

## EAST CAROLINA UNIVERSITY 2011-2012 FACULTY SENATE

The third regular meeting of the 2011-2012 Faculty Senate will be held on **Tuesday, November 1, 2011**, at 2:10 in the Mendenhall Student Center Great Room.

### FULL AGENDA

**Revised 10-22-11**

- I. Call to Order
- II. Approval of Minutes  
[October 4, 2011](#)
- III. Special Order of the Day
  - A. Roll Call
  - B. Announcements
  - C. Steve Ballard, Chancellor
  - D. Deirdre Mageean, Vice Chancellor for Research and Graduate Studies
  - E. Marianna Walker, Chair of the Faculty
  - F. Approval of the Fall 2011 Graduation Roster, including honors program graduates.
  - G. Question Period
- IV. Unfinished Business
- V. Report of Committees and Graduate Council
  - A. Graduate Council, (Chair elected 10-24-11)  
Curriculum and academic matters contained in the Graduate Curriculum Committee meeting minutes of [September 7, 2011](#) and [September 21, 2011](#), including proposed revisions to the *Graduate Catalog*, relating to [Credit and Continuous Enrollment](#).
  - B. Committee on Committees, Catherine Rigsby
    - 1. Establish terms for elected faculty members to the new Graduate Council (attachment 1).
    - 2. Nominee for Appellate Grievance Board (attachment 2). **Report revised 10-22-11**
  - C. University Curriculum Committee, Donna Kain  
Curriculum matters contained in the [September 22, 2011](#) and [October 13, 2011](#) meeting minutes.
  - D. Foundations Curriculum and Instructional Effectiveness Committee, Linda Wolfe  
Additional Proposed Revisions to Distance Education Professional Development Requirement (attachment 3).



- E. Foundations Curriculum and Instructional Effectiveness Committee, Linda Wolfe  
Distance Education and Learning Technology Committee, Nasseh Tabrizi  
Proposed Five Instructional Modules for Distance Education.  
(Senators/Alternates have been given Blackboard access to these modules.)
- F. Educational Policies and Planning Committee, Scott Gordon  
Curriculum and Academic Program matters included in the [October 14, 2011](#) meeting minutes, including:
  - 1. Request for a new [MAEd in Adult Education](#) (Distance Education format) in the Department of Counselor and Adult Education within the College of Education.
  - 2. Report on Unit [Academic Program Review](#) of the Department of Biology.
  - 3. Report on Unit [Academic Program Review](#) of the Department of Foreign Languages and Literatures.
- G. Faculty Grievance Committee, Tim Romack  
Proposed Revisions to the *ECU Faculty Manual*, Appendix Y. Grievance Policies and Procedures (attachment 4).
- H. Faculty Governance Committee, George Bailey
  - 1. Proposed Action on the *ECU Faculty Manual*, Part IX. ECU Organizational Charts (attachment 5).
  - 2. Proposed Action on the *ECU Faculty Manual*, Appendix U. Policy on Improper Relationships Between Students and Faculty (attachment 6).
  - 3. Proposed Revisions to Index of *ECU Faculty Manual* Interpretations (attachment 7).
  - 4. Proposed new section to the *ECU Faculty Manual* entitled Statement on Professional Ethics (attachment 8).
  - 5. Proposed Revisions to the *ECU Faculty Manual*, Appendix C. Personnel Policies and Procedures for the Faculty to include a reference to the Statement on Professional Ethics (attachment 9). **Report revised 10-22-11**
- I. Calendar Committee, Charles Lesko  
Formal Faculty Advice on proposed Adverse Weather/Conditions and Emergency Closings Regulation (attachment 10).

VI. New Business



**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 1.**

**COMMITTEE ON COMMITTEES REPORT**  
 Establish Terms for Elected Faculty Members to New Graduate Council

On October 4, 2011, the Faculty Senate elected four graduate faculty members-at-large (from different Schools/Colleges) to serve on the Graduate Council. For continuity, all new members will be elected to three-year staggered terms.

<b>Elected Member</b>	<b>College/School</b>	<b>Term</b>
Carmine Scavo	Arts and Sciences	<b>2012</b>
Cheryl McFadden	Education	<b>2013</b>
Carmen Russoniello	Health and Human Performance	<b>2014</b>
Charles Coddington	Technology and Computer Science	<b>2014</b>

**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 2.**

**Report revised 10-22-11**  
**COMMITTEE ON COMMITTEES REPORT**  
 Nominee for Appellate Grievance Board

**Open Nominee** - Anyone interested in serving on the appellate board is asked to contact Professor Catherine Rigsby, Chair of the Committee on Committees at [rigsbyc@ecu.edu](mailto:rigsbyc@ecu.edu).

<b>Regular Members (with vote)</b>	<b>Academic Unit</b>	<b>Term</b>	<b>Office Location</b>	<b>Mail #</b>	<b>Office #</b>
Greg Lapicki	Physics	2012	Howell E308	563	328-6894
Joan Mansfield	Art and Design	2012	Jenkins 1338	502	328-6263
Terry Atkinson	Education	2012	Speight 224	504	328-2889
John Stiller	Biology	2013	Howell S301A	551	328-2738
<b>OPEN</b>		<b>2013</b>			
Lisa Barricella	Academic Library Svcs.	2013	Joyner 1201	516	328-0838
Gerald Micklow	Tech. & Computer Sci.	2013	Slay 206	117	737-1032
<b>Alternate Members (with vote)</b>					
John Tilley	History	2012	Brewster A303	554	328-6291
Bryna Coonin	Academic Library Svcs	2012	Joyner 3403	516	328-0431
Maury York	Academic Library Svcs.	2013	Joyner 3300	516	328-0252
Wendy Sharer	English	2013	Bate 2206	555	328-6698
Robert Kulesher	Allied Health Science	2013	Health Sci 4340	668	744-6174



Faculty Senate Agenda  
November 1, 2011  
Attachment 3.

**FOUNDATIONS CURRICULUM AND INSTRUCTIONAL EFFECTIVENESS COMMITTEE**  
Additional Revisions to Proposed Distance Education Professional Development Requirement

The Faculty Senate acted on this requirement in March 2011 (FS Resolution #11-31) with the Chancellor requesting [additional revisions](#) in May 2011. The below report represents requested revisions to the proposed requirement noted in **bold** print.

Distance Education Professional Development Requirement

Professional Development Activities for Online Instructors

The following all qualify as professional development activity:

- ✓ Any of the following activities if it is related to online learning /teaching
  - Attending an external conference session or webinar (*e.g. teaching of accounting online at a national accounting conference*)
  - Presenting a research paper (*e.g. comparison of learning outcomes for course taught face-to-face and online, etc.*)
  - Presenting a seminar (in-house or external)
  - Publishing a paper or proceeding or other relevant professional publications
  - Attending a seminar presented by the Office for Faculty Excellence (OFE) or ITCS (see examples in attachment) or individual units. To register for OFE programs, go to <http://www.ecu.edu/ofe/> or <http://www.ecu.edu/cs-acad/ofe/Spring11.cfm>. To register for ITCS programs, go to <http://www.ecu.edu/cs-itcs/faculty.cfm>.
  - Being a finalist for a distance education award (e.g. Max Joyner, NCDLA, etc.)

*Documentation of the above can include program listings, history of participation, tables of content from program, certificate of completion, etc.*

- ✓ Occasionally, individual units will offer seminars and other programs related to online learning / teaching. As these are announced, they will be posted on both the ITCS website and the OFE website. *Documentation will be provided by the presenter(s). Please add it to your records.*
- ✓ Recordings of DE-related programs may be used to meet this activity requirement. To see a list of identified recordings offered by the OFE, go to [http://www.ecu.edu/ofe/DE\\_workshops.cfm](http://www.ecu.edu/ofe/DE_workshops.cfm).

After viewing the recorded program, you will be asked to complete a brief reflection and submit it (reflection template <http://core.ecu.edu/ofe/reflection/index.cfm>). Once the reflection has been reviewed, you will receive an email of completion for your records. ITCS will also provide recorded programs with a reflection for completion of this DE activity.



