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**EAST CAROLINA UNIVERSITY
2011-2012 FACULTY SENATE**

The fifth regular meeting of the 2011/2012 Faculty Senate will be held on **Tuesday, January 24, 2012**, at 2:10 p.m. in the Mendenhall Student Center, Great Room.

AGENDA

I. Call to Order

II. Approval of Minutes

December 6, 2011

III. Special Order of the Day

A. Roll Call

B. Announcements

C. Steve Ballard, Chancellor

Report on Faculty Employment, to include a longitudinal profile of faculty tenure status and tenure status of permanent and temporary faculty (by unit).

Faculty FTE by Unit, Gender, and Full or Part-Time Status (includes temporary positions)

Faculty FTE by Unit, Gender, and Full or Part-time Status

Longitudinal Profile of Faculty Tenure Status (includes Medicine and temporary positions)

Longitudinal Profile of Faculty Tenure Status

Full and Part-Time Faculty by Unit and Tenure Status (includes temporary positions)

Full and Part-Time Faculty by Unit and Tenure Status

Note: National reporting criteria have changed and some reports now include temporary faculty positions.

D. Phyllis Horns, Vice Chancellor for Health Sciences revised 1-18-12

[Link to Program Prioritization Committee information](#)

E. Bill Koch, Associate Vice Chancellor with Campus Operations

Report on Parking and Transportation

[Link to relating resolution](#)

F. Ken Wilson, Faculty Assembly Delegate

Report on [January 20, 2012](#), UNC Faculty Assembly Meeting

G. Marianna Walker, Chair of the Faculty

H. Question Period

IV. Unfinished Business

V. Report of Committees

- A. Graduate Council, Terry West
Formal faculty advice on curriculum and academic matters contained in the Graduate Curriculum Committee meeting minutes of [October 19, 2011](#), [November 2, 2011](#), [November 16, 2011](#), and [December 7, 2011](#), which include curricular actions within the College of Nursing, Department of English, Department of Chemistry, Department of Economics, College of Allied Health Sciences, College of Education, College of Technology and Computer Science, and Department of Political Science.
- B. Faculty Governance Committee, George Bailey
1. Formal faculty advice on proposed revisions to the *ECU Faculty Manual*, Appendix F. Graduate School Organization (attachment 1).
 2. Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization, Subsection I. Organization of the University of North Carolina (attachment 2).
 3. Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization, Subsection III. University Policy (attachment 3).
 4. Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization, Subsection V. Administrative Policy (attachment 4).
 5. Proposed Revisions to the *ECU Faculty Manual*, Part VI. General Personnel Policies, Section III.I. Grants, Contracts, and Cooperative Agreements (attachment 5).
 6. Proposed Revisions to the *ECU Faculty Manual*, Part X. The Faculty Assembly of the University of North Carolina (attachment 6).
 7. Proposed Revisions to the *ECU Faculty Manual*, Part XI. The Code, The Board of Governors of the University of North Carolina (attachment 7).
- C. University Curriculum Committee, Donna Kain
Curriculum and academic matters contained in the meeting minutes of [December 8, 2011](#) which include curricular actions within the School of Art and Design.
- D. Writing Across the Curriculum, Elizabeth Swaggerty revised 1-18-12
Curriculum matters contained in the meeting minutes of [November 14, 2011](#) which include removal of writing intensive WI designation for THEA 4040/4041 (effective Fall 2013).
- E. Foundations Curriculum and Instructional Effectiveness Committee, Linda Wolfe
1. Proposed revisions to the *ECU Faculty Manual*, Part V. Section I.A. Access to Student Educational Records (attachment 8).
 2. Proposed revisions to the *ECU Faculty Manual*, Part V. Section I.O. Privacy of Student Educational Records (attachment 9).
- F. Committee on Committees, Catherine Rigsby
1. Election of new member to the Appellate Hearing Committee (attachment 10).
 2. Election of new member to the Appellate Grievance Board (attachment 11).
 3. Election of UNC Faculty Assembly Delegates and Alternates (attachment 12).
 4. Third Reading of proposed new Standing University Academic Committee entitled Service Learning Committee (attachment 13).

- G. Educational Policies and Planning Committee, Scott Gordon
1. Curriculum and Academic Program matters included in the [December 9, 2011](#) meeting minutes, including the following:
 - a. Proposed [Department Name Change](#) from Department of Rehabilitation Studies to Department of Addictions and Rehabilitation Studies within the College of Allied Health Sciences.
 - b. Request for authorization to establish [distance education delivery of the MAEd in Reading Education](#) in the Department of Curriculum and Instruction within the College of Education.
 - c. Request for authorization to establish a [MS in Network Technology](#) in the Department of Technology Systems within the College of Technology and Computer Science.
 - d. Request for authorization to plan a [MS in Biomedical Engineering](#) in the Department of Engineering within the College of Technology and Computer Science.
 2. Curriculum and Academic Program matters included in the [January 13, 2012](#) meeting minutes, including the following:
 - a. Request to move and rename the Media Production (MPRD) concentration in the School of Communication to the [Cinematic Arts and Media Production \(CAMP\) concentration](#) in the BFA in Art Program within the School of Art and Design in the College of Fine Arts and Communication.
 - b. Request to establish a new concentration in the PhD program in Biomedical Physics: Integrated PhD in Biomedical Physics and MS in Physics – [Medical Physics concentration](#) within the Department of Physics in the College of Arts and Sciences.
- H. Faculty Grievance Committee, Tim Romack
Proposed Revisions to the *ECU Faculty Manual*, Appendix Y. Grievance Policies and Procedures (attachment 14).

VI. New Business

FACULTY GOVERNANCE COMMITTEE REPORT

Formal Faculty Advice on Proposed Revisions to the *ECU Faculty Manual*, Appendix F. Graduate School Organization

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

Additional proposed revisions to the appendix are noted in **bold underlined green** print and **highlighted ~~strikethrough~~**.

This proposed document will replace all of the current text in Appendix F.

Revise and keep in the Faculty Manual and revoke interim regulation PRR #10.25.01
Governance of Graduate Academic Matters

APPENDIX F. GRADUATE SCHOOL ORGANIZATION
CONTENT

- I. The Graduate Faculty
 - A. Functions and Jurisdictions
 - B. **Membership Meetings**
 - C. **Meetings Canvass**
 - D. ~~Canvass~~ **Voting Privileges**
 - E. ~~Voting Privileges~~ **Implementation**
 - F. ~~Implementation~~ **Membership**
- II. **Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee**
 - A. ~~Graduate Assembly~~ **Coordinators of Graduate Programs**
 - B. ~~Graduate School Administrative Board~~ **Graduate Council**
 - C. **Graduate Council Executive Committee**
 - CD. ~~Graduate School Organization~~ **Graduate Curriculum Committee**
- III. ~~Graduate Student Advisory Council~~
 - ~~A. Composition~~
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 - A. Functions and Jurisdiction
- IV. **Modifications to the Graduate School Organization**
 - A. **Graduate Council**
 - B. **Graduate Faculty**

Approved: 22 August 1977, East Carolina University Graduate Faculty

Amended:

17 October 1994

10 April 1998

28 January 2002 Graduate School Council

4 February 2002 Graduate Assembly

22 September 2003 Graduate School Council,

29 September 2003 Graduate Assembly

APPENDIX F.

GRADUATE SCHOOL ORGANIZATION

Appendix F. Graduate School Organization

I. The Graduate Faculty

A. Functions and Jurisdictions

The graduate faculty exercises the authority within the university for development of general policies and procedures for all graduate courses and programs. The graduate faculty may ~~modify this instrument~~ **recommend modifications to this document**, "Graduate School Organization", directly or through the concurrent approval of the ~~Graduate Assembly and the Graduate School Administrative Board~~ **Graduate Council using the procedure in Part IV of this document.**

~~C.~~ B. Meetings (this section moved from part I.C through I.F)

The graduate faculty may meet in plenary session. Meetings may be called by the ~~chairperson, the Graduate Assembly, the Graduate School Administrative Board~~ **Graduate Council**, or upon petition of **15% or more** of the graduate faculty ~~as indicated below (II.1.1)~~ **to the Dean**. Notice of a plenary session with time, place, and agenda will be distributed to members of the graduate faculty at least a full week prior to the meeting.

One-half or more of the graduate faculty will constitute a quorum for purposes of transacting such business as appears on the printed agenda. A simple majority of those graduate faculty members in attendance ~~shall~~ **will** govern unless decision to the contrary is made prior to a ballot. When a quorum is not present at a called meeting, agenda items will be referred to the ~~Graduate School Administrative Board~~ **Graduate Council** for action.

A plenary session will be conducted according to the most recent edition of Robert's Rules of Order. Minutes ~~shall~~ **will** be kept and distributed to all members of the university faculty not later than ten days following the session.

~~D.~~ C. Canvass

Business and opinion polls may be conducted through canvass ~~of the graduate faculty by the chairperson~~ when approved by the ~~Graduate School Administrative Board~~ **Graduate Council**. **This canvass may be conducted either electronically or using paper ballots. If paper methodology is used**, ballots or other materials will be addressed to each graduate faculty member and sent through campus mail or delivered by messengers. To transact business through a canvass, at least one-half of the total graduate faculty must ~~return ballots~~ **vote**. A simple majority ~~shall~~ **will** govern unless the ~~Graduate School Administrative Board~~ **Graduate Council** establishes a different criterion when it approved a canvass. **When a less than one-half of the total graduate faculty vote in a canvass, business items with the result of the canvas, will be referred to the Graduate Council for action.**

When the graduate faculty is canvassed in this manner, each ballot will provide space in which each member can indicate his or her preference for a plenary session dealing with the issue to be decided. If 15 percent or more of the graduate faculty indicates preference for a session, the canvass will be nullified, and a plenary session will be called.

E. D. Voting Privileges

Only **Graduate Teaching Faculty, Associate Graduate Faculty, and Graduate Faculty** members **may** vote on university-wide **graduate** issues and ~~serve on the Graduate Administrative Board of the Graduate School except as indicated below (II,B.1.). It is assumed that each unit will encourage participation of individuals holding other appointments in decision making and planning related to the graduate programs in which they are involved.~~

F. E. Implementation

Each code unit with a graduate program will develop a procedure for obtaining faculty input to the process of nominating graduate faculty and report this procedure to the ~~Graduate School Administrative Board~~ **Graduate Council**. In addition, each code unit with a graduate program will examine the educational objectives of their graduate degrees, which were prepared for the SACS accreditation and articulate the types of research, creative activity, or other activities ~~which~~ **that** are appropriate for graduate faculty in their discipline. Each code unit will then submit its articulation to the ~~Administrative Board of the Graduate School~~ **Graduate Council** for approval. Once the articulation is approved, it will be used to evaluate nominations for the graduate and associate graduate faculty from the submitting code unit.

