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EAST CAROLINA UNIVERSITY  
FACULTY SENATE

The seventh regular meeting of the Faculty Senate for academic year 1990/91 will be held on Tuesday, March 19, 1991, at 2:10 p.m. in the Mendenhall Great Room.

AGENDA

- I. Call to Order
- II. Approval of Minutes of February 19, 1991
- III. Special Order of the Day
  - A. Roll Call
  - B. Announcements
  - C. Richard Eakin, Chancellor
  - D. Vice Chancellors' Reports
  - E. Ken Wilson, Faculty Assembly Report  
February 15, 1991, meeting
  - F. James LeRoy Smith, Director of Self Study for  
Southern Association of Colleges and Schools
  - G. Approval of Spring 1991 Graduation Roster
- IV. Unfinished Business
- V. Report of Committees
  - A. Committee on Committees, Bob Woodside  
Recommended Appellate Committee Election Process (Attachment 1)
  - B. Student Retention Committee, Richard Miller  
Recommendation concerning the Counseling Center (Attachment 2)
  - C. Admissions and Recruitment Committee, Bob Joyner  
Recommended Nonmatriculated Student Policy (Attachment 3)
  - D. Curriculum Committee, Bill Grossnickle  
Minutes of the February 14, 1991, and February 28, 1991, meetings  
which include:
    - 1. Revise BS in LSS (Commercial and Community Recreation)
    - 2. Revise Admission Requirements to LSS Major
    - 3. Revise Women's Studies Minor
    - 4. Revise Journalism Minor
  - E. Faculty Affairs Committee, Carlton Heckrotte  
Recommended Sexual Harassment, Discrimination, and Conflicts of  
Interest Policies - Appendix V (Attachment 4)  
Recommended Racial and Ethnic Harassment Policy - Appendix V  
(Attachment 5)  
Recommended Grievance Procedures - Appendix W (Attachment 6)
- VI. New Business

## COMMITTEE ON COMMITTEES RECOMMENDATION

FIRST READING OF PROPOSED AMENDMENT TO APPENDIX A,  
ECU FACULTY SENATE BY-LAWS REGARDING THE APPELLATE COMMITTEES.

Page A-10, Section III. Special Committees: Add the following:

- E. The Process for election of Appellate Committees (see Appendix D) will be as follows:
1. Prior to the end of Spring semester, a memorandum will be sent to all faculty members requesting nominations of persons willing to serve on these Committees. The nominations must be received in the Faculty Senate Office no later than the first day of class in the Fall of each academic year.
  2. Following the first day of class in the Fall of each academic year, the Committee on Committees will review all nominations and nominate to the Faculty Senate twice as many nominees as vacancies to fill. The list of nominees will be placed on the Faculty Senate September Agenda.
  3. Election will be by majority present and voting.

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**FOR INFORMATION:** The following recommendations will be forwarded to the Faculty Governance Committee to incorporate into the revised Appendix D.

1. Page A-10, Section III. Special Committees  
Add the following to subsection E.:

"Elections for the three Appellate Committees (Due Process, Hearing, and Reconsideration) will be held at the second meeting of the Faculty Senate in the Fall of each academic year. Membership of Appellate Committees shall be limited to full-time, tenured faculty members without administrative appointment."

2. Changes to the Appellate Committees' charges as follows:

Due Process Committee

Membership to read: 5 members and 5 alternates, all of whom must be full-time, tenured faculty members without administrative appointment.

Procedures: Change the second sentence to read: "The Due Process Committee shall be elected by the Faculty Senate at its second meeting of each academic year."

Delete the third sentence which reads: "At the initial election, the Faculty Senate shall elect 3 members and 3 alternates for two-year terms and 2 members and 2 alternates for one-year terms."

Replace the fourth sentence with: "Members and alternates shall serve two year terms."

Hearing Committee

Membership to read: 5 members and 5 alternates, all of whom must be full-time, tenured faculty members without administrative appointment.

COMMITTEE ON COMMITTEES RECOMMENDATION (continued)

Hearing Committee (continued)

Procedures: Replace the second sentence with: "The Hearing Committee shall be elected by the Faculty Senate at its second meeting of each academic year."

Delete the third sentence which reads: "At the initial election, the faculty Senate shall elect 2 members and 2 alternates for two-year terms, and 1 member and 1 alternate for three-year terms."

Replace the fourth sentence with: "Members and alternates shall serve three year terms."

Reconsideration Committee

Membership to read: 5 members and 5 alternates, all of whom must be full-time, tenured faculty members without administrative appointment.

Procedures: Replace the second sentence with: "The Reconsideration Committee shall be elected by the Faculty Senate at its second meeting of each academic year."

Delete the third sentence which reads: "At the initial election, the Faculty Senate shall elect 2 members and 2 alternates for one-year terms, 2 members and 2 alternates for two-year terms, and 1 member and 1 alternate for three-year terms."

Replace the fourth sentence with: "Members and alternates shall serve three year terms."

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Attachment 2

**STUDENT RETENTION COMMITTEE RECOMMENDATION**

WHEREAS, the 1989 national average of full-time counselors in counseling centers for institutions over 10,000 students is 1,723 students per counselor, and

WHEREAS, ECU has experienced within the last two years a reduction in counseling center staff from six full-time professional counselors (doctorate-level) to two full-time professional counselors (doctorate-level), three full-time temporary professional counselors (master's degree-level), and two 1/3-time professional counselors (master's degree-level). The current ratio at ECU is 3,300 students per counselor, and

WHEREAS, ECU falls short of the national norm, and

WHEREAS, there is growing testimony from students, faculty, and staff of the need to increase the core of full-time certified professional counselors in the Counseling Center.