- ✓ Faculty in any program who teach courses related to online learning / teaching (e.g. the COE certificate program) must show evidence of continued study in the field. Attending a seminar on a new technology or software that ECU or a college might adopt would qualify.
- ✓ If there is a specific seminar or topic or activity that you think may qualify but you are not certain, or if you have questions or require further information, you can complete the below Petition for Alternative Activity to Meet the ECU Distance Education Professional Development Requirement **and submit it to your unit administrator. This form will be placed online once it has been approved by the Chancellor.**
- ✓ *Note: A drop down for DE Professional Development has been added to Sedona under Professional Development for your input of this activity. Please enter it and provide your documentation in your annual report submission.*

Petition for Alternative Activity to meet the  
ECU Distance Education Professional Development Requirement

Faculty can petition to have an activity other than those identified by the university meet the DE Professional Development requirement. To petition, complete this form, save it, and **email it to your unit administrator.**

Name \_\_\_\_\_ email \_\_\_\_\_

College \_\_\_\_\_ Department \_\_\_\_\_

Activity Title: \_\_\_\_\_

Date of Activity: \_\_\_\_\_

Description of activity and time Invested in its completion:

What insights, tools, strategies, or information gained in this activity can you use to enrich your teaching in distance education?



## FACULTY GRIEVANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Appendix Y. Grievance Policies and Procedures

### Revise and retain in the Faculty Manual.

These proposed revisions would replace all of the current text in [Appendix Y](#).

## APPENDIX Y. GRIEVANCE POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY CONTENTS

- I. Faculty Grievances
  - II. The Faculty Grievance Committee
    - A. Membership
    - B. Authorization and Powers
  - III. General Grievances
    - A. Step One (Meet with Respondents)
    - B. Step Two (Petition for Redress)
    - C. Step Three (Mediation or Chancellor Review)
    - D. Step Four (Request for Hearing)
    - E. Step Five (The Hearing)
    - F. Step Six (Committee Report)
    - G. Step Seven (Appeal to Board of Trustees)
  - IV. Grievances Resulting From the Non-Conferral of Early Permanent Tenure When the Non-Conferral Decision is Not Concurrent with A Reappointment Decision
  - V. Annual Report
  - VI. Application
  - VII. Grievance Committee By-Laws and Procedures
- Footnotes
-



## Appendix Y. Grievance Policies and Procedures of East Carolina University

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

### I. Faculty Grievances

There are two classifications of grievances that may be brought to the attention of the Faculty Grievance Committee. The first is referred to as a "General Grievance" and the second is a "Grievance Resulting From The Non-conferral of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision" (hereafter, non-conferral of early tenure).

A general grievance is guided by the procedures noted in Section III of this document. A grievance of the non-conferral of early permanent tenure is guided by the procedures found in Section IV of this document.

The two grievance classifications and differences in the grievance procedures reflect the Board of Governors requirement that an internal grievance process be provided for non-conferral of early permanent tenure that is not concurrent with a reappointment decision. This requirement and the authority to establish different grievance procedures are set forth in [Section 607 of The Code of The University of North Carolina](#) and further elaborated in [The UNC Policy Manual 101.3.2](#). The establishment of different grievance procedures ensures there is a review process for the faculty member whether the non-conferral of permanent tenure was based on an early request or at the normal contract period.

To provide these approximately equal rights, it is necessary, at times, to reference Section 604 of The Code of The University of North Carolina. However, appeals to the Board of Governors are not allowed by the procedures in Appendix Y. In addition, the bases for the grievance provided in Section IV for a grievance of non-conferral of early tenure do not apply to General Grievances.

No grievance that involves matters related to a formal proceeding for the suspension, imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee falls within the scope of this appendix.

A grievant<sup>1</sup> is any faculty member who seeks the remedies afforded by the provisions of this appendix. A respondent<sup>2</sup> is the person identified by a grievant as the person whose action is the object of the grievance and may include the person(s) who requested the action that is the object of the grievance.

### II. The Faculty Grievance Committee

#### A. Membership

The Faculty Grievance Committee shall be composed of eight members and two alternates, each of



whom is a full-time voting faculty member without administrative appointment. All committee members must have tenure or a probationary appointment. All professional ranks except instructor shall be represented on the committee. The chair of the faculty or, as his or her delegate, the vice-chair of the faculty or the chair of the Faculty Governance Committee shall serve as an ex-officio member of the committee. Members shall be elected in accordance with the procedures for election of committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be five elected members or alternates. Except where otherwise stated in this appendix, the committee shall conduct its business in accordance with the most recent edition of Robert's Rules of Order, Newly Revised. A member of the committee shall recuse himself or herself from participating in a grievance if he or she has a reason to believe that such participation will create a conflict of interest. Any party to a grievance may request that a member of the committee recuse himself or herself from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and provided to the committee chair not later than five calendar days after notification of the hearing date. If the member declines, the committee shall determine by a majority vote, the member in question not participating, whether the member shall be recused.

#### B. Authorization and Powers

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

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to him or her information that may be controlled or in the possession of another party to the grievance or the administration. Upon request by a party to the grievance, the other party to the grievance or the administration shall provide the requesting party with information bearing on the grievance that is not otherwise privileged<sup>3</sup>. The requested information shall be distributed to all parties to the grievance. The committee chair shall be informed of any request for information among the parties to the grievance.

The committee may seek such information or documentation not provided by the grievant or respondent but considered necessary by the committee to provide a fair and complete peer hearing of the grievance. Should the committee seek such information or documentation, it shall ask the party most likely to have custody of the documentation or in the best position to obtain it. Such information will be shared by the committee with all parties to the grievance. The committee may have access to relevant confidential records only if the person whose privacy is at stake provides written consent to the disclosure of the records to the committee and all parties to the grievance; provided, however, the committee and the parties may have access to records in the absence of such consent if confidential information contained in the record can be effectively redacted by the custodian of the record(s).

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

The committee and the committee chair shall not function as an advocate for either party to the grievance. The committee chair shall provide only procedural information to the parties of the



grievance<sup>4</sup>. The committee's responsibility is to provide the grievant and respondent a process for a possible resolution of the grievance.

## II. General Grievances

General grievances within the scope of this appendix shall be limited to matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. Grievances shall be limited to remediable injuries attributable to the violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges, and responsibilities of university employment or conduct that deprived the faculty member of an advantage that he or she otherwise would have received.

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16<sup>th</sup> to December 31<sup>st</sup>) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1<sup>st</sup> to August 15<sup>th</sup>). This deadline may be extended by a majority vote of the Grievance Committee<sup>5</sup>.

The committee holds the grievant responsible for progressing through the grievance steps in a timely manner. Excessive delays in the completion of Steps One through Three may result in the committee's decision to terminate the grievance process, with no further review available under this Appendix. On its own motion or the motion of either party, the Committee may establish specific deadlines for completion of steps or other actions, with the grievance subject to dismissal or a finding of responsibility, as appropriate, if the parties fail to meet such deadlines. If time delays are encountered because of the respondent, the grievant shall bring this to the attention of the committee chair.

The grievant may terminate the grievance at any time during the process by notifying the chair in writing. The chair will issue a written memorandum to all parties regarding the termination of the grievance. Any such notice of termination is final and the grievance is closed.

### A. Step One (Meet with Respondent)

Prior to bringing a grievance to the attention of the committee chair, the grievant shall meet with the respondent and shall attempt to resolve the proposed grievance<sup>6</sup>. It is required that as part of this meeting the grievant provide the respondent with a written copy of the proposed grievance and discuss it with him/her at this meeting. The grievant and respondent must meet to have a face-to-face discussion about the substance of the grievance; in cases where the respondent refuses to meet with the grievant, the grievant shall inform the committee chair and the next highest level administrator in his or her unit, in writing, and copy the respondent. If, in the opinion of the grievant, this attempt to resolve the grievance fails, the grievant shall so inform the respondent in writing. The grievant shall also inform the respondent of his or her intentions to pursue the grievance through Appendix Y in this memorandum.

The grievant shall forward to the chair of the committee a copy of the proposed grievance and a written memorandum indicating his or her intention to seek redress. Upon notification by the



grievant, the committee chair shall have under the grievant's name a grievance file opened in the Faculty Senate Office<sup>7</sup>.

### B. Step Two (Petition for Redress)

Based on the grievant's memorandum to the respondent required in Step One, the committee chair shall inform all parties to the grievance that Step One has been completed and the grievant may move to Step Two. Step Two allows each party to select his or her own counselor who will serve as an advisor throughout the grievance process<sup>8,9</sup>. Counselors shall not participate in the hearing nor can they be called as witnesses (Step 5).

The chair will notify the grievant and respondent of the names of all committee members and alternates.

The parties to the grievance shall inform the committee chair of the name of their respective counselor, if any, within 15 calendar days from the date of receipt of the Step Two memorandum.

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

The grievant shall provide a memorandum to the committee chair indicating his or her intention to continue with the grievance. The grievant shall also provide a copy of the Petition for Redress to the chair and the respondent. Proof of delivery of the Petition for Redress to the respondent must be provided to the chair within 10 calendar days of delivery to the chair.

