be on the list for the



University to use when evaluating teaching effectiveness. Professor Sprague (Physics) stated that he was unsure of the history of how the SOIS had risen to the status that it was within the University and he suggested that the academic unit administrators take an active role in evaluating the course materials and utilize peer review of courses to evaluate the effectiveness of teaching. He stated that those methods, proven by research, actually do evaluate teaching effectiveness.

Professor Glascoff (Health and Human Performance) asked how to explain the ambiguity of "multiple procedures"? Professor Sprague (Physics) responded that the Committees wanted the departments to have the ability to use more than one procedure and the word "multiple" means more than one. Professor Glascoff responded that she thought that the reference to course materials being reviewed by the administrator (1.b.) was incorrect because administrators were involved in the evaluation of faculty in other ways. Professor Sprague responded that the idea was that if the unit administrator had to write the evaluations, he or she should be able to review course materials prepared for the course.

Professor Zoller (Art and Design) stated that her unit's personnel committee looked at all of the materials before the unit administrators and wondered if 1.b. could be changed to add "faculty committee and unit administrator" since it was a faculty duty and should be reflected in this text. She stated that if it was not in the academic unit's code of operation, then it would be up to the unit to decide if it would be done by the unit administrator or by a peer group, but that the unit administrator would need guidance.

Professor Christian (Business) stated that he felt that this department chair had never seen him perform his job and had only seen the peer reviews. He welcomed the opportunity for the department chair to actually visit his classroom and verify his teaching effectiveness.

Professor Gabbard (Education) asked if there was a way that the Committee could include language somewhere appropriate to notify unit administrators and faculty of the relevant usefulness when the SOIS scores were best used as the dominate measure of teaching effectiveness. He asked if the Committee should publicize this information in addition to the research gathered on this. Professor Martinez replied that she thought it would be appropriate for the Academic Council to provide information to the faculty prior to the evaluations. Chair Tovey agreed that this was a good idea for the Academic Council to address how these scores are currently being handled within units. Professor Sprague also stated that he would take this issue back to the Academic Standards Committee for further discussion.

Following a lengthy discussion, by a show of hands, the motion to revise the *ECU Faculty Manual*, Appendix C. Section III. Evaluation, in reference to the Student Opinion of Instruction Survey was approved as editorially amended. **RESOLUTION 09-10**

Professor Martinez then presented the proposed revisions to *ECU Faculty Manual*, Appendix D, Section V. Procedure for Review of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure. She reminded the Senators of the provided link to changes made to [UNC Code Policy #101.3.1](#) that necessitated these revisions. She stated that certain revisions were done due to the mandate by UNC Code and other revisions were done by the Committee.

Professor Zoller (Art and Design) asked about the need for members of the appellate hearing committee to be properly trained and wondered how this was being handled. Chair Tovey responded that the first training session had been held in January 2009 and included members



of the Hearing Committee, Faculty Officers, and those faculty serving as Faculty Counselors. Once Chair Tovey, with the other Faculty Officers and members of the Hearing Committee, revise the draft training material, it will be disseminated to all faculty and made available online.

Following a brief discussion, the proposed revision to revisions to *ECU Faculty Manual*, Appendix D, Section V. Procedure for Review of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure were approved as presented. **RESOLUTION 09-11**

Professor Martinez then presented proposed revisions to *ECU Faculty Manual*, Appendix D. Section VI. Due Process Before Discharge or the Imposition of Serious Sanctions. Again she noted the provided link to changes made to the [UNC Code, Section 603](#) that necessitated these revisions. With this revised text, there were no suggestions from the committee, only those from the UNC Code revisions. In particular, Professor Martinez stressed the importance of section A.3 and suggested all faculty familiarize themselves with this new reference to the neglect of duty. There were no questions, and the proposed revisions to *ECU Faculty Manual*, Appendix D. Section VI. Due Process Before Discharge or the Imposition of Serious Sanctions were approved as presented. **RESOLUTION 09-12**

E. University Curriculum Committee

Professor Jane Manner (Education), a member of the Committee, presented the curriculum matters contained in the minutes of the [January 22, 2009](#), and [February 12, 2009](#), Committee meetings. There was no discussion and the minutes were approved as presented.

**RESOLUTION 09-13**

**Agenda Item VI. New Business**

Chair Tovey entertained a motion to hear new business from Professor Bruce Southard (English), Chair of the Faculty Welfare Committee. Following a voice vote, Professor Southard presented the [recommendation](#) on the proposed increase in fees for parking permits that stated, "Accordingly, the Faculty Welfare Committee strongly recommends that the Parking and Transportation Committee and the university's administration reconsider its plans to increase the fees for parking permits for the coming two academic years."

Professor MacGilvray (Medicine) stated that, as a member of the University Budget Task Force, he had a hard time sending forward a recommendation from the Faculty Senate to the Chancellor stating that we would not consider increasing fees for anything. With the current budget restrictions, it may seem inappropriate to be seen as against ways to save money for the University.

Professor Rigsby (Geology) stated that the fee increase was different and asked, how Chair Tovey, as a member of the University Budget Task Force, would use the fees obtained from the increase in parking permits to help avoid cutting faculty positions. Chair Tovey responded that she did not see what impact the parking permit fee increase would have on the overall budget situation.