THEREFORE BE IT RESOLVED, that the Faculty Senate recommends that the student/counselor ratio in the ECU Counseling Center be improved by reducing the ratio to meet the national norm.

## ADMISSIONS AND RECRUITMENT COMMITTEE RECOMMENDATION

Matriculated Student: A student who is admitted to the University through the University Admissions Office as a degree-seeking student or through the Division of Continuing Education on a performance-based admission policy. (See pages 31-35 of the 1990-1992 Undergraduate Catalog.)

Nonmatriculated Student: A student who is seeking to take courses at the University but is not a matriculating student.

PROPOSED NONMATRICULATED STUDENT POLICY

A student may be permitted to enroll on a space-available basis as a nonmatriculated student provided that the student is a high school graduate or equivalent. There are four categories of nonmatriculated students:

1. Auditor - An auditor is a person who wishes to attend University classes without earning college credit. (See pages 35-36 of 1990-1992 Undergraduate Catalog.)
2. Nontraditional Student - A nontraditional student is a person whose class graduated from high school three or more years ago, and
  - (a) who has no previous college experience, or
  - (b) who has previous college experience and is eligible to return to the previous institution but does not meet all stated University admission requirements, or
  - (c) who has previous college experience but is not eligible to return to the previous institution and has not been enrolled at the collegiate level within the last three years.
3. Special Undergraduate Student - A special undergraduate student is a person with previous college experience who is eligible to return to the previous institution and attests that he or she meets requirements for admission as a matriculated student but has not supplied all documentation for matriculated status. This student may enroll for one semester in a maximum of two courses.
4. Visitor - A visiting student is a person who is enrolled as a matriculated student at another college or university. (See page 34 of 1990-1992 Undergraduate Catalog.)

Nonmatriculated students are expected to familiarize themselves with catalog requirements and to seek further advice or clarification.

To convert from nonmatriculated to matriculated status, a student must:

1. satisfy all regular admission requirements, or
2. complete a minimum of 28 semester hours of degree-creditable work at ECU and earn at least a 2.2 grade point average on all hours attempted at ECU. Applicants who do not meet the high school course work requirements as prescribed by UNC General Administration must complete as part of their program of study six semester hours each of the following subject areas: English, Mathematics, Science, and Social Sciences. The student must also provide documentation of all previous educational background attested to at the time of initial enrollment under the nonmatriculated student policy.

Once the student has matriculated, only 28 hours of undergraduate course work taken as a nonmatriculated student may apply toward a degree program.

Students enrolling under this policy must comply with all University policies regarding the payment of tuition and fees and must comply with N.C. state law concerning health and immunization records.

Editorial corrections:

As appropriate, replace "he" with "he or she."

Appendix U, Section II, B-3 should read "Consensual amorous relationships in which one person is responsible for supervising and/or evaluating the other create conflicts of interest because they impair or reasonably can be expected to impair the professional judgment of the supervisor."

Appendix U, Section II, C-6, second sentence should read "This policy does not apply to supervising and/or evaluating relationships initiated before the policy's adoption date."

Appendix W:

As appropriate, replace "he" with "he or she."

Correct possessive case as appropriate.

Add "member" after "faculty" in II. C-1-B., sentence one.

II-E, last paragraph, sentence one, replace "participation in the hearing" with "participating on the committee."

II-L-c should read "A breakdown of the number of complaints resolved at Level One and Level Two."

APPENDIX V

EAST CAROLINA UNIVERSITY  
SEXUAL HARASSMENT, DISCRIMINATION AND  
CONFLICTS OF INTEREST POLICIES

**DRAFT**

SEXUAL HARASSMENT, DISCRIMINATION AND CONFLICTS OF INTEREST POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY\*

CONTENTS:

SECTION I. RATIONALE

SECTION II. POLICY ON SEXUAL HARASSMENT, DISCRIMINATION, AND CONFLICTS OF INTEREST

A. Introduction

B. Definitions

C. Policy

SECTION III. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STUDENTS

Section IV. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STAFF

Section V. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING FACULTY STATUS

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\*East Carolina University's EEOC policies on non-discrimination in recruitment and hiring are contained in Appendix K of the Faculty Manual. The University of North Carolina Committee of Governors resolution regarding potential favoritism between University employees is contained in Appendix H of the East Carolina University Faculty Manual.

## SECTION I. RATIONALE

Well-publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of sexual harassment or discrimination are discouraged. Toward this end, all members of the academic community should support the principle that sexual harassment and discrimination represents a failure in ethical behavior and that sexual exploitation of professional relationships will not be condoned. Members of the University Community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment or discrimination prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee for using these policies responsibly interferes with free expression and openness. Accordingly, members of the University community charged with violations of these policies are prohibited from acts of reprisal against their accusers exclusive of actions brought in the North Carolina or United States courts.

## SECTION II. POLICY ON SEXUAL HARASSMENT, DISCRIMINATION, AND CONFLICTS OF INTEREST

### A. INTRODUCTION

Sexual harassment and discrimination are illegal and endanger the environment of tolerance, civility, and mutual respect that must prevail if the University is to fulfill its mission. East Carolina University is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and students can engage fully in the learning process. As mandated in the EEOC guidelines interpreting Title VII (issued in 1980) and Title IX (issued in 1972, as interpreted in *Alexander et. al. v. Yale* [631 Fed. 2d. 178 (2nd Cir. 1980)]), the University recognizes its responsibility for the acts of those in the University's employ and academic purview with respect to sexual harassment.