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

### C. Step Three (Mediation or Chancellor Review)

When the committee chair receives the memorandum and Petition for Redress required in Step Two, he or she shall ascertain if the grievant has taken Steps One and Two, above. If the grievant has not followed these steps, the committee chair shall inform the grievant that he or she must take these steps prior to any further action being taken by the committee.

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



## Mediation

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

The Faculty Senate office administrator will secure a mediator. The parties to the grievance will inform the chair within 5 calendar days of receiving the name as to whether the mediator is acceptable or unacceptable. An alternate mediator will be located if necessary. After the second attempt, if no acceptable mediator can be located, the chair of the committee will so notify the parties to the grievance and inform them that the committee will meet to set a grievance hearing date (Step Four).

If an acceptable mediator is identified, the parties to the grievance and the mediation provider will be informed of the selection. The Petition for Redress and the committee's memorandum will be provided to the mediator by the committee chair. The mediator will communicate to the committee chair the beginning date of the process. The mediator shall inform the committee chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed 45 calendar days without formal approval of the committee chair or 60 days without the formal approval of the committee. Mediation will involve only parties to the grievance.

Mediation will continue until such time that:

- a. An agreement among the parties is reached (subject to time limits).
- b. A party or the mediator communicates to the committee chair that further mediation is unlikely to be successful.
- c. A party to the grievance communicates to the chair of the committee that he or she has experienced resistance or delaying tactics in scheduling mediation meetings or that the mediator is no longer acceptable.

Events b. through c., above, will cause the chair of the committee to notify the parties to the grievance that the mediation process is being terminated and inform the grievant to move to Step Four if desired. Decisions by the grievant, respondent(s), or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance. Information from the mediation process is confidential. All information from the mediation process is inadmissible in the grievance hearing.

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



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

#### Chancellor Review

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

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

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

#### D. Step Four<sup>13</sup> (Request for a Hearing)

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

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

If the committee determines that a hearing should be granted, the committee chair shall so notify the grievant and respondent and shall set a time, date, and place for a hearing on the Petition for Redress.<sup>14</sup> The date of the hearing shall be within 45 calendar days of this notification<sup>15</sup>. A court reporter must be used to record and transcribe any hearing.

The notice of hearing will also request that both parties submit to the committee all information and documents they intend to introduce at the hearing to support or defend their respective positions<sup>16</sup>.



The grievant's information shall include a copy of the Petition for Redress, a copy of the committee's memorandum describing the grievance, a brief statement as to the results of the mediation effort,<sup>17</sup> a list of witnesses with a brief statement with regard to the relevance of each witness, and all information to be used in support of the grievant's charges. The respondent's information shall include a list of witnesses, with a brief statement with regard to the relevance of each witness, and all information to be used to defend against the grievant's charges. The committee may also request information (see II. B) or the inclusion of witnesses from either party to the grievance. A mediator shall not be called as a witness in the hearing of a grievance and no part of the mediation effort (e.g., conversations, offers, proposals, etc.) shall be introduced as evidence to support or defend against the grievant's charges.

Thirteen copies<sup>18</sup> of all information and documents shall be submitted to the Faculty Senate Office no less than fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to the respondent and one copy of the respondent's (s') information will be provided to the grievant. The grievance committee will create an agenda prior to the meeting to ensure that the hearing will be completed within one business day. The agenda will state limits on the amount of time that each party will be allocated for presentation of his or her case. This agenda will be distributed to committee members, the grievant and respondent no less than five calendar days prior to the hearing date.

Information submitted to the committee shall have a table of contents and be numbered using Arabic numbers with numbers assigned to all pages that exhibit information<sup>19</sup>. If the back of a page contains information, it also must be numbered. This number shall be preceded by a G for information submitted by the grievant and an R for information submitted by the respondent. If more than one grievant or more than one respondent is involved, their designation will be communicated by the committee chair. If grievant's Petition for Redress includes more than one grievance, each grievance shall be identified by a Roman Numeral with associated evidence numbered as above in chronological order.

#### E. Step Five (The Hearing)

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

The committee chair shall preside and is responsible for maintaining order and prompt progression of the grievance process, including but not limited to the hearing. When circumstances despite due diligence make it necessary to resolve an issue not addressed in this regulation, the chair shall have the authority to make a reasonable adjustment or exception that maintains the integrity of the process to the extent possible and consistent with applicable law and policy.

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



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

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

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

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

#### F. Step Six (Committee Report)

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

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

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

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



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

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

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

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

#### Dissenting Chancellor's Report

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

#### G. Step Seven (Appeal to Board of Trustees)

##### I. Decisions which may be appealed.

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



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

III. Timeline for Appeals

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

IV. Grievance Resulting From The Non-conferral Of Early Permanent Tenure When The Non-conferral Decision Is Not Concurrent With A Reappointment Decision.

A. Initiation of Hearing Process

No later than 25 calendar days of receiving written notice from the vice chancellor of non-conferral of early tenure, a faculty member (hereinafter, the grievant) may initiate the process leading to a hearing before the Faculty Grievance Committee (hereinafter, the committee) by submitting a Petition for Redress to the committee.

Failure to meet the time periods allotted to the grievant constitutes a waiver of the right to a hearing and no further administrative appeals of the grievance are allowed. However, before the expiration of a deadline the faculty member may request an extension, provided that the request is made in writing and presented to the committee. Within 10 calendar days of receiving a request for an extension, the committee will make its decision and communicate<sup>8</sup> the decision to the grievant. 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.

A hearing will be granted if the Petition for Redress is timely (above), complete (a., below), and claims an infringement of one or more of the bases (b., below)

- a. The Petition for Redress must include (i) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (ii) the identification of the respondent(s); (iii) 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 Redress); (iv) the identification of persons who may be willing to provide information in support of the contention; and (v) a brief description of the information those persons identified in (iv) may provide; and (vi) a copy of the vice-chancellor's notice of non-conferral of early permanent tenure.
- b. The basis for the Petition for Redress must be found in one or more of the following reasons: (i) the decision was based on any ground stated to be impermissible in Section 604B of The Code of The University of North Carolina; (ii) the decision was attended by a material procedural irregularity<sup>20</sup>; or (iii) ECU's policy that prohibits discrimination based on sexual orientation.

The impermissible reasons noted in Section 604B of *The Code/101.3.1 of the Policy*, are: "(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 status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice<sup>21</sup>."

The grievant's Petition for Redress shall be addressed to the chair of the Grievance Committee and delivered to the Faculty Senate office by a method that provides delivery verification. Upon receipt of the grievant's Petition for Redress the chair of the committee shall notify each named respondent<sup>8</sup> that he/she has been named a respondent in a grievance based on the non-conferral of early permanent tenure. Accompanying this letter will be a complete copy of the grievant's Petition for Redress.

#### B. Procedures for the Hearing.

The committee will review the grievant's Petition for Redress to determine if the Petition for Redress is timely, complete, and is based on one or more of the bases noted above. If the Petition for Redress fails to meet any one of these requirements, the committee shall not grant a hearing, the grievance will be closed, and this decision will exhaust the administrative appeals process for the grievance. This decision will be communicated to all parties of the dispute (certified mail, return receipt requested for the grievant and respondent(s)). If the Petition for Redress meets all of the above requirements, but makes claims beyond those noted in b.), above, the committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receipt of the Petition for Redress by the Faculty Senate office, except under unusual circumstances such as when a Petition for Redress is received during official



university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.

The committee shall notify the grievant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. The committee's notification shall call attention to any claims made in the Petition for Redress that have been struck and will not be addressed in the hearing. The notification shall also include the names of all committee members and alternates who may take part in the hearing.

The grievant and respondent are to submit thirteen copies<sup>18</sup> of all information and documents to be used in the presentation (grievant) or to defend (respondent) the grievance. The respondent's (s') information must also include: a.) the identification of a witness(es) who may be willing to provide information to counter the contention; and b.) a brief description of the information each witness may provide. This information and documents shall be submitted to the Faculty Senate Office not later than fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to each respondent and one copy of the respondent's (s') information will be provided to the grievant.

### C. The Hearing

A court reporter must be used to record and transcribe the hearing.

