

PLEASE POST FOR ALL FACULTY TO READ!

**EAST CAROLINA UNIVERSITY
FACULTY SENATE**

The ^{seventh} ~~fifth~~ regular meeting of the 1993/1994 Faculty Senate will be held on Tuesday, March 29, 1994, at 2:10 in the Mendenhall Student Center Great Room.

AGENDA

- I. Call to Order
- II. Approval of Minutes
February 22, 1994
- III. Special Order of the Day
 - A. Roll Call
 - B. Announcements
 - C. Marlene Springer, Vice Chancellor for Academic Affairs
 - D. James Hallock, Vice Chancellor for Health Sciences
 - E. Ernie Schwarz, Chair
University Athletic Committee and Academic Review Subcommittee
 - F. Bob Thompson, Director of Planning and Institutional Research
Strategic Planning Process
 - G. Approval of the Spring 1994 Graduation Roster
- IV. Unfinished Business
- V. Report of Committees
 - A. Committee on Committees, Brian Harris
First Reading of Revised Academic Committee Charges (Please refer to attachment 1 of the February 22, 1994, agenda for the proposed charges.) Attached are further revisions to those charges (attachment 1).
 - B. Calendar Committee, Ruth Jones
Proposed Summer 1996, Fall 1996, and Spring 1997 University Calendars (attachment 2).
 - C. Educational Policies and Planning Committee, Ken Wilson
Comments concerning the following Requests for Authorization to Plan New Degree Programs (no action necessary).
 1. Letters (English, General), API #1599
 2. Educational Leadership, API # 0893
 - D. Faculty Governance Committee, Tinsley Yarbrough
 1. Revised *Appendix D. Tenure and Promotion Policies and Procedures of East Carolina University* (attachment 3).
 2. Recommendation concerning a proposed *Appendix Y. Grievance Policies and Procedures of East Carolina University* (attachment 4).
 - E. Honors Program Committee, Claudia Melear
Proposed Four-Year Honors Program (attachment 5).

COMMITTEE ON COMMITTEES REPORT

FURTHER PROPOSED REVISIONS TO ATTACHMENT 1. OF THE FEBRUARY 22, 1994, FACULTY SENATE MEETING AGENDA

ACADEMIC COMMITTEE CHARGES

Admissions and Recruitment

in 4.A. Committee Responsibilities, reword the last sentence in 3. to read *"Emergency appeals for admission through the University College which cannot be heard at a scheduled meeting of the committee will be settled by the office of Undergraduate Studies in consultation with, and with the approval of, the chair of the committee. The effect from such decisions will be restricted to one semester."*

Continuing Education

in 4.A. Committee Responsibilities, reword 1. to read *"The committee considers program quality, faculty, student services, support services, and policies and future directions relating to continuing education and summer school."*

Faculty Governance

in 4.A. Committee Responsibilities, reword 2. to read *"The committee considers matters relating to Appendix C. Personnel Policies and Procedures for the Faculty of East Carolina University, Appendix L. East Carolina University Code, and other governance documents not specified in other committee charges."*

General Education

in 4.A. Committee Responsibilities, reword 3. to read *"The committee reviews courses requesting general education credit that have been approved by the University Curriculum Committee and recommends to the Faculty Senate the courses' acceptability for general education credit."*

in 4.B. To Whom The Committee Reports, reword the third sentence to read *"The committee makes recommendations regarding courses requesting general education credit to the Faculty Senate."*

in 4.D. Power of the Committee to Act Without Faculty Senate Approval, reword the sentence to read *"The committee is empowered to make recommendations to the University Curriculum Committee on proposed changes in the general education requirements."*

Honors Program

in 4.D. Power of the Committee to Act Without Faculty Senate Approval, delete the first sentence that reads *"The committee is empowered to make recommendations concerning policies, criteria, and designated "Honors Program Graduates."*

Student Scholarships, Fellowships, and Financial Aid

in 4.A. Committee Responsibilities,

reword 1. to read *"The committee recommends policy guidelines for granting scholarships, fellowships, and other financial aid programs."*

reword 2. to read *"The committee recommends recipients of specified student financial aid scholarships."*

reword 3. to read *"The committee keeps up-to-date information on scholarships and fellowships available to students."*

in 4.B. To Whom The Committee Reports, reword the second sentence to read *"The committee recommends recipients of specified student financial aid scholarships to the Director of Financial Aid."*

in 4.D. Power of the Committee to Act without Faculty Senate Approval,
delete the first sentence that reads *"The committee is empowered to make recommendations with respect to policy considerations in the granting of scholarships, fellowships, and financial aid."*

reword the second sentence to read *"The committee is empowered to make recommendations regarding the granting of specified student financial aid scholarships."*

CALENDAR COMMITTEE REPORT

PROPOSED SUMMER 1996, FALL 1996, AND SPRING 1997 UNIVERSITY CALENDARS

SUMMER SESSION 1996

FIRST TERM

(Actual class days: 5 Mondays, 5 Tuesdays, 5 Wednesdays, 5 Thursdays, 5 Fridays, 1 day for Registration, 1 day for Final Exams)

March 15, Friday	Last day to apply for admission to Graduate School for first summer term
May 10, Friday	Schedules canceled for all who have not paid fees by 4:00 P.M.
May 13, Monday	Registration and schedule changes
May 14, Tuesday	Classes begin; late registration; schedule changes
May 15, Wednesday	Last day for late registration and schedule changes (drop and add) for first term
May 16, Thursday	Last day for schedule changes (add only)
May 27, Monday	Last day for undergraduate students to drop term-length courses or withdraw from school without grades. Block courses may be dropped only during the first 40% of their regularly scheduled class meetings.
June 11, Tuesday	Last day for graduate students to drop courses without grades
June 17, Monday	Classes end
June 18, Tuesday	Final examinations

SUMMER SESSION 1996

SECOND TERM

(Actual class days: 5 Mondays, 5 Tuesdays, 5 Wednesdays, 5 Thursdays, 5 Fridays, 1 day for Registration, 1 day for Final Exams)

May 1, Wednesday	Last day to apply for admission to Graduate School for second summer term
June 18, Tuesday	Schedules canceled for all who have not paid fees by 4:00 P.M.
June 19, Wednesday	Registration and schedule changes
June 20, Thursday	Classes begin; late registration; schedule changes
June 21, Friday	Last day for late registration and schedule changes (drop and add) for second term
June 24, Monday	Last day for schedule changes (add only)
July 3, Wednesday	Last day for undergraduate students to drop term-length courses or withdraw from school without grades. Block courses may be dropped only during the first 40% of their regularly scheduled class meetings.
July 4, Thursday	State Holiday (no classes)
July 15, Monday degree	Last day to submit thesis to Graduate School for completion of in the summer session
July 19, Friday	Last day for graduate students to drop courses without grades
July 25, Thursday	Classes end
July 26, Friday	Final examinations

CALENDAR COMMITTEE REPORT
PROPOSED SUMMER 1996, FALL 1996, AND SPRING 1997
UNIVERSITY CALENDARS
Attachment 2. (continued)

(2)

FALL SEMESTER 1996

(Actual class days: 14 Mondays, 15 Tuesdays, 15 Wednesdays, 14 Thursdays, 14 Fridays, 14 Saturdays)

June 3, Monday	Last day to apply for admission to Graduate School for the fall semester
August 2, Friday	Last day to pay or secure fall semester fees without penalty
August 19, Monday	Faculty meetings; schedules canceled for all who have not paid fees by 4:00 P.M.
August 20, Tuesday	Registration and schedule changes
August 21, Wednesday	Class begin; late registration; schedule changes
August 27, Tuesday	Last day for late registration and schedule changes (drop and add)
August 28, Wednesday	Last day for schedule changes (add only)
August 29, Thursday	Last day to apply for graduation in December
September 2, Monday	Labor Day holiday (no classes)
October 2, Wednesday	Last day for undergraduate students to drop a term-length courses or withdraw from school without grades. Block courses may be dropped only during the first 40% of their regularly scheduled class meetings.
October 10-13 Thursday - Sunday	Fall break
October 14, Monday	8:00 A.M. - Classes resume
November 11, Monday	Early registration for spring semester 1997 begins
November 15, Friday	Last day to remove incompletes given during spring and/or summer session 1996
November 25, Monday	Last day for graduate students to drop courses without grades
November 26, Tuesday	Last day to submit thesis to Graduate School for completion of degree in this term
November 27-December 1 Wednesday - Sunday	Thanksgiving break
December 2, Monday	8:00 A.M. - classes resume
December 7, Saturday	Classes end
December 7, Saturday	Commencement
December 9, Monday	Regular exams begin
December 14, Saturday	7:00 P.M. Exams for fall semester close

EXAMINATION SCHEDULE
FALL SEMESTER 1996

There will be no departure from the printed schedule, except as noted below: All examinations for one credit hour courses will be held during the last regular meeting of the class. Classes meeting more than three times a week will follow the examination schedule for MWF classes.

Examinations in undergraduate courses meeting at night will be held at 7:30-9:30 p.m. on the first night of their usual meeting during the examination period (December 9 - December 14). Graduate courses meeting at night will hold their examination during their regular class time the first class night during the examination period. Courses meeting on Saturday morning will have the final examination on Saturday, December 14, at the usual hour at which the class meets.

Those classes beginning between hours or meeting more than one hour will have the final examination at the time scheduled for the hour during which the class begins (e.g., a 9:30-11:00 a.m. TTH class will meet the examination schedule of the 9:00 a.m. TTH class; an 8:00-10:00 a.m. MWF class will meet the examination schedule of the 8:00 a.m. MWF class.)

