



# Faculty Manual

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# East Carolina University Faculty Manual

Every effort has been made to ensure the accuracy and completeness of the online *ECU Faculty Manual*. Please call the Faculty Senate office at 252.328.6537 if you find errors or need assistance.

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## [Part I](#) Introduction

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## [Part II](#) East Carolina University Organization and Shared Governance

- I. [University Organization and Vision, Mission Statement, and Strategic Directions of ECU](#)
- II. [Faculty Constitution and By-Laws](#) *Revised 6-21*
- III. [Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty](#) *Revised 12-17*
- IV. [Graduate School Organization](#) *Revised 4-21*
- V. [Faculty Involvement in Selection and Evaluation of Administrators](#)

---

## [Part III](#) UNC System and UNC Code

- I. [UNC Policy Manual and the UNC Code \(UNC Board of Governors\)](#)
- II. [The Faculty Assembly of the University of North Carolina](#)
- III. [East Carolina University Faculty Assembly Delegation](#)

---

## [Part IV](#) Academic Units, Codes, and Seven Year Program Evaluation

- I. [Academic Code Units](#) *Revised 04-21*
- II. [Unit Codes](#) *Revised 4-21*
- III. [Seven Year Unit Program Evaluation](#) *Revised 5-17*

---

## [Part V](#) Academic Freedom, Professional Ethics, Diversity, Equity and Inclusion

- I. [Academic Freedom](#)
- II. [Statement on Professional Ethics](#)
- III. [Statement on Diversity, Equity and Inclusion](#) *Added 4-21*

---

## [Part VI](#) Teaching and Curriculum Regulations, Procedures, and Academic Program Development

- I. [Teaching Regulations and Guidelines Relating to Faculty](#) *Revised 6-21*
- II. [Academic Integrity](#) *Revised 6-21*
- III. [Distance Education Policies](#) *Revised 1-20*
- IV. [Student Privacy, Conduct, and Complaints](#) *Revised 5-16*
- V. [Graduation Policies](#) *Revised 1-16*
- VI. [Emergency Notification and Evacuation Procedures](#)
- VII. [Curriculum Procedures, Academic Program Development, and the Academic Calendar](#) *Revised 2-21*

---

## [Part VII](#) Faculty Research and Scholarship

- I. [Faculty Research, Creative Activity, Scholarship, Innovation, Engagement, and Outreach](#)
- II. [Scholarship/Research/Creative Activity Guidelines](#) *Revised 5-15*
- III. [Ethics and Conduct in Research, Creative Activity, and Scholarship](#)

---

## [Part VIII](#) Personnel Policies and Procedures for Faculty

- I. [Personnel Policies and Procedures for the Faculty of East Carolina University](#) *Revised 11-20*

- II. [Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff](#) *Revised 7-19*
- 

[Part IX](#) Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty

- I. [Appointment, Tenure, Promotion, and Advancement Policies and Procedures](#) *Effective 7-1-17*
  - II. [Performance Review of Tenured Faculty of East Carolina University](#) *Revised 10-15*
- 

[Part X](#) Personnel Action Dossier and Tenure and Promotion Schedule

- I. [Personnel Action Dossier](#) *Revised 4-21*
  - II. [Tenure and Promotion Schedule](#) *Revised 5-18*
- 

[Part XI](#) General Faculty Employment Guidelines and Benefits

- I. [Employment Policies](#) *Revised 3-21*
  - II. [Benefits and Leave](#) *Revised 3-21*
  - III. [Institutional Services Available to Faculty](#)
  - IV. [Equal Employment Opportunity/Affirmative Action Policy and University Commitment to Diversity, Equity and Inclusion](#) *Revised 4-21*
  - V. [Substance Abuse and Weapons Policies](#) *Revised 6-14*
- 

[Part XII](#) Faculty Appellate Provisions *Revised 4-21*

- I. [General Appellate Procedures and Reviews of Non-Reappointment, Non-Conferral of Tenure at the End of the Probationary Period, Discharge or Imposition of Serious Sanctions, and Termination Based on Institutional Considerations](#)
  - II. [General Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure](#)
- 