Further, amorous relations between a student and a University employee who is responsible for supervising and/or evaluating the student may derogate the merit principle of supervision and evaluation. This policy is the University's statement of its intent to prohibit sexual harassment and discrimination, and to prohibit amorous relations between University employees and students when these relations create a risk of favoritism.

### B. DEFINITIONS

#### B-1. SEXUAL HARASSMENT

The following constitute sexual harassment:

- (a) Making lewd or obscene sexual remarks or gestures towards or about people of either sex;
- (b) Making verbal remarks or committing physical actions that propose to people of either sex that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward;
- (c) Singling out people of either sex and creating or attempting to create a hostile university or working environment or otherwise attempting to harm or harming people because of their sex.

#### B-2. SEXUAL DISCRIMINATION

Sexual discrimination consist in actions that single out people and subject them to unequal treatment on the basis of their sex.

#### B-3. CONFLICTS OF INTEREST

Consensual amorous relationships create conflicts of interest when they impair or reasonably can be expected to impair the professional judgment of someone who is responsible for supervising and/or evaluating others.

C. POLICY

It is the responsibility of members of the University community to strive to create an environment free of sexual harassment and discrimination, and free of unprofessional bias in the supervision and evaluation of students and employees.

C-1. It is against the policies of East Carolina University for its employees or students to make lewd or obscene sexual remarks or gestures towards or about other employees or students of either sex.

C-2. It is against the policies of East Carolina University for its employees or students to propose to other employees or students that they engage in or tolerate activities of a sexual nature in order to avoid some punishment or to receive some reward.

C-3. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of the individual's or the group's sex and subject the individual or the group to malicious insults.

C-4. It is against the policies of East Carolina University for its employees or students to create a hostile University or workplace environment for an individual or group because of the individual's or the group's sex.

C-5. It is against the policies of East Carolina University for its employees or students to subject other employees or students to unequal treatment on the basis of their sex.

C-6. It is against the policies of East Carolina University for employees of the University to engage in consensual amorous relationships with students whom the employee is or will be supervising and/or evaluating. (This policy does not apply to consensual amorous relationships initiated before the policy's adoption date.)

This policy applies to relationships between East Carolina University students, faculty, administrators, and staff. East Carolina University will take every step to resolve complaints of sexual harassment and/or discrimination promptly and confidentially.

SECTION III. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STUDENTS

Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators, or visitors are governed by the grievance procedures presented in the Student Government Association Documents, Section XIX.

SECTION IV. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STAFF

Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators, or visitors are Business Manual, Volume 2, Section VIII.

SECTION V. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING FACULTY STATUS

Complaints brought by East Carolina University students, faculty, staff, administrators, or visitors against East Carolina University faculty members or administrators holding faculty status are governed by the grievance procedures stated in the East Carolina University Faculty Manual, Appendix W.

APPENDIX V  
EAST CAROLINA UNIVERSITY  
RACIAL AND ETHNIC HARASSMENT POLICIES

**DRAFT**

RACIAL AND ETHNIC HARASSMENT POLICIES OF EAST CAROLINA UNIVERSITY\*

CONTENTS:

SECTION I. RATIONALE

SECTION II. RACIAL AND ETHNIC HARASSMENT POLICY

A. Introduction

B. Definitions

C. Policy

SECTION III. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STUDENTS

Section IV. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STAFF

Section V. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR  
ADMINISTRATORS HOLDING FACULTY STATUS

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\* East Carolina University's policies on non-discrimination in recruitment and hiring are contained in Appendix K of the Faculty Manual. The University of North Carolina Committee of Governors resolution regarding potential favoritism between University employees is contained in Appendix H of the East Carolina University Faculty Manual.

## SECTION I. RATIONALE

Well-publicized policies and procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of racial and ethnic harassment are discouraged. Toward this end, all members of the academic community should support the principle that racial and ethnic harassment represents a failure in ethical behavior that will not be condoned. Members of the University Community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment prohibited under these policies. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee for using these policies responsibly interferes with free expression and openness. Accordingly, members of the University community charged with violations of these policies are prohibited from acts of reprisal against their accusers exclusive of actions brought in the North Carolina or United States courts.

## SECTION II. RACIAL AND ETHNIC HARASSMENT POLICY

### A. INTRODUCTION

Racial and/or ethnic harassment endangers the environment of tolerance, civility and mutual respect that must prevail if the University is to fulfill its mission. Such harassment will not be condoned by members of the University Community. This policy is the University's statement of its intent to protect its educational environment by prohibiting specific forms of constitutionally sanctionable racial and/or ethnic harassment. It supersedes all previous University policies dealing with racial and/or ethnic harassment. The University recognizes that the free and unfettered interchange of competing views is essential to the institution's educational mission, and that the peoples' right to express opinions is guaranteed by the United States Constitution.

### B. DEFINITIONS

#### RACIAL AND/OR ETHNIC HARASSMENT

Racial and/or ethnic harassment consists of actions, verbal or otherwise, that single out and cause harm to an individual or a group because of the individual's or the group's race and/or ethnic affiliation.

### C. POLICY

It is the responsibility of members of the University community to strive to create an environment free of racial and/or ethnic harassment.

C-1. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of their race or ethnic affiliation and subject them to malicious racial or ethnic insults, or to speech or other actions which would have a tendency to cause acts of violence.

C-2. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of their race or ethnic affiliation and subject them to unequal or unfair or threatening treatment in the areas of academic success, salary, fringe benefits, assignments, reappointment, promotion, or tenure.

C-3. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of their race or ethnic affiliation and subject them to a hostile environment within the University.

C-4. It is against the policies of East Carolina University for its employees or students to single out an individual or a group because of their race or ethnic affiliation and subject them to extreme and outrageous conduct with the intent to cause and causing severe emotional disturbances.