Common examinations will be held according to the following schedule:

Chemistry 0150,1120,1150,1160,2620	5:00-7:00 P.M.	Monday, December 9,
French 1001,1003, Spanish 1001, German 1001	5:00-7:00 P.M.	Tuesday, December 10,
Physics 1251,1261, Mathematics 1065	5:00-7:00 P.M.	Wednesday, December 11,
French 1002, Spanish 1002,1003, German 1002	5:00-7:00 P.M.	Thursday, December 12,
Economics 1000,2113,2133	5:00-7:00 P.M.	Friday, December 13,
Chemistry 1121,1151,1161,2621	5:00-7:00 P.M.	Saturday, December 14,

Times Class Regularly Meets

Time and Day of Examination

8:00 MWF	8:00 - 10:00, Friday, December 13
8:00 TTh	8:00 - 10:00, Saturday, December 14
9:00 MWF	8:00 - 10:00, Monday, December 9
9:00 TTh	8:00 - 10:00, Tuesday, December 10
10:00 MWF	8:00 - 10:00, Wednesday, December 11
10:00 TTh	8:00 - 10:00, Thursday, December 12
11:00 MWF	11:00 - 1:00, Friday, December 13
11:00 TTh	11:00 - 1:00, Saturday, December 14
12:00 MWF	11:00 - 1:00, Monday, December 9
12:00 TTh	11:00 - 1:00, Tuesday, December 10
1:00 MWF	11:00 - 1:00, Wednesday, December 11
1:00 TTh	11:00 - 1:00, Thursday, December 12
2:00 MWF	2:00 - 4:00, Friday, December 13
2:00 TTh	2:00 - 4:00, Saturday, December 14
3:00 MWF	2:00 - 4:00, Monday, December 9
3:00 TTh	2:00 - 4:00, Tuesday, December 10
4:00 MWF	2:00 - 4:00, Wednesday, December 11
4:00 TTh	2:00 - 4:00, Thursday, December 12

**CALENDAR COMMITTEE REPORT
PROPOSED SUMMER 1996, FALL 1996, AND SPRING 1997
UNIVERSITY CALENDARS
Attachment 2. (continued)**

(3)

SPRING SEMESTER 1997

(Actual class days: 14 Mondays, 15 Tuesdays, 14 Wednesdays, 14 Thursdays, 13 Fridays, 14 Saturdays. Effective class days: 14 Mondays, 14 Tuesdays, 14 Wednesdays, 14 Thursdays, 14 Fridays, 14 Saturdays)

October 15, Tuesday	Last day to apply for admission to Graduate School for the spring semester
December 6, Friday	Last day to pay or secure spring semester fees without penalty
January 9, Thursday	Schedules canceled for all who have not paid fees by 4:00 P.M.
January 10, Friday	Registration and schedule changes
January 13, Monday	Classes begin; late registration; schedule changes
January 17, Friday	Last day for late registration and schedule changes (drop and add)
January 20, Monday	State Holiday (no classes)
January 21, Tuesday	Last day for schedule changes (add only)
January 22, Wednesday	Last day to apply for graduation in May
February 24, Monday	Last day for undergraduate students to drop term-length courses or withdraw from school without grades. Block courses may be dropped only during the first 40% of their regularly scheduled class meetings.
March 9-16 Sunday - Sunday	Spring break
March 17, Monday	8:00 A.M. - Classes resume
March 25, Tuesday	State holiday makeup day (Classes which normally would have met on Friday, March 28, will meet on this day so that there will effectively be the same number of Tuesdays and Fridays as every other weekday during the semester; Tuesday classes will not meet.)
March 28, Friday	State holiday (no classes)
March 31, Monday	Early registration for summer sessions and fall semester
April 8, Tuesday	Last day to remove incompletes given during fall semester 1996
April 17, Thursday	Last day for graduate students to drop courses without grades
April 18, Friday	Last day to submit thesis to Graduate School for completion of degree in this term
April 29, Tuesday	Classes end
April 30, Wednesday	Reading day
May 1, Thursday	Regular exams begin
May 8, Thursday	7:00 P.M. - Exams for spring semester close
May 10, Saturday	Commencement

EXAMINATION SCHEDULE
SPRING SEMESTER 1997

There will be no departure from the printed schedule, except as noted below: All examinations for one credit hour courses will be held during the last regular meeting of the class. Classes meeting more than three times a week will follow the examination schedule for MWF classes.

Examinations in undergraduate courses meeting at night will be held at 7:30-9:30 p.m. on the first night of their usual meeting during the examination period (May 1 - May 8). Graduate courses meeting at night will hold their examination during their regular class time the first class night during the examination period. Courses meeting on Saturday morning will have the final examination on Saturday, May 3, at the usual hour at which the class meets.

Those classes beginning between hours or meeting more than one hour will have the final examination at the time scheduled for the hour during which the class begins (e.g., a 9:30-11:00 a.m. TTH class will meet the examination schedule of the 9:00 a.m. TTH class; an 8:00-10:00 a.m. MWF class will meet the examination schedule of the 8:00 a.m. MWF class.)

Common examinations will be held according to the following schedule:

French 1001,1003, Spanish 1001, German 1001	5:00-7:00 P.M.	Thursday, May 1
Physics 1251,1261, Mathematics 1065	5:00-7:00 P.M.	Friday, May 2
French 1002, Spanish 1002,1003, German 1002	5:00-7:00 P.M.	Monday, May 5
Economics 1000, 2113, 2133	5:00-7:00 P.M.	Tuesday, May 6
Chemistry 1121,1151,1161, 2621	5:00-7:00 P.M.	Wednesday, May 7
Chemistry 0150, 1120, 1150, 1160, 2620	5:00-7:00 P.M.	Thursday, May 8

Other examinations will be held on

Times Class Regularly Meets	Time and Day of Examination
8:00 MWF	8:00-10:00, Wednesday, May 7
8:00 TTh	8:00-10:00, Thursday, May 8
9:00 MWF	8:00-10:00, Friday, May 2
9:00 TTh	8:00-10:00, Thursday, May 1
10:00 MWF	8:00-10:00, Monday, May 5
10:00 TTh	8:00-10:00, Tuesday, May 6
11:00 MWF	11:00- 1:00, Wednesday, May 7
11:00 TTh	11:00- 1:00, Thursday, May 8
12:00 MWF	11:00- 1:00, Friday, May 2
12:00 TTh	11:00- 1:00, Thursday, May 1
1:00 MWF	11:00- 1:00, Monday, May 5
1:00 TTh	11:00- 1:00, Tuesday, May 6
2:00 MWF	2:00- 4:00, Wednesday, May 7
2:00 TTh	2:00- 4:00, Thursday, May 8
3:00 MWF	2:00- 4:00, Friday, May 2
3:00 TTh	2:00- 4:00, Thursday, May 1
4:00 MWF	2:00- 4:00, Monday, May 5
4:00 TTh	2:00- 4:00, Tuesday, May 6

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to *Appendix D*
(Additions in **Bold** print.....Deletions in ~~strike-through~~ print)

APPENDIX D of the *Faculty Manual*
Tenure and Promotion and ~~Grievance~~
Policies and Procedures of East Carolina University

~~EAST CAROLINA UNIVERSITY FACULTY MANUAL~~
~~APPENDIX D~~
~~TENURE, PROMOTION, AND GRIEVANCE~~
~~POLIGIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY~~

PROLOGUE: ACADEMIC FREEDOM

Academic freedom, the set of norms and values that protects a faculty member's freedom of intellectual expression and inquiry, is essential to the achievement of knowledge and understanding. East Carolina University supports academic freedom of inquiry, discourse, teaching, research, and publication for all faculty members (see Appendix E of the *Faculty Manual*). East Carolina University shall not penalize or discipline faculty members because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

I. TENURE

~~Tenure is that set of procedural protections designed to insure academic freedom by guarding faculty members against negative consequences of expressing unpopular points of view. Academic tenure refers to the conditions and guarantees that apply to a faculty member's professional employment.~~ Tenure protects a faculty member against involuntary suspension or discharge from employment or reduction in rank except upon specified grounds and in accordance with the procedures provided in Section VI.; or against termination of employment except as provided for in Section VII. During the term of such guarantees, the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty.

A. Tenure While Under Contract to East Carolina University

A faculty member who does not have permanent tenure has the protection of tenure until the expiration of the faculty member's employment contract.

B. Permanent tenure

1. Permanent tenure may be conferred only by action of the President and the Board of Governors of the University of North Carolina, and is always held with reference to employment by East Carolina University rather than to employment by The University of North Carolina. The conferral of permanent tenure is allowed only as the result of the processes enunciated in this document.

2. Conferral of permanent tenure shall be based on the faculty member's

demonstrated a professional competence in teaching, research and creative activity, and service; a potential for future contributions; and the institution's needs and resources. While neither teaching nor research and creative activity nor patient care nor service is the sole measure of a faculty member's competence and contribution, teaching is the first consideration. Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor.

II. FACULTY APPOINTMENTS

A. General Provisions

1. Categories of Appointments

There are three kinds of faculty appointments:

(a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 604C]. Fixed-term appointees do not hold professorial ranks, but are appointed with titles such as lecturer, visiting assistant professor, visiting associate professor, or clinical professor. Fixed-term appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether reemployment ~~an appointment~~ will be offered for a succeeding term (except as specified in Section II.B.1). ~~Fixed-term appointees do not hold a professorial rank, but are appointed with a title such as lecturer, visiting assistant professor, visiting associate professor, or clinical professor.~~

(b) Probationary Appointments and Reappointments. Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, or professor. ~~Probationary appointments and reappointments are without permanent tenure. The granting of a probationary appointment entitles the faculty member to consideration for reappointment. A faculty member who is granted reappointment throughout the entirety of the contractually specified probationary term is entitled to consideration for permanent tenure. Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, or professor. Probationary appointees are entitled to reappointment reviews and, if reappointed throughout the probationary period, are entitled to a tenure review. The timing of these reviews is explained below.~~

(c) Appointments with Permanent Tenure. Appointments with permanent tenure are continuous until retirement, resignation, or removal according to the provisions of Section VI or VII of this document. Appointments with permanent tenure ~~are made~~ may be made at the professorial ranks of assistant professor, associate professor, or professor.