Professor McKinnon (Merchandising and Interior Design) spoke in favor of the motion, and reminded faculty that health care costs were going up too and that even with maintaining a job at the University, there would be other costs passed on to the employees.



Professor Glascoff (Health and Human Performance) stated that if the increase would save jobs or make it better for an academic unit, then it should be reconsidered. However, if the money is going into reserves then the increase of fees would not affect the budget situation and that employees would appreciate this cost-saving initiative for at least the next two years. Professor Southard responded that he was unsure how many faculty were present when this was initially discussed in the Administrative Parking and Transportation Committee.

Vice Chancellor Horns responded that the request for additional information was appropriate and that the Academic Council had heard about this when discussing the 5-year plan with Bill Koch and that several additional pieces of information may not have been forwarded to members of the Faculty Welfare Committee prior to them drafting this letter. She stated that what goes into reserve was for the purpose of maintaining and servicing the parking areas. The 3 million dollars given in fines to the public school had been sequestered over the years of discussion. That money had not been used in the maintaining and servicing of parking areas. Reserves were intended to be used for paving lots that are gravel and creating new lots. Chair Tovey reminded the Senators that ECU was a part of a larger lawsuit within the UNC system relating to parking fines being turned over to public schools.

Professor Southard responded that police administrative services had increased by moving a large amount of the money (\$180,000) in parking fines to administrative services. The increase was all that was needed for in the reserves. The motion to send forward the report from the Faculty Welfare Committee and support the recommendation that the Parking and Transportation Committee and the university's administration reconsider its plans to increase the fees for parking permits for the coming two academic years was approved as presented.

#### **RESOLUTION 09-14**

Chair Tovey entertained another motion to hear new business from Professor Puri Martinez (Foreign Languages and Literatures). Following a voice vote, Professor Martinez presented a resolution that was not intended to go to the Chancellor but as a way to provide some budget priorities for the University Budget Task Force to take into consideration before drafting a report to the Chancellor in April.

The full resolution stated:

- "Whereas, the faculty of ECU are aware of and concerned about the impact of recent and pending budgetary decisions on the mission of our University; and
- Whereas, faculty and staff salaries at ECU are, on the whole, still significantly below both the campus and the General Administration target levels; and
- Whereas, an increase in teaching loads for tenured and tenure-track faculty will have a negative impact on the quality of instruction as well as on the research output of this University.
- Therefore, Be It Resolved, that ECU has a major responsibility to act in stewardship of the local economy, therefore preservation of jobs should be a top priority and termination of University employees should be a last resort.
- Be It Further Resolved, that there should be more focus on cost cutting measures relating to the over 1/3 of ECU's \$626 million annual budget that is not spent on salaries and benefits.
- Be It Further Resolved, that the faculty and SPA staff should not be made to bear a disproportionate share of any cuts to the personnel budget."



Professor Martinez stated that by supporting this resolution, faculty are supporting the notion that budget cuts to staff and faculty should be considered only after other areas within the administrative line of EPA-non faculty position are cut. As stated earlier in her remarks on what UNC Chapel Hill Chancellor recently stated, faculty would like to see a similar pledge to not cut faculty and staff positions until cuts in administration are made. There was no discussion, and the resolution was approved as presented and will be forwarded to Co-Chairs of the University Budget Task Force, Provost Marilyn Sheerer and Chair of the Faculty Jan Tovey.

**RESOLUTION 09-15**

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

Hunt McKinnon  
Secretary of the Faculty  
Department of Interior Design and Merchandising

Lori Lee  
Faculty Senate

**FACULTY SENATE RESOLUTIONS APPROVED AT THE FEBRUARY 24, 2009, MEETING**

09-07 Revised *ECU Faculty Manual*, Part V. Academic Information, Section I.D. Class Roll Verification, as follows: (Deletions are noted in ~~striketrough~~ and additions are noted in **bold** print)

**"D. Class and Enrollment Verification** ~~Class Roll Verification~~

~~Each semester, the registrar sends class roll verifications to all instructors for each class they teach. The purpose of these forms is to verify the accuracy of the lists of properly registered students. Specific instructions for noting discrepancies and returning the forms accompany the class roll verifications and should be followed carefully.~~

**Twice each semester—once near the beginning of the term (prior to census day) and once near the mid-point of the term—the registrar contacts each instructor in order to verify student enrollment in that instructor's classes.**

**At the beginning of the term, the purpose of the verification is to ensure the accuracy of the lists of properly registered students. At the mid-point of the term, the purpose of the verification is to identify any students who are no longer attending class. In the event that a faculty member teaches a course in which attendance is not regularly taken, he or she should note any students who have ceased participating and submitting work.**

**Specific instructions for responding to the registrar will accompany the requests for class enrollment verification and should be followed carefully. Due to the significant impact students' enrollment status can have on their financial aid eligibility, the amount of financial aid the university is allowed to disburse, and the amount of financial aid the university is required to return, timely faculty response to class enrollment verification requests is essential."**

**Disposition:** Chancellor

09-08 Revised Academic University Environment Committee Charge, as follows: (Additions are noted in **bold** print.)