This policy applies to relationships between East Carolina University students, faculty, administrators, and staff. East Carolina University will take every step to resolve complaints of racial and ethnic harassment promptly and confidentially.

SECTION III. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STUDENTS

Complaints brought against East Carolina University students by East Carolina University students, faculty, staff, administrators or visitors are governed by the grievance procedures presented in the Student Government Association Documents, Section XIX.

SECTION IV. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY STAFF

Complaints brought against East Carolina University Staff by East Carolina University students, faculty, staff, administrators or visitors are governed by the grievance procedures stated in the East Carolina University Business Manual, Volume 2, Section VIII.

SECTION V. GRIEVANCES AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING FACULTY STATUS

Complaints brought against East Carolina University faculty members or administrators holding faculty status by East Carolina University students, faculty, staff, administrators or visitors are governed by the grievance procedures stated in the East Carolina University Faculty Manual, Appendix W.

APPENDIX W

GRIEVANCE PROCEDURES FOR  
COMPLAINTS OF SEXUAL HARASSMENT OR DISCRIMINATION, CONFLICTS OF INTEREST,  
AND RACIAL OR ETHNIC HARASSMENT OR DISCRIMINATION  
BROUGHT AGAINST EAST CAROLINA UNIVERSITY FACULTY MEMBERS  
OR ADMINISTRATORS HOLDING FACULTY STATUS\*

**DRAFT**

SEXUAL HARASSMENT AND DISCRIMINATION, CONFLICT OF INTEREST, RACIAL AND  
ETHNIC HARASSMENT AND DISCRIMINATION PROCEDURES OF EAST CAROLINA UNIVERSITY\*

CONTENTS:

SECTION I. PREAMBLE

SECTION II. GRIEVANCE PROCEDURES FOR COMPLAINTS BROUGHT AGAINST EAST  
CAROLINA UNIVERSITY FACULTY MEMBERS OR ADMINISTRATORS HOLDING  
FACULTY STATUS

- A. Bringing complaints
- B. Advice
- C. Level One grievance procedures
- D. Level Two grievance procedures
- E. Composition of the Grievance Committee
- F. Purposes of Hearing
- G. Conduct of Hearing
- H. Hearing Procedure
- I. Disciplinary Action
- J. Appeal
- K. Suspension
- L. Annual report

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\* East Carolina University's policies on non-discrimination in recruitment and hiring are contained in Appendix K of the Faculty Manual. The University of North Carolina Committee of Governors resolution regarding potential favoritism between University employees is contained in Appendix H of the East Carolina University Faculty Manual.

## SECTION I. PREAMBLE

Well-publicized procedures such as these will help to create an atmosphere in which individuals who believe that they are the victims of harassment or discrimination are assured that their grievances will be dealt with fairly and effectively. It is more important still to create an atmosphere in which instances of sexual, racial or ethnic harassment or discrimination, and conflicts of interest, are not tolerated. Toward this end, all members of the academic community should support the principle that sexual, racial, and ethnic harassment or discrimination, and the creation of conflicts of interest represents a failure in ethical behavior and that exploitation of professional relationships will not be condoned. Members of the University Community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of harassment, discrimination or conflict of interest prohibited under the policies stated in the East Carolina University Faculty Manual, Appendices U and V. East Carolina University will take every step to resolve grievances promptly and confidentially. Any act by a University employee or student of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment against a student or an employee for using these procedures responsibly interferes with free expression and openness. Accordingly, members of the University community charged with violations of the University's policies are prohibited from acts of reprisal against their accusers exclusive of actions brought in the North Carolina or United States courts. The University recognizes that the free and unfettered interchange of competing views is essential to the institution's educational mission, and that the peoples' right to express opinions is guaranteed by the United States Constitution.

## SECTION II. GRIEVANCE PROCEDURES

### A. BRINGING COMPLAINTS

Complaints should be brought to the attention of the University Grievance Officer. The Grievance Officer and an alternate will be appointed by the Vice Chancellor for Academic Affairs. The alternate will receive complaints if a conflict of interest might arise were the regular Grievance Officer to do so.

East Carolina University students, faculty members, staff, administrators, or visitors who believe that they are victims of sexual, racial or ethnic harassment or discrimination by East Carolina University faculty members or administrators with faculty status should bring the matter to the attention of the University Grievance Officer. Students, faculty members, staff, or administrators wishing to make a complaint of a conflict of interest should bring this to the attention of the Grievance Officer. Complaints should be presented as promptly as possible after the alleged incident occurs.

Every university employee has the responsibility to refer members of the university community who believe they have been subjected to sexual, racial or ethnic harassment or discrimination by East Carolina University Faculty members or by administrators with faculty status to the University Grievance Officer. A complaint is actionable at any time during which the accused persons are employees of East Carolina University. Prompt reporting of sexual, racial, or ethnic harassment or discrimination is strongly encouraged.

### B. ADVICE AND SUPPORT

Any member of the university community or visitor who believes that she or he has been subjected to sexual, racial or ethnic harassment or discrimination by an East Carolina University faculty member, or by an administrator holding faculty status should discuss her or his situation with the University Grievance Officer. The Grievance Officer will make every attempt to preserve the confidentiality of such discussions and

will inform complainants seeking advice that their identity can be kept confidential during the Level One reporting and complaint process. The Grievance Officer shall listen to and discuss the complaint with the complainants, will inform them of all available options, and will encourage the complainants to make personal records of all events relevant to the complaint. If a satisfactory solution is not reached through Level One grievance procedures, the complainants may initiate Level Two grievance procedures. The Grievance Officer forwards Level Two complaints to the Harassment and Discrimination Grievance Committee.