~~Except as noted above for administrators and ex-officio members, the status of all existing members of the graduate and associate graduate faculty will be confirmed within five years of the approval of the procedures and criteria according to a process to be developed by the Graduate School Administrative Board. These members may choose the year in which the confirmation occurs within a five year period.~~

B. F. Membership

The following paragraphs address the general qualifications for membership, rights, privileges and responsibilities; method of appointment; ~~and~~ method of reappointment of each category of membership on the graduate faculty; and the methods of implementing these policies.

There are ~~five~~ **four** types of membership in the graduate faculty. They are (1) graduate faculty member, (2) associate graduate faculty member, (3) graduate teaching faculty member, ~~and~~ (4) ex-officio graduate faculty member. ~~,and (5) adjunct graduate faculty member.~~

Graduate Faculty Members. Qualifications for graduate faculty members include:

- The highest earned degree in the field.
- Demonstrated evidence of success in research/creative activity.
- Demonstrated evidence of successful graduate teaching.
- Demonstrated evidence of successful supervision of research or creative activity, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate faculty members are eligible to serve on the ~~Graduate Assembly, the Administrative Board of the Graduate School,~~ **Graduate Curriculum Committee, may serve as a Graduate Program Coordinator,** may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs.

Appointment to the graduate faculty occurs as the result of the following procedure. Upon recommendation of the graduate faculty of the code unit (the procedure for which has been outlined as described under Implementation, below), the appropriate unit administrator forwards a nomination to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School. Each nomination should state the type of appointment and contain evidence that the nominee has satisfied the criteria for the type of membership sought in a manner consistent with the code unit's interpretation of those criteria. The Dean of the Graduate School will review the recommendation of the academic unit to determine that it is consistent with the unit's criteria and appointment procedures. If the dean concurs, he or she will notify the ~~Graduate School Administrative Board~~, academic unit and the faculty member of his or her appointment. If the dean does not approve the unit's recommendation the application will automatically be referred to the ~~Graduate School Administrative Board~~ **Graduate Council**. A two-thirds majority of the ~~Graduate School Administrative Board~~ **Graduate Council** will be required to overturn the administrative decision.

~~For individuals with permanent tenure,~~ Appointment to the graduate faculty is for five years. At the end of the term, the appointment shall ~~will~~ be reviewed within the unit in the manner outlined for initial appointments, except that the focus will be on the activity during the five years immediately preceding the evaluation. If it is the opinion of the code unit graduate faculty that the appointment should be renewed, the appropriate unit administrator will add his/her opinion and submit the appropriate renewal application to the dean of the college or professional school, as appropriate, and then to the Dean of the Graduate School who will review the application. To be reappointed, it is not necessary for an individual to have participated in all phases of graduate education. Individuals appointed to major administrative assignments (department chairs or above) who are members or associate members of the graduate faculty at the time of their appointment are exempt from the re-nomination process until five years after the expiration of the administrative appointment. Individuals with other administrative appointments may be considered for a waiver by the ~~Administrative Board of the Graduate School~~ **Graduate Council** upon nomination by their code units.

~~It is recognized that the process for awarding permanent tenure involves the evaluation of the individual's research, teaching, and service to the university over a substantial period of time as well as relevant experiences at other universities. Therefore, recipients of permanent tenure subsequent to the implementation of these policies by the graduate faculty are eligible for appointment as a member of the graduate faculty if that person is not already a member. To effect this appointment, it is the responsibility of the code unit to notify the dean of the college or professional school, as appropriate, and then the dean of the Graduate School of any person in this category to request an appointment to the graduate faculty. It is emphasized that there is no permanent tenure for graduate faculty appointments and persons appointed in this manner are subject to the same term limits and appointment renewal policies as other members of the graduate faculty. This process is used only by entities directly responsible for graduate degree programs.~~

For faculty on probationary appointments, the term on the graduate faculty is coterminous with the length of that appointment or four years, whichever is longer. Tenure track faculty will be re-nominated for the graduate faculty as part of the contract renewal process immediately prior to the expiration of the term on the graduate faculty. The appropriate dean or chair will provide information on the faculty member's accomplishments during the period to the appropriate graduate faculty in the unit and the nomination process will proceed as outlined above.

Associate Graduate Faculty Members.

Qualifications for associate graduate faculty members include:

- Highest earned degree in the field.
- Demonstrated evidence of success or the potential for success in research/creative activity.
- Demonstrated evidence of successful graduate teaching or the potential of such success.
- Demonstrated evidence of successful supervision of research or creative activity or the potential of such success, if applicable. In some instances, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Associate graduate faculty members may serve as ~~members of the Graduate Assembly~~ **Graduate Program Coordinators**, may teach graduate classes, may chair doctoral or master's committees, and may be a member of doctoral or master's committees. Code units may define additional criteria for eligibility to serve in doctoral programs. Code units must define criteria for associate graduate faculty members to chair doctoral committees **in their unit codes of operation**. All procedures for appointment and reappointment as well as terms of office for the associate graduate faculty will be the same as those for the graduate faculty members.

Graduate Teaching Faculty Members.

Qualifications for graduate teaching faculty members include:

- Highest earned degree in the field.
- Professional certifications or licensure as specified by the code unit.
- Demonstrated evidence of success or the potential for success graduate teaching.
- Evidence of professional growth, e.g., completion of continuing education, participation in relevant seminars, or other professional activity. In some instances, especially for clinical faculty, extensive professional experience, high productivity, or successful competition for research/creative activity support may substitute for the highest degree.

Graduate teaching faculty members may teach masters or doctoral classes as appropriate for their background, certification, and experience and may be the fourth member of a master's **thesis or dissertation** committee upon certification of appropriate experience or expertise by the unit administrator.

All tenure-track faculty **members** who hold the appropriate terminal degree for the discipline in which they hold their appointments are deemed to be members of the graduate teaching faculty upon their initial appointments. Code units are responsible for notifying the dean of the college or professional school, as appropriate, and the Dean of the Graduate School of these individuals and requesting an appointment to the graduate teaching faculty. As part of their first evaluation for contract renewal of a probationary appointment, if the code unit wishes the person to become a member or associate member of the graduate faculty, it would use the information gathered in the process of contract renewal to provide the nominations as outlined above. If the code unit wishes the person to remain a member of the graduate teaching faculty, it renews the appointment by notifying the dean of the college or professional school, as appropriate, the Dean of the Graduate School, and the individual involved. If the code unit wishes to remove the person from responsibilities for graduate teaching, it notifies the person, the dean of the college or professional school if appropriate, and the Dean of the Graduate School.

Other appointments to the graduate teaching faculty are made by the appropriate code unit administrator, the graduate faculty of the code unit, and the Dean of the Graduate School, in accordance with procedures approved by the graduate faculty of the code unit. These appointments are valid for the terms of the individuals' contracts.

~~Adjunct Members. Persons not currently faculty members at East Carolina University may be named to the graduate faculty as adjunct members. Adjunct appointments may be made to any of the types of positions outlined above. Adjunct members of the graduate faculty must meet the same qualifications as required for the category to which they are named and are appointed and reappointed using the same procedures as graduate faculty members of the same category. Second and subsequent appointments as adjunct members must be predicated upon successful teaching experience and continuation of a level of professional activity appropriate to the category of membership.~~

~~Ex-officio Members.~~

~~Administrators with responsibilities for graduate programs who do not hold other appointments to the graduate faculty will be appointed to an ex-officio membership commensurate with background and experience and will hold that appointment for the duration of their administrative appointment.~~

External Thesis and Dissertation Committee Members.

Individuals external to ECU with demonstrated expertise in the area of study in a thesis or dissertation may serve on, but not chair a thesis or dissertation committee. The external member should have a terminal degree in the discipline or extensive professional experience. This appointment must be approved by the Dean of the Graduate School. The procedure for appointing a person to serve in this role will require approval by the Graduate Program Director and the unit graduate faculty members serving on the thesis or dissertation committee. The Graduate Program Director will submit a letter of request to the Dean of the Graduate School outlining the person's credentials (academic CV or resume) stating the contribution this individual will make to the as related to the specific thesis or dissertation.

~~II. The Graduate Assembly, the Graduate School Administrative Board, and the Graduate Curriculum Committee~~

~~A. Graduate Assembly~~

~~The Graduate Assembly shall include one graduate director from each academic department in the Thomas Harriot College of Arts and Sciences, the College of Education, the College of Business, the College of Fine Arts and Communication, the College of Health and Human Performance, the College of Human Ecology, the College of Technology and Computer Science, the School of Allied Health Sciences, the Brody School of Medicine, and the School of Nursing and a graduate student offering a graduate degree program and one member from the Graduate Student Advisory Council. The dean of the Graduate School, or his/her designee, chairs meetings of the Graduate Assembly. The chancellor, the provost and the vice chancellor for health affairs, or their designees, will serve as ex officio members of the Graduate Assembly.~~

~~Membership in the Graduate Assembly shall be limited to associate or full members of the graduate faculty who serve as graduate directors in their respective unit. Appointment to the position of graduate director shall be according to the unit code. There is no limit on service as a member of the Graduate Assembly.~~

~~The responsibilities of the Graduate Assembly will include:~~

- Implementing Graduate School policies on recruitment, application, enrollment, and graduation of students;
- Making recommendations to the dean of the Graduate School on policy issues referred to it by the Administrative Board;
- Making recommendations to the dean of the Graduate School on policies issues referred to it by at least forty percent of the Administrative Board.

The Graduate Assembly shall meet at least once a semester, by call of the dean of the Graduate School, or as the result of the petition of 15 percent of the members of the graduate faculty.

B. Graduate School Administrative Board

The Graduate School Administrative Board shall consist of three representatives from the Thomas Harriot College of Arts and Sciences, two from the College of Education, and one from the College of Business, the College of Fine Arts and Communication, the College of Health and Human Performance, the College of Human Ecology, the College of Technology

and Computer Science, the School of Allied Health Sciences, the Brody School of Medicine, and the School of Nursing and a graduate student. Each college and school representative and his/her alternate shall be full graduate faculty and shall be elected by vote of the members of their respective constituencies. The term of membership on the Administrative Board of the Graduate School shall be three years. The president of the Graduate Student Advisory Council serves as the graduate student representative.

The dean of the Graduate School, or his/her designee, is chair of the Graduate School Administrative Board and presides at board meetings. The dean of the Graduate School or his/her designee will vote in case of a tie vote. The provost, the Vice Chancellor for Health Affairs, and the Chair of the Faculty, or their designees, will serve as ex officio members, without vote, of the Graduate School Administrative Board. The Graduate School Administrative Board will meet as necessary, ordinarily biweekly, during the academic year.