2. Criteria for Initial Appointment and Reappointment

All appointments, including fixed-term appointments, and all reappointments of candidates to probationary-track positions shall be based on assessments of candidates' demonstrated professional competence, potential for future contributions, and the institution's needs and resources.

~~The initial appointment and any reappointment of a candidate to a faculty position shall be based on an assessment of the candidate's demonstrated professional competence, potential for future contributions, and the institution's needs and resources.~~

3. Terms and Conditions for Appointment and Reappointment

The chancellor or the chancellor's designee¹ shall set out in writing, with a copy to the faculty member, the terms and the conditions ~~of each initial appointment and each reappointment.~~ of each appointment, including fixed-term appointments, and each reappointment. Prior to initial appointment, at the beginning of the first term of employment, and in the year of a reappointment or tenure decision, criteria for evaluating faculty performance shall be discussed with the faculty member and a record of the discussion placed in the faculty member's personnel file. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment or reappointment.² The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator.³ Notice of reappointment or non-reappointment to probationary-track persons shall be written. The decision not to reappoint tenure-track faculty shall not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, sex, religion, or national origin; or (3) personal malice.

4. Continued Availability of Special Funding

The appointment or reappointment of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify in writing that continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon continuing availability of such funds. This contingency shall not be included in a faculty member's contract if the faculty member held permanent tenure in the institution on July 1, 1975, and the contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

5. Notice of Resignation

A fixed-term or probationary-term faculty member should provide the unit administrator with 90 days advance notice, in writing, of resignation from employment. A permanently tenured faculty member should provide the unit administrator with 120 days advance notice in writing of resignation from employment. In no case should a resignation occur in mid-semester.

B. Fixed-Term appointments [cf. Special Faculty Appointments, The UNC Code, 604C]

~~Fixed-term appointments~~ These special faculty appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether an appointment will be offered for a succeeding term, except as specified below.

1. Contract and Notice

¹References to the chancellor's designee shall include and be limited to the vice chancellor for academic affairs and the vice chancellor for health sciences.

²The chancellor, in consultation with the office of the Faculty Senate, is responsible for the publication of the *Faculty Manual*. The Senate office shall be responsible for the maintenance of the *Faculty Manual*. The Faculty Manual shall contain the tenure and personnel policies and regulations of East Carolina University, including the complete text of Chapter Six of The Code of The University of North Carolina. The *Faculty Manual* shall be provided to new faculty and changes as they occur shall be distributed to each faculty member.

³With respect to personnel matters relating to Appendix D of the *East Carolina University Faculty Manual*, academic units are defined as departments described in the codes of operation of professional schools, the departments in the College of Arts and Sciences, professional schools without departments, Academic Library Services, and any other units in which faculty appointments are made. In the College of Arts and Sciences and in professional schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.

A contract for a fixed-term appointment shall set forth in writing the beginning and ending dates of the term. This specification of the length of the appointment constitutes full and timely notice of non-reappointment when the term expires. The provisions of 604 A and 602(4) of The Code of The University of North Carolina do not apply to ~~fixed-term appointments~~ **these special faculty appointments**. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether an appointment will be offered for a succeeding term. The faculty member may, however, not earlier than 180 calendar days nor later than 90 calendar days before the current term expires, request in writing a decision whether the unit administrator will recommend another appointment. Within 30 calendar days after receiving such a request, and after consultation with the Unit Personnel Committee, the unit administrator shall communicate in writing to the faculty member a decision whether such a recommendation will be made, and, if so, its terms.

2. Fixed-Term Employment Policy [cf. Special Faculty Appointments, The UNC Code, 604C]

Re-employment of faculty members for fixed-terms in state-funded positions as special faculty appointments when these faculty members are qualified and apply for vacancies in existing tenure-track positions is a misuse of this category of employment and is prohibited.

~~Employment of a faculty member in a fixed term appointment in a state funded position in order to avoid tenure track appointments or the awarding of permanent tenure is a misuse of this category of employment, and is prohibited. Any faculty member employed in a fixed term position shall be evaluated in accordance with the provisions for faculty evaluation contained in Appendix C prior to being re-employed.~~

C. Probationary Appointments

Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, and professor. Persons appointed as instructors shall not be considered for reappointment with permanent tenure until promoted to a higher rank. Persons appointed as assistant professors, associate professors, and professors are eligible for permanent tenure. In accordance with the UNC Code, 604A1, by the expiration of the probationary term, the faculty member either must be notified of the awarding of permanent tenure or must be given twelve months notice that his or her employment will be terminated. **That is, a faculty member who has been notified by the chancellor that permanent tenure will not be granted shall be offered a terminal appointment for one academic year.** A faculty member appointed to an administrative position is eligible for permanent tenure only as a faculty member in one of the professorial ranks. There is no permanent tenure in an administrative position.

1. Probationary Terms

Although the chancellor may recommend that a faculty member be granted permanent tenure at any time, the normal probationary term for the professorial ranks, as established at the time of initial appointment, shall be as follows:

(a) Instructor. The rank of instructor is reserved for persons who lack the qualifications for appointment as assistant professor. Faculty members appointed as instructors are eligible for an initial two-year appointment and one successive reappointment of two years. Instructors promoted to the rank of assistant professor no later than the beginning of the fourth year of employment are eligible for a final two-year probationary appointment in the higher rank.

~~The probationary term is six years, consisting of three successive two-year appointments, with the awarding of the third reappointment being contingent upon promotion to assistant professor no later than the end of the third year of the probationary term. (The rank of instructor is reserved for~~

~~persons who are lacking one of the qualifications for appointment as assistant professor at the time of appointment.)~~

(b) Assistant Professor. The maximum probationary term is six years, consisting of three successive two-year appointments.

(c) Associate Professor. The maximum probationary term is four years, consisting of two successive two-year appointments.

(d) Professor. The probationary term is two years, consisting of one two-year appointment.

All time served in a probationary appointment at East Carolina University must be continuous, excluding any leaves of absence as noted in Section II.C.3. ~~Faculty members who are denied tenure at the end of the second, fourth, or sixth year of the probationary term shall be reappointed for one additional terminal year.~~

2. Reduction of the Normal Probationary Term for Previous Academic Employment

Reduction of the normal probationary term may be granted for previous full-time faculty employment at the time of initial appointment as assistant professor, associate professor, or professor. The granting of such reduction shall require the agreement of the appointee, a simple majority of the Unit Personnel Committee, the unit administrator, the dean, and the appropriate vice chancellor. The maximum reduction at each professorial rank shall be as follows:

(a) For a candidate appointed at the rank of instructor, no reduction is allowed.

(b) For a candidate appointed at the rank of assistant professor, a maximum reduction of three years is allowed.

(c) For a candidate appointed at the rank of associate professor, a maximum reduction of two years is allowed.

(d) For a candidate appointed at the rank of professor, no reduction is allowed.

3. Extensions of the Probationary Term

Leaves from ~~some of~~ all employment obligations (see *Faculty Manual*, Part IV, Leaves of Absence) which are granted to probationary-term faculty may include extension of the length of the probationary term. Extensions of the probationary term must be expressly stated in appointment or reappointment documents or added by a written memorandum of amendment by the unit administrator during the term of an appointment. The probationary term may be extended in increments of one or more academic years: one year for leaves of one or two semesters, two years for leaves of three or four semesters, and so on. All such extensions must be approved in writing by the faculty member, the Unit Personnel Committee, the unit administrator, the dean, the appropriate vice chancellor, and the chancellor or the chancellor's designee.

A probationary-term faculty member who assumes a full-time administrative position for one or more semesters may be granted extensions of the length of the probationary term in the same way.

4. Notice of Reappointment or Nonreappointment

During the second year of continuous service at East Carolina University, no fewer than 180 calendar days of notice shall be given before the employment contract expires. During the third and all succeeding years of continuous service, the faculty

member shall be given not fewer than twelve months notice before the employment contract expires. The notice requirements applicable to the conferral of permanent tenure in the specific academic ranks, as they may be adjusted for prior service, are as follows:

(a) Instructor:

A probationary employee appointed at the rank of instructor and promoted to the rank of assistant professor no later than the ~~end~~ ~~beginning~~ of the ~~third~~ fourth year of the probationary term shall be notified by the end of the sixth year of probationary service. The fourth year of the probationary term shall be the terminal year for a probationary employee appointed at the rank of instructor who is not promoted to the rank of assistant professor no later than the ~~end~~ beginning of the ~~third~~ fourth year of the probationary term.

(b) Assistant Professor:

A probationary employee appointed at the rank of assistant professor with no reduction in the probationary term for prior academic experience shall be notified by the end of the sixth year of probationary service.

A probationary employee appointed at the rank of assistant professor who is granted a one-year reduction in the probationary term shall be notified by the end of the fifth year of probationary service.

A probationary employee appointed at the rank of assistant professor who is granted a two-year reduction in the probationary term shall be notified by the end of the fourth year of probationary service.

A probationary employee appointed at the rank of assistant professor who is granted a three-year reduction in the probationary term shall be notified by the end of the third year of probationary service.

(c) Associate Professor:

A probationary employee appointed at the rank of associate professor with no reduction in the probationary term for prior academic experience shall be notified by the end of the fourth year of probationary service.

A probationary employee appointed at the rank of associate professor who is granted a one-year reduction in the probationary term shall be notified by the end of the third year of probationary service.

A probationary employee appointed at the rank of associate professor who is granted a two-year reduction in the probationary term shall be notified by the end of the second year of probationary service.

(d) Professor:

A probationary employee appointed at the rank of professor shall be notified by the end of the second year of probationary service.