The Grievance Officer will provide support to the complainants throughout the resolution process, explaining the complainants' rights and procedural options, as well as the possible outcomes of these options. The Grievance Officer will locate alternate housing if requested for students living in University housing, will accompany the complainants through the University's Level One and Level Two procedures if the complainants have decided to pursue such procedures, unless the complainants request otherwise.

Witnesses to harassment or discrimination also are encouraged to seek advice from the Grievance Officer of how best to support someone subjected to harassment or discrimination.

#### C. LEVEL ONE GRIEVANCE PROCEDURES

C-1. Verbal (in person) or written and signed complaints:

Level One grievance procedures must be executed prior to initiating Level Two grievance procedures.

Level One procedures are initiated either:

(a) when complainants communicate complaints verbally and in person to the Grievance Officer, or

(b) when complainants submit written and signed complaints to the Grievance Officer.

The Grievance officer will provide a written statement of a verbal complaint, or a copy or a written and signed complaint to the accused parties (hereafter, the respondents).

#### C-1-A. Level One Procedures for Complaints of Harassment or Discrimination:

During Level One procedures initiated by complaints of harassment or discrimination, if the complainants so request, the complainants names shall be deleted from the copy of the complaints provided to the respondents, and every effort will be made to keep the complainants identity confidential. If the respondents wish to reply to the complainants, the Grievance Officer will communicate this reply. This procedure allowing for a dialogue between complainants and respondents will continue until either the complainants are satisfied with the outcome, or the complainants wish to terminate the Level One grievance procedure.

Complainants terminating Level One procedures initiated by complaints of harassment or discrimination have the option of initiating Level Two procedures.

The Grievance Officer will keep a record of the initial and of any subsequent discussions between the complainants and the Grievance Officer, and of discussions between the Grievance Officer and respondents. This record will include (a) the complainants' description of the alleged events of harassment or discrimination, including times, places, and dates, if possible, (b) the complainants description of the effects, if any, of the alleged harassment or discrimination, (c) the

names of the individuals alleged to have subjected the complainants to harassment or discrimination, and (d) the replies of the respondents, if any. Respondents may review a copy of this record from which the complainant's names have been deleted. The respondents may append to this record a written response to each of the factual claims of the record. In cases where respondents append a written response to the factual claims in the record, this will be noted in the record itself.

If the complainants are unsatisfied after attempting to resolve the grievance through Level One procedures, at the Grievance Officer's discretion the complainants shall be encouraged to submit a written statement of their grievances to the Grievance Officer, and to initiate Level Two grievance procedures. If the complainants are unwilling to submit a written statement after exhausting all means to achieving a Level One resolution of the grievance, no further action shall be taken by the University.

#### C-1-B. Level One Procedures for Complaints of Conflict of Interest

The Grievance Officer, upon receiving a complaint of a conflict of interest, will determine whether evidence exists that sustains the charge that the accused faculty and student are in violation of the University's Conflict of Interest Policy. If it is the Grievance Officer's judgment that the accused faculty member and student are in violation of the University's policy, and the student is enrolled in a class being taught by the faculty member, the faculty member will be given the choice of either having the student withdrawn from the course or undertaking Level Two grievance procedures. If it is the Grievance Officer's judgment that the accused faculty member and student are in violation of the University's policy, and the student is not in the faculty member's class, but is being supervised by the faculty member, the faculty member will be given the choice of either having the student assigned to another supervisor, or undertaking Level Two grievance procedures."

#### C-2. Anonymous written complaints:

Any employee of the University who receives an unsigned written complaint accusing faculty members of sexual, racial, or ethnic harassment or discrimination, or conflict of interest, immediately will forward the complaint to the Grievance Officer. The Grievance Officer will notify the faculty members (respondents) of the complaint, and will seek to establish whether there are any prima-facie reasons to believe that the complaint is well-founded. If, in the judgment of the Grievance Officer, there are prima-facie reasons to believe that the complaint is well founded, the Grievance Office may investigate the complaint further, and in any case shall do so if so requested by the respondent.

The Grievance Officer will keep a record of these proceedings. This record will include (a) the anonymous written complaint, (b) the reply to this complaint, if any, by the respondent, and (c) any findings believed by the Grievance Officer to bear on the veracity of the anonymous complaint. Respondents may review a copy of this record. The respondents may append to this record a written reply to each of the factual claims of the record. In cases where respondents append a written response to the factual claims in the record, this will be noted in the record itself. The record may be forwarded to the Vice Chancellor for Academic Affairs at the discretion of the Grievance Officer, or at the request of the respondent. The Vice Chancellor for Academic Affairs shall determine whether a given record shall be included in the respondent's personnel file. A respondent may appeal to the Chancellor the Vice Chancellor's decision to include in the respondent's personnel file the record of the Grievance Officer's investigation of an anonymous complaint.

#### D. LEVEL TWO GRIEVANCE PROCEDURES

Level Two grievance procedures are initiated at the request of complainants and require that complainants submit written complaints to the Grievance Officer. Written complaints submitted to the Grievance Officer by the complainants will contain (at least) the following: (a) the complainants' description of the alleged events of harassment or discrimination, including times, places, and dates, if possible. (b) The complainants description of the effects, if any, of the alleged harassment or discrimination. (c) The names of the individuals alleged to have subjected the complainants to harassment or discrimination. (d) The names of the complainants. (e) The signatures of the complainants. (f) The signature of the Grievance Officer, with the date of receipt of the complaint.

Within five working days of receiving written and signed grievances, the Grievance Officer will supply the respondents with copies of the complaints brought against them. When the identity of the complainants has been made known to the respondents, every effort will be made to protect the complainants from retaliatory action by the respondents.