The committee shall limit its investigations to the issues presented in the Petition for Redress that were not struck in the committee's notification of the time, date, and place for the hearing. During the hearing, the committee may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The committee's responsibility is limited to issuing recommendations based on the Petition for Redress, its contained information and documentations, and information developed during the hearing. Except as noted in Appendix Y, II.B. the power of the committee shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

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

The chair shall then enter into the hearing record information submitted (above) by the grievant and the respondent. It is expected that the hearing will be limited to this information; however, the grievant, respondent, or a witness may submit information deemed relevant by the committee with its approval during the hearing. All such information must be numbered (Rh\_, Gh\_, or Wh\_) and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the committee, and the court reporter shall be present for the duration of the hearing. Witnesses, as noted below, will be present only when giving testimony. It shall be the responsibility of the parties to present their respective cases. The grievant's case will be evaluated on the basis of the preponderance of the evidence.

Committee members may question the grievant, the respondent or witness(es) during the hearing. After each of grievant's witness has completed his or her testimony and has responded to all



questions, the witness will be excused from the hearing unless recalled by the hearing committee. At the end of the grievant's presentation of his or her case, the respondent(s) may question the grievant.

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

#### D. Committee Report

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

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

The committee may make recommendations that: a.) do not support the grievant's contentions; b.) support the grievant's contentions and are within the respondent's authority to implement; or c.) support the grievant's contentions, but are not within the respondent's authority to implement. The committee's actions for each of these findings are noted below.

##### a.) Do Not Support the Grievant's Contentions

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

##### b.) Recommendations Support the Grievant's Contentions and are Within the Respondent's Authority

If the committee finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the committee shall submit its report to the grievant, respondent, and Chair of the Faculty. Within 20 calendar days of receipt of the recommendations, the respondent(s) shall communicate in writing to the committee chair his or her response to the committee's recommendations. The committee chair will provide the grievant (certified mail, return receipt requested) a copy of the respondent's response to the committee's recommendations. Within 15 calendar days of receipt of the respondent's(s') response, the grievant will inform the committee if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory, the grievance will be closed. If the respondent's adjustments are not satisfactory to the grievant, the grievant may appeal to the Chancellor. The process for an appeal to the Chancellor is noted below.

##### c.) Recommendations Support the Grievant's Contentions, but are not Within the Respondent's Authority to Implement.



If the committee finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the committee, these recommendations are not within the authority of the respondent to implement, the committee shall submit its report to the grievant, respondent, and Chair of the Faculty. By memorandum, the committee shall inform the Chancellor that in the opinion of the committee its recommendations are not within the respondent's authority to implement and request him/her to make the appropriate adjustments. The committee shall forward to the Chancellor a record of the hearing and copies of all documents submitted during the grievance process.

The Chancellor's decision is to be based solely on a thorough review of the information provided by the committee. The Chancellor may, at his/her discretion, consult with the committee (Policies, Section 101.3.2.IV.g). It is expected that the chancellor will give deference to the advice of the faculty committee, but the final campus-based decision is the chancellor's.

Within 30 calendar days of receipt of the committee's request, the chancellor will inform the grievant, respondent, committee chair, and the Chair of the Faculty of his or her decision. If the chancellor does not support the committee's recommendation, the Chancellor is to inform the grievant that he/she may appeal to the Board of Trustees. This appeal process is described in Section III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

#### E. Dissenting Chancellor's Report

Should the Chancellor disagree with the committee's recommendations ( from b.) or c.) above) based on its interpretation of Appendix Y or the Faculty Manual, UNC Code or Policies, the Chancellor shall withhold the Chancellor's decision, and inform the committee, all parties to the grievance, and the faculty chair of those areas of disagreement within the required 30 calendar days. The committee will then request the Faculty Governance Committee to begin the normal interpretation process as set forth in the procedures of the Faculty Governance Committee. It is expected that the Faculty Governance Committee will expedite this request. Upon completion of the interpretation process, the Faculty Grievance Committee will make any necessary recommendations. The report will be distributed in accordance with Appendix Y. III.F., with the grievant's rights to appeal intact.

#### F. Appeals to the Chancellor

An appeal to the Chancellor is to be made within 20 calendar days of the receipt of the respondent's response. By memorandum, the grievant shall inform the Chancellor of his or her appeal and include a detailed explanation of the reason for the appeal. A copy of the appeal memorandum shall be sent to the chair of the committee and the Faculty Chair. Upon receipt of the grievant's appeal, the chair of the committee shall forward the committee report along with all supporting documentation to the Chancellor.

The chancellor's decision is to be based solely on a thorough review of the information provided by the committee and may, at his/her discretion consult with the committee (Policies, Section 101.3.2.IV.g). It is expected that the chancellor will give deference to the advice of the faculty committee, but the final campus-based decision is the chancellor's.

Within 30 calendar days of receipt of the committee's request, the chancellor will inform the grievant, respondent, committee chair, and the Chair of the Faculty of his or her decision. If the chancellor does not support the committee's recommendation, the Chancellor is to inform the grievant that



he/she may appeal to the Board of Trustees. This appeal process is described in Section III.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

#### V. Annual Report:

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

Number of Grievants in Grievance Process for Academic Year  
Time in Step

Step	<i>Less than One Month</i>	<i>One-Two Months</i>	<i>Two-Three Months</i>	<i>More than Three Months</i>
One	___	___	___	___

Number of Grievances Filed (Completed Step One): \_\_\_

Fixed Term Faculty \_\_\_ Probationary Faculty \_\_\_ Tenured Faculty \_\_\_

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Time in Step Two – Four

Step	<i>Less than One Month</i>	<i>One-Two Months</i>	<i>Two-Three Months</i>	<i>More than Three Months</i>
Two	___	___	___	___
Three	___	___	___	___
Four	___	___	___	___

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Step Five Hearing

Scheduled for Hearing \_\_\_

Hearings Completed \_\_\_

In Report Stages \_\_\_

Reports Issued \_\_\_

Reports Issued in Favor of:

Grievant \_\_\_

Respondent \_\_\_

Both Grievant and Respondent \_\_\_

Number Appealed to Chancellor \_\_\_

Reports Issued by Chancellor \_\_\_

Number at Faculty Governance \_\_\_

Reports at Rewrite or Reissued by Faculty Governance Committee \_\_\_

Number that went through Mediation \_\_\_

Number that went through Chancellor Review \_\_\_

Number Terminated by Grievant \_\_\_

Number Terminated by Committee \_\_\_



## V. Application

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

## VI. Grievance Committee By-Laws and Procedures

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

### FOOTNOTES

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

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

<sup>3</sup>The committee may be asked by either party to the grievance to evaluate the basis for such privilege and to evaluate the value of such information to the grievance. If the privileged information bears on the grievance, the committee is required to resolve the issue of privilege. If such information bears on the grievance but cannot be obtained, the committee shall decide whether continuing the grievance/granting a hearing would be unfair to the grievant/respondent. If such a decision is made, the committee shall state its reason(s) and terminate the grievance process; thus, ending the administrative hearing process at East Carolina University.

<sup>4</sup>In this instance, procedural advice is limited to the nature of the committee, its charge, the options open to the party to the grievance, and the current membership of the committee.

<sup>5</sup>The committee may waive the time requirement for the introduction of evidence; the grievant's requested redress; or both if, in the committee's opinion, there are extenuating circumstances despite due diligence.

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

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



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

<sup>9</sup>A list of potential counselors is maintained by the Faculty Senate Office. It is recommended that the counselor be a tenured professor, have extensive experience in faculty governance as evidenced by service on university governance/appellate committees, and not be associated with the grievance in any way. The parties to the grievance may choose eligible ECU current or retired faculty members as their counselors or they may choose to serve as their own counselors.

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

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

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

<sup>13</sup>A request for a hearing that continues from another part of the *Faculty Manual* (e.g. Appendix J, Appendix V, etc.) will be evaluated by the committee. If insufficient information is available, the committee will request that the grievant and respondent choose a counselor and the grievant complete a Petition for Redress. Presentation of the Petition for Redress will allow the committee to evaluate the grievance. If the committee agrees that the grievance is within the scope of Appendix Y, the grievant will be allowed to choose mediation or request a hearing. A Chancellor Review is not an option.

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

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

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

<sup>17</sup>This statement shall only include information as to the beginning and ending dates of the mediation and whether mediation was successful, partially successful, or unsuccessful. For a grievant requesting a hearing under Footnote 13, who did not choose mediation, this statement is unnecessary.



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

<sup>9</sup>Required Numbering: One Grievance

Grievant: Petition for Redress G page 1.....n

Supporting Information G, page 1...n

Respondent: Supporting Information R, page 1...n

Multiple Grievances

Grievant: Petition for Redress:

Grievance I G I page 1...n

Grievance II G page 1...n

Continue for the number of included grievances.

Supporting Information:

Grievance One: G I, page 1....n

Grievance Two: G II, page 1....n

Continue for the number of included grievances.