[2009-2012 Review of the ECU Faculty Manual](#)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART I

### Introduction

## PART I

### INTRODUCTION

The *ECU Faculty Manual* is the product of many years of faculty participation in shared governance at East Carolina University. The contents of the Manual require the approval of the Faculty Senate and the Chancellor, and for some sections, the approval of the Board of Trustees, UNC General Administration, and UNC Board of Governors. The Faculty Senate, through its standing University Academic and Appellate Committees, continues to periodically review and develop academic and faculty welfare policies and procedures when necessary.

All faculty are provided an overview and online access to the *ECU Faculty Manual* contents upon initial employment at East Carolina University and receive timely notification of updates/revisions to the Manual throughout the academic year. The Faculty Senate office coordinates the online publication and maintenance of the Manual and can be contacted for any questions about its contents.

In 1964, President Leo Jenkins established the Faculty Senate “as an organized voice for the faculty of East Carolina University to enable faculty to play a broader role in the decisional mainstream of the institution.” He constituted a committee of administrators and faculty to develop the ECU Faculty Constitution, that read in part “*The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committee of East Carolina or initiate any policies in such matters which it deems desirable.*”

In 1974, a decade after the establishment of the Faculty Senate, President Leo Jenkins remarked “*The result had been a constructive relationship between faculty and administration which has, in only a few years, resulted in the most representative and responsible Faculty Senate in the entire university system.*”

In 1998, in his last term as Chair of the Faculty, Professor Don Sexauer stated “*Shared governance in an academic setting is a fragile balancing act that takes place between the administration of the university and its faculty. It is the attempt by the administration and the faculty to solve problems and implement policies in a manner that benefits all the constituencies of the university.*”

In 2009, Chancellor Steve Ballard charged the Faculty Senate, through the Chair of the Faculty, to conduct a complete review of the *ECU Faculty Manual* and revise the manual as necessary. During 2009-2012, major changes were made to the manual, including reorganization and deletion of outdated information. The *ECU Faculty Manual* has been redesigned to provide faculty members and administrators with policies and procedures in relation to faculty matters. The *ECU Faculty Manual* provides links to relevant UNC Board of Governors’ policies and procedures, as well as ECU Administrative Policies, Rules, and Regulations (PRRs).

Where *ECU Faculty Manual* policies are unclear or ambiguous, requests for interpretation of the manual are submitted to the Chair of the Faculty and/or Provost and Senior Vice Chancellor for Academic Affairs for a joint conditional interpretation. The Chair of the Faculty and Provost will also consult with the Vice Chancellor for Health Sciences and/or Vice Chancellor for Research and Graduate Studies, in matters pertaining to their purview. A conditional interpretation will be in effect until a permanent interpretation is adopted through normal procedures and incorporated into the

contents of *ECU Faculty Manual* as needed. The Faculty Senate office maintains an index of interpretations provided for in the *ECU Faculty Manual*. (FS Resolution #12-65, April 2012)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART II

### East Carolina University Organization and Shared Governance

## PART II

### EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

#### SECTIONS

- I. University Organization and Vision, Mission Statement, and Strategic Directions of East Carolina University
- II. Faculty Constitution and By-Laws *Revised 6-21*
- III. Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty *Revised 12-17*
- IV. Graduate School Organization *Revised 4-21*
- V. Faculty Involvement in Selection and Evaluation of Administrators

(Text moved from former Part II, Appendix A, Appendix F, and Appendix L)



## PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

### SECTION I

#### University Organization and Vision, Mission Statement, and Strategic Directions of East Carolina University *(Text moved from former Part II)*

#### CONTENTS

- I. The Organization of the University of North Carolina
  - II. Vision, Mission Statement, and Strategic Directions of East Carolina University
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#### 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 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 North Carolina at Pembroke), Western Carolina University, and Winston-Salem State University. This action created the 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 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](http://www.northcarolina.edu/campus_profiles/index.php)