D-1. If no previous attempt at a Level One resolution of the grievance has been made, within five working days of providing the respondents with a copy of the complaints against them, the Grievance Officer will initiate steps to affect a Level One resolution of the grievance acceptable to both parties. If then complainants remain unsatisfied with the attempt to affect a Level One resolution after fifteen working days from submitting their written grievance, they will indicate this in writing to the Grievance Officer. Within five working days after receiving such notification from complainants, the Grievance Officer will submit the notification and the complainants' original written grievance to the Chair of the Harassment and Discrimination Grievance Committee.

D-2. If a Level One resolution was attempted prior to the submission of a written grievance by the complainant, within five working days of receiving written notification from complainants that they are unsatisfied with attempts to affect a Level One resolution of their complaints, the Grievance Officer will submit the grievance to the Chair of the Harassment and Discrimination Grievance Committee.

All communications pertaining to sexual, racial or ethnic harassment or discrimination, or conflict of interest cases are documented by the Chair of the Harassment and Discrimination Grievance Committee. Such records include, when appropriate, the following: copies of all written communication, the time, date, names of participants, and content of any interaction or meetings held with regard to a Level Two harassment or discrimination case, a summary of the course of action, and the findings of the Committee.

#### E. COMPOSITION OF THE HARASSMENT AND DISCRIMINATION GRIEVANCE COMMITTEE

The Harassment and Discrimination Grievance Committee (hereafter, "the Committee") ordinarily shall be composed of five faculty members and five alternates each of whom is a permanently tenured voting faculty member holding no administrative title.\* At least two of the regular members and two alternates will be female or of minority status. The Chancellor may appoint up to two additional faculty members to the Committee for the duration of a specific hearing in order to insure that a grievance

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\* Hereinafter, the term "administrative title" refers to appointment as department chair in a professional school, unit administrator, dean, assistant or associate dean, vice chancellor, assistant or associate vice chancellor, chancellor, assistant or associate chancellor.

brought by a woman is heard by a committee containing at least two women, or to insure that a grievance brought by a minority is heard by a committee containing at least two minority faculty members. The initial election of members and alternates to the Committee shall take place at the Faculty Senate meeting immediately after this provision is adopted. The Committee on Committees will nominate a slate of candidates to the Faculty Senate. Members of the Faculty Senate may nominate candidates from the floor of the Faculty Senate. At the initial election, the Faculty Senate will elect two members and two alternates to one-year terms, two members and two alternates to two-year terms, and one member and one alternate to a three year term. When these and successive terms expire, members and alternates on the Committee shall be elected for two-year terms. Elections will be held yearly at the second regular meeting of the Faculty Senate. Members of the Committee whose terms have expired are ineligible for membership on the committee for a period of three years after the expiration of their terms. Members resigning between elections will be replaced by alternates chosen in alphabetical order, consistent with maintaining two women or minority faculty members on the Committee. If at anytime between elections the number of alternates falls below two due to alternates replacing members who have resigned from the Committee, the Committee on Committees will nominate candidates for the alternate positions. Members of the Faculty Senate may nominate candidates from the floor of the Faculty Senate. The Senate will elect new alternates at the first regular Faculty Senate meeting subsequent to the number of alternates falling below two.

Upon organization, the members of the Committee shall elect a chair and a secretary. A quorum for the Committee of five to seven members during any hearing shall consist in five members present. Should fewer than five Committee members be present at the beginning of a hearing, the Committee shall elect a replacement from the alternates. This alternate shall serve for the duration of the hearing. Meetings of the committee shall be governed by the latest edition of Robert's Rules of Order.

It is the responsibility of the Committee to hear grievances of sexual, racial, or ethnic harassment or discrimination, and cases of conflict of interest brought in writing against East Carolina University faculty members and administrators with faculty status only after Level One procedures have, in the view of the complainants, failed to result in a satisfactory resolution of grievances.

When the Committee is convened to consider a grievance, those Committee members who hold an appointment in the faculty member's academic unit, those who reasonably expect to be called to provide evidence during the hearing, and those who have a conflict of interest are disqualified from participations in the hearing. In addition, both complainants and respondents may disqualify one member of the Committee without cause. If any members of the Committee are disqualified, the remaining members will elect replacements from the alternates consistent with the requirement that at least two members of the Committee be women or of minority status.

#### F. PURPOSES OF HEARING

The purposes of a hearing are (i) to render findings of facts and conclusions(s) as to whether evidence presented to the Harassment and Discrimination Grievance Committee during the hearing sustains the complainants' allegations against the respondents, and (ii) to communicate in the Committee's report to the Chancellor the Committee's finding and the reasons that, in the Committee's judgment, support this finding. Given the avenues of appeal provided to faculty members in Appendix D of the East Carolina University Faculty Manual and in Chapter VI. of the Code of the University of North Carolina, actions by the University based upon the findings of the Grievance Committee are final

only when the Chancellor renders her or his opinion, and the respondents fail to challenge either the Committee's findings or the Chancellor's concurrence or actions based on the Committee's findings in the manner provided in Sections V. and VII. of Appendix D of the Faculty Manual.

#### G. CONDUCT OF HEARING

It is important to note at the outset that in cases where the Grievance Committee's findings constitute part or all of the basis for a faculty member's being reduced in rank, suspended, or terminated from employment, the faculty member can require a hearing before the Due Process Committee. A hearing before the Due Process Committee affords faculty members the right to be represented by attorneys who participate in the hearing procedure.

Similarly, in cases where the Grievance Committee's are part of all of the basis for the Chancellor's taking disciplinary actions against a faculty member that do not include reduction in rank, suspension, or termination of employment, the faculty member has the right to a hearing before the Faculty Affairs Committee.