Each Spring semester the unit administrator, in consultation with the Unit Personnel Committee, will write a progress toward tenure letter to each faculty member having a probationary appointment. In the event the Unit Personnel Committee and the unit administrator cannot agree on the contents of the letter, the next higher administrator shall adjudicate the disagreement. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the Unit Personnel Committee and to the next higher administrative level. The unit administrator will discuss the progress toward tenure letter with the faculty member. In the event that the faculty member disagrees with the contents of the progress toward tenure letter, it is the responsibility of the faculty member to make this disagreement known in writing. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the Unit Personnel Committee and to the next higher administrative level.

6. Request for Permanent Tenure Prior to the End of the Probationary Term

During the Spring semester of the academic year, a faculty member who has not completed the probationary term (see Section II.C.1-3) and who requests in writing that consideration be given to conferral of permanent tenure will be considered for permanent tenure during the Fall semester of the next academic year.⁴

D. Initial Appointment with Permanent Tenure

A faculty member whose initial appointment is to a professorial rank with permanent tenure shall be regarded as having permanent tenure until retirement, resignation, or removal according to the provisions of Sections VI or VII of this document.

III. PROMOTION

~~A. Criteria for Promotion~~

Persons holding the professorial rank of instructor, assistant professor, or associate professor may be promoted to the next professorial rank. Promotion shall be based primarily on the faculty member's demonstrated professional competence and achievement (see *Appendix C*, Section IV). ~~The conferral of~~ Promotion is governed by the policies and procedures set forth in Section IV, below. During the Spring semester of the academic year, a faculty member who requests in writing consideration for promotion to the next professorial rank shall be considered for promotion during the Fall semester of the next academic year.⁵

~~B. In Relation to Conferral of Permanent Tenure~~

~~A probationary term faculty member holding the rank of assistant or associate professor may receive permanent tenure without being promoted to the next professorial rank.~~

~~A probationary term faculty member who has not completed the probationary term for consideration for tenure at the next professorial rank may be promoted to that rank without the conferral of permanent tenure.~~

⁴ A faculty member considering such action is encouraged to seek consultation with the Unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for early consideration for permanent tenure, a copy of all documents submitted to support the request and a record of all decisions by the appropriate ~~deliberative body~~ committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor. Because a faculty member will be considered for permanent tenure if he or she reaches the end of the probationary term, denials of requests for permanent tenure made before the end of the probationary term are not subject to appeal.

⁵ A faculty member considering such action is encouraged to seek consultation with the Unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for promotion, a copy of all documents submitted to support the request and a record of all decisions by the appropriate ~~deliberative body~~ committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor.

~~A probationary term faculty member who has completed the probationary term for consideration for tenure at the next professorial rank may not be promoted to that rank without the conferral of permanent tenure.~~

IV. PROCEDURES FOR INITIATION, REVIEW, AND APPROVAL OF APPOINTMENTS, REAPPOINTMENTS, PROMOTIONS, AND THE CONFERRAL OF PERMANENT TENURE

Recommendations for appointments, reappointments, promotion, and the conferral of permanent tenure to faculty are the responsibility of unit committees and the unit administrator. Evaluation of faculty for appointment, reappointment, promotion, and the conferral of permanent tenure shall be initiated by the appropriate unit committee on notice from the unit administrator and higher administrative authority. The appropriate unit committee shall also evaluate faculty for promotion and the early conferral of permanent tenure at the request of the faculty member. Once the evaluation has been completed, the committee's recommendation and the recommendation of the unit administrator shall be forwarded to the next higher administrator above the unit level for initiation of administrative review of the recommendations. The pertinent structures and processes are set forth in this section.

A. Unit Committees⁶

~~Deliberative bodies for these recommendations shall be constituted as follows:~~

1. Tenure Committee

a. Function

The Tenure Committee shall be responsible for making recommendations regarding initial appointments with permanent tenure, reappointments of probationary-term faculty members, and the granting of permanent tenure.

b. Composition

The Tenure Committee shall be composed of the permanently tenured voting faculty of the unit, including those who are on leave yet physically present at the time of the committee's vote, but excluding the unit administrator. (A voting faculty member is a person who holds a full-time faculty position, has regular academic rank, and is in at least the twelfth consecutive calendar month of appointment (~~counting all intervening summer months, if any~~) to the faculty of the unit and who must, except where on leave of absence, be carrying at East Carolina University not less than half the normal teaching/research program as practiced in the unit of appointment.) When a unit has fewer than three permanently tenured 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 ~~deliberative body~~ committee shall be from a list of candidates elected by the permanently tenured and probationary-term faculty of the unit.

2. Promotion Committee

a. Function

The Promotion Committee shall be responsible for making recommendations for promotions in rank.

b. Composition

⁶ Except as provided herein, meetings of the committees ~~deliberative bodies~~ shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*.

The Promotion Committee shall be composed of those permanently tenured and probationary-term voting faculty members who hold rank at least equal to the rank for which the candidate is being considered, but excluding the unit administrator. The composition of the committee shall thus vary with the rank to which a faculty member is being considered for promotion. When a unit has fewer than three permanently tenured or probationary-term faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit shall appoint additional permanently tenured and probationary-term faculty to increase the membership of the ~~deliberative body~~ committee to three, with at least two-thirds of the members being permanently tenured faculty. These appointments to the ~~deliberative body~~ committee shall be from a list of candidates elected by the permanent tenured and probationary-term faculty having rank at least equal to the candidate(s) being considered for promotion.

3. Personnel Committee

a. Function

The Personnel Committee shall be responsible for making recommendations regarding initial probationary appointments and special fixed-term appointments (for other functions of the Personnel Committee, see Section IV.B.).

b. Composition

The Personnel Committee shall number at least three members. As defined by the unit, the Committee shall be composed of some or all of the permanently tenured and probationary-term voting faculty members of the unit, including those who are on leave yet physically present at the time of the committee's vote, but excluding the unit administrator. At least two thirds of the Unit Personnel Committee membership shall be permanently tenured faculty. When there are not a sufficient number of tenured faculty in a unit to satisfy this requirement, the next higher administrative authority above the unit level shall appoint permanently tenured faculty from other units to meet the requirement. When there are not enough permanently tenured faculty members in the unit to satisfy this requirement, additional permanently tenured faculty shall be appointed according to the procedures in Section IV.A.1 above. All other members of the Unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty of the unit.

~~A. Role of the Permanently Tenured and Probationary term Faculty~~

~~Initiation and review of recommendations for appointments, reappointments, promotion, and the granting of permanent tenure at the unit level are primarily the responsibility of the faculty.~~

~~1. On matters pertaining to initial appointments with permanent tenure, reappointments of probationary term faculty members, and the granting of permanent tenure, the deliberative body shall be the permanently tenured voting faculty of the unit, as defined in Appendix L, including those who are on leave yet physically present at the time of the vote, but excluding the unit administrator. When a unit has fewer than three permanently tenured faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty to increase the membership of the deliberative body to three.~~

~~2. On matters pertaining to fixed term appointments and initial probationary appointments, the deliberative body shall be the Unit Personnel Committee, which shall consist of at least three faculty members. The Unit Personnel Committee shall consist of some or all of the permanently tenured and probationary term voting~~

~~faculty of the unit, as defined in Appendix L, including those who are on leave yet physically present at the time of the vote, but excluding the unit administrator.~~

~~At least two thirds of the Unit Personnel Committee shall be permanently tenured faculty.~~

~~3. On matters pertaining to recommendations for promotion in rank, the deliberative body shall be those permanently tenured and probationary term faculty members who hold rank at least equal to the rank for which the candidate is being considered, but excluding the unit administrator.~~

B. Additional Roles of Unit Personnel Committee

In addition to making recommendations to the unit administrator on fixed-term appointments and initial probationary-term appointments ~~{(see Section IV.A.2)}~~, the Unit Personnel Committee has the following responsibilities:

1. Consulting with the unit administrator regarding requests from fixed-term faculty members for information about whether an additional appointment will be recommended (see Section II.B.1).
2. Reviewing requests for reduction in the normal probationary term at the time of initial appointment (see Section II.C.2).
3. Reviewing requests for the extension of the normal probationary term (see Section II.C.3).
4. Consulting with the unit administrator in the preparation of the progress towards tenure letter (see Section II.C.5).
5. Consulting with faculty members who are considering requesting conferral of permanent tenure prior to the end of the probationary term (see Section II.C.6).
6. Consulting with faculty members who are considering requesting promotion (see Section III.A).
7. Producing a list of possible external reviewers and selecting external peer reviewers from lists produced by the Committee and by the candidate (see Section IV.E).
8. Selecting, with the unit administrator, the research and creative activity materials to be sent to external peer reviewers (see Section IV.E).
9. Reviewing materials submitted by faculty members for inclusion in their Personnel Action Dossier; consulting with the unit administrator regarding responses to such materials (see Section IV.F.2.g).

C. Role of the Chair of the Unit Personnel Committee

The chair of the Unit Personnel Committee shall be elected annually by and from the committee's membership. The chair shall preside over all committees ~~{deliberative bodies}~~ making personnel recommendations for the faculty, and may participate in the decisions of any committee ~~{deliberative body}~~ of which the chair is a member. The chair shall be responsible for calling the meetings of such committees ~~{deliberative bodies}~~, obtaining and distributing materials to be used during deliberation of such bodies, insuring that a valid vote has been taken, communicating the results of such votes to the appropriate faculty and to the unit administrator, and performing other duties as designated by the unit ~~{code or by delegation of the faculty}~~.