The responsibilities of the Administrative Board will include:

- Election of the membership of the Graduate Curriculum Committee
- Approval of all course proposals at the graduate level (5000 and above);
- Approval of all proposals for new degree programs and program tracks and changes in existing degree programs;
- Participation in the review of all existing graduate programs;
- Review and approval of all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements;
- Review of all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
- Review and development of Graduate School policy including requirements for admission, retention of students, permissible course loads, transfer credit, grading, thesis and dissertation requirements and examinations, and standards for graduate faculty appointment.
- Reporting its actions to the Graduate Assembly.

A simple majority of the Graduate School Administrative Board will constitute a quorum.

II. Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee

A. Coordinators of Graduate Programs

Each Graduate Program and Graduate Certificate will have a designated Graduate Program Director or Coordinator who must be a Graduate or Associate Graduate Faculty member, approved by the unit chair and college dean and **academically** qualified to lead development and review of the program's curriculum. Meetings of Graduate Program Directors and Coordinators will be held at least twice per regular academic term and chaired by the Dean of the Graduate School or designee. These meetings will provide a forum where Graduate Program Directors and Coordinators may provide input to the Graduate School, the Graduate Council and the Graduate Curriculum Committee on any matters related to policies, practices, implementation, and administration of graduate education.

B. Graduate Council

The Graduate Council is comprised of 20 directors or coordinators of graduate programs elected* to represent their respective colleges; 4 Graduate Faculty (who are not program Directors) elected by the Faculty Senate (each from a different college or the Brody School of Medicine); plus 3 at-large-appointments by the Dean of the Graduate School. In addition there will be 6 ex-officio members with a vote, including the Chair of the Graduate Curriculum Committee (GCC), Chair of the Faculty or designee, a representative of the faculty senate, a representative of the Provost and Senior Vice Chancellor for Academic Affairs, a representative of the Vice Chancellor for Health Sciences, and the President of the Graduate and Professional Student Senate (GPSS) or designee. The Dean of the Graduate School will be an ex-officio member without a vote. The Graduate Council will elect a Chair and Vice-Chair from the elected members. All Graduate Council members are elected to serve three-year terms with terms staggered for continuity.

The Graduate Council will be responsible for consideration, debate, and voting on all graduate academic policies, and upon recommendation of the GCC, graduate curriculum and degree programs. Any member of the graduate faculty may recommend agenda items concerning graduate academic policy to the Graduate Council Executive Committee for inclusion on the Graduate Council agenda. New graduate degree programs, new certificates, new concentrations, degree title changes, and moving or discontinuing programs are also submitted to the Educational Policies and Planning Committee (EPPC) for review.

The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final **approval decision**. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

The Chair of the Graduate Council will convene meetings of the Graduate Council, report at each Faculty Senate meeting on graduate matters, and seek Faculty Senate input.

The Vice-Chair will assume the duties of the Chair if the Chair is unable to fulfill his or her duties.

*Initially, graduate councilors will be allocated 50% in proportion to the number of graduate faculty and 50% in proportion to the graduate SCH production in their respective colleges.

~~The responsibilities of the Administrative Board will include:~~ **The Graduate Council will**

- ~~Election of~~ **Approve** the membership of the Graduate Curriculum Committee;
- ~~Approval of all course proposals at the graduate level (5000 and above);~~
- ~~Approval of all proposals for new degree programs and program tracks and changes in existing degree programs~~
- **Approve Graduate Curriculum Committees (GCC) recommendations;**
- ~~Participation~~ **Participate** in the review of all existing graduate programs;
- ~~Review and approval of all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements~~
- Review all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
- Review and development Graduate School policy including requirements for admission, retention of students, permissible course loads, transfer credit, grading, thesis and dissertation requirements and examinations, and standards for graduate faculty appointment;
- **Make recommendations relating to graduate education to the Dean, Academic Council, and the Chancellor;**
- Reporting its actions to the ~~Graduate Assembly~~ **coordinators of graduate programs, graduate faculty, and Faculty Senate.**

A simple majority of the elected members of the Graduate Council will constitute a quorum.

C. Graduate Council Executive Committee

The Graduate Council Executive Committee (GCEC) is comprised of the Graduate School Dean, the Graduate Council Chair and Vice-Chair, and 4 members elected by and from the Graduate Council. The GCEC will meet at least once a month.

The GCEC will

- Review and approve all admissions by exception, requests for exceptions to transfer credit policy, and requests for exceptions to the time to degree requirements;
- Set the Graduate Council agenda;
- Prepare draft policies for consideration by the Graduate Council;
- Review the Graduate Council meeting minutes for presentation to the Graduate Council.

D. Graduate Curriculum Committee

The Graduate Curriculum Committee (GCC) shall ~~will~~ consist of ~~seven~~ **one** graduate or **associate graduate** faculty members from different graduate degree areas and one graduate student nominated by the Graduate Student Advisory Council and elected by the ~~Administrative Board of the Graduate School. The committee shall elect the chair itself and the chair, if not already a member, will be an ex-officio member of the Graduate Assembly and the Graduate School Administrative Board.~~ **with tenure from each college and the Brody School of Medicine. Members will be nominated by their respective deans through a**

process established by the school or college. Where possible members will have experience in both masters and doctoral programs. There will be two ex-officio members with vote including the president of the GPSS or designee and the Associate Provost for Academic Program Development. The Graduate Council will review the credentials of the nominees and approve members to serve on the GCC. Membership ordinarily is for a term of three years in staggered rotation with no more than three new members in any given year. Members may be reelected. **Members will serve staggered three-year terms. The Chair and Vice Chair of the GCC will be elected to serve a one-year term by and from the membership of the GCC. GCC members will be limited to serving two consecutive terms.**

~~The committee will review proposals for new graduate programs, new and revised courses, degree related catalog text changes, and requests to delete, bank, and unbank graduate courses. The committee will make recommendations for action to the Graduate School Administrative Board and is empowered also to make recommendations to the Graduate Assembly and to the Graduate School administration on any graduate curriculum related matters. The committee is responsible for determining its own methods and procedures for fulfilling these responsibilities~~

The GCC will review, consider and make recommendations to the Graduate Council on:

- **Proposals for new graduate programs, certificates, concentrations, degree title changes, and moving or discontinuing graduate programs, certificates or concentrations.**
- **Proposals for new and revised graduate courses;**
- **Degree-related graduate catalog changes;**
- **Requests to delete, bank, and unbank graduate courses;**
- **Other graduate curriculum related matters;**
- **Changes to its charge;**
- **Other duties as assigned by the Graduate Council.**

The GCC will determine its own methods and procedures to fulfill its charge.

All recommendations of the GCC will be reported to the Graduate Council. Recommendations on new programs, new certificates, new concentrations, degree title changes, and moving or discontinuing programs will be reviewed by both the Graduate Council and the EPPC who then reports to the Faculty Senate. Both negative and positive recommendations will be reported to the Graduate Council and forwarded to the Academic Council and Chancellor.

~~III. Graduate Student Advisory Council~~

~~A. Composition~~

~~The Graduate Student Advisory Council shall be composed of currently enrolled graduate student representatives from each professional school and from each department in the College of Arts and Sciences offering graduate degrees.~~

~~B. Functions~~

- ~~1. The advisory council shall elect co-chairpersons from its membership who shall in turn serve on the Graduate Assembly.~~
- ~~2. The advisory council shall serve as a student liaison between the Graduate School and the schools and departments by providing a forum through which concerns common to graduate students can be brought to the attention of the dean and assistant dean of the Graduate School.~~
- ~~3. Dates of meetings are set and the council develops agenda.~~

III. The Dean of the Graduate School

A. Functions and Jurisdiction

The Dean is the chief executive officer of the Graduate School and ~~chairperson~~ **chairs plenary sessions** of the graduate faculty, ~~the Graduate Assembly, and the Graduate School Administrative Board.~~ **The Dean (or designee) will chair meetings of the graduate program coordinators.** He or she will be available to advise and assist schools and departments in the planning and development of their graduate programs. He or she will be specifically responsible for coordinating with the general administration of the university all new graduate program proposals advanced by schools and departments.

The Dean ~~shall~~ **will** be responsible for the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the ~~Graduate School Administrative Board~~ **Graduate Council**. He or she is expected to articulate both the current status and the short-term and long-term concerns and objectives of graduate education at the university and to offer timely and appropriate recommendations for its improvement and greater efficiency in meeting the needs of its constituents.

The Dean will be responsible for the operation of the Graduate School office including the preparation of its annual budget, spending of funds, utilization of allocated office space, assignments of responsibilities to staff, and the establishment of office procedures for effective implementation of all administrative tasks performed by the Graduate School office.

The Dean will develop procedures for consultation with other units of the university and extramural academic, professional, governmental, and community groups.

IV. Modifications to the Graduate School Organization

A. Graduate Council

The Graduate Council may recommend revisions to this document. The Graduate Council will make recommendations to the Dean of the Graduate School, who may concur or not. The Dean will forward these recommendations to the Academic Council and then the Chancellor for final **approval decision**. The Chair of the Graduate Council will communicate recommendations to the Faculty Senate for information, comment, and advice.

B. Graduate Faculty

The graduate faculty may recommend revisions to this document, "Graduate School Organization," through a majority vote in plenary session where a quorum is established, through canvass conducted according to Part I.C of this document or through the concurrent approval of the Graduate Council. **Decisions Recommendations** of the graduate faculty **will be reviewed by will be made in the form of recommendations to** the Dean of the Graduate School **who may concur or not, to the and Academic Council and then the forwarded to the** Chancellor for final **approval decision**. The Chair of the Graduate Council will communicate graduate faculty recommendations to the Faculty Senate for information, comment, and advice.

Faculty Senate Agenda
January 24, 2012

Attachment 2.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization,
Subsection I. Organization of the University of North Carolina

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

Revise and keep in the Faculty Manual.

I. The Organization of the University of North Carolina

In North Carolina, all the public educational institutions that grant baccalaureate degrees are part of The University of North Carolina. East Carolina University is one of ~~sixteen~~ **seventeen** constituent institutions of the multi-campus state university.

The University of North Carolina, chartered by the NC General Assembly in 1789, was the first public university in the United States to open its doors and the only one to graduate students in the eighteenth century. The first class was admitted in Chapel Hill in 1795. For the next 136 years, the only campus of The University of North Carolina was at Chapel Hill.

In 1877, the NC General Assembly began sponsoring additional institutions of higher education, diverse in origin and purpose. Five were historically black institutions, and another was founded to educate American Indians. Several were created to prepare teachers for the public schools. Others had a technological emphasis. One is a training school for performing artists.