(FS Resolution #12-04, January 2012)

## II. Vision, Mission Statement, and Strategic Directions of East Carolina University

The effective formulation of East Carolina University's vision and mission demands the broadest possible exchange of information and opinion among the Board of Trustees, the Chancellor, Administration, and the Faculty. Each should have a voice in the determination of ECU's vision and mission. Therefore, because of their educational, research, service, clinical, and other functions, the faculty should participate in the creation of ECU's vision, mission, and other [strategic planning documents](#). (FS Resolution #11-101, December 2011)

## PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

### SECTION II

#### Faculty Constitution and By-Laws of East Carolina University (Text moved from former Appendix A)

#### CONTENTS

##### Faculty Constitution

- I. Purpose
- II. Organization of the General Faculty
- III. Functions of the General Faculty
- IV. Meetings of the General Faculty
- V. Academic Units
- VI. Organization of the Faculty Senate
- VII. Method of Election of the Faculty Senate
- VIII. Officers of the Faculty and Faculty Senate
- IX. Duties of the Officers of the Faculty Senate
- X. Meetings of the Faculty Senate
- XI. Functions of the Faculty Senate
- XII. Agenda of the Faculty Senate
- XIII. Order of Business for the Faculty Senate
- XIV. Limitations upon Functions of the Faculty Senate
- XV. Amendments to the Faculty Constitution
- XVI. Adoption and Changing of By-laws of the Faculty Constitution

##### By-laws of the Faculty Constitution of East Carolina University

- I. Attendance, Seating, and Participation
  - II. Minutes of the Faculty Senate
  - III. Special Committees
  - IV. Appellate Committees *added 6-21*
  - V. Faculty Senate, Academic and Administrative Committees, Membership, and Structure  
*Revised 6-21*
  - VI. Graduate Council
  - VII. Faculty Assembly Delegates and Alternates
  - VIII. Election by Acclamation *added 6-21*
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#### FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY

##### I. Purpose

The purpose of the faculty organization shall be to provide the means by which the faculty is enabled to fulfill its function with respect to academic and educational policies and other affairs of East Carolina University. The faculty organization shall be comprised of the general faculty and the Faculty Senate. The general faculty shall be the general electorate, and the Faculty Senate shall be a legislative and advisory body representing the general faculty and shall consist of elected and ex-

officio members. The functions, duties, and privileges of these two bodies, stipulated in the following document, shall be exercised under the authority of the Chancellor of East Carolina University.

The Faculty Senate and the various committees on which the faculty serve shall be the primary media for the essential joint effort of faculty and administration in the government of East Carolina University. The Chancellor and the Chair of the Faculty shall facilitate communication which will enable continuing and effective faculty participation.

## II. Organization of the General Faculty

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold an academic title, including those on special faculty appointment.

The general faculty shall have as its presiding officer the Chair of the Faculty, who shall be responsible for calling its meetings and for keeping a record of its proceedings. The presence of a majority of the members shall constitute a quorum, except in special cases provided for in this constitution. Each member of the general faculty shall have one vote. A vote by voice will be the regular method of voting on any motion that does not require more than a majority vote for its adoption. Upon the request of ten percent of those present, a secret ballot will be in order.

## III. Functions of the General Faculty

The general faculty shall be empowered to perform the following functions: consider reports from and make recommendations to the Chancellor, the appropriate vice chancellor, and the Faculty Senate; discuss any matter relating to the welfare of East Carolina University or of the members thereof; amend or rescind the articles establishing the Faculty Senate as provided for in this constitution; amend or rescind the action of the Faculty Senate as provided for in this constitution.

## IV. Meetings of the General Faculty

The general faculty shall meet at the pleasure of the Chancellor or the Faculty Senate of East Carolina University or upon petition to the Chancellor by at least fifteen percent of the general faculty.

## V. Academic Units

The academic units shall be organized into autonomous code units according to guidelines approved by the Faculty Senate and the Chancellor. Except for the academic libraries, each code unit shall be responsible for at least one degree program.