The hearing before the Grievance Committee shall be conducted in private. Attendance at the hearing is limited to: members of the Committee; the complainants and one person (counsel of their choosing) who may advise the complainants but shall not take an active part in the proceedings; the respondents and one person (counsel of their choosing) who may advise the respondents but shall not take an active part in the proceedings. Witnesses shall not be present throughout the hearing, but will be available at a convenient location, and will be called to appear before the Committee at times specified by the Committee. Any witnesses willing to testify who were made known to the Committee either by the complainants or by the respondents will be allowed to testify before the Committee. Any person requested by a member of the Committee and willing to testify will be allowed to testify before the Committee. Any other person who of her or his own initiative asks to be allowed to testify before the Committee will be allowed to do so if this is acceptable to the majority of the members of the Committee.

The Committee may conduct its own inquiry, call witnesses, seek advice and gather whatever relevant information it deems necessary to assist it in reaching a determination as to the merits of the complainants' allegations against the respondents. In making its determination, the Committee shall consider only such evidence as is presented during the hearing. The Committee may use its own judgment in deciding the admissibility and/or relevance of any testimony of any person before the Committee, and the admissibility and/or relevance of any evidence whatsoever.

The complainants and respondents will be invited to appear jointly before the Committee. Witnesses recommended by either party, called by the Committee, or who come forward of their own initiative and are accepted by the majority of the Committee members, will be allowed to appear before Committee.

#### H. HEARING PROCEDURE

Within four working days of receiving a complaint from the Grievance Officer, the Committee chair shall notify respondents by registered mail, return receipt requested, of the time and place the Committee will convene and shall provide respondents with a copy of the complaint against them.\* The Committee shall initiate a hearing no later than

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\* The office of the Vice Chancellor for Academic Affairs shall provide secretarial support to the committee.

thirty working days after the date notification was received by respondents. Complainants or respondents may request in writing a thirty day postponement of the Hearing. The postponement shall be granted if a majority of the Committee agrees that exceptional circumstances justify postponement. Having set a date, time and place for the hearing, the Committee must within twenty-five working days of the hearing notify the complainants, respondents, witnesses and Grievance Officer of the time, date, and place of the hearing.

Fifteen working days prior to the Committee's convening, complainants and respondents shall identify in writing individuals who may provide evidence to the Committee, and shall provide the Committee with any written or other material they wish entered as evidence. Ten working days prior to the hearing, the Committee shall provide respondents with a copy of the list of witnesses for the complainants, and with a copy of any depositions or other written material, and/or a description of any other evidence the complainants have submitted to the Committee. Seven working days prior to the hearing, the Committee shall provide the complainants with a copy of the list of witnesses for the respondents, and with a copy of any depositions or other written material, and/or a description of any other evidence that respondents have submitted to the Committee. Seven working days prior to the hearing, the Committee shall provide complainants and respondents with a list of any witnesses it presently intends call of its own initiative, with copies of any depositions or other written material it presently intends to enter as evidence of its own initiative, and with descriptions of any other material it presently intends to enter as evidence of its own initiative. At any time prior to the presentation of closing statements by complainants and respondents, complainants and respondents may request in writing that the Committee allow new witnesses to testify, or new evidence be submitted to the Committee. Such requests shall be granted if they are acceptable to a majority of the Committee. When the Committee votes to accept new witnesses or evidence, the names of these witnesses and/or copies or descriptions of evidence shall be supplied to the complainants or respondents as soon as possible.

The hearing shall begin with an opening statement by the Chair of the Committee. This statement shall identify the purpose of the hearing, the contents of the complaint, the identity of complainants, respondents, and witnesses to be called, and the procedures to be followed during the hearing. The Committee shall specifically note that only testimony and other information clearly bearing on the grievance at hand shall be admissible as evidence. It shall be the Chair's responsibility to reject immediately, stop the presentation or introduction of, or question the relevance of information having no clear bearing on the grievance. However, at any time during a hearing the Committee may, by a majority vote, override the Chair's decision regarding admissibility and/or relevance of testimony, written evidence, or other material presented to the Committee. It shall also be the chairperson's responsibility to maintain control of the Hearing so that an orderly exchange of information can be accomplished.

Following the opening statement by the Committee Chair, the Committee shall then call upon both parties to present their opening statements, beginning with the complainants. After both parties have presented her or his opening statements, the Committee shall allow each party, beginning with the complainants, to submit evidence to the Committee. When all material submitted by either party has been entered as evidence, the Committee may enter evidence of its own. After all relevant available materials have been entered as evidence, the Committee shall call witnesses, beginning with witnesses for the complainants. After a witness has presented her or his statement, if any, the Committee may

question the witness. After the Committee has exhausted its initial questions for the witness, the complainants, and then the respondents may further question the witness. After this questioning, the Committee may ask further questions of the witness. When neither the complainants, respondents, nor the Committee has further question for a witness, that witness shall be dismissed. If deemed appropriate by a majority of the Committee, dismissed witnesses may be recalled. After all witness have been dismissed, members of the Committee may direct questions to complainants and respondents. Complainants and respondents may direct questions to the members of the Committee, to complainants, or to respondents. Complainants and respondents may present rebuttal to any and all depositions, written documents and other evidence submitted to the Committee. When all witness have been dismissed, and the Committee has no further questions for either complainants or respondents, and neither party has any further questions for one another or for the Committee, each party shall be allowed to present a closing statement, beginning with the complainants. After both parties have made closing statements, the Committee shall dismiss both parties. At this time either the Committee shall begin its deliberations on whether it sustains or does not sustain the grievance brought before it, or will adjourn for no more than two working days, at which time it will meet to determine whether it sustains or does not sustain the grievance.