In 1931, the NC General Assembly redefined The University of North Carolina to include three state-supported institutions: the campus at Chapel Hill (now the University of North Carolina at Chapel Hill), North Carolina State College (now North Carolina State University at Raleigh), and Woman's College (now the University of North Carolina at Greensboro). The new multi-campus University operated with one board of trustees and one president. By 1969, three additional campuses had joined the University through legislative action: the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington.

In 1971, the General Assembly passed legislation bringing into The University of North Carolina the state's ten remaining public senior institutions, each of which had until then been legally separate: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, The North Carolina School of the Arts, Pembroke State University (**now the University of Pembroke**), Western Carolina University, and Winston-Salem State University. This action created the ~~current~~ **original** sixteen-campus University. (In 1985, the North Carolina School of Science and Mathematics, a residential high school for gifted students, was declared an affiliated school of The University; **in July 2007 NCSSM by legislative action became a constituent institution of the University of North Carolina** [<http://www.northcarolina.edu/about/mission.htm>], **making it the seventeenth campus of the University of North Carolina.**)

The University of North Carolina Board of Governors is the policy-making body legally charged with the general determination, control, supervision, management, and governance of all affairs of the constituent institutions. It elects the president, who administers The University (<https://www.northcarolina.edu/policy/index.php>). The thirty-two voting members of the board of governors are elected by the General Assembly for four-year terms. Former board chairs and board

members who are former governors of North Carolina may continue to serve for limited periods as emeritus nonvoting members. The president of The UNC Association of Student Governments, or that student's designee, is also a nonvoting member.

Each of the ~~sixteen~~ **seventeen** constituent institutions is headed by a chancellor, who is chosen by the board of governors on the president's nomination and is responsible to the president. Each institution has a board of trustees, consisting of eight members elected by the board of governors, four appointed by the governor, and the president of the student body, who serves ex-officio. (The NC School of the Arts has two additional ex-officio members.) Each board of trustees holds extensive powers over academic and other operations of its institution on delegation from the board of governors.

University of North Carolina General Administration

<http://www.northcarolina.edu/>

Board of Governors for the University of North Carolina

<http://www.northcarolina.edu/bog/index.htm>

Constituent Institutions of the University of North Carolina

http://www.northcarolina.edu/campus_profiles/index.php

Faculty Senate Agenda

January 24, 2012

Attachment 3.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization,
Subsection III. University Policy

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

Revise and keep in the Faculty Manual.

III. University Policy

III. Vetting of Administrative Statements of Policy in matters relating to Faculty

The following outlines the internal Faculty Senate process for obtaining Formal Faculty Advice on Administrative Policies.

Based on the East Carolina University Policy Manual, the official repository of all approved policies, regulations, and rules (PRRs) at East Carolina University, the following process has been established for the solicitation and provision of faculty advice on all matters involving faculty in the areas of academic policies, regulations, and procedures and administrative governance (www.ecu.edu/prr).

When the need for an administrative policy, regulation, or rule is determined which pertains to faculty, the appropriate authority (Chancellor) or delegated authority will discuss the proposal with the Chair of the Faculty. The appropriate delegated authority (e.g. Provost, Academic Council) provides the Chair of the Faculty with a draft of the proposed administrative policy.

The Chair of the Faculty asks the appropriate university academic/appellate committee to review and provide feedback and recommendations to the Faculty Senate within a specific

time frame, as designated by the Chair of the Faculty in consultation with the appropriate authority or designated authority.

Following committee review and vetting, the committee will submit the recommendation to the Faculty Senate as a means of formal faculty advice on the proposed administrative policy. The Faculty Senate will vote on the recommendation of the university committee as formal advice for the proposed administrative policy. The formal advice will be documented following the same recordkeeping process as all other Faculty Senate actions and resolutions.

If the formal advice on the PRR is approved by the Faculty Senate, the formal advice will be submitted to the Chancellor following the normal established approval/review process, in addition to the appropriate delegated authority for the PRR (e.g. Provost, Academic Council). The Chancellor will act according to the established process and notify the Chair of the Faculty that the faculty's formal advice has been considered. The appropriate delegated authority will notify the Chair of the Faculty that the faculty's formal advice has been considered.

The Chair of the Faculty will receive formal notification from the appropriate authority (Chancellor) or delegated authority (e.g. Provost, Academic Council) following approval of the proposed administrative policy. A history of the Faculty Senate recommendation/formal advice will be maintained in the Faculty Senate office in the same manner as all other Senate actions and resolutions and maintained as feedback to the PRR policy when published in the University Policy Manual.

~~The chancellor, as the administrative and executive head of East Carolina University, exercises the authority and responsibility assigned to him or her in Chapter Five of The Code of the University of North Carolina. Subject to the policies of the board of governors and the direction of the president of The University of North Carolina, the chancellor and the board of trustees establish policies for the institution. In establishing policies, the chancellor receives advice from the administrative staff, the Graduate Assembly, the Faculty Senate, administrative and academic committees, and the Student Government Association. The chancellor delegates administrative responsibility to the five vice chancellors as described in Part VIII of the Faculty Manual. The planning, development, and administration of university policy are achieved by close interaction of the administrative organization and the faculty policy making organization.~~

Faculty Senate Agenda
January 24, 2012
Attachment 4.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*, Part II. University Organization,
Subsection V. Administrative Policy

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

Revise and keep in the Faculty Manual.

Administrative Policy

Administrative policy, as distinct from academic policy, is determined by the chancellor in consultation with other administrative officers. Administrative committees are appointed by the chancellor (**or the**

Chancellor's designee) and report to the chancellor or to his or her designee. They consist of ~~These~~ committees, councils, and boards **are** not responsible to the Faculty Senate because of their jurisdictions and functions; however, the chair of the faculty (or an appointed representative) serves as an ex-officio member on most of the administrative committees. **The complete list of current standing University administrative committees is available online at: [NEED LINK](#)**

~~The following are the current administrative committees:~~

~~Academic Integrity Board (Student Life)
Administrative Computing
Advisory Committee on Codes
Affirmative Action Review and Advisory Committee
Animal Care and Use Committee
Athletic Committee
Biological Safety Committee
Citation Appeals Board
Commencement Committee
Committee on Canvassing and Soliciting
Committee on Copyright
Environmental Safety Committee
Faculty and Staff Benefits Committee
Family Weekend Committee
Health Professions Advising Committee
Homecoming Steering Committee
Honorary Degrees, Awards, and Distinctions Committee (Board of Trustees)
Infection Control Committee
Information Resources Coordinating Council
Living History Committee
Natural Areas Committee
Parking and Transportation Committee
Patent and Intellectual Property Committee
Radiation Safety Committee
Research Ethics Oversight Committee
Resident Status Appeals Committee
Scholarship Committee
Smart Classroom Technology Steering Committee
Space Allocation Committee
Status of Women
University and Medical Center Institutional Review Board
University Special Collections Committee~~

Faculty Senate Agenda
January 24, 2012
Attachment 5.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*,

Part VI. General Personnel Policies, Section III.I. Grants, Contracts, and Cooperative Agreements

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

Revise and keep in the Faculty Manual.

Grants, Contracts, and Cooperative Agreements

ECU's Office of Sponsored Programs (OSP) has ~~The office of Sponsored Programs is the university office with~~ responsibility for pre-award activities involved in the **preparation and**

submission of proposals **on behalf of ECU** to external sponsors for support of projects in research, creative activity, training, and public service. ~~The staff will provide information, assistance, review, and endorsement. The office of Sponsored Programs serves as the clearinghouse for information on public and private funding opportunities. Staff members welcome requests for assistance in locating funding sources and developing proposals and budgets. They will review proposals for completeness and compliance with university and sponsor administrative requirements. In addition, they will provide guidance for development of contractual agreements for activities such as clinical drug trials.~~ **OSP must review and approve all proposals for grants, contracts, and cooperative agreements prepared by faculty for submission to request outside funds funding sources before submission to external sponsors.** ~~must be reviewed and signed in the office of Sponsored Programs before submission to sponsors.~~

The Office of Grants and Contracts (OGC) is the University Office responsible for post-award activities related to proposals that have been awarded by external sponsors to ECU faculty that support projects/programs in research, creative activity, training, and public service/clinical care. OGC is responsible for ensuring that expenditures are in accordance with sponsor and institutional guidelines. OGC also assists investigators in preparing information for sponsor required financial reporting.

Faculty Senate Agenda
January 24, 2012
Attachment 6.

FACULTY GOVERNANCE COMMITTEE REPORT
Proposed Revisions to the *ECU Faculty Manual*,
Part X. The Faculty Assembly of the University of North Carolina

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

Revise and keep in the Faculty Manual.

I. Faculty Assembly Organization

The University of North Carolina Faculty Assembly was formed in 1972 when all of the State's public senior institutions were brought into the University of North Carolina. The Charter of the University of North Carolina Faculty Assembly gives the objectives for the body:

1. The Faculty Assembly of the University of North Carolina shall gather and exchange information on behalf of the faculties of the constituent institutions of The University of North Carolina.
2. The Assembly shall, through appropriate channels, advise the Board of Governors of The University of North Carolina, the General Assembly, and other governmental agencies and officers on matters of university-wide importance.
3. The Assembly shall advise and communicate with the President of the University of North Carolina with regard to the interests of the faculties and other matters of university-wide importance.

Each of the seventeen campuses of the University of North Carolina elects delegates to the Faculty Assembly according to guidelines on delegation size and composition given in the

Charter. [The Bylaws of the Faculty Assembly of the University of North Carolina](#) establish the procedures by which the Faculty Assembly operates and conducts its business.

II. East Carolina University Faculty Assembly Delegation

A. Composition and Terms of Delegates and Alternates

The procedure by which East Carolina University elects its Faculty Assembly Delegates and Alternate Delegates is contained in [Bylaw VI of the Bylaws of the Constitution of the Faculty of East Carolina University](#). ECU Faculty Assembly Delegates and Alternate Delegates should be full-time faculty, holding no administrative duties outside their departments. Terms are three years, with all regular terms of service beginning on and ending on July 1 of each year. A faculty member may not have served as a Delegate for more than six of the preceding nine years. Time spent while serving as an Alternate Delegate is not counted in the limitation.

B. Attendance of Faculty Assembly Meetings

Faculty Assembly Delegates are expected to attend Faculty Assembly meetings when possible. A Delegate who cannot attend a Faculty Assembly meeting should arrange for an Alternate Delegate to attend in his/her place. The Delegate should also notify the Chair of the UNC Faculty Assembly of the Alternate's participation.