Respondent: Supporting Information:

Grievance One R I, page 1....n

Grievance Two R II, page 1...n

<sup>20</sup>"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 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 Grievance 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)

<sup>21</sup> Definition of "personal malice": As used in *The Code*, the term "personal malice" means dislike, animosity, ill-will or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid University decision making. For example, personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record evidence might establish that the responsible department chair declined to recommend a probationary faculty member for reappointment with



tenure because of the faculty member's "unpleasant personality and negative attitude." Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms "ill-will," "dislike," "hatred" and "malevolence" may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making decisions."

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**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 5.**

**FACULTY GOVERNANCE COMMITTEE REPORT**

Proposed Action on the *ECU Faculty Manual*, Part IX. ECU Organizational Charts

**Remove from the Faculty Manual.**

Currently these charts are included in the manual as a link to the Institutional Planning, Assessment and Research Office as follows: <http://www.ecu.edu/cs-acad/ipar/research/OrganizationalCharts.cfm>.

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**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 6.**

**FACULTY GOVERNANCE COMMITTEE REPORT**

Proposed Action on the *ECU Faculty Manual*, Appendix U.  
Policy on Improper Relationships Between Students and Faculty

**Retain in the Faculty Manual with no changes.**

**POLICY ON IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND FACULTY**

East Carolina University does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) When the employee is responsible for evaluating or supervising the affected student. (2) When the student is a minor, as defined by North Carolina law. The following policies shall apply to all faculty and students of the University.

**A. Prohibited Conduct**

1. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or



authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.

2. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

B. Definition of Terms

1. "Amorous relationship." An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.
2. "Related by blood, law or marriage" means:
  - a. Parent and child
  - b. Brother and sister
  - c. Grandparent and grandchild
  - d. Aunt and/or uncle and niece and/or nephew
  - e. First cousins
  - f. Step-parent and step-child
  - g. Husband and wife
  - h. Parents-in-law and children-in-law
  - i. Brothers-in-law and sisters-in-law
  - j. Guardian and ward
3. "Evaluate or supervise" means
  - a. To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or
  - b. To oversee, manage or direct one's academic or other institutionally prescribed activities.

C. Corrective Action

Violations of the provisions of Section A shall be addressed in accordance with remedial measures prescribed by the University; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting misconduct charges against members of the class of employment of which the affected employee is a member.

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Approved: Administrative Memorandum #360  
18 March 1996  
The Board of Governors of The University of North Carolina

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**FACULTY GOVERNANCE COMMITTEE REPORT**  
Proposed Revisions to Index of *ECU Faculty Manual* Interpretations

All manual interpretations dating from 1990 to 2010 have been incorporated into various revisions of policies and procedures included in the *ECU Faculty Manual*. Therefore, the index is being revised to reflect only current interpretations still pending incorporation into revised University policies and procedures. An archives copy of past incorporated manual interpretations will be maintained on the Faculty Senate website.

**Revise and keep linked in the Faculty Manual.**

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

**INDEX OF ECU FACULTY MANUAL INTERPRETATIONS**

~~1990-Present~~

**2011-Present**

I11-01      3-29-11      External Peer Review  
Faculty Senate Resolution #11-43, March 29, 2011  
ECU Faculty Manual, Appendix D, Section IV.C.

Interpretation of the *ECU Faculty Manual*, [Appendix D](#), Tenure and Promotion Policies and Procedures, Section IV.C. External Peer Review for Promotion and the Conferral of Permanent Tenure to read as follows:

“Faculty candidates for promotion and/or tenure consideration during 2011-2012 and members of their respective unit Tenure Committees are selecting external peer reviewers at this time. The purpose of this interpretation is to provide clarity on the current provisions stated in the *ECU Faculty Manual*, [Appendix D](#), Tenure and Promotion Policies and Procedures, Section IV.C. External Peer Review for Promotion and the Conferral of Permanent Tenure as follows:

*‘By the last week of March of the Spring term prior to the academic year in which a promotion or tenure decision is scheduled, the unit Tenure Committee shall produce a list of possible external reviewers. The candidate for promotion and/or permanent tenure shall provide a similar list, noting for each name the professional relationship, if any, between the reviewer and the candidate. The candidate shall also provide similar relationship information for each name on the unit Tenure Committee’s list. These two lists must be independently compiled and if the two lists contain a common set of prospective external reviewers, the unit Tenure Committee list shall be revisited and new possible external reviewers shall be identified as replacement for those originally on both lists.’*

The statement (noted in red) indicates that prospective external reviewers appearing on the two independently compiled lists cannot serve and that new reviewers must be identified to



replace those reviewers originally on both the candidate's list and the committee's list. This provision was NOT intended to prevent a unit Tenure Committee from selecting an external peer reviewer who was also suggested by the faculty candidate."

The Faculty Governance Committee will review these regulations in their entirety and propose to the Faculty Senate revisions to Appendix D in Fall 2011. Until revisions are approved, the Faculty Governance Committee is asking the Faculty Senate and Chancellor to approve this interpretation as formal notification that an individual suggested by both the faculty candidate for promotion and/or tenure and the unit's Tenure Committee may be selected to serve as an approved external peer reviewer."

105-19 — 2-22-05 — Code Unit Changes  
Faculty Senate Resolution #05-07, February 22, 2005  
ECU Faculty Manual, Appendix L, Section D.1.f.

An interpretation is needed to guide units wanting to move an "uncoded" department or disciplinary group from a coded unit to another coded unit. Section D.1.f. references "renaming a code unit, in addition, changes in unit nomenclature shall be approved by UNC General Administration before such changes become effective." The approved interpretation to Section D.1.f. of Appendix L. is: "Changes in unit nomenclature" referenced in Appendix L., Section D.1.f. include moving groups of faculty and/or disciplines from one coded unit to another. This type of move does not require UNC General Administration approval."

103-18 — 4-22-03 — Personnel Committee  
Faculty Senate Resolution #03-33, April 22, 2003  
ECU Faculty Manual, Appendix L, Section IV.A.3.

The unit personnel committee recommends the initial rank of faculty appointments.

101-17 — 2-27-01 — New academic units  
Faculty Senate Resolution #01-12, February 27, 2001  
ECU Faculty Manual, Appendix L, Section D.2.

A new professional school's proposal to organize into self-governing autonomous units shall be reviewed by the Faculty Governance Committee and the Faculty Senate as outlined in Appendix L section C.2. Vestigial codes are included with the proposal for the new school and are approved by the Educational Policies and Planning Committee, but subsequent unit codes shall be submitted to the Unit Code Screening Committee.

101-16 — 2-27-01 — Unit Personnel Committee  
Faculty Senate Resolution #01-11, February 27, 2001  
ECU Faculty Manual, Appendix D, Section IV.A.3.

Unit administrators are ordinarily excluded from unit Personnel Committee discussions concerning candidates for appointment, re-appointment, promotion, or permanent tenure, and must be excluded from any meeting where votes are taken. However, at the invitation by a majority vote of the membership of the personnel committee, a unit administrator may meet with the committee to discuss initial appointments.

100-15 — 11-14-00 — Phrase "spring term"  
Faculty Senate Resolution #00-31, November 2000, Appendix D.,  
Section IV. subsection E.



~~The sense of the Committee is to understand the phrase "spring term" to refer to the spring semester that ends with Commencement exercises. Therefore, it is advised that all academic divisions use the same dates for nine and twelve month faculty when personnel issues are involved.~~

~~100-14 — 4-18-00 — Faculty in academic departments may not evaluate related faculty  
Faculty Senate Resolution #00-21, April 2000, Appendix D, Section IV.  
Related faculty within the same academic department (or other comparable institutional subdivision of employment) shall not participate, either individually or as a member of a committee, in the evaluation of related persons for appointment, reappointment, promotion, the conferral of permanent tenure, cumulative review, salary recommendations, or any other personnel action. A faculty member made ineligible for participation in the evaluation of a related person does not count for quorum purposes and his/her ineligibility does not constitute a recommendation against the proposed personnel action.~~

~~100-13 — 2-1-00 — Voting Faculty Member and Quadrennial Unit Administrator  
Evaluation  
Faculty Senate Resolution #00-3, February 2000, Appendix L.~~

~~Would the 12 month consecutive calendar month of appointment status (excluding intervening summer months) apply to faculty re-appointed to a position or appointed to a different position because there would not have been a lapse in employment at ECU?~~