D. Role of Unit Administrator

The unit administrator serves to provide leadership, support, and guidance to the total functioning of the unit. As indicated at the beginning of this section, ~~in the personnel decisions discussed in this section,~~ the personnel recommendations of the unit administrator shall be forwarded to the next higher administrator along with the recommendation of the appropriate faculty committee ~~as represented by the appropriate deliberative body (see Section IV.A)].~~

The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the Unit Personnel Committee on all personnel actions required or expected, and distributing all personnel documents and materials to the appropriate location. The unit administrator is jointly responsible with the Unit Personnel Committee for preparation of the progress toward tenure letter.

In personnel matters, the unit administrator functions as an administrator rather than a faculty member. Consequently, the unit administrator does not have a faculty vote in personnel matters.

E. External Peer Review for Promotion and the Conferral of Permanent Tenure

External peer review of the quality of the research and creative activity material submitted by the candidate for promotion or conferral of permanent tenure or both will be used by the appropriate ~~committee deliberative body~~ in conjunction with its own evaluation of the material. Qualifications of the reviewers and criteria for their selection are to be determined by the faculty of each unit ~~and included in the unit's code of operations].~~

In the Spring term prior to the academic year in which a promotion or tenure decision is scheduled, the Unit Personnel 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 Personnel Committee's list.

The Unit Personnel Committee shall select a sufficient number of names from the Unit Personnel Committee's list and the candidate's list to insure a minimum of three external reviewers, two from the Unit Personnel Committee's list and one from the candidate's list.

The unit administrator will notify the reviewers that they have been nominated to conduct the review and will ascertain their willingness to serve as reviewers. Selected material with a cover letter prescribed by the appropriate vice chancellor ~~university~~ shall be sent to the reviewers. Correspondence with the reviewers shall be written in neutral terms, serving to neither support nor oppose the candidate. Copies of all correspondence with the reviewers and the reviews shall be made a part of the Personnel Action Dossier (hereinafter, "the dossier") (see Section IV.F.2).

The unit administrator and the Unit Personnel Committee shall select the material from the dossier to be sent to external reviewers. The candidate may include additional published or accepted material if he or she disagrees with the initial selection. Inclusion of such additional items in the materials sent to reviewers shall be noted by memorandum of the unit administrator in the dossier and the candidate's personnel file.

Upon receipt of a review, the unit administrator will place the original review in the candidate's personnel file and copies of the review in the candidate's dossier. The unit administrator shall then notify the members of the appropriate ~~committee deliberative body~~ and the candidate that the review is available.

When fewer than three external reviewers respond, this information, by memorandum from the unit administrator, shall be made a part of the candidate's personnel file and dossier.

F. Documentation for Personnel Actions

1. Employment Applications

Information on job applicants is to be kept in a file available to the appropriate committee ~~{deliberative body}~~ (see Section IV.A).

2. Personnel Action Dossier for Reappointment, Promotion, and Permanent Tenure

The Personnel Action Dossier is a file containing materials for evaluating a faculty member's teaching, research and creative activities, and service. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure in consultation with the unit administrator and the chair of the Unit Personnel Committee. The dossier will be used by the appropriate committee ~~{deliberative body}~~ in making personnel recommendations. ~~{It shall only include materials contained in or referenced in the master personnel files (see Appendix C, Section VI).}~~

~~The unit's code shall include specific requirements for the following components of the dossier.}~~ The dossier shall include ~~{, where appropriate,}~~ the following items:

- a. Written communications with the candidate on progress toward tenure including annual evaluations
- b. A complete resume
- c. Copies of the external peer reviews and a listing of the documents reviewed
- d. Teaching portfolio

If appropriate to the nature of the instruction in a unit, the teaching portfolio shall include the results of the university administered student opinion of instruction survey, including unit and university norms, the results of unit peer review, and other evidence of teaching effectiveness such as classroom observation, analysis of instructional materials, and measures of student achievement over the period of time appropriate to the decision. When a unit has its own formal process of evaluating instruction, results of this process shall be included at least in summary form.

e. Research and creative activity portfolio

The research and creative activity portfolio shall include appropriate evidence of creative activity and copies of all publications over the period of time appropriate to the decision, either in print or accepted for publication. If accepted but not in print, appropriate documentation of acceptance must be included.

f. Service portfolio

The service portfolio shall consist of a summary of all service by the faculty member over the period of time appropriate to the decision.

g. Other material

Other materials may be added to the dossier by the faculty member providing the unit administrator, in consultation with the Unit Personnel Committee, has an opportunity to include a response to such materials. In the event a response is deemed appropriate and the unit administrator and Unit Personnel Committee cannot agree, both may include a response.

G. Initiation of Recommendations

The unit administrator shall give timely notice to the chair of the Unit Personnel Committee when personnel actions ~~procedures~~ are to be initiated.

Faculty recommendations for appointment, reappointment, promotion, and conferral of permanent tenure shall come from the appropriate committee ~~{deliberative body}~~ (see Section IV.A). In the case of appointment recommendations, each member of the appropriate committee ~~{deliberative body}~~ will indicate by secret ballot his or her choice for the appointment. Any candidate who receives a majority vote of the entire membership of the appropriate committee ~~{deliberative body}~~ shall be recommended for appointment.

In the case of reappointment, promotion, and conferral of permanent tenure, each member of the appropriate committee ~~{deliberative body}~~ will indicate by secret ballot his or her vote for or against recommending that the candidate be reappointed, promoted, and/or granted permanent tenure. A majority vote of the entire membership of the committee ~~{deliberative body}~~ for the recommendation shall constitute a recommendation for reappointment, promotion, and/or conferral of permanent tenure. Failure to obtain a majority vote of the entire membership of the appropriate committee ~~{deliberative body}~~ shall constitute a recommendation against reappointment, promotion, and/or the conferral of permanent tenure.

The recommendation of the appropriate committee ~~{deliberative body}~~ shall be communicated by the chair of the Unit Personnel Committee to the unit administrator who will forward the recommendation and the unit administrator's concurrence or non-concurrence to the candidate and to the next higher administrator.

H. Procedure for Concurring Recommendations

If the recommendations of the appropriate committee ~~{deliberative body}~~ and unit administrator agree, the next higher administrator shall either concur or not concur, then notify the unit administrator and the chair of the Unit Personnel Committee of the recommendation and forward all recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation ~~{it}~~ reaches the appropriate vice chancellor.

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 ~~deliberative body~~ of the unit which made the initial recommendation.

If the vice chancellor decides not to recommend a reappointment, promotion, and/or conferral of permanent tenure, he or she shall give the faculty member being considered a simple, written statement of the decision. This decision is final except as it may later be reviewed in accordance with the provisions of Section V or the grievance procedure of Section VIII. If the vice chancellor concurs in a recommendation that will confer permanent tenure, he or she shall forward the recommendation to the chancellor. The chancellor shall consider the recommendation~~s~~ from the vice chancellor to promote and to confer permanent tenure.

If the chancellor concurs in a recommendation to confer permanent tenure, he or she shall consult with the Board of Trustees and, unless dissuaded, forward the recommendation to the President and the Board of Governors for final approval. The chancellor shall submit all recommendations for faculty promotions to the Board of Trustees for final approval unless that Board delegates to the chancellor the authority to give final approval.

If the chancellor decides not to recommend promotion or the conferral of permanent tenure, the chancellor shall give the faculty member being considered a simple, written statement of the decision. This decision is final except as it may be reviewed in accordance with the provisions of Section V or the grievance procedure of Section VIII.

I. Procedure for Non-concurring Recommendations

If the recommendations from the unit administrator and the appropriate committee ~~{deliberative body}~~ disagree, the unit administrator's immediate supervisor shall seek resolution of the disagreement at the unit level. If the unit administrator and the appropriate committee ~~{deliberative body}~~ do not agree, their conflicting recommendations shall be forwarded through each administrative level, together with the recommendation of the administrator at each level, until they reach the appropriate vice chancellor. The personnel action shall then be handled in accordance with the procedures provided in Section IV.H. above.

J. Procedures for Nonconcurrency of a Tenure or Promotion Recommendation by Vote of the Faculty

In the event that the vice chancellor's or chancellor's decision is contrary to the vote of the appropriate committee ~~{deliberative body}~~, the vice chancellor or chancellor shall meet with the committee ~~{deliberative body}~~ to discuss the decision.

V. PROCEDURE FOR APPEAL OF NOTICE OF NON-REAPPOINTMENT OR NON-CONFERRAL OF PERMANENT TENURE

A. Deadlines for Appeals

Failure to submit the appeals documents specified in this section within the time periods allotted constitutes a waiver of the right to appeal the decision. ~~{In the event of an emergency, }~~ However, the faculty member may request an extension, provided that the request is made in writing and presented to the individual or committee who is next to consider the appeal. Decisions on requests for extension of time ~~{because of an emergency}~~ shall be made by the individual or committee who is next to consider the appeal.

B. Request for Hearing with the Faculty Hearing Committee

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

1. The Hearing Committee

The Hearing Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

Upon organization, the members of the Hearing Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing.

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

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

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

The committee may at any time consult with the University Attorney in matters of procedure (see *Faculty Manual*, Part II, "University Attorney").

2. Initiation of the Hearing Process

The basis for a request for a hearing must be found in one or more of the following reasons: (a) the decision was based on any ground stated to be impermissible in Section 604B of The Code of The University of North Carolina; (b) the decision was attended by a material procedural irregularity.⁷

"Material procedural irregularity~~ies~~" means a departure~~s~~ from prescribed procedures governing reappointment and conferral of permanent tenure that cast reasonable doubt upon the validity of the original decision not to reappoint or not to confer permanent tenure. Whether a material procedural irregularity~~ies~~ occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint or not to confer permanent tenure was made and communicated. The Hearing Committee shall ask the chancellor to certify what procedures were then in effect if that question is a matter of dispute.