Generally, travel expenses for Delegates to participate in Faculty Assembly meetings are reimbursed by the UNC General Administration. Delegates are encouraged to carpool and use state vehicles where possible to minimize costs. Delegates must follow defined rules for travel and, to insure proper and timely reimbursement, are advised to turn in all travel paperwork prior to leaving the meeting.

Alternate Delegates participate in meetings only when/if they are asked to do so in place of a Delegate. Upon arrival to a meeting when attending for a Delegate, Alternate Delegates should notify the Chair of the Assembly and the administrative assistant.

C. Faculty Assembly Report to the East Carolina University Faculty Senate

Elected delegates to the UNC Faculty Assembly serve ex-officio on the ECU Faculty Senate with a vote in all Senate matters except the election of officers and committee members, as specified in the [Faculty Constitution and By-Laws](#) located in the *ECU Faculty Manual*. The Faculty Assembly delegation is responsible for compiling a written report of each Assembly meeting and presenting the report to the Senate. Usually, the elected delegates rotate reporting duties among all present. Minutes of the Assembly meeting may or may not be available prior to scheduled Faculty Senate meeting. As such, delegates should take notes and be prepared to provide a written report in addition to a verbal report to the Faculty Senate.

UNC Faculty Assembly Web Page

<http://www.northcarolina.edu/facultyassembly/index.htm>

The Charter of the Faculty Assembly of the University of North Carolina

<http://www.northcarolina.edu/facultyassembly/charter.htm>

The Bylaws of the Faculty Assembly of the University of North Carolina

<http://www.northcarolina.edu/facultyassembly/bylaws.htm>

ECU Faculty Manual Appendix A Bylaw VI. Faculty Assembly Delegates and Alternates

<http://author.ecu.edu/cs-acad/fsonline/customcf/facultymanual/appendixa/ab6.htm>

ECU Faculty Manual Appendix A. Faculty Constitution of East Carolina University, Part VI
<http://author.ecu.edu/cs-acad/fsonline/customcf/facultymanual/appendixa/a6.htm>

~~Charter of the Faculty Assembly of the University of North Carolina~~

~~I. Objectives and Functions~~

- ~~1. The Faculty Assembly of The University of North Carolina shall gather and exchange information on behalf of the faculties of the constituent institutions of The University of North Carolina.~~
- ~~2. The assembly shall, through appropriate channels, advise the Board of Governors of The University of North Carolina, the General Assembly, and other governmental agencies and officers on matters of University-wide import.~~
- ~~3. The assembly shall advise and communicate with the president of The University of North Carolina with regard to the interests of the faculties and other manners of University-wide import.~~

~~II. Organization and Relationships~~

- ~~1. Representation in the assembly shall be apportioned among the constituent institutions of The University of North Carolina with regard to the number of full-time faculty and professional staff members in the service of each institution. Each institution having not more than 300 full-time faculty and professional staff members shall choose 2 delegates; each institution having from 301 to 600 full-time faculty and professional staff members shall choose 3 delegates; each institution having 601 to 900 full-time faculty and professional staff members shall choose 4 delegates; and each institution having more than 900 full-time faculty and professional staff members shall choose 5 delegates. At any time that the number of full-time faculty and professional staff members of an institution changes so as to entitle it to a larger or smaller number of delegates under the foregoing formula, the number of its delegates forthwith shall be changed accordingly. Every delegate to the assembly shall be a full-time faculty or professional staff member of the institution he seeks to represent. The manner of selection of delegates shall be determined by the faculties of the respective institutions consistent with their institutional practices. Terms and rotation of delegates shall be specified in the bylaws.~~
- ~~2. The assembly shall have a chairman and other such officers, who shall be chosen in such manner and for such terms, as the assembly may provide in its bylaws.~~
- ~~3. Each institutional delegation to the assembly shall make available to the faculty of its institution the official minutes of the proceedings of the assembly, together with the written report of the delegation.~~

~~III. Operations~~

- ~~1. The assembly shall adopt its own bylaws.~~
- ~~2. The bylaws of the assembly shall provide for regular, stated meetings of the assembly, which shall be held at various locations~~
- ~~3. Special meetings of the assembly may be called by the president of The University of North Carolina, by the officers of the assembly, or by members of the assembly, in accordance with procedures to be established in the bylaws of the assembly.~~
- ~~4. Records of the activities of the assembly shall be kept and transmitted to the appropriate successor officers of the assembly.~~
- ~~5. Released time shall be made available to the officers of the assembly, subject to the approval of the president of the University of North Carolina.~~
- ~~6. The assembly shall be provided by The University of North Carolina with necessary secretarial assistance and other related services and resources.~~
- ~~7. The members of the assembly shall be reimbursed by The University of North Carolina for expenses incurred in attending meetings of the assembly.~~

~~IV. Ratification and Amendment of the Charter~~

- ~~1. This charter shall be transmitted to the constituent institutions of The University of North Carolina for ratification or rejection by the faculty of each institution in accordance with the processes of that institution. The charter shall become effective upon its ratification by two-thirds of the constituent institutions of The University of North Carolina. The institutions whose faculties ratify the charter shall become participating institutions and shall send delegations to the assembly.~~
- ~~2. An amendment to the charter may be introduced in the assembly by any member of the assembly; and, if approved by a majority of the authorized membership of the assembly, it shall be transmitted to the participating institutions of the assembly for ratification by the faculty of each institution in~~

~~accordance with the processes of that institution. An amendment shall become effective upon its ratification by two-thirds of the participating institutions of the assembly. The foregoing proposed charter of the Faculty Assembly of The University of North Carolina was adopted unanimously by The University Faculty Assembly, representing all sixteen public institutions of higher education in North Carolina, meeting in Greensboro on April 15, 1972. (John L. Sanders, Chairman of the Assembly)~~

~~BYLAWS OF THE FACULTY ASSEMBLY OF THE UNIVERSITY OF NORTH CAROLINA~~

~~I. Definition of Charter~~

~~The articles under which the Faculty Assembly came into existence are the Charter of the Faculty Assembly. Bylaws enacted by the assembly are for the purpose of giving effect to the purpose and functions described in the charter~~

~~II. Members of the Assembly~~

- ~~A. The assembly shall be composed of representatives from each institution according to the provisions as stated in section 11, paragraph 1 of the charter.~~
- ~~B. The assembly shall make no determination of the method of election, those matters being specifically reserved to the faculties of the several institutions.~~
- ~~C. The terms of delegates and alternates of the assembly shall range from one to three years as established by each institution, and each institution shall assure continuity of delegation membership by a system of rotated terms. To be eligible as a delegate, a faculty member may not have served as a delegate to the assembly for more than six of the preceding nine years, nor could he be selected to a term that would result in a violation of this limitation. Time spent while serving as an alternate is not counted in that above imitation~~
- ~~D. Each institutional faculty shall determine the number of alternate delegates it believes necessary. The terms of alternates shall correspond to the terms of delegates.~~
- ~~E. All regular terms of service shall begin and end on July 1 of each year. The delegate list and authorized alternates for the coming academic year shall be in the hands of the assembly chairman by April 20.~~

~~III. Officers~~

- ~~A. The officers of the assembly shall be a chairman, a vice chairman, and a secretary.~~
- ~~B. Each officer shall serve for a term of one year but may be re-elected to two additional succeeding terms in that office, after which he shall be ineligible for re-election to that office for a period of one year.~~

~~IV. Agenda Committee~~

- ~~A. An agenda committee consisting of the three elected officers, chairman, vice chairman, and secretary, shall be established.~~
- ~~B. The Agenda Committee shall be responsible for preparing the agenda for meetings. Matters presented to the Agenda Committee by any assembly delegate, assembly officers, or the president of The University of North Carolina shall be placed on the agenda not later than the time of the second regular meeting of the Faculty Assembly after receipt of such a recommendation.~~

~~V. Meetings~~

- ~~A. Unless otherwise ordered by the Agenda Committee, there shall be at least four stated meetings of the assembly during the academic year at dates and places to be established at the last regular meeting of the preceding academic year. All assembly members shall be informed of these dates by that time. The regular fall meeting shall not be scheduled for a date prior to September 1.~~
- ~~B. Special meetings shall be called:
 - ~~1. By the president of The University of North Carolina at his discretion.~~
 - ~~2. By the Agenda committee on its initiative.~~
 - ~~3. By the chairman when a request is made to him by any institutional delegation.~~~~
- ~~C. The site of the regular meetings of the assembly shall be determined by majority vote of members present, subject to A., above. Special meetings may be held at whatever location seems most advisable to the chairman.~~
- ~~D. No meeting of the assembly shall be a legal meeting at which there are present fewer than a majority of the assembly members.~~

~~E. Advance notice of all meetings shall be circulated to members so as to be received at least two weeks prior to the meeting. For special meetings in emergency situations, this provision may be waived by action of the Executive Committee.~~

~~F. The agenda for each meeting must be circulated so as to be received at least ten days in advance of the meeting (except in case of emergency as referred to in section V.E.). If an agenda item requires action by the Faculty Assembly, the recommendation shall be submitted to the secretary by any assembly member, and the secretary shall be responsible for distribution of the recommendation with the agenda, or as soon thereafter as possible. The above shall not preclude any assembly member from performing this distribution without use of the secretary. No item of business may be acted upon by the assembly unless the recommendation has been distributed to the assembly twenty-four hours before action is to be taken. Except that the twenty-four-hour rule may be waived by EITHER (1) a two-thirds vote of the members present at the meeting during which action is to be taken, OR (2) by virtue of the fact that the item of business requiring assembly action received a majority vote of a quorum of a standing or ad hoc assembly committee. The agenda shall be open to all items submitted in time to meet the requirements of this article.~~

~~VI. Voting~~

~~A. There shall be no voting by proxy. Only members or their authorized alternates present at the meeting may vote.~~

~~B. When voting, and upon the request of any voting member of the assembly, or his authorized alternate, and with the approval of one-fifth of the voting members present, a roll call vote will be held.~~

~~VII. Elections~~

~~A. It shall be incumbent upon each institution to designate and certify its assembly members and alternates for the coming academic year on or before April 15.~~

~~B. Election of officers for the year shall take place at the last spring meeting of the assembly. Officers shall be elected by secret ballot in the following manner:~~

~~1. The order of election of officers shall be chairman, vice chairman, and secretary.~~

~~2. Election shall be by a majority vote of those members present and voting.~~

~~C. The term of office for officers shall coincide with that specified in II E., for members of the assembly.~~

~~D. An election to fill a vacancy in any office or on the Executive Committee can take place at any regular or special meeting of the assembly.~~