## VI. Organization of the Faculty Senate

Electoral units for the Faculty Senate shall be the academic code units. All full-time faculty members of East Carolina University are eligible to vote for faculty senators. All full-time faculty members of East Carolina University in at least their second year of appointment to the electoral unit which they will represent are eligible for election to the Faculty Senate. The membership of the Faculty Senate shall consist of elected representatives and of ex-officio members.

The number of elected faculty senators shall not exceed 58 nor be fewer than 52. Prior to the election in February of each academic year, the ratio of faculty members to elected faculty senators will be determined by the Chair of the Faculty, Vice Chair of the Faculty, and the Secretary of the Faculty. The number of faculty within each department/school/college will be gathered from part of a personnel data file that is prepared and submitted to the UNC General Administration by the Office of Institutional Planning, Research, and Effectiveness in January of each year.

Faculty members included in the University's annual personnel data report who satisfy all of the following criteria shall be counted in determining the number of each electoral unit's faculty senators: (1) currently employed (as of the date of the report), (2) permanent employee (including those on leave with or without pay), (3) EPA employee, (4) full time employee, (5) included in the occupational activity categories of 10 (executive, administrative and managerial) or 20 (instructional faculty), (6) holding a professorial rank or title (modified or unmodified) of instructor, assistant professor, associate professor, or professor. Faculty members meeting these criteria will be counted as belonging to their department/school/college of rank (not home department) where these two differ. When a faculty member's department of rank is part of a professional school or college, and the school or college is the recognized electoral unit, the faculty member will, for purposes of Faculty Senate representation, be counted as a member of the school or college which is his or her electoral unit.

Each electoral unit represented will then be informed as to the number of elected faculty senators to which that electoral unit is entitled. No electoral unit will be allocated more than 15 percent of the elected Faculty Senate members. Electoral units for the purpose of this constitution shall be the various professional schools and colleges, Academic Library Services, Health Sciences Library, and the departments of the College of Arts and Sciences. In the event that an electoral unit must reduce its existing number of faculty senators, it shall do so by following democratic procedures.

Each department of the College of Arts and Sciences shall have at least one elected faculty senator and will elect its faculty senator as an electoral unit. The various professional schools and colleges, Academic Library Services, and the Health Sciences Library will have at least one elected Faculty Senator. Each department/school/college may choose to elect its senators from the department/school/college as a whole or in the alternate manner described as follows. Each department within the school/college shall be allowed to nominate the number (less the number whose terms are not expired) to which it would be entitled if it were considered as a separate electoral unit. The persons nominated by each department shall be placed on a ballot for the election of the number allotted to the electoral unit by the faculty of the electoral unit.

The count of faculty members for the purpose of apportionment shall include those members who are absent from the campus because of illness or leave of absence, unless replaced by a full-time instructor or above under annual contract.

The ex-officio members of the Faculty Senate shall include the following representatives of the East Carolina University administration: Chancellor, Provost/Vice Chancellor for Academic Affairs, Vice Chancellor for Health Sciences, Vice Chancellor for Research and Graduate Studies, and an academic dean elected by the Chancellor's Cabinet in a manner determined by the Cabinet. The immediate past Chair of the Faculty and the elected representatives of East Carolina University to the Faculty Assembly of the University of North Carolina, including elected Faculty Assembly officers, who are not members of the Faculty Senate shall also be ex-officio members. These ex-officio members shall have a vote in all Senate matters except the election of officers and committee members.

## VII. Method of Election of the Faculty Senate

The Secretary of the Faculty shall request that each electoral unit proceed to elect its representatives. Elections shall be held in February of each year with members-elect to take office on the day following the last regular meeting of the Faculty Senate in the spring semester.

To obtain nominations, each department/school/college shall develop a ballot that lists every eligible member of that department/school/college. Each member of the faculty shall vote by secret ballot for twice as many nominees as that faculty member's department/school/college is entitled to elect. That group of nominees equal to twice the number of representatives to be elected that receive the largest number of votes shall then be placed on a separate ballot for the election of representatives. An alternate method of nominating Senators by the schools is found in Section VI.