1. **Name:** University Environment Committee



2. Membership: 7 elected faculty members. (5 from the Division of Academic Affairs and 2 from the Division of Health Sciences.) Ex-officio members (with vote): The Chancellor or appointed representative, the Provost or appointed representative, the Vice Chancellor for Health Sciences or appointed representative, the Vice Chancellor for Administration and Finance or appointed representative, the Vice Chancellor for Student Life or appointed representative, the Chair of the Faculty, one faculty senator selected by the Chair of the Faculty, and one student member from the Student Government Association. The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as deemed necessary by the chair.
3. Quorum: 5 elected members exclusive of ex-officio.
4. Committee Responsibilities:
  - A. The committee recommends policies to preserve, improve and advance the general physical environment of the University.
  - B. The committee provides recommendations to mitigate the loss of habitat that includes repairing or replacing landscaping of the university that have been displaced owing to planned or unplanned actions.
  - C. The committee makes recommendations relating to traffic flow patterns, hardened sidewalk designs, speed limits, and parking facilities in and around the University campuses.
  - D. The committee indexes and recommends policies for maintenance of those trees of significant size and type, culturally historic landscape features, and ground covers possessing aesthetic, historic, and/or environmental value.
  - E. The committee reviews potential and actual effect of university projects upon water quality and quantity, runoff, and other physical impacts upon the community.
  - F. The committee shall be familiar with the current East Carolina University master plan and intended placement of buildings and other construction approved by the Board of Trustees. The Committee shall consult with planning officers regarding future land use,  
changes to the current master plan, and future campus development.
  - G. The committee promotes sustainability efforts on campus, which include energy and resource conservation, recycling, and the reduction of waste.**
  - H. The committee raises the awareness and promotes how sustainability issues are included in the curriculum and in faculty research.**
5. To Whom The Committee Reports:  
The committee reports to the Faculty Senate its recommended policies, procedures, and other procedural criteria.
6. How Often The Committee Reports:  
The committee reports to the Faculty Senate at least once a year and at other times as necessary.
7. Power Of The Committee To Act Without Faculty Senate Approval:  
The Committee may draft reports, hold hearings, or seek advice as necessary.
8. Standard Meeting Time:  
The committee meeting time is scheduled for the fourth Thursday of each month.

**Disposition:** Faculty Senate



09-09 Request for authorization to establish a [MS in Sustainable Tourism](#) in the Center for Sustainable Tourism, Division of Research and Graduate Studies.

**Disposition:** Chancellor

09-10 Revised ECU Faculty Manual, Appendix C. Section III. Evaluation, 1. Teaching, as follows: (Deletions are noted in ~~strikethrough~~ and additions are noted in **bold print**)

**"1. teaching**

**The quality of teaching must be evaluated using multiple methods chosen from among the following, as determined by the unit code. If not determined in the unit code, the voting faculty (as defined by Appendix L) shall determine the multiple procedures to be followed.**

- a. **formal methods of peer review, including direct observation of the classroom teaching of new and tenure-track faculty.**
- b. **review by the unit administrator and/or peers of course materials such as syllabi, reading lists, outlines, examinations, audiovisual materials, student manuals, samples of student's work on assignments, projects, papers, examples of student achievement, and/or other materials prepared for or relevant to instruction.**
- c. **data from surveys of student opinion when an individual faculty member's data vary consistently (more than 2 semesters) and significantly (more than 2 standard deviations) from the unit's median for similar courses.**
- d. **other procedures provided for in unit codes.**

~~1. teaching~~

~~The quality of teaching must be evaluated by means of~~

- ~~a. data from surveys of student opinion, when such data have been gathered in accordance with established procedures of the department or the university which guarantee the integrity and completeness of said data. As part of the effort to evaluate the teaching of faculty members, each unit shall either: develop and use its own instrument(s) as approved by the chancellor to determine student opinion of teaching or utilize the instrument developed by the Teaching Effectiveness Committee to determine student opinion of teaching.~~
- ~~b. formal methods of peer review, including direct observation of the classroom teaching of new and tenure-track faculty.~~
- ~~c. procedures provided for in unit codes;~~
2. research and creative activities;
3. patient care;
4. services rendered on department, school, college, and university committees, councils, and senates; service to professional organizations; service to local, state and national governments; contributions to the development of public forums, institutes, continuing education projects, patient services and consulting in the private and public sectors; and
5. other responsibilities as may be appropriate to the assignment.

The relative weight given to teaching, research/creative activity, and service in personnel decisions shall be determined by each unit code. In no case, however, shall service be weighed more heavily than either teaching or research/creative activity. (Faculty Senate Resolution #97-43, December 1997)"



**Disposition:** Chancellor, Board of Trustees

- 09-11 Revised *ECU Faculty Manual*, Appendix D, Section V. Procedure for Review of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure, as follows: (Deletions are noted in ~~strikethrough~~ and additions are noted in **bold print**)

"V. Procedure for **Review Appeal** of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure.