~~Interpretation — The definition of a voting faculty member in Appendix L requires that the faculty member have "regular academic faculty rank" at the time of voting. It does not place any restrictions on the type of faculty appointment when requiring that a faculty member be "in at least the twelfth consecutive calendar month of appointment (counting all intervening summer months, if any) to the faculty of the unit in which the voting is to occur...." Appendix D, II.A.1 lists the categories of faculty appointments.~~

~~Who can attend the quadrennial Unit Administrator Evaluation meeting per Appendix L.F.1.?~~

~~Interpretation — The voting faculty of each unit shall vote on the effectiveness of the unit administrator. During September of the unit administrator's fourth year of appointment and every fourth year thereafter, the voting faculty shall discuss and vote by secret ballot on the effectiveness of the unit administrator. Given that the above procedure refers to "voting faculty shall discuss" and given that the procedure involves personnel matters, only voting faculty members should be in attendance during the discussion."~~

~~199-12 — 12-7-99 — Non-Concurring Personnel Recommendations  
Faculty Senate Resolution #99-28, December 1999,  
Appendix D, Section IV.I.~~

~~The faculty member should be informed of both concurring and non-concurring recommendations at every level, beginning with the unit administrator's recommendation and continuing up to the level where the final decision is made. The wording in the ECU Faculty Manual, Appendix D, Section IV. H. is clear that the candidate is informed of concurring recommendations. Immediately after the completion of each level of administrative review, the administrator's recommendation shall be communicated to all appropriate lower administrators, the candidate, and the committee of the unit which made the initial recommendation. Whether the candidate is to be informed is not clear for non-concurring recommendations. Since the candidate would be informed if the administrator concurred, the candidate would know that the administrator did not concur if s/he was not informed of the decision. Since the candidate would know the decision, it seems ridiculous not to communicate non-concurrence.~~

~~199-11 — 2-10-99 — Search Committees~~



~~A search committee may fulfill the responsibilities of reviewing applications, selecting candidates, interviewing candidates, and recommending one or more candidates for the position to the unit's Personnel Committee.~~

~~198-10      10-8-98      Cumulative Review of Permanently Tenured Faculty  
Established by Brenda Killingsworth, Chair of the Faculty, Patricia Anderson, Faculty Governance Committee Chair, and Richard Ringeisen, Vice Chancellor for Academic Affairs, Appendix B.~~

~~If the unit has elected "block review" (all tenured faculty in the unit will undergo cumulative review of permanently tenured faculty (CRPTF) this year and every five years hereafter), all faculty who are currently tenured regardless of the date tenure was awarded should be reviewed this year. This applies to faculty who have been tenured less than five years or who were promoted less than five years ago also. If the unit has elected "serial review" (some tenured faculty will be reviewed each year, beginning this year), all faculty who are currently tenured regardless of the date tenure was awarded are placed in the pool from which the random selection is made of faculty for review each year. This means faculty who have been tenured less than five years or who were promoted less than five years ago are in the pool with faculty who have been tenured or promoted more than five years ago. The random selection of faculty for review this year will be drawn from this pool. For the first CRPTF cycle, faculty who have been tenured less than five years or who were promoted less than five years ago may then undergo cumulative review less than five years after their most recent personnel action review; however, in subsequent review periods, the policy about promotion review substituting for CRPTF may apply in the unit choosing serial review. The CRPTF cycle for faculty in these units who are tenured in the future will be every five years after the awarding of tenure."~~

~~198-9      2-11-98      Voting Faculty  
Established by the Faculty Governance Committee,  
Appendix L, Section A.~~

~~In reference to Appendix L and the definition of a voting faculty member, "university officers" is defined as anyone with the title "Dean" and above.~~

~~197-8      10-14-97      Formation of Promotion Committee  
Established by the Faculty Governance Committee and  
Endorsed by the Faculty Senate (no resolution # assigned)  
Appendix D, Section IV.A.2.~~

~~When a unit has fewer than three permanently tenured voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty at the required rank from other units to increase the committee's membership to three, with at least two-thirds of the members being permanently tenured faculty. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary term faculty having rank at least equal to the candidate(s) being considered for promotion. The list forwarded to the next higher administrator by the faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.~~

~~97-7      10-14-97      Formation of Tenure and Personnel Committees  
Established by the Faculty Governance Committee and~~



~~Endorsed by the Faculty Senate (no resolution # assigned)~~

~~Appendix D, Sections IV.A.1 and IV.A.3.~~

~~When a unit has fewer than three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty from other units to increase the committee's membership to three. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary term faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision."~~

~~196-6 — 9-6-96 — Voting Faculty~~

~~Established by Don Sexauer, Chair of the Faculty~~

~~Appendix L, Section A.~~

~~In reference to Appendix L and the definition of a voting faculty member, the teaching/research requirement does not apply to unit administrators (i.e. chairs of departments in the College of Arts and Sciences and deans of units) and other university officers (i.e. chancellor, vice chancellor).~~

~~196-5 — 3-13-96 — Reduction of Faculty Probationary Term~~

~~Established by the Faculty Governance Committee~~

~~Appendix D, Section II.C.~~

~~Appendix D states that "the normal probationary term for the professorial ranks, as established at the time of initial appointment, shall be...." This was intentional to remove ambiguity in previous versions of Appendix D. Thus, the promotion of an assistant professor to associate professor before the end of the probationary term has no effect on the original contractual probationary term. Of course, a faculty member could apply for early tenure following Section II.C.5."~~

~~196-4 — 3-13-96 — Off Track Faculty Probationary Terms~~

~~Established by the Faculty Governance Committee~~

~~Appendix D, Section II.C.~~

~~In order to afford the maximum opportunity for tenure, it is the position of the Faculty Governance Committee that the probationary term for personnel hired at the professorial ranks, whose contract date occurs earlier than the beginning of the Fall semester, will be measured from the beginning of the subsequent Fall semester. Of course, a faculty member could apply for early tenure following Section II.C.5."~~

~~194-3 — 2-23-94 — Voting Eligibility~~

~~Established by Patricia Anderson, Chair of the Faculty~~

~~Appendix L, Section A.~~

~~Any voting faculty member has voting privileges for departmental issues except those specifically excluded by any portion of the unit code or the Faculty Manual (i.e. some personnel decisions, recommendations on code content, quadrennial evaluations). Section 604C of the UNC Code defines visiting faculty as a "special" faculty appointment, thus making any visiting faculty member ineligible to vote on excluded issues as described above, but eligible to vote on departmental issues not excluded by a unit code or Faculty Manual statement."~~

~~93-2 — 3-30-93 — Faculty Officers~~

~~Established by George Bailey, Parliamentarian~~

~~Appendix A, Section VII.~~



~~Officers of the Faculty, who are not members of the Faculty Senate will not have vote, count toward a quorum, or vote and occupy a seat assigned to a Faculty Senator.~~

190-1 — 2-15-90 — Personnel Files

Established by Ben Irons, University Attorney

Appendix C, Section VI.

~~A faculty member who willfully discloses confidential information from a personnel file or allows another to disclose such information has violated State law and University regulations and may be disciplined under University regulations. An individual faculty member such as a department chair or chair of a personnel committee who knows of a faculty member's public disclosure of confidential information but does not act has neglected his or her duties and may also be disciplined in accordance with Appendix D. The Statutes clearly define confidential information. G.S. 126-23 provides that an employee's "name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the official station to which the employee is currently assigned" are matters of public record."~~

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**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 8.**

**FACULTY GOVERNANCE COMMITTEE REPORT**

Proposed New Section to the *ECU Faculty Manual* Entitled *Statement on Professional Ethics*

Statement on Professional Ethics

The East Carolina University faculty and administration expect all ECU faculty to perform all their job responsibilities in conformance with the following *Statement on Professional Ethics* modified from the American Association of University Professors:

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or engage in hostile conduct toward members of the university community. They respect and defend the free inquiry of



associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

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**Faculty Senate Agenda**  
**November 1, 2011**  
**Attachment 9.**

**Report revised 10-22-11**

**FACULTY GOVERNANCE COMMITTEE REPORT**  
Proposed Revisions to the *ECU Faculty Manual*,  
Appendix C. Personnel Policies and Procedures for the Faculty

Proposed additions are noted in **bold** print and deletions in ~~strikethrough~~.

III. Annual Evaluation

Each faculty member with either a fixed-term, probationary term, or permanently tenured appointment shall **perform his/her duties according to the ECU's *Statement on Professional Ethics* (see Section xxx) and shall** receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data. The annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor. This annual evaluation shall:

- be in writing;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary term appointments, a record of this discussion shall be placed in the faculty member's personnel file;
- be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The faculty member has 4 calendar days after receiving the evaluation to attach the statement. The signature of the faculty member signifies that the faculty member has read, but does not necessarily concur in, the evaluation.