The complainant's request for a hearing must specifically identify and enumerate all reasons for the request. The request must include (a) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (b) the identification of the respondents; (c) an enumeration and description of the information or documents which are to be used to support the contention (copies of the described documents are to be made a part of the request for a hearing); (d) the identification of persons who may be willing to provide information in support of the contention; and (e) a brief description of the information those persons identified in (d) may provide. The complainant's request for a hearing shall be made to the chair of the Hearing Committee.

C. Validation of the Request for Hearing.

Validation of the complainant's request for a hearing is the first step in the hearing process. The Hearing Committee shall convene within 15 days after receipt of the complainant's request for a hearing. The committee shall notify the complainant of the meeting date by registered mail, return receipt requested. The committee shall meet in executive session and the meeting will be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. The committee's evaluation of the complainant's request for a hearing shall be limited solely to the documents and information submitted as part of the complainant's request for a hearing.

The complainant may submit additional documentation and information supporting the request for a hearing up to 72 hours prior to the committee meeting. All documentation and information submitted after the original request for a hearing must (a) support contentions set forth in the original request for a hearing and (b) be delivered to the chair in the same manner

⁷ Appeals based on material procedural irregularity shall refer only to personnel actions which are initiated after the approval of material procedural irregularity as a basis for a request for a hearing.

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

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

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

If the request for a hearing is not validated, the complainant shall be notified by registered mail, return receipt requested, within 10 days of the committee meeting. Such a determination confirms the decision not to reappoint or not to confer permanent tenure.

The complainant may accept the decision of the Hearing Committee not to validate or appeal to the chancellor within 10 days of receipt of the Hearing Committee's decision. The chancellor, within 14 days of the complainant's appeal shall decide to confirm the committee's decision or shall support the complainant's request for a hearing.

The complainant may accept the chancellor's confirmation of the committee's decision not to validate the request for a hearing, or the complainant may appeal in the manner provided by Section 501 (C)4 of The Code of the University of North Carolina.

If the committee validates the request for a hearing, or the decision not to validate the request for a hearing is not supported by the chancellor, the committee shall so notify the complainant by registered mail, return receipt requested, and begin the processes necessary to set the time and date for the hearing.

D. Procedures for the Hearing.

1. Time and Date of Hearing

If the request for a hearing is validated, the committee shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the notification to the complainant that the request for a hearing was validated. The committee shall then notify the complainant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing.

2. Conduct of the Hearing

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

The hearing shall begin with an opening statement by the chair of the committee limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. The chair explicitly will note that the committee shall consider only information bearing on the allegations presented in the complainant's request for the hearing.

Following the opening remarks by the committee chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondents, through their representative, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondents, through their representative, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification.

E. Procedures After the Hearing

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

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

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

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

Within 30 working days after receiving the recommendation of the Hearing Committee, the chancellor shall notify the complainant, the respondents, the chair of the faculty, and the chair of the Hearing Committee what further substantive review, if any, will be made of the original decision not to reappoint or not to confer permanent tenure.

The complainant may appeal an adverse decision in the manner provided by Section 501 C (4) of The Code of The University of North Carolina.

VI. DUE PROCESS BEFORE DISCHARGE OR IMPOSITION OF SERIOUS SANCTION

A. Penalties

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees, the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty. These penalties may be imposed only in accordance with the procedures prescribed in this section.⁸ For purposes of these regulations, a faculty member serving a stated term shall be regarded as having tenure until the end of the term. These procedures shall not apply to non-reappointment (Section V) or termination of employment (Section VII).

⁸ ~~Retirement for reason of disability shall be in accordance with North Carolina statutes and regulations governing retirement for faculty members who are members of the state retirement system. A faculty member who is not a member of the state retirement system and who is mentally or physically disabled may be discharged because of that disability only in accordance with the procedures of this section.~~

B. Notice

Written notice of intent to discharge or to suspend from employment or to diminish in rank (these penalties hereinafter in Section VI are referred to as "the penalty") shall be sent by the chancellor or by the chancellor's designee to the faculty member by registered mail, return receipt requested. The statement shall include notice of the faculty member's right, upon request, to both written specification of the reasons for the intended penalty and a hearing by the Due Process Committee (Section VI.E.).

C. Penalty Without Recourse

If, within 10 working days after the faculty member receives the notice referred to in Section VI.B. above, the faculty member makes no written request for either a specification of reasons or a hearing, the faculty member may be penalized without recourse to any institutional grievance or appellate procedure.

D. Specification of Reasons and Hearing Request

If, within 10 working days after the faculty member receives notice referred to in Section VI.B. above, the faculty member makes a written request to the chancellor, by registered mail, return receipt requested, for a specification of reasons, the chancellor or the chancellor's designee shall supply such specification in writing by registered mail, return receipt requested, within 10 working days after receiving the request.

A faculty member's request for a hearing is to be directed to the chancellor in writing by registered mail, return receipt requested. Upon receipt of such a request the chancellor shall, within ten working days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with Section VI.F.1. If the faculty member makes no written request to the chancellor for a hearing within 10 working days after receiving the specification, the faculty member may be penalized without recourse to any institutional grievance or appellate procedures.

E. Due Process Committee

The Due Process Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

Upon organization, the members of the Due Process Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing.

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

When membership of the committee falls below the specified five members and five alternates, the Faculty Senate will elect additional faculty members to the committee. Vacancies on the committee will be filled first by moving alternates to member status and by electing new alternates and/or members as needed to fill the committee roster. ~~When, between elections, membership of the committee falls below the specified five members and five alternates, the chair of the faculty, in consultation with the Committee on Committees, shall appoint members~~

~~to the committee. Vacancies on the committee will be filled by first moving alternates to members and by making appointments as alternates.~~

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

The committee may at any time consult with the University Attorney in matters of procedure (see *Faculty Manual*, Part II, "University Attorney").

F. Procedures for the Hearing.

1. Time and Date of Hearing

The Due Process Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the chancellor's notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.

2. Conduct of Hearing

The hearing shall be on the written specification of reasons for the intended penalty. The chair of the Due Process Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. An audio recording or a "court reporter's" transcript of the proceedings shall be made.

The hearing shall begin with an opening statement by the chair of the committee limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the committee chair, the faculty member or the faculty member's counsel shall present his or her contentions and any supporting witnesses and documentary evidence. The chancellor or the chancellor's counsel may then reply and present any supporting witnesses and evidence. During these presentations, the faculty member or his or her counsel, and the chancellor or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification.

G. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing.

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

In reaching a decision, the chancellor shall consider only the written transcript of the hearing

and the report of the Due Process Committee. Within 30 working days of receiving the report, the chancellor's decision shall be conveyed in writing to the Due Process Committee and the affected faculty member by registered mail, return receipt requested.

H. Appeal

If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the decision shall be final.

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

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

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

This decision shall be final except that the faculty member may, within ten working days of receiving the Trustees' decision, file a written petition for review with the Board of Governors if the faculty member alleges that at least one of the specified provisions in The Code of The University of North Carolina has been violated. Any such petition to the Board of Governors shall be transmitted through the President, and the Board shall, within 45 working days, grant or deny the petition or take such other action as it deems advisable. If it grants the petition for review, the Board's decision shall be made within 45 working days after it notifies the faculty member by registered mail, return receipt requested, that it will review the petition.

I. Suspension During a Period of Intent to Discharge

When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may suspend the faculty member at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension during a period of intent to discharge shall be exceptional and shall be with full pay and benefits.

VII. TERMINATION OF FACULTY EMPLOYMENT

A. Reasons Justifying Termination and Consultation Required

1. Reasons for Terminating Employment

The employment of a faculty member with permanent tenure or of a faculty member holding a fixed-term or probationary appointment may be terminated by East Carolina University because of (1) demonstrable, bona fide institutional financial exigency, or (2) major curtailment or elimination of a teaching, research or public service program.

Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the chancellor, after consulting with the academic administrative officers and

faculties as required by Section VII.A.2. below.

This determination is subject to concurrence by the President and then approval of the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with Section 605 of The Code of The University of North Carolina and the institutional procedures set out in subsection B below.

2. Consultation with Faculty and Administrative Officers

When it appears that the institution will experience an institutional financial exigency or when it is considering a major curtailment in or elimination of a teaching, research, or public service program, the chancellor or the chancellor's delegate shall forthwith prepare a report which identifies specifically the state of financial exigency or the program change. The report must outline the options readily apparent to the chancellor at the time, including any options which would or might involve terminations of faculty employment.

The chancellor's report shall be directed to the Educational Policies and Planning Committee for their written advice and recommendations. In considering this report the Educational Policies and Planning Committee shall have access to information on which the chancellor's report was based. The Committee may interview appropriate persons. The Educational Policies and Planning Committee shall prepare a report in response to the chancellor, to be submitted at a time determined by the chancellor.

Should the chancellor decide, following receipt of the Educational Policies and Planning Committee's report, to consider reducing a unit's faculty for reasons of financial exigency or major curtailment or elimination of a program, the chancellor shall promptly establish and convene an ad hoc Faculty Advisory Committee to advise the chancellor regarding the contemplated reduction.

Whenever such a Committee is created, it shall consist of two members and two alternates elected by the unit; the unit's administrator as an ex officio member; and four members and four alternates from disciplines complementary to the unit, nominated by the University Curriculum Committee and elected by the Faculty Senate. Except for the ex officio member, membership on an ad hoc committee shall be limited to full-time permanently tenured faculty without administrative appointment. Upon organization, the committee shall elect a chair and a secretary. The ad hoc Faculty Advisory Committee, following procedures according to the most recent edition of *Robert's Rules of Order, Newly Revised*, shall submit a report of its advice and recommendations, at a time determined by the chancellor. In preparing this report, the committee shall have access to information considered in any prior reports, and the committee may interview appropriate persons.

B. Termination Procedures

1. Consideration in Determining Whose Employment is to be Terminated

In determining which faculty member's employment is to be terminated, the primary consideration of the chancellor and the ad hoc advisory committee shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution. Where no conflict with this primary consideration exists, priority for retention shall be given the permanently tenured faculty who are senior in years of service to the University.