A. Deadlines for ~~Appeal~~ **Review**

Failure to submit the **review** appeals documents specified in this section within the time periods allotted constitutes a waiver of the right to **have the decision reviewed** ~~appeal the decision~~. However, before the expiration of the deadline the faculty member may request an extension, provided that the request is made in writing and presented to the **Hearing Committee**. ~~individual or committee who is next to consider the appeal~~. Within 10 **calendar** ~~working~~ days of receiving a request for extension, decisions on requests for extension of time shall be made by the **Hearing Committee**. ~~individual or committee who is next to consider the appeal~~. **The Committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes official university breaks and holidays and when, despite reasonable efforts, the Committee cannot be assembled.**

B. Request for Hearing with the Faculty Hearing Committee

Within 25 **calendar** ~~working~~ days of receiving written notice from the vice chancellor ~~or chancellor~~ of non-reappointment or non-conferral of permanent tenure, a faculty member (hereinafter, the complainant) may request a hearing before the Faculty Hearing Committee.

1. The Hearing Committee

The Hearing Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member without administrative appointment (**as per Appendix D, Section IV**). Members shall be elected in accordance with the procedures for election of appellate 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 the five members or their alternates.

Upon organization, the members of the Hearing Committee shall elect a chair and a secretary. **Because hearings in matters of non-reappointment or conferral of permanent tenure can present complex and difficult questions of fact, policy and law, and because of the central role of the committee in gathering and preserving the evidence upon which most subsequent decisions related to the matter will be based, it is important for the chancellor to ensure that faculty committee members, as well as relevant administrators and aggrieved faculty members,** ~~The members of the committee are to be~~ appropriately trained in accordance with guidelines and procedures jointly established by the faculty officers and chancellor. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing. (Faculty Senate Resolution #03-49)



When the committee is convened to consider any matter associated with a complainant's request for a hearing, those committee members who hold an appointment in the complainant's academic unit, those who might reasonably expect to be called as witnesses, those who might reasonably expect to be asked to serve as advisors (see Section V.D.2, Conduct of the Hearing) to any party of the hearing, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The complainant and those individuals or groups who are alleged to be responsible for the action or actions described by the complainant in the request for the hearing (hereinafter, the respondents) are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

**When membership of the committee falls below the specified five members and five alternates, the Faculty Senate will elect additional faculty members to the committee. Vacancies on the committee will be filled first by moving alternates to regular member status and by electing new alternates and/or members as needed to fill the committee roster.**

~~When, between elections, membership of the committee falls below the specified five members and five alternates, the chair of the faculty, in consultation with the Committee on Committees, shall appoint members to the committee. Vacancies on the committee will be filled by first moving alternates to members and by making appointments as alternates.~~

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the **regular** elected members and alternates, and shall select from those available one or more alternates, as necessary. The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing.

The committee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) **regarding** following the committee action(s) **during the review**. (See *Part VIII, Responsibilities of Administrative Officers*.)

2. Initiation of the Hearing Process

The basis for a request for a hearing must be found in one or more of the following reasons: (a) the decision was based on any ground stated to be impermissible in Section 604B of The Code of The University of North Carolina; (b) the decision was attended by a material procedural irregularity.<sup>1</sup> In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

Section 604B of The Code of The University of North Carolina states: "In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to



the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, **color**, sex, religion, **creed**, national origin, age, disability, **veteran's status** ~~honorable service in the armed services of the United States~~ **or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees**, or (c) personal malice. **For purpose of this section, the term 'personal malice' means dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual.**" (See UNC Policy 101.3.1.II.B for details)

"Material procedural irregularity" means a departure from prescribed procedures governing reappointment and conferral of permanent tenure **that is of such significance as to** cast reasonable doubt upon the integrity of the original decision not to reappoint or not to confer permanent tenure. Whether a ~~material~~ procedural irregularity occurred, **and whether it is material**, shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint or not to confer permanent tenure was made and communicated. The Hearing Committee shall ask the chancellor to certify what procedures were then in effect if that question is a matter of dispute. (Faculty Senate Resolution #03-49)

The complainant's request for a hearing must specifically identify and enumerate all reasons for the request. The request must include (a) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (b) the identification of the respondents; (c) an enumeration and description of the information or documents which are to be used to support the contention (copies of the described documents are to be made a part of the request for a hearing); (d) the identification of persons who may be willing to provide information in support of the contention; **and (e) a brief description of the information those persons identified in (d) may provide and (f) a copy of the vice chancellor's notice of non-reappointment or non-conferral of permanent tenure.** The complainant's request for a hearing shall be made to the chair of the Hearing Committee **and delivered to the Faculty Senate office by a method that provides delivery verification.**

C. Validation of the Request for Hearing.

Validation of the complainant's request for a hearing is the first step in the hearing process. The Hearing Committee shall convene within 15 **calendar** days after receipt of the complainant's request for a hearing. The committee shall notify the complainant of the meeting date by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The committee shall meet in executive session and the meeting will be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. The committee's evaluation of the complainant's request for a hearing shall be limited solely to the documents and information submitted as part of the complainant's request for a hearing.

The complainant may submit additional documentation and information supporting the request for a hearing up to ~~72 hours~~ **4 calendar days** prior to the committee meeting. All documentation and information submitted after the original request for a hearing must (a) support contentions set forth in the original request for a hearing and (b) be delivered to the Faculty Senate office in the same manner as



the original request for a hearing. Such information or documentation shall be made a part of the original request for a hearing.