The unit administrator shall forward to each faculty member a copy of that member's annual evaluation within ten calendar days of completing the evaluations of unit members.



The evaluation of probationary term and permanently tenured faculty shall be based upon that year's assigned duties and responsibilities (except data from the previous year's Spring semester survey of student opinion) and shall consider:

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 Committee to determine student opinion of teaching.
  - b. formal methods of peer review of new and probationary term faculty, including direct observation of teaching, Methods to be used for this peer review are detailed in [Faculty Senate resolution #93-44](#). The peer review instrument is provided in [Faculty Senate resolution #05-03](#). **The peer review instrument for on-line courses is provided in [Faculty Senate resolution #11-53](#).**
  - c. procedures provided for in unit codes;
2. scholarship;
  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, scholarship, 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 scholarship.

The evaluation of fixed-term faculty members shall be based on their performance of duties as stated in their contracts.



**CALENDAR COMMITTEE REPORT**

Formal Faculty Advice on Proposed Adverse Weather/Conditions  
and Emergency Closings Regulation

The Committee reviewed the proposed regulation and offers the following additional text under 6.4 Activities Affected by Class Cancellation or Classes Held Under Adverse Conditions, as follows:

"6.4.3 Make up policies governing class cancellation are established by Faculty Senate Resolution#06-14, which state:

Policy for making up missed class days

Partial missed days should not be made up. Entire missed days should be made up (in keeping with the 750 minutes per credit hour requirement set by the UNC General Administration)

Designated make-up days for Fall Semester

Make-up days should be used in the following order: Reading Days at the end of the semester; Tuesday of Fall Break; Monday of Fall Break; Wednesday before Thanksgiving.

Designated make-up days for Spring Semester

Make-up days should be used in the following order: Reading Days at the end of the semester; Good Friday.

If additional make-up days are needed, the Executive Council in conjunction with the Calendar Committee will decide how to make them up.

Suggestions on how to make up missed time

By meeting at the usual class time on the designated make-up days (avoid giving tests on these days) or by some activity relevant to the class (outside the usual class time, but not necessarily on the designated make-up days, as decided by the instructor following whatever procedures have been adopted by the unit)."

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Title Adverse Weather/Conditions and Emergency Closings

PRR Classification # (List POL, REG RULE and leave #blank. To be done by Legal)

PRR General Subject Matter Emergency Closing, Adverse Weather, Leave for Emergency Closing, Cancellation of Classes

Authority: Chancellor

History: Effective 7/1/00; Revised 2/10

Related Policies: UNC Code: Appendix I.C (personnel), XVI (facilities) (Note: hyperlink needed)



Additional References: State Personnel Manual: Leave Policies; Clinical Support Services (CSS) Policy Manual; ECU Physician Group Practice Policy and Procedure Manual, Adverse Weather Plan #A25

Contact for Info: Chief Public Affairs Officer (328-5419) and Associate Vice Chancellor, Human Resources (328-9881)

## 1. Introduction

1.1. As a University that is not only an educational residential campus, but also a medical and research campus, East Carolina University ("University") never really "closes" completely, even during adverse weather or other emergency situations. A certain level of essential services must be provided, regardless of the circumstances, and the University is committed to maintaining full service levels to the extent possible. This document provides information regarding the University's operations during adverse weather and other emergency conditions, including official closings, and establishes guidelines for accounting for time or releasing employees from work when such conditions occur.

1.2. This policy applies to all employees of the University, including faculty, staff and administrators, including those assigned to ECU Physicians and other clinical health care operations, as well as to graduate assistants, postdoctoral fellows, and student workers.

## 2. Decision-Making Authority

### 2.1. Authority Independent from the State of North Carolina

The University has the authority to make its own decisions and announcements about the operation of the University during adverse weather and other emergency conditions. Public announcements about closings or late opening applicable to other State agencies, or to other State employees, do not apply to East Carolina University or its employees. Unless the University announces a closing, late opening, or cancellation of classes, all offices and service operations are expected to remain open, and faculty and staff are expected to report to work as outlined herein.

### 2.2. Institutional Delegated Authority

The Chancellor, or his/her designee, will determine the extent to which operations of the University will be suspended or temporarily curtailed, or closed. Individual departments are not authorized to make these decisions independently. Should there be emergency circumstances that require closing of one or a small group of departments, the Vice Chancellor with supervisory responsibility for the department has authority to close the relevant operations. In the case of special events such as Athletic events, Music or Theater productions, fundraising or other non-critical activities, event coordinators may modify schedules of persons working at the event with the approval of the appropriate Vice Chancellor.

## 3. Definitions

### 3.1. Adverse Weather and/or Conditions

Adverse weather or other conditions that may prohibit an employee from reporting to work but do not necessitate the closing of facilities or curtailing operations.

### 3.2. Closing Conditions

These are conditions that necessitate the closing of the University or the curtailing of



operations. Conditions that may be hazardous to life or safety and that may warrant closing include: catastrophic life threatening weather (snow, ice, hurricane, tornado, earthquake, flood or other natural disaster), fire, critical equipment failure, disruption of power and/or water, contamination by hazardous agents, terrorist acts, forced evacuations from the agency or work site or activities that necessitate non-essential personnel remaining off campus until the campus can be returned to safe operational status.

### 3.3. Emergency Employee

An employee who is required to report for and remain at work during an emergency because his or her position has been designated by the University as critical to University operations during emergencies is an Emergency Employee. Emergency employees may not be needed for all emergencies, and the department head has the authority to designate the emergency employees who are most needed for the particular emergency. This designation is applicable to employees at all locations.

Each department should designate emergency functions and provide HR with a list of positions determined to be in the emergency category. Supervisors must notify their employees if their positions have been designated as Emergency positions.

Failure of an Emergency employee to report to work can result in disciplinary action and/or require the hours missed to be charged to leave with or without pay, as appropriate.

### 3.4. Non-Emergency Employees

Employees who are not designated as Emergency Employees and therefore are not required to report to work during Adverse Weather and/or Conditions, Closing Conditions or other emergency conditions are considered Non-Emergency Employees. These employees may be designated as emergency personnel (Emergency Employees) during times of staffing shortages based on operational needs and must be notified and given reasonable time to report.

### 3.5. University

References to the operational status or schedule of the University within this regulation include and apply to all employees, including those who work in ECU Physicians, the Brody School of Medicine, and non-campus locations.

## 4. Monitoring Conditions

4.1. The weather and other emergency conditions are monitored on a daily basis by Environmental Health and Campus Safety (EHCS) and Campus Operations. These units are responsible for assessing road and walking way conditions including campuses, clinics, sidewalks, steps, roadways and parking lots, and collection of other assessment information from on-campus groups such as Grounds Services, Police, Transit and EH&S. The ECU Physicians' emergency coordinator will be contacted to coordinate any recommended change in their scheduled operations. Schedule decisions for ECU Physicians will be made by the Chancellor or his designee based on the safety of their patients and staff and their specific operational needs.

4.2. After EHCS and Campus Operations emergency coordinators have compiled sufficient information from the various sources, relevant information is presented to the Vice Chancellor for Administration and Finance (VCAF).

4.3. The VCAF contacts the Chancellor if there is a recommendation to change scheduled operations.



4.4. Once a decision has been made to change scheduled operations, the VCAF contacts the EHCS emergency coordinator to initiate the emergency notification system through the university public information officer and emergency phone tree.

4.5. For more detailed information, refer to the Emergency Related Operations Schedule Adjustment Procedures.

## 5. Announcements

5.1. The University will operate under Category A, Normal Operations, unless the Chancellor or designee publicly announces one of the alternate categories. The University will strive to make an announcement regarding its operations no later than 6:00 a.m. on the affected day. ECU Physicians will notify its staff and patients of any schedule changes. Event Coordinators will notify event staff and participants of any event schedule changes.

5.2. Categories of operation include:

5.2.1. Category A: Normal Operations – The University is operating at full status with no special advisories.

5.2.2. Category B: Classes Are In Session – The University is open but operating under adverse conditions.

5.2.3. Category C: Classes Are Cancelled – The University is open but operating under adverse conditions.

5.2.4. Category D: The University (or a specific operational unit) Will Open Late or Close Early – Emergency personnel should report as required.

5.2.5. Category E: The University (or a specific operational unit) Is Closed – Only emergency personnel should report.

## 6. Category B and C – University is Open but under Adverse Conditions

### 6.1. Emergency Employees

Employees who have been designated as "Emergency" are required to report to work and must make all necessary arrangements to do so as quickly and safely as possible.