In reaching its decisions the Committee shall consider only the testimony and other materials entered and/or presented as evidence during at the hearing.

Determination by the Committee that sustains the grievance of sexual, racial, or ethnic harassment or discrimination, or conflict of interest brought before the Committee requires a three-fifths vote by members of the Committee. (The exact vote of the Committee will be reported to the Chancellor along with the Committee's summary stating the basis for its determination.)

#### I. DISCIPLINARY ACTION

Within ten working days of the Committee's reaching a determination to sustain or not to sustain a grievance of sexual, racial, or ethnic harassment or discrimination, or conflict of interest against East Carolina University faculty members, or administrators with faculty status, the Committee's determination and a summary of the basis for its decision will be communicated in writing to the complainants, the respondents, the Grievance Officer, the relevant unit administrator, the University attorney, and the Chancellor.

Within thirty working days of receiving the Committee's report, the Chancellor shall notify the complainants, respondents, Grievance Officer, relevant unit administrator, and University attorney of the Chancellor's concurrence or nonconcurrence with the findings of the Committee, and, if appropriate, of the disciplinary action, if any, he is taking against the respondents.

#### J. APPEAL

If the Committee does not sustain the complainants' grievance, and the Chancellor concurs with the Committee's findings, the Chancellor's decision shall be final.

If the Committee sustains the complainants grievance, and the Chancellor does not concur with the Committee, the complainants may appeal the Chancellor's decision to the East Carolina University Board of Trustees.

If the Chancellor sustains the complainants' grievance:

- a. when the disciplinary actions taken by the Chancellor, if any, do not include reduction in rank, suspension, or dismissal, the respondents may request a hearing before the Faculty Affairs Committee, in accordance with the procedures specified in Appendix D of the East Carolina University Faculty Manual;
- b. when the disciplinary actions taken by the Chancellor, if any, include reduction in rank, suspension, or dismissal, the Chancellor or his delegate shall send the faculty member by register mail, return receipt requested, a written statement of the disciplinary actions taken by the Chancellor. The statement shall include notice of the faculty members right, upon request, to both written specification of the reasons for the intended action and to a hearing before the Due Process committee, in accordance with the procedures specified in Appendix D of the East Carolina University Faculty Manual.

K. SUSPENSION

When a faculty member has been notified of the institution's intention to discharge him or her as part of the disciplinary action taken by the Chancellor in response to a grievance brought before the Harassment and Discrimination Grievance Committee, the Chancellor may suspend him or her at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be with full pay.

L. ANNUAL REPORT

Each July the Harassment and Discrimination Grievance Committee will publish an annual report detailing statistics about the complaints received and processed in the previous year. The statistics include but are not limited to:

- a) The total number of complaints received.
- b) A summary of the types and frequency of complaints.
- c) A breakdown of the number of Level Two complaints resolved informally vs. formally.
- d) Disciplinary actions taken by the University.

The annual report is available on request at the Faculty Senate office, and is distributed to every member of the faculty and administration.

**FACULTY SENATE ANNOUNCEMENTS**  
**MARCH 19, 1991**

1. Dr. Eakin is in Washington, D.C. today attending several Alumni Chapter meetings.
2. Dr. Matthews is in Atlanta, Georgia today attending the 1991 American College Personnel Association (ACPA) convention.
3. The Chancellor has approved resolutions #91-07, 91-08, 91-10, 91-11, 91-12.
4. Correction to the February 19, 1991, Full Faculty Senate Minutes:  
On page 4, line 16, the word "test" should be changed to "instrument". The sentence will then read: "In answer to the question as to whether the new instrument might contaminate a faculty member's evaluation it was made clear that it will not be used for evaluation on the trial run, but the faculty member will see the results of his/her evaluation."
5. With the consent of the Senate, Ken Wilson, Chair of the Educational Policies and Planning Committee will present a report following the Curriculum Committee's Report.
6. The Chancellor's Committee on the Status of Women will present a workshop designed to help individuals deal with the promotion and tenure process through good planning and communication. The workshop will be held on Monday, March 25, 1991, from 1:00 - 5:00 in the Multi-Purpose Room at Mendenhall. All tenure-track faculty members are invited to attend.
7. The deadline for submission of course proposals to be considered by the Curriculum Committee and passed by the Faculty Senate during this academic year will be Friday, March 22, 1991.
8. In the Fall of 1991, the United States celebrates the 200th. anniversary of the ratification of our Bill of Rights. To commemorate this event, the ECU Committee on the Bicentennial of the Constitution and the ECU Chapter of the Honor Society of Phi Kappa Phi are pleased to announce a University Symposium entitled "The Bill of Rights at 200." The Symposium, scheduled for mid-November 1991, will include presentations by ECU faculty, students, and distinguished guest speakers. ECU Faculty and students are invited to submit papers for this symposium on any aspect of the Bill of Rights. Deadline for receipt of papers is June 15, 1991. For further information, please contact George Broussard (Music), John Moskop (Medicine), or Hugh Wease (History).
9. Academic, Appellate, and Senate Committee Chairs are reminded that Committee Annual Reports are due into the Faculty Senate Office by Wednesday, May 1, 1991.
10. A TIAA-CREF Representative will be on campus the following days to discuss Supplemental Retirement Annuities (SRAs):  
Wednesday, March 20, 1991, Room #242, Mendenhall Student Center  
Thursday, March 21, 1991, Room #AD-43, Brody Building  
If you are currently a TIAA-CREF participant, please bring your latest quarterly transaction report and any other pertinent information to the meeting.