2. Timely Notice of Termination

- a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, the faculty member shall be given timely notice as follows: One who has permanent

tenure shall be given not less than twelve months notice; and one who does not have permanent tenure shall be given notice in accordance with the requirements specified in Section II.C.4.

b. When a faculty member's employment is to be terminated because of financial exigency, the institution will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in the preceding paragraph.

3. Type of Notice to be Given

a. Should the chancellor decide to terminate employment following receipt of the report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by registered mail, return receipt requested. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and a copy of this procedure on termination of employment.

b. For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section VII.A.1., the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be sent by registered mail to the address last furnished the chancellor's office, return receipt requested, and the faculty member will be given thirty calendar days after transmission of the notice in which to accept or reject the offer.

The offer to resume a terminated position shall provide for tenure status, rank, and salary at least equal to those held by the faculty member at the time of termination.

c. The institution, when requested in writing by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. Such assistance shall include secretarial assistance, access to the telephone (including long distance), University/unit stationary and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.

4. Termination if Reconsideration is Not Requested

If, within 10 working days after receipt of notice required by Section VII.B.3 above, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date specified in the notice given pursuant to Section VII.B.3, and without recourse to any institutional grievance or appellate procedure.

5. Request for Reconsideration Hearing

Within 10 working days after receiving the notice required by Section VII.B.3, the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate employment, if the faculty member alleges that the decision was arbitrary or capricious. The request shall be submitted to the chancellor and shall specify the grounds upon which it is contended that the decision to terminate employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention. Submission of such a request constitutes on the part of the faculty member: (1) a claim that the contention can be supported by representation of factual evidence, and (2) an agreement that the institution may offer in rebuttal of the faculty member's contention any relevant data within its possession. Upon receipt of such a request the chancellor shall, within 10 working days, notify the chair of

the Reconsideration Committee of the need to convene a hearing in accordance with Section VII.B.7.

6. The Reconsideration Committee

The Reconsideration Committee shall be composed of five members and five alternates, each of whom is a full time permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

Upon organization, the members of the Reconsideration Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for purposes of the hearing.

When the committee is convened to consider any matter associated with a faculty member's request for a hearing, those committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, who participated directly in the decision to terminate the faculty member's employment, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The faculty member and the chancellor or the chancellor's representative are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

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

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

The committee may at any time consult with the University Attorney in matters of procedure (see *Faculty Manual*, Part II, "University Attorney").

7. Procedures for the Hearing

a. Time and Date of Hearing

The Reconsideration Committee shall set the time, date, and place for the hearing. The date for the hearing must be within 30 working days of the time the committee receives the chancellor's notification of the faculty member's written request for a hearing. The committee shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member.

b. Conduct of Hearing

The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member

requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. An audio recording or a "court reporter's" transcript of the proceedings shall be made.

The hearing shall begin with an opening statement by the chair of the committee limited to explaining the purpose of the hearing and the procedures to be followed during the hearing. Following the opening remarks by the committee chair, the faculty member or the faculty member's counsel shall present his or her contentions and any supporting witnesses and documentary evidence. The chancellor or the chancellor's counsel may then reply and present any supporting witnesses and evidence in rebuttal of the faculty members contentions or in general support of the decision to terminate the faculty member's employment. During these presentations, the faculty member or his or her counsel, and the chancellor or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification.

8. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two working days, at which time it shall reconvene in executive session. In reaching its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing.

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

If the Reconsideration Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member, the chair of the faculty and the chancellor. The faculty member may appeal the decision to terminate employment in the manner provided by Section 501 C(4) of The Code of The University of North Carolina.

If the Reconsideration Committee determines that the faculty member's contention has been satisfactorily established, it shall so notify the faculty member, the chair of the faculty, and the chancellor by a written notice that shall also include a recommendation for corrective action by the chancellor.

Within 30 working days after receiving the recommendation, the chancellor shall send written notice to the faculty member by registered mail, return receipt requested, with copies to the chair of the faculty, and the chair of the Reconsideration Committee giving his decision and stating what modification, if any, the chancellor will make with respect to the original decision to terminate the faculty member's employment.

If the chancellor fails to reverse the original decision, the chancellor shall send written notice of such to the faculty member by registered mail, return receipt requested, with copies to the chair of the faculty, and the chair of the Reconsideration Committee. The faculty member may appeal the termination in a manner provided by Section 501 C (4) of The Code of The University of North Carolina.

If the chancellor concurs in the recommendation of the committee that is favorable to the faculty member, the decision is final and written notification thereof shall be sent to the faculty member, the chair of the faculty, and the chair of the Reconsideration Committee.

~~A. The Committee~~

~~The Faculty Affairs Committee shall serve as the Faculty Grievance Committee. The committee shall be composed of eight members and two alternates, each of whom is a full-time voting faculty member without administrative appointment. The committee shall contain representation from each professorial rank except instructor. The chair of the faculty or, as his or her delegate, the vice chair of the faculty 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.~~

~~B. Authorization and Powers~~

~~Following procedures according to the most recent edition of Robert's Rules of Order, Newly Revised the Faculty Grievance Committee shall be authorized to hear, mediate, and recommend to the appropriate authority the adjustment of grievances of members of the faculty. Its powers shall be solely to hear representations by the persons directly involved in a grievance, to mediate voluntary adjustment by the respondents or by another university administrator, and to recommend adjustment to the appropriate authority when necessary.~~

~~C. Grievances~~

~~Grievances within the Faculty Grievance Committee's province shall include matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. No grievance, however, that grows out of or involves matters related to a formal proceeding for the suspension, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee.~~

~~D. Petition for Redress~~

~~Any faculty member may petition in writing the Faculty Grievance Committee for redress of a perceived grievance. The petition shall be made to the chair of the Faculty Grievance Committee by the affected faculty member. The petition shall set forth in detail the nature of the grievance, the persons against whom it is directed (the respondents), and the relief sought. It shall contain any information that the petitioner considers pertinent to the petitioner's case.~~

~~The Faculty Grievance Committee shall decide whether the complaint merits a detailed investigation so that submission of a petition shall not result automatically in further consideration of the petition. The Faculty Grievance Committee shall limit its investigations to the written complaints and statement of relief sought provided by the petitioner. If it is determined that a detailed investigation is not needed, the Faculty Grievance Committee shall notify the faculty member bringing the grievance of the decision by registered mail, return receipt requested.~~

~~If it is determined that a detailed investigation is needed, the investigation shall be limited to attempting to determine the truth of the allegations brought in the written complaint provided by the petitioner. After the investigation, the committee shall determine whether to recommend the relief sought by the petitioner.~~

~~E. Bylaws and Procedures~~

~~The Faculty Grievance Committee may draft bylaws and procedures subject to approval by the Faculty Senate and the chancellor.~~

~~F. Report of Recommendations~~

~~The Faculty Grievance Committee shall submit a written report of its findings and recommendations to the university administrator responsible for providing the relief sought.~~

~~The committee shall provide a copy of its report to this official's immediate superior, the petitioner, and the respondents. If the administrator does not provide the relief recommended by the committee within thirty working days, the committee may notify the chancellor of its recommendation and of the failure of the administrator to act on its recommendation, with a copy to the petitioner, the respondents, the administrator and the chair of the faculty.~~

~~Within twenty working days, the chancellor shall notify in writing the faculty member, the Faculty Grievance Committee, the empowered administrator, and the chair of the faculty of the administrative action on the committee's recommendation(s).~~

~~If the administrative action differs from the committee's recommendation, the chancellor shall notify in writing the faculty member, other appropriate administrative officials, and the chair of the faculty of the reasons for the decision. Subject to statutory requirements, communication concerning the committee's recommendation(s) shall be in writing, shall be treated with the utmost discretion, and shall be held in confidence by the parties involved.~~

~~G. Further Appeal~~

~~If the chancellor declines to accept a committee recommendation that is favorable to the faculty member, the faculty member may appeal the chancellor's decision in the manner prescribed by Section 501 C(4) of The Code of the University of North Carolina.]~~

VIII. ~~IX.~~ EFFECTIVE DATE

A. These policies and regulations supersede all other institutional documents governing the matters covered herein.

B. These policies and procedures shall become operative on _____.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Appendix Y. of the *Faculty Manual* Grievance Policies and Procedures of East Carolina University

The Faculty Governance Committee recommends that upon implementation of the revised *Appendix D. Tenure and Promotion Policies and Procedures of East Carolina University*, the present section entitled The Faculty Grievance Committee (being deleted from the revised appendix) become *Appendix Y. Grievance Policies and Procedures of East Carolina University*.

<p style="text-align: center;">APPENDIX Y OF THE <i>Faculty Manual</i> Grievance Policies and Procedures of East Carolina University</p>
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A. The Faculty Grievance Committee

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. The committee shall contain representation from each professorial rank except instructor. The chair of the faculty or, as his or her delegate, the vice-chair of the faculty 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.

B. Authorization and Powers

Following procedures according to the most recent edition of *Robert's Rules of Order, Newly Revised*, the Faculty Grievance Committee shall be authorized to hear, mediate, and recommend to the appropriate authority the adjustment of grievances of members of the faculty. Its powers shall be solely to hear representations by the persons directly involved in a grievance, to mediate voluntary adjustment by the respondents or by another university administrator, and to recommend adjustment to the appropriate authority when necessary.

C. Grievances

Grievances within the Faculty Grievance Committee's province shall include matters directly related to a faculty member's employment status and institutional relationships within East Carolina University. No grievance, however, that grows out of or involves matters related to a formal proceeding for the suspension, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee.