### 6.2 Non-Emergency Employees

Non-emergency employees are encouraged to report to work at regularly scheduled times. However, the University recognizes that there may be factors (i.e., transportation, closings of schools/daycares, etc) that may prevent employees from reporting to work. Non-emergency employees are permitted to determine for themselves with their supervisor's approval as appropriate whether they should report to work and can do so safely, but they may be required to use leave or make up time. Temporary employees will not be paid for time they do not work. Faculty who have scheduled classes, but who are unable to report on a day when classes are being held under adverse conditions, should make every effort to notify class participants of class cancellation in advance.

### 6.3 Pay and Time Reporting



### 6.3.1 Time At Work

It is the responsibility of employees to make a good faith effort to come to work at regularly scheduled times during times that adverse weather or other conditions of a serious nature exist. Overtime-eligible employees who work during Adverse Weather will be paid in accordance with the State's policy on Hours of Work and Overtime Compensation.

### 6.3.2 Time Away From Work

#### 6.3.2.1 Emergency Employees

Employees designated as Emergency are expected to report for, or remain at work in emergency situations. Failure to report to work can result in disciplinary action and/or require the hours missed to be charged to leave with or without pay, as appropriate.

6.3.2.2 Regular, leave-earning SPA and non-faculty EPA staff who are designated as Non-emergency Employees may account for this time by (a) Using available accrued annual leave, compensatory time, or bonus leave; and/ or (b) Making up the time within one year of the occurrence. Time made up should occur during the same work week if possible, or in a week in which the employee would not otherwise work 40 hours (such as a week that includes a vacation, holiday, or sick day). Employees who volunteer to make up Adverse Weather Time on a holiday will not receive Holiday Premium Pay. Prior supervisory approval is required before working a Holiday. Time not made up within the 12-month period will be charged against annual or bonus leave if available or deducted from pay. Employees wishing to make up the time should indicate those hours on their time sheet. The number of hours should be included under "Other Leave" with the code "AW" for adverse weather.

6.3.3 Employees, regardless of their emergency or non-emergency status, who have time away from work and are on prearranged vacation or sick leave will continue to charge leave to the appropriate account with no provision for make-up time.

6.3.4 Clinical Support Services (CSS) Employees will adhere to the provisions regarding use of leave as detailed in the Clinical Support Services (CSS) Policy Manual.

6.3.5 Student Workers and temporary employees will not be paid for time they do not work.

### 6.4 Activities Affected by Class Cancellation or Classes Held Under Adverse Conditions

If the Chancellor or designee announces that classes or other activities are cancelled – or that classes are being held under adverse weather advisory – and that this is an optional workday for faculty and staff, the following applies:

6.4.1 Students who miss scheduled activities will be allowed to make up any work missed.

6.4.2 Faculty members should make arrangements to complete all interrupted activities.

**6.4.3 Make up policies governing class cancellation are established by Faculty Senate Resolution#06-14, which state:**

#### **Policy for making up missed class days**

**Partial missed days should not be made up. Entire missed days should be made up (in keeping with the 750 minutes per credit hour requirement set by the UNC General Administration)**



**Designated make-up days for Fall Semester**

**Make-up days should be used in the following order: Reading Days at the end of the semester; Tuesday of Fall Break; Monday of Fall Break; Wednesday before Thanksgiving.**

**Designated make-up days for Spring Semester**

**Make-up days should be used in the following order: Reading Days at the end of the semester; Good Friday.**

**If additional make-up days are needed, the Executive Council in conjunction with the Calendar Committee will decide how to make them up.**

**Suggestions on how to make up missed time**

**By meeting at the usual class time on the designated make-up days (avoid giving tests on these days) or by some activity relevant to the class (outside the usual class time, but not necessarily on the designated make-up days, as decided by the instructor following whatever procedures have been adopted by the unit).**

**7. Categories D and E – University Late Openings and Closings**

**7.1. When the decision has been made to open late or close the University, no students, faculty members, or staff members should be on campus during the period the University is not open except:**

**7.1.1. Students who reside in campus housing; and**

**7.1.2. Employees who have been designated as Emergency; and**

**7.1.3. Any other employee who has been notified by an appropriate supervisor to report to work during this period of time.**

**7.2. Pay and Time Reporting**

**7.2.1. Time At Work**

**7.2.1.1. Emergency employees who are required to work will receive compensatory time on an hour-for-hour basis for all hours worked. This time must be used within 12 months of its being awarded. Every effort will be given to allow employees the opportunity to take this time off. Compensatory time must be used before vacation or bonus leave.**

**7.2.1.2. Non-emergency employees who are needed for situations such as cleanup and recovery during the time the University remains closed, or have received prior permission from the supervisor to work during the time the University is closed, will be compensated on an hour-for-hour basis for all hours worked. This time must be used within 12 months of its being awarded. Every effort will be given to allow employees the opportunity to take this time off. Compensatory time must be used before vacation or bonus leave.**

**7.2.2. Time Away From Work**

**7.2.2.1. Emergency Employees**



Employees designated as Emergency are expected to report for, or remain at work in emergency situations. Failure to report to work at regularly scheduled times can result in disciplinary action and/or require the hours missed to be charged to leave with or without pay, as appropriate. The department head may determine that the conditions justified a late arrival. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay, and no disciplinary action will be taken.

#### 7.2.2.2. Non-emergency employees

Non-emergency employees in permanent positions whose presence is not required will not be docked pay for regularly-scheduled work hours missed due to official late opening or closing, nor will they be required to make up the work time or report such time as annual or other accrued leave. Employees should reflect such time by indicating the number of hours they were scheduled to work during the late opening/closing under the "Other Leave" column and use the code "UC" for University Closed.

7.2.2.3 Student workers and temporary employees, which may include student workers, will not be paid for time they do not work.

7.2.2.4 Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account for the time away from work with no provision for make-up time.

### 8. Location of Affected Facilities

8.1. All University-facilities in Pitt County are subject to these procedures, and must remain open with at least skeleton staffing unless there is an official announcement by the Chancellor or his designee.

8.2. ECU Physicians will follow the Adverse Weather Operations Plan regarding Adverse Weather delays and closings. Departments are encouraged to develop adverse weather plans that are specific to their units and comply with this regulation.

8.3. Employees who work in locations outside Pitt County and not affected by the adverse weather or unusual conditions are expected to work their normal schedule. When these locations outside Pitt County are under Adverse Weather and/or Conditions, the employees should follow the site's or location's procedures and notify supervisors immediately for further instructions. Remote sites may be closed only with approval from the Vice Chancellor with supervisory responsibility for the program or his/her designee.

### 9. Communications

Employees are encouraged to contact their supervisor for any clarifications regarding whether or not to report to work. Information regarding implementation of this policy will be available via the following avenues. ECU Lists, text message and Alerts.

9.1. ECU main web page ([www.ecu.edu](http://www.ecu.edu)). In the event of adverse conditions that impacts campus functions, this page will contain an "ECU Alert" link to the latest announcements concerning campus operations.

9.2. ECU Emergency Hotline 328-0062 for all ECU faculty, staff and students, except ECU Physicians.

9.3. ECU Physicians Adverse Weather Hotline: 744-5080



9.4. Local radio and television broadcasts, both network stations and the University station, Channel 99.

9.5. Each supervisor is responsible for appropriate communication to his/her staff members.

#### 10. Reporting of Closings

In accordance with the State Personnel Manual Leave Policy, all closings shall be reported to the State Personnel Director within five days after the occurrence. It is the responsibility of the Associate Vice Chancellor, Human Resources, to prepare and forward the University's report. The University Public Information Officer will notify UNC General Administration of the University's current status.

#### 11. Miscellaneous

##### 11.1. Transfer to Another State Agency

If an employee transfers to another State agency before the time away from work (AW) is made up, the make-up time may be transferred as a minus if the receiving agency is willing to accept it. Otherwise, the leave must be charged to the appropriate leave or deducted from the employee's paycheck by the releasing agency.

##### 11.2 Separation

If an employee separates from State government before the time away from work (AW) is made up, it must be charged to vacation/bonus leave or deducted from the final paycheck.

##### 11.3 Catastrophic Conditions

When catastrophic, life threatening weather conditions occur, as created by hurricanes, tornadoes, floods, etc., and it becomes necessary for authorities to order evacuation from the University, the University will follow procedures applicable to status Categories D and E, University Late Openings and Closings, as described above. Employees required to remain at work may be relieved administratively for a period of time necessary to assure the safety of their family.