To elect representatives each faculty member shall then vote by secret ballot for the number of representatives allotted that electoral unit. Votes shall be counted in accordance with procedures agreed upon by the electoral unit.

The administrative officer of each electoral unit shall report the results of the election to the Secretary of the Faculty.

Each senator shall serve a two-year term. Senators may be elected to succeed themselves twice. After a lapse of one year following the expiration of this third term, they will again be eligible for election. The seat of an elected senator who fails to attend more than three consecutively held meetings of the Faculty Senate shall be declared vacated by the Chair of the Faculty. If a senator is awarded a research or medical leave and an alternate senator attends in his or her place, the three consecutive meeting rule will not be invoked. (Faculty Senate Resolution #09-06)

Each electoral unit concerned shall hold special elections to fill unexpired or vacated terms. The Senate may establish and promulgate procedures for selecting alternates for elected and ex-officio members. The administrative office of each electoral unit so affected shall certify to the Secretary of the Faculty the credentials of individuals thus elected.

#### VIII. Officers of the Faculty and Faculty Senate

The officers of the faculty and Faculty Senate shall consist of the following: the Chair of the Faculty, the Vice Chair of the Faculty, and the Secretary of the Faculty. Other officials may be established as they become advisable or necessary. All officers shall be elected by a majority vote of the elected members of the Faculty Senate present. All full-time, permanently tenured faculty are eligible to serve as Chair or Vice Chair of the Faculty. All full-time faculty members of East Carolina University in at least their second year of appointment are eligible to serve as Secretary of the Faculty. In the event that a Faculty Officer is also a faculty senator, the electoral unit having elected the Senator is invited to elect a replacement. Officers of the Faculty, who are not members of the Faculty Senate will not have a vote, count toward a quorum, or vote and occupy a seat assigned to a Faculty Senator. The term of faculty officers shall be one year with the privilege of reelection.

At the second regular meeting of the spring semester the elected members of the Faculty Senate shall nominate and elect a nominating committee to consist of five members. The nominating committee shall be elected from the ranks of elected members of the Faculty Senate by a majority of those present and voting. Voting for members of the nominating committee shall be by written, secret ballot. The nominating committee elected by the Faculty Senate shall submit to the Secretary of the Faculty a slate of candidates for each office of the Faculty Senate at an organizational meeting to be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Further nominations, from the ranks of the elected membership and by the elected members, will be accepted from the floor. Officers will be elected by a majority of those present and voting. They shall assume their duties on July 1 following election. If the office of the Chair of the Faculty shall become vacant, the position shall be assumed by the Vice Chair of the Faculty. If other offices shall become vacant, they shall be filled by a special election conducted by the Faculty Senate. Voting for all officers shall be by written, secret ballot.

#### IX. Duties of the Officers of the Faculty Senate

The Chair of the Faculty shall preside at all meetings. He or she is empowered to call special meetings as hereinafter provided. The Chair is an ex-officio member of all academic committees and various administrative committees. The Chair may delegate to the Vice Chair or an appointed representative his or her seat on any of the academic or various administrative committees. He or she shall appoint persons to fill unexpired terms of committees.

Before the first regular meeting of the Faculty Senate, the Chair will appoint the Parliamentarian of the Faculty. The Parliamentarian need not be a member of the Faculty Senate, but shall advise the Chair and the faculty on the parliamentary matters according to the latest edition of *Robert's Rules of Order, Newly Revised* and the *Faculty Constitution* and its *By-Laws*.

The Chair of the Faculty supervises the Faculty Senate office personnel, and with their assistance, plans the General Faculty Convocation. The Chair is responsible for conveying greetings of the Faculty at commencement exercises and representing the Faculty at university functions and Board of Trustee meetings. For the length of his/her term as Chair, the Chair of the Faculty serves as a Delegate to the Faculty Assembly (but not exceeding six consecutive years), with duties as a delegate described in the Bylaws of the Faculty Assembly of the University of North Carolina, and referenced in the *ECU Faculty Manual*.