~~VIII. Executive Committee~~

~~A. There shall be an Executive Committee consisting of the three officers of the assembly, one officer from the staff of The University (who shall be appointed by the president of The University and who shall be a nonvoting member of the committee), and the chairmen of the standing committees.~~

~~B. The chairman of the Faculty Assembly shall be chairman of the Executive Committee.~~

~~C. The Executive Committee shall review periodically the structure and functions of the standing committees and make recommendations to the assembly for appropriate changes.~~

~~D. The Executive committee shall assume only such prerogatives and powers as shall be delegated to it by a majority vote of the Faculty Assembly.~~

~~IX. Duties of Officers~~

~~A. The chairman shall perform the duties usually associated with this office including, but not limited to, presiding at meetings of the assembly, generally supervising the activities of the assembly, appointing members of special committees and, with the guidance of the Executive Committee, appointing members, but not chairmen, of standing committees, and serving as chief liaison officer between the assembly and the president of The University, the board of governors, and other appropriate agencies. If so desired by the president, the chairman shall serve on the President's Administrative Council.~~

~~B. The vice chairman shall perform the duties of the chairman in the event of the chairman's absence or disability. In the event that the office of chairman falls vacant, the vice chairman shall assume that office, and a new vice chairman shall be elected at the next regular meeting.~~

~~C. The secretary shall be responsible for the preparation of the minutes of all meetings and be custodian of the records of the assembly. He shall be responsible for giving notice of meetings of the Executive Committee and the assembly, for circulating the agenda, and for distributing copies of the minutes of the Faculty Assembly and Executive Committee meeting to all delegates and other designated individuals.~~

~~X. Committees (other than Agenda and Executive Committees)~~

- ~~A. Nominations committee: At its second regular meeting of the year, the Faculty Assembly shall elect, by nominations from the floor, a Nominations Committee of five members, the chairman to be elected by the committee. This committee shall circulate a slate of two nominees for each office of the assembly and two nominees for each of the chairmen of standing committees.~~
- ~~B. A Governance Committee, whose responsibility shall be to review and make recommendations on matters relating to the charter and bylaws of the assembly, and to consider and make recommendations on matters including but not limited to the statutes, the board of governors, and the General Administration of The University of North Carolina. The parliamentarian of the Faculty Assembly will be an ex-officio advisory member of the committee who will not have voting rights in the committee and who according to Section XI B shall not necessarily be a member of the Faculty Assembly.~~
- ~~C. A Committee on Professional Development, whose responsibility shall be to review and make recommendations on matters which enhance professional effectiveness of faculty members in the areas of teaching, research, and public service; leaves for professional development, reduced teaching loads for research, and professional travel are relevant concerns.~~
- ~~D. A committee on Faculty Welfare, whose responsibility shall be to review and make recommendations on those factors which contribute to the professional satisfaction of the faculty. Included among these factors are salaries, fringe benefits, retirement programs, working conditions, and manners related to communications within The University system.~~
- ~~E. A Committee on Academic Freedom and Tenure, whose responsibility shall be to review and make recommendations on manners related to academic freedom and tenure, faculty role in personnel decisions, and the preservation of academic freedom and tenure.~~
- ~~F. A Committee on Budget, whose responsibility shall be to review and make recommendations on manners relating to educational budgets for the state as well as for The University of North Carolina. Responsibilities shall include the making of recommendations on the preparation of the budget and the priorities which lead to allocations to the constituent institutions.~~
- ~~G. A committee on Planning and Programs, whose responsibility shall be to review and make recommendations on matters relating to educational planning for the state as well as for The University of North Carolina, including the review and evaluation of programs and the criteria for the initiation or termination of educational programs. The committee shall inform the assembly of the progress and nature of the five-year programs as developed by the general administration and the board of governors.~~
- ~~H. Chairman and members of each standing committee shall be members of the assembly.
— Ad hoc committees may be appointed by the chairman of the assembly as appropriate. The chairman of each ad hoc committee shall be a member of the assembly, but nonvoting members may be co-opted from the student bodies or faculties of the several institutions. Co-opted members of an ad hoc committee may not exceed, in number, assembly members of the committee.~~

~~XI. Operations~~

- ~~A. The chairman shall, within a month of assuming office, submit to the president of The University of North Carolina a budget for the assembly for the year, which shall include a specification of the office space, secretarial assistance, supplies, and travel required for the business of the assembly and its delegates.~~
- ~~B. The rules contained in the latest revision of *ROBERT'S RULES OF ORDER* shall govern the assembly in all cases to which they are applicable when they are not inconsistent with bylaws or special rules of the assembly. There shall be a parliamentarian at all meetings and he shall be appointed by the chairman. (He need not be a member of the assembly.)~~

~~XII. Reports~~

- ~~A. The basic record of the actions and deliberations of the assembly shall be the minutes of meetings kept by, or under the supervision of, the secretary of the assembly. Copies of the minutes shall be circulated to all members of the assembly, the chancellors of the various institutions, the president of The University, the chairman of the board of governors, and such other individuals as the assembly, president, or chairman may designate.~~
- ~~B. The delegation from each institution shall submit to its faculty and to the chairman of The University Faculty Assembly an annual report of the work of the assembly.~~

- ~~1. This report shall be prepared in time for submission to the faculty concerned at its first regular fall meeting.~~
- ~~2. The form of the report as well as the production of it shall be the sole responsibility of the assembly members from that institution.~~

~~C. Special reports may be prepared from time to time by the assembly and given such distribution as seems appropriate.~~

~~D. The records of the assembly shall be open to inspection by any regular full-time member of the faculty of each institution and to such other persons may be given permission by either the assembly, the president, or the chairman~~

~~XIII. Attendance~~

~~A. Faculty members from the participating campuses are eligible to attend sessions of the assembly as observers. Faculty or student members of special committees may, as a matter of course, be eligible to attend and participate in those portions of meetings of the assembly at which matters pertaining to those committees are discussed.~~

~~B. Alternate members of the assembly, unless standing in for a voting member, may participate in discussion of the assembly only when given privileges of the floor by the chairman.~~

~~C. The president of The University and his designated representatives, shall have a standing invitation to attend and participate in the discussions at all meetings. In the event of the absence of these individuals, the chairman of the assembly shall communicate the proceedings of that meeting to the President.~~

~~D. Other visitors may be admitted to meetings.~~

~~XIV. Amendments~~

~~A. The bylaws may be amended by the vote of two-thirds of those voting members present at any meeting of the assembly. Provided the substance of the proposed amendment has been circulated in time to be received by all members at least one month prior to the meeting at which action is proposed.~~

~~B. No amendment to the bylaws may have the effect of amending, modifying, or altering the charter. It shall be the duty of the Executive committee to insure that such will not be the result. (For amendments to the charter, see charter, IV 2.)~~

Approved: 28 April 1978, University of North Carolina Board of Governors

Faculty Senate Agenda January 24, 2012 Attachment 7.

FACULTY GOVERNANCE COMMITTEE REPORT

Proposed Revisions to the *ECU Faculty Manual*,
Part XI. The Code, The Board of Governors of the University of North Carolina

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

Revise and relocate in the Faculty Manual as a part of Part II. University Organization.
Part XI. University of North Carolina Policy Manual and the UNC Code

As a constituent institution of the University of North Carolina, East Carolina University is subject to the policies in the University of North Carolina Policy Manual, which contains the Code of the Board of Governors of the University of North Carolina (the UNC Code) as section 100.1. The UNC Code is the document that establishes the University of North Carolina, the Board of Governors and its committees, and the Boards of Trustees of each constituent institution. The UNC Policy Manual supersedes the East Carolina University Faculty Manual should there be a conflict between the documents.

Chapter VI of the UNC Code, "Academic Freedom and Tenure," contains many faculty-related policies, such as Academic Freedom and Responsibility of Faculty; Academic Tenure; Due Process Before Discharge or the Imposition of Serious Sanctions; Appointment, Nonreappointment, and Requirements of Notice and Review; Termination of Faculty Employment; Retirement of Faculty; Faculty Grievance Committee for Constituent Institutions; Students' Rights and Responsibilities; Appellate Jurisdiction of The Board of Governors; Rights of Special Faculty Members; and Review of Personnel Actions Affecting Specified Employees Exempt from the State Personnel Act (EPA).

University of North Carolina Policy Manual
<http://www.northcarolina.edu/policy/index.php>

Code of the Board of Governors of the University of North Carolina
<http://www.northcarolina.edu/policy/index.php?tag=toc|The+Code>

Part XI. The Code, The Board of Governors of the University of North Carolina
<http://www.northcarolina.edu/policy/index.php>

Faculty Senate Agenda
January 24, 2012
Attachment 8.

FOUNDATIONS CURRICULUM AND INSTRUCTIONAL TECHNOLOGY COMMITTEE

Proposed revisions to the *ECU Faculty Manual*,
Part V. Section I.A. Access to Student Educational Records

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

Revise and retain in the Faculty Manual.

A. Access to Student Educational Records

The university administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This regulation provides that the student has a right of access to student educational records maintained by the university or any department or unit within the university, subject to certain exceptions which are outlined in this regulation maintained. This regulation also protects the confidentiality of personally identifiable information in student records. Except to the extent allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions.

~~In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the university that students have the following rights in regard to official educational records maintained by the university:~~

- ~~1. Each student has the right to inspect and review any and all official educational records, files, and data maintained by the university and directly related to the student.~~
- ~~2. The university will comply with the request from a student to review his or her records within a reasonable time but in any event not more than forty-five days after the request is made. Any inquiry pertaining to student records should be directed to the Office of the Registrar.~~
- ~~3. A student who believes that his or her educational records contain inaccuracies or misleading information or that his or her right of privacy is violated on the basis of information contained in such~~

~~records has the right to a hearing to challenge such information and to have it removed from his or her record or to include in the record his or her own statement of explanation. Any complaint pertaining to student records should be made directly to the office of the University Attorney.~~

- ~~4. The university will not release any information from student records to anyone except those agencies noted below in item 5, without the prior written consent of the student. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.~~
- ~~5. Information from the student's records may be released without the written consent of the student in the following situations:~~
 - ~~a. in compliance with a court order or subpoena provided the student is notified of all such orders or subpoenas in advance of compliance by the university~~
 - ~~b. a request from the staff or faculty of the university who have a legitimate educational interest in the information or administrative duties which require the maintenance of records~~
 - ~~c. requests from other departments or educational agencies who have legitimate educational interest in the information~~
 - ~~d. requests from officials of other colleges or universities at which the student intends to enroll provided the student is furnished with a copy, if he or she so desires, so that he or she may have an opportunity to challenge the contents of the record~~
 - ~~e. requests from authorized representatives of the US comptroller general or the administrative head of a federal educational agency, in connection with an order or evaluation of federally supported educational programs~~
 - ~~f. requests in connection with a student's application for receipt of financial aid~~
- ~~9. requests from parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1954~~
- ~~h. requests from appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons. A student has the right to file a complaint at any time with the US Department of Education. However, it is expected that the student normally would exhaust the administrative remedies for relief available to him or her according to the university grievance procedures before filing such a complaint. See Privacy of Student Educational Records, Part V.I.O. for more information.~~

**Faculty Senate Agenda
January 24, 2012
Attachment 9.**

FOUNDATIONS CURRICULUM AND INSTRUCTIONAL TECHNOLOGY COMMITTEE
Proposed revisions to the *ECU Faculty Manual*,
Part V. Section I.O. Privacy of Student Educational Records

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

Revise and retain in the Faculty Manual.