D. Petition for Redress

Any faculty member may petition in writing the Faculty Grievance Committee for redress of a perceived grievance. The petition shall be made to the chair of the Faculty Grievance Committee by the affected faculty member. The petition shall set forth in detail the nature of the grievance, the persons against whom it is directed (the respondents), and the relief sought. It shall contain any information that the petitioner considers pertinent to the petitioner's case.

The Faculty Grievance Committee shall decide whether the complaint merits a detailed investigation so that submission of a petition shall not result automatically in further consideration of the petition. The Faculty Grievance Committee shall limit its investigations to the written complaints and statement of relief sought provided by the petitioner. If it is determined that a detailed investigation is not needed, the Faculty Grievance Committee shall notify the faculty member bringing the grievance of the decision by registered mail, return receipt requested.

If it is determined that a detailed investigation is needed, the investigation shall be limited to attempting to determine the truth of the allegations brought in the written complaint provided by the petitioner. After the investigation, the committee shall determine whether to recommend the relief sought by the petitioner.

E. Bylaws and Procedures

The Faculty Grievance Committee may draft bylaws and procedures subject to approval by the Faculty Senate and the chancellor.

F. Report of Recommendations

The Faculty Grievance Committee shall submit a written report of its findings and recommendations to the university administrator responsible for providing the relief sought. The committee shall provide a copy of its report to this official's immediate superior, the petitioner, and the respondents. If the administrator does not provide the relief recommended by the committee within 30 working days, the committee may notify the chancellor of its recommendation and of the failure of the administrator to act on its recommendation, with a copy to the petitioner, the respondents, the administrator, and the chair of the faculty.

Within 20 working days, the chancellor shall notify in writing the faculty member, the Faculty Grievance Committee, the empowered administrator, and the chair of the faculty of the administrative action on the committee's recommendation(s).

If the administrative action differs from the committee's recommendation, the chancellor shall notify in writing the faculty member, other appropriate administrative officials, and the chair of the faculty of the reasons for the decision. Subject to statutory requirements, communication concerning the committee's recommendation(s) shall be in writing, shall be treated with the utmost discretion, and shall be held in confidence by the parties involved.

G. Further Appeal

If the chancellor declines to accept a committee recommendation that is favorable to the faculty member, the faculty member may appeal the chancellor's decision in the manner prescribed by the UNC Code Section 501C4.

HONORS PROGRAM COMMITTEE REPORT

PROPOSED FOUR-YEAR HONORS PROGRAM AT EAST CAROLINA UNIVERSITY

Introduction

A visible and respected Honors Program is an element of distinction for any university. The proposed four-year Honors Program would significantly broaden opportunities for our brightest undergraduate students to engage in scholarly research, creative activity, and independent study during their junior and senior years. Expansion of the current General Education Honors to a four-year program would strengthen the University's commitment to academic excellence, provide for increased recognition of outstanding academic achievements at the undergraduate level, make the University more attractive to academically-proficient and talented students, and expand incentives for faculty participation in the Honors Program.

In Strategies for Distinction (1990), the University's comprehensive planning document, a growing and effective Honors Program was identified as one of the University's Elements of Distinction. In their final reports (spring, 1992), the Vice Chancellor's ad hoc Committee on the Honors Program and an outside review team (Anne Ponder, Academic Dean at Kenyon college, Gambier, OH and Samuel Schuman, Chancellor of the University North Carolina at Asheville) both recommended expanding the current General Education Honors Program to four years, with independent study and research as the focal point of the junior and senior years. Also, as recommended in the Vice Chancellor's ad hoc committee report, an Honors Program Committee was established as a committee of the Faculty Senate (fall, 1992). This proposal is the product of that committee's discussions and deliberations.

The Proposal

A. General Education Honors (freshman and sophomore years)

1. The present, two-year, General Education Honors Program (special Honors Seminars and Honors sections of regular courses) will be retained. It will constitute the first two years of the Four-Year Honors Program.
2. Entrance criteria for freshman are unchanged: 1) a high-school grade point average ≥ 3.5 ; 2) a class ranking in the top 10%; and 3) an SAT score ≥ 1200 . A provisional acceptance is extended to students failing to meet one of the criteria but with strong credentials in the other two. A grade point average ≥ 3.4 is required for students currently enrolled at East Carolina. Once enrolled, a student whose grade point average drops below 3.0 is no longer eligible to participate in the Honors Program.
3. General Education Honors are achieved by completing 24 semester hours of Honors courses with A or B grades and a grade point average ≥ 3.3 .
4. Graduating General Education Honors students are recognized as follows: 1) their names are listed in the commencement program; 2) their names are listed in an Honors Program advertisement purchased in the East Carolinian; and 3) the notation "General Education Honors" is added to the student's official transcript.

B. University Honors (junior and senior years)

1. Students requesting admission to the University Honors Program must have junior or senior standing, an overall grade point average ≥ 3.5 , permission of the Honors Program Director, and permission of the student's departmental chairperson. Students with slightly lower grade point averages will be considered if their requests are supported by two, strong faculty recommendations.
2. To graduate with University Honors, a student must complete six or more semester hours of University Honors courses including an appropriate research seminar or independent study course (3 semester hours) and a Senior-Year Honors Project (3 semester hours).
3. Students graduating with University Honors will receive the following recognition: they will be listed in the commencement program and in a special Honors Program graduation announcement to appear in the East Carolinian, and the notation "University Honors" in the appropriate field will be added to their official transcripts.
4. The new, four-year Honors Program will be administered by the Honors Program Director and an Assistant Director to be appointed when the program is implemented. Close cooperation is envisioned between the Honors Program staff, faculty advisers to University Honors students, and students' departmental chairpersons or designated representatives.

C. General Guidelines for the University Honors Program

1. Prior to formally initiating work on the Senior-Year Honors Project, the subject matter, form, scope, and time-frame of the project are to be approved by the project adviser, a mentor if appropriate, the student's departmental chairperson, and the Honors Program director.
2. Organization, format, data documentation, and reference citations should conform with generally-accepted standards in the field. If writing is not a major focus of the project, the finished work must include a written component presenting the salient ideas and intellectual content merged into the project. In addition to "hard copy" written materials on disk should be provided to the Honors Program office.
3. Students are expected to have finished most of the background study and research for the project by the end of the summer following their junior year, allowing the project to be completed during the senior year.
4. Cooperative projects done jointly by more than one student are acceptable; however, careful planning should accompany such projects and progress will be carefully monitored by the adviser or the advisers.
5. During their senior years, University Honors students will meet at least two times per semester to present and discuss brief summaries of their Honors Projects. As a final requirement, students will publicly present the project before other Honors students and a committee including the adviser, a mentor if appropriate, the chairperson of the student's department or a designated representative, and the Honors Program director or a designated representative. Upon completing this requirement, the student will receive a letter grade on the Honors Project. To graduate after the fall, spring, and second summer-school semesters, all requirements must be met by November 1, March 15, and July 1 respectively.
6. The Honors Program office will provide small stipends to deserving Honors students, and each year the Honors Program Committee will make an award for the best Honors Project. Completed projects, as appropriate, will be temporarily retained in the Honors Office and moved to the library when an Honors Program reading room becomes a reality.

D. The Senior-Year Honors Project - Options

1. SENIOR THESIS - Credit Hours: 3 semester hours Honors Seminar or Independent Study and 3 semester hours for the Honors Senior Thesis

A senior thesis is a major written document, complete with index, data compilations, illustrations, and references, as appropriate, presenting results and conclusions derived from a University Honors Project. Students can investigate a novel idea or study a more-visible and perhaps controversial subject in significantly greater depth than it would receive in typical class work or in standard texts and reference books. Background reading and reference citations should be from primary sources. Under the watchful eye of an Honors faculty adviser, the student is expected to work independently while acquiring the background knowledge, observational and/or experimental data, critical and analytical skills, and confidence necessary to complete the project. Following acceptance of the finished senior thesis, the student must give a satisfactory, public, oral presentation on the thesis work.

2. PUBLIC SERVICE OPTION - Credit Hours: 3 semester hours Honors Seminar or Independent Study and 3 semester hours for the Honors Public Service Project

Students interested in public service may work as a volunteer, under the guidance of a mentor, for an appropriate agency or organization during the summer or 4 to 5 hours/wk. for one semester. Significant experiences, additional skills, new insights acquired on-the-job, and critical analyses must be recorded in a weekly journal. At the end of the volunteer period, the student will submit a written summary based on the journal and give a public presentation focusing on workplace-related, learning experiences.

3. CO-TEACHING OPTION - Credit Hours: 3 semester hours Honors Seminar or Independent Study and 3 semester hours for the Honors Co-Teaching Project

Together with an Honors faculty member (usually the student's Honors faculty adviser), students with special qualifications can participate in day-to-day teaching activities, such as class discussions, preparing assignments and tests, grading, and performance evaluation, associated with a General Education Honors Seminar or course. In addition to satisfactory performances in these activities, the student must keep a weekly journal devoted to noteworthy experiences, insights, and enhanced personal skills arising from co-teaching. At the end of the semester, the student will submit a written summary based on the journal and give a public presentation focusing on the co-teaching learning experience.

4. PORTFOLIO/CREATIVE ACTIVITY OPTION -Credit Hours: 2 semester hours Honors Seminar or Independent Study and 3 semester hours for the Honors Portfolio or Creative Activity Project

Students with broad interests and superior talents in music, art, computer application, writing, drama, etc. can submit an original, major project or portfolio of works/performances, including a written account of the requisite skills, techniques, inspiration, and motivation behind the portfolio/project. As a final requirement, the student must showcase the portfolio/project at a public event (exhibition, reading, performance, demonstration, etc.) and give an oral presentation summarizing the long-term, learning experience and creative process involved in formulating, preparing, and completing the portfolio/project. Given the lead-time involved, a decision to pursue this option should be made early, preferably toward the end of the student's freshman year.