Documentation and information that do not meet criteria set forth in the previous paragraph will not be accepted and will be returned to the complainant.

The Hearing Committee's review of the complainant's request for a hearing shall be limited solely to determining whether the facts alleged by the complainant, if established, would support the contention that the decision not to reappoint or not to confer permanent tenure was based upon any of the grounds stated as impermissible in Section 604B of *The Code of The University of North Carolina* or was attended by a material procedural irregularity. Based on their review and evaluation of the submitted material, the committee shall decide whether the request for a hearing is to be validated.

If the request for a hearing is not validated, the complainant shall be notified by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, within 10 calendar days of the committee meeting. Such a determination confirms the decision not to reappoint or not to confer permanent tenure. (Faculty Senate Resolution #99-4)

The complainant, within 10 calendar days of receipt of the Hearing Committee's decision, may accept the decision of the Hearing Committee not to validate a hearing or may appeal to the chancellor **the decision not to conduct a hearing**. The chancellor, within 14 **calendar** days of the complainant's appeal, shall decide to confirm the committee's decision or shall support the complainant's request for a hearing. (Faculty Senate Resolution #99-4)

The complainant, within 10 calendar days following receipt of the chancellor's decision, may accept the chancellor's confirmation of the Hearing Committee's decision not to validate a hearing or may appeal to the Board of Governors **the decision not to conduct a hearing**. (Faculty Senate Resolution #99-4, #03-49)

If the committee validates the request for a hearing, or **if** the decision not to validate the request for a hearing is not supported by the chancellor, the committee shall so notify the complainant by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 and begin the processes necessary to set the time and date for the hearing.

D. Procedures for the Hearing.

1. Time and Date of Hearing

If the request for a hearing is validated, the committee shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The committee shall set the time, date, and place for the hearing. The date for the hearing must be within ~~30~~ **42 calendar** working days of the notification to the complainant that the request for a hearing was validated, **except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled**. The committee shall then notify the complainant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. At least ~~15~~ **21 calendar** working days before the hearing, the complainant shall notify



the committee, the respondents, the chair of the faculty, and the chancellor of the identity of the complainant's advisor, if any, and whether or not the advisor is an attorney. ("Attorney" is defined as anyone with a Juris Doctor, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee).

2. Conduct of the Hearing

The chair of the Hearing Committee or an **regular** elected member of the committee if the chair is unavailable, 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, **the respondent(s), and one person who may advise the respondent(s). If there is more than one respondent, the respondents will designate a spokesperson for the hearing. There will be an equal number of persons advising the complainant and respondent(s). The person advising the complainant but who may not take an active part in the proceedings. The person advising the respondent(s) at the hearing may be the respondents, either an East Carolina University faculty member (with or without administrative appointment) selected by the Chancellor or an East Carolina University attorney, if the complainant is accompanied by an attorney. The person advising the respondent(s) may not take an active part in the proceedings.** 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. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37)

Any such record is a part of the personnel inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators and attorneys, and the members of the University governing boards and their respective committees and staff are permitted access to such materials. (Faculty Senate Resolution #03-49) The hearing shall begin with an opening statement by the committee member chairing the hearing. This statement shall be limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. The hearing chair explicitly will note that the committee shall consider only information bearing on the allegations presented in the complainant's request for the hearing.

Following the opening remarks by the hearing chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their **spokesperson** representative, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their **spokesperson** representative, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, **the complainant may make a**



**summary statement of up to ten minutes in duration. If the complainant elects to do so, then the respondent(s), through their spokesperson, will be given the same opportunity** ~~the complainant and then the respondent(s) will be given the opportunity to provide summary statements.~~

E. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two **calendar** ~~working~~ days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the allegations stated in the request for the hearing. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing. The Complainant shall have the burden of proof. The standard applied by the committee ~~being that the evidence is clear and convincing by the greater weight~~ **shall be that the preponderance** of the evidence ~~to establishes~~ that a basis for his or her contentions is found in one of the reasons listed in Section V.B.2. Initiation of Hearing.

Within **14 calendar** ~~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 court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37)

If the Hearing Committee determines that the complainant's contention has not been established, it shall, by simple, unelaborated statement, so notify the complainant, the respondents, the chair of the faculty, and the chancellor. Such a determination confirms the decision not to reappoint or not to confer permanent tenure.

If the Hearing Committee determines that the complainant's contention has been satisfactorily established, it shall notify the complainant, the respondents, the chair of the faculty, and the chancellor by written notice and shall recommend further substantive review.

Within **42 calendar** ~~30 working~~ days after receiving the recommendation of the Hearing Committee **and the transcript**, the chancellor shall notify the complainant, the respondents, the chair of the faculty, and the chair of the Hearing Committee what further substantive review, if any, will be made of the original decision not to reappoint or not to confer permanent tenure. If the chancellor is considering taking action inconsistent with the committee's recommendations, the chancellor shall request within **14 calendar** ~~10 working~~ days that a joint meeting with the committee occur. At the joint meeting, the chancellor will communicate his or her concerns and the committee will have an opportunity to respond. The joint meeting must occur within the **42 calendar** ~~30 working~~ day period. ~~in the preceding paragraph.~~

The chancellor must base his or her decision on a thorough review of (1) the record evidence from the hearing and (2) the report of the committee. While the chancellor should give deference to the advice of the faculty committee, the final campus-based decision is the chancellor's.