O. Privacy of Student Educational Records

The university administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This regulation provides that the student has a right of access to student educational records maintained by the university or any department or unit within the university, subject to certain exceptions which are outlined in this regulation maintained. This regulation also protects the confidentiality of personally identifiable information in student records. Except to the extent allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is

maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions.

~~The university policy for the administration of student educational records is in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 (P.L. 93-380). Personally identifiable information contained in student educational records will not be disclosed to persons outside the university without the prior written consent of the student. Under this policy, the student also has a right of access to student educational records maintained by the university or any department or unit within the university. A copy of the university policy dealing with the privacy of student educational records is maintained in each professional school and academic department within the university. Each member of the faculty should be thoroughly familiar with this policy and comply with its provisions. See also Access to Student Educational Records, Part V.A.~~

**Faculty Senate Agenda
January 24, 2012
Attachment 10.**

COMMITTEE ON COMMITTEES REPORT

Nominee: Mamadi Corra, Sociology

2011/2012 HEARING COMMITTEE

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Ken Soderstrom	Medicine	2012	Brody 6S-34	633	
James Holloway	Business	2013	Slay 330	503	737-1042
James Wirth	Technology & Computer Science	2013	Science Complex C-107	520	328-9693
Puri Martinez	Foreign Languages	2014	Bate 3308	556	328-6522
OPEN		2014			
Alternate Members (with vote)					
Linda Mooney	Sociology	2012	Brewster A-409	567	258-0286
Myra Brown	Allied Health Sciences	2012	Health Sciences 4340P	668	744-6172
Patricia Dragon	Academic Library Svcs	2013	Joyner 1204	516	328-0296
Sandra Warren	Education	2014	Ragsdale 126A	504	328-2699
Angela Thompson	History	2014	Brewster A-203	554	328-1035

COMMITTEE ON COMMITTEES REPORT

Nominee: Mark Malley, Art and Design

2011/2012 GRIEVANCE BOARD
 (Two year terms)

Regular Members (with vote)	Academic Unit	Term	Office Location	Mail #	Office #
Greg Lapicki	Physics	2012	Howell E308	563	328-6894
OPEN		2012			
Terry Atkinson	Education	2012	Speight 224	504	328-2889
John Stiller	Biology	2013	Howell S301A	551	328-2738
Karen Voytecki	Education	2013	Speight 119	504	328-5747
Lisa Barricella	Academic Library Svcs.	2013	Joyner 1201	516	328-0838
Gerald Micklow	Tech. & Computer Sci.	2013	Slay 206	117	737-1032
Alternate Members (with vote)					
John Tilley	History	2012	Brewster A303	554	328-6291
Bryna Coonin	Academic Library Svcs	2012	Joyner 3403	516	328-0431
Maury York	Academic Library Svcs.	2013	Joyner 3300	516	328-0252
Wendy Sharer	English	2013	Bate 2206	555	328-6698
Robert Kulesher	Allied Health Science	2013	Health Sci 4340	668	744-6174

COMMITTEE ON COMMITTEES
 Election of UNC Faculty Assembly Delegates and Alternate

Nominees for Faculty Assembly Delegate

Ralph Scott, Academic Library Services (2013 term)
 Mark Taggart, Music (2015 term)

Nominees for Faculty Assembly Alternate

Britton Theurer, Music (2014 term)
 Robert Kulesher, Allied Health Sciences (2015 term)

CURRENT UNC FACULTY ASSEMBLY DELEGATION

<i>Faculty Assembly Delegates</i>	<i>Academic Unit</i>	<i>Term</i>
<u>Marianna Walker</u> Chair of the Faculty	Allied Health Sciences (Chair terms begin and end with term in office.)	2012
<u>Ken Wilson</u>	Sociology	2012
<u>Catherine Rigsby</u>	Geology	2013
<u>Mark Sprague</u>	Physics	2014
<u>Andrew Morehead</u>	Chemistry	2014
<i>Faculty Assembly Alternates</i>	<i>Academic Unit</i>	<i>Term</i>
<u>John Howard</u>	Communication	2012
<u>Mike Felts</u>	Health and Human Performance	2013
<u>Christine Zoller</u>	Art and Design	2013
<u>Ralph Scott</u>	Academic Library Services	2014
<u>V.L. Narasimhan</u>	Technology and Computer Science	2014

COMMITTEE ON COMMITTEES REPORT

Third Reading of Proposed New Standing University Academic
Service Learning Committee Charge
(First reading held April 19, 2011)

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

1. Name: Service Learning Committee

2. Membership:

The committee membership, including ex-officio members, should encompass a wide variety of disciplinary expertise.

78 elected faculty members

Ex-officio members (with vote): The Chancellor or an appointed representative, the Provost or an appointed representative, the Vice Chancellor for Health Sciences or an appointed representative, **the Vice Chancellor for Research & Graduate Studies or an appointed representative**, the Chair of the Faculty or an appointed representative, one Faculty Senator selected by the Chair of the Faculty, ~~the~~ **and** one student member from the Student Government Association, **and one member from the Graduate and Professional Student Senate.**

Ex-officio (without vote): The administrative leader of the Volunteer and Service Learning Center or an appointed representative.

The chair of the committee may invite resource persons as necessary to realize the committee charge. The chair of the committee may appoint such subcommittees as he or she deems necessary.

3. Quorum: 4 elected members exclusive of ex-officio.

4. Committee Responsibilities:

A. The committee makes recommendations to the Faculty Senate regarding proposed changes in the service learning requirements and regarding the service learning designation for individual courses. The committee makes recommendations to the Faculty Senate regarding individual courses carrying service learning designation and reports those recommendations to the University Curriculum Committee and the Graduate Curriculum Committee.

B. The committee serves as a liaison between the Volunteer and Service Learning Center ~~office of Service Learning~~ and the Faculty Senate, reviews the activities of the Volunteer and Service Learning Center ~~that program~~, and advises the administrative leadership of that center about service learning ~~in the Service Learning Program.~~

C. The Committee reviews at least annually those sections within the *University Undergraduate Catalog* and *University Graduate Catalog* that correspond to the Committee's charge and recommends changes as necessary.

D. The committee sponsors and coordinates the annual ECU Service-Learning Conference and promotes and advocates for service learning across the curriculum, including learning outcomes and development of service learning courses.

5. To Whom The Committee Reports:

The committee reports to the Faculty Senate its recommendations of policies, procedures, and criteria cited in 4, above. The committee recommends curricular changes to the university's service learning requirement to the Faculty Senate.

6. How Often The Committee Reports:

The committee reports to the Faculty Senate at least once a year and at other times as necessary.

7. Power Of The Committee To Act Without Faculty Senate Approval:

The committee is empowered to advise the **Volunteer and Service Learning Center** office of the Service Learning Program as described in 4.B. above.

8. Standard Meeting Time:

The committee meeting time is scheduled for the second Tuesday of each month.

Faculty Senate Meeting

January 24, 2012

Attachment 14.

FACULTY GRIEVANCE COMMITTEE REPORT

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

Following Faculty Senate approval of proposed revisions in November 2011 (#11-89), [additional](#) revisions were requested by the Chancellor. The below document contains additional revisions noted in **bold CAPS** and/or strikethrough. This proposed document will replace all of the current text in [Appendix Y](#).

Revise and keep in the Faculty Manual.

APPENDIX Y. GRIEVANCE POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY

CONTENTS

- I. Faculty Grievances
- II. The Faculty Grievance Committee
 - A. Membership
 - B. Authorization and Powers
- III. General Grievances

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

Footnotes

Appendix Y. Grievance Policies and Procedures of East Carolina University

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

I. Faculty Grievances

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

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

The two grievance classifications and differences in the grievance procedures reflect the Board of Governors requirement that an internal grievance process be provided for non-conferral of early permanent tenure that is not concurrent with a reappointment decision. This requirement and the authority to establish different grievance procedures are set forth in [Section 607 of The Code of The University of North Carolina](#) and further elaborated in [The UNC Policy Manual 101.3.2](#). The

establishment of different grievance procedures ensures there is a review process for the faculty member whether the non-conferral of permanent tenure was based on an early request or at the normal contract period **REQUIRING REAPPOINTMENT WITH CONFERRAL OF PERMANENT**

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

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

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

II. The Faculty Grievance Committee

A. Membership

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

B. Authorization and Powers

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

Documentation necessary to put forth or defend a grievance requires that each party to the grievance have available to him or her information that may be controlled or in the possession of another party to the grievance or the administration. Upon request by a party to the grievance, the other party to the grievance or the administration shall provide the requesting party with information bearing on the grievance that is not otherwise privileged³. The requested information shall be distributed to all parties to the grievance. The committee chair shall be informed of any request for information among the parties to the grievance.

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

will be shared by the committee with all parties to the grievance. The committee may have access to relevant confidential records only if the person whose privacy is at stake provides written consent to the disclosure of the records to the committee and all parties to the grievance; provided, however, the committee and the parties may have access to records in the absence of such consent if confidential information contained in the record can be effectively redacted by the custodian of the record(s).

The committee chair shall inform the respondent, when the respondent has administrative responsibilities for grievant's Personnel File, that information gathered to respond to grievant's charges shall not be placed in grievant's accumulated Personnel File. Any information collected as part of this grievance shall be placed in a physically separate part of the file, specifically established for this purpose. At the conclusion of the grievance process, this separate file shall be forwarded to the Faculty Senate office where it will become a part of the grievance file maintained by that office.⁴

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

III. General Grievances

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

The deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16th to December 31st) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1st to August 15th). This deadline may be extended by a majority vote of the Grievance Committee⁶.

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

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

A. Step One (Meet with Respondent)

Prior to bringing a grievance to the attention of the committee chair, the grievant shall meet with the respondent and shall attempt to resolve the proposed grievance⁷. It is required that as part of this meeting the grievant provide the respondent with a written copy of the proposed grievance and discuss it with him/her at this meeting. The grievant and respondent must meet to have a face-to-face discussion about the substance of the grievance; in cases where the respondent refuses to meet with

the grievant, the grievant shall inform the committee chair and the next highest level administrator in his or her unit, in writing, and copy the respondent. If, in the opinion of the grievant, this attempt to resolve the grievance fails, the grievant shall so inform the respondent in writing. The grievant shall also inform the respondent of his or her intentions to pursue the grievance through Appendix Y in this memorandum.

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

B. Step Two (Petition for Redress)

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

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

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

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

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

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

C. Step Three (Mediation or Chancellor Review)

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

If the committee chair determines that Steps One and Two have been completed, he or she shall call a meeting of the committee. The committee shall make a final determination that Steps One and Two have been completed. Based on information contained in grievant's Petition for Redress, the committee shall determine whether the grievance is within the scope of Appendix Y. The committee may decide that none, some, or all of the issues in the Petition for Redress are within the scope of Appendix Y. Issues not within the scope of Appendix Y will receive no further attention. The

committee's decision concerning grievance issues within the scope of Appendix Y shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee. Except as noted here and below, the Petition for Redress shall not be modified.

Mediation

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

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

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

Mediation will continue until such time that:

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

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

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

the agreement, the parties may continue mediation or the grievant may request Chancellor's Review or a hearing.

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

Chancellor Review

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

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

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

D. Step Four¹³ (Request for a Hearing)

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

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

If the committee determines that a hearing should be granted, the committee chair shall so notify the grievant and respondent and shall set a time, date, and place for a hearing on the Petition for Redress.¹⁴ The date of the hearing shall be within 45 calendar days of this notification¹⁵. A court reporter must be used to record and transcribe any hearing.

The notice of hearing will also request that both parties submit to the committee all information and documents they intend to introduce at the hearing to support or defend their respective positions¹⁶. The grievant's information shall include a copy of the Petition for Redress, a copy of the committee's

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

Thirteen copies¹⁸ of all information and documents shall be submitted to the Faculty Senate Office no less than fourteen calendar days prior to the hearing date. One copy of the grievant's information will be provided to the respondent and one copy of the respondent's (s') information will be provided to the grievant. The grievance committee will create an agenda prior to the meeting to ensure that the hearing will be completed within one business day. The agenda will state limits on the amount of time that each party will be allocated for presentation of his or her case. This agenda will be distributed to committee members, the grievant and respondent no less than five calendar days prior to the hearing date.

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

E. Step Five (The Hearing)

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

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

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

The chair shall then enter into the hearing record information submitted in Step Four by the grievant and the respondent. The submitted information shall include all information necessary to support or defend the grievance. However, with approval of the committee, the grievant, respondent, or a

witness may submit information during the hearing. All such information must be numbered and it becomes a part of the formal record of the hearing.

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

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

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

F. Step Six (Committee Report)

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

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

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

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

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

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

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

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

Dissenting Chancellor's Report

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

G. Step Seven (Appeal to Board of Trustees)

I. Decisions which may be appealed.

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

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

III. Timeline for Appeals

- A. A grievant who seeks to appeal the Chancellor's disposition of his/**her** grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, with adequate evidence of delivery, within 10 calendar days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief

statement of the basis for the appeal. If the Board agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board Chair or from a committee of the Board that has jurisdiction of the subject matter of the grievance. The Board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the time for compliance or it may dismiss the appeal.

- B. If the Chancellor's decision is appealable, the Chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten calendar day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method that produces adequate evidence of delivery.

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

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

A. Initiation of Hearing Process

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

Failure to meet the time periods allotted to the grievant constitutes a waiver of the right to a hearing and no further administrative appeals of the grievance are allowed. However, before the expiration of a deadline the faculty member may request an extension, provided that the request is made in writing and presented to the committee. Within 10 calendar days of receiving a request for an extension, the committee will make its decision and communicate⁸ the decision to the grievant. The committee will endeavor to complete the review within the time limits specified except under unusual circumstances such as when the time period includes official university breaks and holidays and when, despite reasonable efforts, the Committee cannot be assembled.

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

- a. The Petition for Redress must include (i) a description that is as complete as possible of the actions or the failures to act which support each specified contention; (ii) the identification of the respondent(s); (iii) an enumeration and description of the information or documents which are to be used to support the contention (copies of the described documents are to be made a part of the Request for Redress); (iv) the identification of persons who may be willing to provide information in support of the contention; and (v) a brief description of the information those persons identified in (iv) may provide; and (vi) a copy of the vice-chancellor's notice of non-conferral of early permanent tenure.

- b. The basis for the Petition for Redress must be found in one or more of the following reasons: (i) the decision was based on **“(a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, color, sex, religion, creed, national origin, age, disability, veteran status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice²⁰”** any ground stated to be impermissible in Section 604B of The Code of The University of North Carolina ; or (ii) the decision was attended by a material procedural irregularity²¹ ; or (iii) ECU's policy that prohibits discrimination based on sexual orientation.

~~The impermissible reasons noted in Section 605B of The Code/101.3.1 of the Policy, are: “(a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, of (b) the faculty member's race, color, sex, religion, creed, national origina, age, disability, veteran status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice²⁴”.~~

The grievant's Petition for Redress shall be addressed to the chair of the Grievance Committee and delivered to the Faculty Senate office by a method that provides delivery verification. Upon receipt of the grievant's Petition for Redress the chair of the committee shall notify each named respondent⁸ that he/she has been named a respondent in a grievance based on the non-conferral of early permanent tenure. Accompanying this letter will be a complete copy of the grievant's Petition for Redress.

B. Procedures for the Hearing.

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

The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receipt of the Petition for Redress by the Faculty Senate office, except under unusual circumstances such as when a Petition for Redress is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.

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

The grievant and respondent are to submit thirteen copies¹⁸ of all information and documents to be used in the presentation (grievant) or to defend (respondent) the grievance. The respondent's (s') information must also include: a.) the identification of a witness(es) who may be willing to provide information to counter the contention; and b.) a brief description of the information each witness may provide. This information and documents shall be submitted to the Faculty Senate Office not later than fourteen calendar days prior to the hearing date. One copy of the grievant's information will be

provided to each respondent and one copy of the respondent's (s') information will be provided to the grievant.

C. The Hearing

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

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

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

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

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

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

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

D. Committee Report

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

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

Letters from the Chancellor to the grievant or respondent(s) are to be by certified mail, return receipt requested.

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

a.) Do Not Support the Grievant's Contentions

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

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

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

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

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

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

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

F. Dissenting Chancellor's Report

Should the Chancellor disagree with the committee's recommendations (from b.) or c.) above) based on its interpretation of Appendix Y or the Faculty Manual, UNC Code or Policies, the Chancellor shall

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

F. Appeals to the Chancellor

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

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

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

V. Annual Report:

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

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

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

Number of Grievances Filed (Completed Step One): ___

Fixed Term Faculty ___ Probationary Faculty ___ Tenured Faculty ___

Time in Step Two – Four

Step	Less than One Month	One-Two Months	Two-Three Months	More than Three Months
Two	___	___	___	___
Three	___	___	___	___
Four	___	___	___	___

Step Five Hearing

Scheduled for Hearing ____
Hearings Completed ____
In Report Stages ____
Reports Issued ____

Reports Issued in Favor of:
Grievant ____
Respondent ____
Both Grievant and Respondent ____

Number Appealed to Chancellor ____
Reports Issued by Chancellor ____
Number at Faculty Governance ____
Reports at Rewrite or Reissued by Faculty Governance Committee ____

Number that went through Mediation ____
Number that went through Chancellor Review ____
Number Terminated by Grievant ____
Number Terminated by Committee ____

VI. Application

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

VII. Grievance Committee By-Laws and Procedures

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

FOOTNOTES

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

²A named respondent must be a current employee of East Carolina University. If the named respondent was a former administrator, the person who presently occupies the administrative position will be named as the substitute respondent and the former administrator as the named respondent. A grievant may name multiple respondents. A faculty member or a departmental or unit

committee and/or its chairperson may be named as a respondent. An administrator who concurred with the actions of the respondent may not be named as a respondent.

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

⁴The grievance file maintained in the Faculty Senate office under the grievant's name becomes a part of the grievant's Personnel File. The grievant's Personnel File Checklist will indicate that additional Personnel File records are located in the Faculty Senate office.

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

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

⁶The committee may waive the time requirement for the introduction of evidence; the grievant's requested redress; or both if, in the committee's opinion, there are extenuating circumstances despite due diligence.

⁷If a grievant does not complete Step One, any information collected by the committee chair will be destroyed. If the grievant completes Step One, all information collected by the committee chair in the administration of the grievance will, at the conclusion of the grievance, be placed in the grievance file.

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

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

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

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

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

¹³~~A request for a hearing that continues from another part of the Faculty Manual (e.g. Appendix J, Appendix V, etc.) will be evaluated by the committee. If insufficient information is available, the~~

committee will request that the grievant and respondent choose a counselor and the grievant complete a Petition for Redress. Presentation of the Petition for Redress will allow the committee to evaluate the grievance. If the committee agrees that the grievance is within the scope of Appendix Y, the grievant will be allowed to choose mediation or request a hearing. A Chancellor Review is not an option.

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

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

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

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

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

¹⁹Required Numbering: One Grievance

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

Supporting Information G, page 1...n

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

Multiple Grievances

Grievant: Petition for Redress:

Grievance I G I page 1...n

Grievance II G page 1...n

Continue for the number of included grievances.

Supporting Information:

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

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

Continue for the number of included grievances.

Respondent: Supporting Information:

²⁰ Definition of "personal malice": ~~As used in The Code,~~ **The** term "personal malice" means dislike, animosity, ill-will or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid University decision making. For example, personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. ~~If reappointment is withheld-~~ **a personnel decision is made** because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, ~~withholding advancement-~~ **the personnel decision** may be warranted. For example, the undisputed record evidence might establish that the responsible department chair ~~declined to recommend a probationary faculty member for reappointment with tenure-~~ **made the personnel decision in question** because of the faculty member's "unpleasant personality and negative attitude." Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms "ill-will," "dislike," "hatred" and "malevolence" may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making **personnel** decisions."

~~"Material procedural irregularity" means a departure from prescribed procedures and established university policies that is of such significance as to cast reasonable doubt upon the integrity of the original decision. Whether a procedural irregularity occurred, and whether it is material, shall be determined by reference to those procedures, which were in effect when the initial decision was made and communicated. The Grievance Committee shall ask the chancellor to certify what procedures were then in effect if that question is a matter of dispute. (Faculty Senate Resolution #03-49).~~

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