The chancellor will inform the complainant of his or her decision in writing by a method that produces adequate evidence of delivery. In the event of an adverse decision, the chancellor's notice must inform the complainant: (1) that, within ~~14~~ **10** calendar days of the complainant's receipt of the decision, the complainant may file a notice of appeal with the president requesting review by the Board of Governors in accordance with the Board of Governors Policy 101.3.1, (2) that a simple written notice of appeal with a brief statement of its basis is all that is required within this **fourteen** ~~ten~~-day period, and (3) that, thereafter, a detailed schedule for the submission of relevant documents will be established if such notice of appeal is received in a timely **manner** ~~matter~~. (Faculty Senate Resolution #03-49)

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FOOTNOTE <sup>i</sup> Appeals based on material procedural irregularity shall refer only to personnel actions which are initiated after the approval of material procedural irregularity as a basis for a request for a hearing."

**Disposition:** Chancellor, Board of Trustees, UNC General Administration

09-12 Revised *ECU Faculty Manual*, Appendix D, Section VI. Due Process Before Discharge or the Imposition of Serious Sanctions, as follows: (Deletions are noted in ~~strikethrough~~ and additions are noted in **bold** print)

"VI. Due Process Before Discharge or the Imposition of Serious Sanctions

A. **Sanctions** ~~Penalties~~

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary **sanctions** ~~penalties~~. During the period of such guarantees, the faculty member may be discharged **from employment, suspended, or demoted in rank or serious sanctions may be imposed** ~~or suspended from employment or diminished in rank~~ only for reasons of:

1. incompetence, **including significant, sustained unsatisfactory performance after the faculty member has been given the opportunity to remedy such performance and fails to do so within a reasonable time;**
2. neglect of duty, **including sustained failure to meet assigned classes or to perform other significant faculty professional obligations;** or
3. misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, **including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal or other illegal, inappropriate or unethical conduct. To justify serious disciplinary actions, such misconduct should be either: (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.**

These **sanctions** ~~penalties~~ may be imposed only in accordance with the procedures prescribed in this section. For purposes of **the Faculty Manual** ~~these regulations~~, a faculty member serving a stated term shall be regarded as having tenure until the end of the term. These procedures shall not apply to non-reappointment (Section V) or termination of employment (Section VII).

B. Notice



Written notice of intent to discharge the faculty from **employment or to impose serious sanction, together with a written specification of the reasons** ~~suspend from employment or to diminish in rank~~ (these **sanctions** ~~penalties~~ hereinafter in Section VI are referred to as "**the sanction**" ~~"the penalty"~~) shall be sent by the vice chancellor with supervisory authority ~~or by the vice chancellor's designee~~ to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The statement shall include notice of the faculty member's right, upon request, to ~~both written specification of the reasons for the intended penalty and a hearing by the Due Process Committee~~ (Section VI.E.). (Faculty Senate Resolution #99-10)

C. ~~Penalty Without Recourse~~

If, within **14 calendar** <sup>i</sup> ~~10 working~~ days after the faculty member receives the notice **and written specification of the reasons** referred to in Section VI.B. above, the faculty member makes no written request for ~~either a specification of reasons or a hearing~~, the faculty member may be **discharged or serious sanction imposed** ~~penalized~~ without recourse to any institutional grievance or appellate procedure.

D. ~~Specification of Reasons and Hearing Request~~

~~If, within 10 working days after the faculty member receives notice referred to in Section VI.B. above, the faculty member makes a written request to the vice chancellor with supervisory authority, method that provides delivery verification and is consistent with UNC Policy 101.3.3, for a specification of reasons, the vice chancellor with supervisory authority or the vice chancellor's designee shall supply such specification in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, within 10 working days after receiving the request.~~

A faculty member's ~~shall timely submit a~~ request for a hearing ~~is to be directed~~ to the vice chancellor with supervisory authority in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. Upon receipt of such a request the vice chancellor with supervisory authority shall, within **10 calendar** ~~ten working~~ days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with Section VI.F.1. ~~If the faculty member makes no written request to the vice chancellor with supervisory authority for a hearing within 10 working days after receiving the specification, the faculty member may be penalized without recourse to any institutional grievance or appellate procedures. (Faculty Senate Resolution #99-10).~~

**If the faculty member shall submit a timely request for a hearing, the Chancellor shall ensure a process is in place so that the hearing is timely accorded before the Due Process Committee.**

E. Due Process Committee

The Due Process Committee (**hereinafter "Committee"**) shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member ~~without administrative appointment~~ **per Appendix D, Section IV**. Members shall be elected in accordance with the procedures for election of appellate 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 the five members or their alternates. Upon organization, the members of the ~~Due Process~~ Committee shall elect a chair and a secretary. Should any eCommittee officer be absent at the beginning of a hearing, the eCommittee shall elect an alternate officer for the purposes of the hearing.

When the eCommittee is convened to consider any matter associated with a faculty member's request for a hearing, those eCommittee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the eCommittee related to this specific request for a hearing. The faculty member and the vice chancellor with supervisory authority are permitted to challenge eCommittee members for cause. The other members of the eCommittee will decide on any potential disqualifications if a eCommittee member is so challenged but wishes to remain. (Faculty Senate Resolution #99-10)

When membership of the eCommittee falls below the specified five members and five alternates, the Faculty Senate will elect additional faculty members to the committee. Vacancies on the committee will be filled first by moving alternates to member status and by electing new alternates and/or members as needed to fill the committee roster.

Upon notification by the vice chancellor with supervisory authority ~~or the vice chancellor's designee~~ that a faculty member has requested a hearing, the chair of the eCommittee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary (see Part XI of the ECU Faculty Manual, UNC Code, Section 603). The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. (Faculty Senate Resolution #99-10)

The eCommittee may at any time consult with an attorney in the office of the University Attorney who is not presently nor previously substantively involved in the matter giving rise to the hearing, nor will advise the University administrator(s) following the eCommittee action(s). (See *Part VIII, Responsibilities of Administrative Officers.*)

F. Procedures for the Hearing

1. Time and Date of Hearing

The ~~Due Process~~ Committee shall set the time, date, and place for the hearing. **The Committee shall accord the faculty member 30 calendar days from the time it receives the faculty member's written request for a hearing to prepare a defense. The Committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.** ~~The date for the hearing must be within 30 working calendar days of the time the committee receives the vice~~



~~chancellor with supervisory authority's notification of the faculty member's written request for a hearing. The eCommittee shall notify the affected faculty member, the vice chancellor with supervisory authority, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.~~ **The Committee will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the Committee cannot be assembled.<sup>1</sup>**

2. Conduct of Hearing

The hearing shall be on the written specification of reasons for the intended **discharge or imposition of a serious sanction** penalty. The chair of the Due Process Committee, or an elected member of the eCommittee if the chair is unavailable, 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 eCommittee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the vice chancellor with supervisory authority, **or his/her designee, and/or** ~~and~~ counsel for the vice chancellor. Other persons (witnesses) providing information to the eCommittee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the eCommittee as appropriate. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37). **The hearing shall be closed to the public unless both the faculty member and the Committee agree that it may be open.**

The hearing shall begin with an opening statement by the hearing chair limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the hearing chair, the vice chancellor with supervisory authority, **his/her designee**, or his/her counsel shall present the university's contentions and any supporting witnesses and documentary evidence. The faculty member or the faculty member's counsel may then reply and present any supporting witnesses and documentary evidence. During these presentations, the vice chancellor with supervisory authority, **his/her designee**, or ~~his/her~~ ~~his or her~~ counsel, and the faculty member or ~~his/her~~ ~~his or her~~ counsel, **shall have the right to confront and cross-examine adverse witnesses, and to make argument** ~~may cross-examine opposing witnesses~~. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member and then the vice chancellor with supervisory authority, **or his/her designee**, will be given the opportunity to provide summary statements. (Faculty Senate Resolution #99-10).

G. Procedures After the Hearing

After the hearing, the eCommittee shall meet in executive session and begin its deliberations or shall adjourn for no more than two **calendar working** days, at which time it shall reconvene in executive session. In reaching its decisions the



eCommittee shall consider only the testimony and other materials entered or presented as evidence during the hearing **and such written or oral arguments as the committee, in its discretion, may allow. The University has the burden of proof. In evaluating evidence, the Committee shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action.**

Within **14 calendar** ~~10 working~~ days of finishing its deliberations **or after the full transcript is received, whichever is later**, the eCommittee shall provide the faculty member<sup>i</sup> and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. In its report the eCommittee shall state whether or not it recommends that the intended **sanction** ~~penalty~~ be imposed (Faculty Senate Resolution #03-37).

In reaching a decision, the chancellor shall consider only the written transcript of the hearing and the report of the ~~Due Process~~ Committee. Within 30 **calendar** ~~working~~ days of receiving the report, the chancellor's decision shall be conveyed in writing to the ~~Due Process~~ Committee and the affected faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3.

#### H. Appeal

If the chancellor concurs in a recommendation of the eCommittee that is favorable to the faculty member, the decision shall be final. If the chancellor rejects a finding, conclusion, or recommendation of the ~~Due Process~~ Committee, the chancellor shall state the reasons for doing so in a written decision. If the chancellor either declines to accept a Committee recommendation that is favorable to the faculty member or concurs in the eCommittee recommendation that is unfavorable to the faculty member, the faculty member may appeal the chancellor's decision to the Board of Trustees.

This appeal shall be transmitted through the chancellor and shall be addressed to the chair of the Board. Notice of appeal shall be **filed** ~~received by the chancellor~~ within **14 calendar** ~~ten working~~ days after the faculty member receives the chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees; however, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members.

The Board of Trustees, or its committee shall consider the appeal on the written transcript of the hearing held by the Due Process Committee, but it may, in its discretion, hear such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made **as soon as reasonably possible** ~~within 45 working days~~ after the chancellor has received the faculty member's request for an appeal to the Trustees.

This decision shall be final except that the faculty member may, within **14 calendar** ~~ten~~ days after receiving the trustees' decision, **file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery**, ~~file a written petition for review to the~~



Board of Governors **by alleging** ~~if he or she alleges~~ that one or more specified provisions of the *Code of The University of North Carolina* have been violated. Any such **appeal** ~~petition~~ to the Board of Governors shall be transmitted through the President. ~~,and the Board shall, within 45 working days, grant or deny the petition or take such other action as it deems advisable. If it grants the petition for review, the Board's decision shall be made within 45 working days after it notifies the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, that it will review the petition.~~

The exercise of the Board of Governors' jurisdiction is refined to insure that primary emphasis remains properly focused on the campus grievance procedures. Requests for appellate review will be screened to determine whether the Board should consider the issues raised in a petitioner's request for review. The following basic standards will guide that screening process:

1. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.
2. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.
3. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, e.g., tenure or reappointment and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision makers, i.e., the due process committee, the chancellor, or the board of trustees; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate their circumstances carefully, to understand the purposes of permissible appellate review, and to formulate clearly and concisely their statement of the one or more grounds on which they believe the Board should exercise its appellate jurisdiction. Thus, the first step in any appeal to the Board of Governors will be an evaluation by the Board, through a designated subcommittee, with staff assistance, of the grievant's written statement of grounds for appeal, to determine whether the issues sought to be raised warrant Board attention, as judged by the three basic standards.

- I. **Suspension During a Period of Intent to Discharge**  
When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may **reassign the individual to other duties** or suspend the faculty member at any time ~~and continue the suspension~~ until a final decision concerning discharge has been reached by the procedures prescribed herein. ~~Suspension during a period of intent to discharge shall be~~ exceptional and shall be with full pay and benefits."

**Disposition:** Chancellor, Board of Trustees, UNC General Administration



09-13 Curriculum matters contained in the minutes of the [January 22, 2009](#), and [February 12, 2009](#), Committee meetings.

**Disposition:** Chancellor

09-14 Faculty Welfare Committee report on the proposed increase in fees for parking permits (see below) and support of the recommendation that the Parking and Transportation Committee and the university's administration reconsider its plans to increase the fees for parking permits for the coming two academic years.

"Prior to his January appearance before the Faculty Senate, Associate Vice Chancellor Koch met with the Faculty Welfare Committee to inform the committee of a proposed policy change to the waiting list for those seeking to purchase an "A" permit and of a proposed increase in fees for parking permits that is scheduled to take place in July 2009.

Since that time, it has become apparent to members of the Faculty Welfare Committee that university employees face the probability of no raises in the coming year, as well as the probability of significant changes in the costs associated with health care: increases in co-payments, deductibles, coinsurance maximums, and costs of medications and medical supplies for all employees; and increases in payment for coverage of dependents for employees insuring others.

Moreover, in his presentation before the Faculty Welfare Committee, Mr. Koch indicated that the fee change was needed in order to increase the money in the Parking Reserves; under a scenario that the fee increase would be implemented over a two-year period (with each year's increase being 50% of the total amount), in the first year (FY 09/10) the amount added to the Reserves would be \$227,851, while \$405,271 would be added in subsequent years. The five-year financial plan presented by Mr. Koch, however, shows a transfer of over \$200,000 in 09/10 for "Police/Admin. Fees"—an expenditure that apparently was initiated for FY 08/09.

The Faculty Welfare Committee is still unclear as to **why** fees from parking permits are now being diverted to "Police/Admin. Fees"; clearly, if those fees were not being re-allocated, the current fee structure would be sufficient to fund most of the projected increase in Parking Reserves for the coming fiscal year.

A possible use of the Parking Reserves that Mr. Koch cited is implementation of planning for a Parking Deck in FY 11/12, with construction beginning in FY12/13. Yet, it is unclear where such a Parking Deck would be located, who would use it, and what the total construction costs would be. Given the severity of the current financial crisis, the Faculty Welfare Committee believes that a Parking Deck should be very low on any prioritized list of needed university construction.

In sum, university employees already face increased health costs in the coming year and no increase in their salaries; yet, the possible uses of funds raised by an increase in fees for parking permits are not well-defined or clearly justified.



Accordingly, the Faculty Welfare Committee strongly recommends that the Parking and Transportation Committee and the university's administration reconsider its plans to increase the fees for parking permits for the coming two academic years."

**Disposition:** Chancellor, Board of Trustees

09-15 Whereas, the faculty of ECU are aware of and concerned about the impact of recent and pending budgetary decisions on the mission of our University; and

Whereas, faculty and staff salaries at ECU are, on the whole, still significantly below both the campus and the General Administration target levels; and

Whereas, an increase in teaching loads for tenured and tenure-track faculty will have a negative impact on the quality of instruction as well as on the research output of this University.

Therefore, Be It Resolved, that ECU has a major responsibility to act in stewardship of the local economy, therefore preservation of jobs should be a top priority and termination of University employees should be a last resort.

Be It Further Resolved, that there should be more focus on cost cutting measures relating to the over 1/3 of ECU's \$626 million annual budget that is not spent on salaries and benefits.

Be It Further Resolved, that the faculty and SPA staff should not be made to bear a disproportionate share of any cuts to the personnel budget.

**Disposition:** Co-Chairs of the University Budget Task Force