The Vice Chair of the Faculty shall perform all of the duties of the Chair in the absence or incapacity of the Chair. The Vice Chair of the Faculty shall serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees. The Vice Chair of the Faculty shall succeed to the office of Chair of the Faculty in the event that office should become vacant during the term of the incumbent.

The Secretary of the Faculty, with assistance of the office personnel, shall keep accurate minutes of all regular and special meetings, ensure distribution of copies of the minutes to all members of the general faculty, keep an accurate list of membership of the Faculty Senate, keep an accurate record of attendance, inform the Chair of the Faculty when a seat becomes vacant, serve, at the request of the Chair of the Faculty, as the Chair's representative on faculty committees, and perform such other appropriate duties as directed by the Faculty Senate.

#### X. Meetings of the Faculty Senate

Four regular meetings of the Faculty Senate will be held each fall and spring semester according to a schedule prepared by the Agenda Committee and approved by the Senate in the Fall Semester of the preceding year.

The organizational meeting of the Faculty Senate will be held on a Tuesday following the last regular meeting of the spring semester but before the beginning of the examination period.

Upon written petition of fifteen members of the Faculty Senate, the Chair shall call a special session of the Faculty Senate within four days. In an exceptional situation in which the regular procedures for scheduling a meeting of the Faculty Senate are clearly inadequate and would occasion undue delay, the Chair of the Faculty shall be empowered to call a special session of the Faculty Senate. A notice stating the purpose of the special session shall be distributed to the members of the Faculty Senate and the general faculty twenty-four hours prior to the meeting.

Meetings of the Faculty Senate shall be open to all members of the general public in accordance with the North Carolina Open Meetings Law.

The general faculty shall be informed of the time, place, and agenda of all regular and special meetings.

#### XI. Functions of the Faculty Senate

The Faculty Senate may, at its own discretion, seek the advice and counsel of any member of the general faculty. In exercising its function the Faculty Senate shall establish whatever procedures are necessary.

The Faculty Senate shall be authorized to set up such committees as are necessary for the performance of its duties.

The legislative powers of the general faculty are delegated to the Faculty Senate and the Faculty Senate shall have the powers of the general faculty, subject to the limitations stated in this constitution, in formulating the policies of East Carolina University.

The Faculty Senate shall ratify, amend, or remand all matters of academic policy or faculty welfare which have been recommended by any standing or special committee of East Carolina University, or initiate any policies in such matters which it deems desirable.

#### XII. Agenda of the Faculty Senate

The Faculty Senate shall be free to establish its own agenda, provided that all matters of academic policy brought before the Agenda Committee by action of the general faculty, any senator, or any standing or special committee shall be placed on the agenda not later than the time of the second regular meeting of the Faculty Senate after receipt of the recommendation.

Matters to be brought before the Faculty Senate shall ordinarily be considered in the order set forth by the Agenda Committee. Matters for consideration may be taken out of order and/or new matters considered in any order upon a two-thirds vote of faculty senators present and voting at any meeting of the Faculty Senate.

The Agenda Committee, with assistance of the office personnel, collects all recommendations and reports from academic committees, including all standing and ad hoc committees of the Faculty Senate. The committee draws up the agenda, on the basis of the recommendations and reports received from the committees, as well as from the officers and members of the Faculty Senate, for each regular and special meeting of the Faculty Senate. The committee has the responsibility of providing each member of the faculty a copy of the agenda for each meeting of the Faculty Senate one week before the date of the meeting.



The membership of the Agenda Committee shall consist of five elected Senators, elected to the Committee by the Faculty Senate for one-year terms at the organizational meeting of the Faculty Senate each spring semester, plus ex-officio: Chair and Vice Chair of the Faculty and Secretary of the Faculty. The immediate past Chair of the Faculty, in residence, the Parliamentarian of the Faculty, and the Faculty Assembly Delegates, including elected Faculty Assembly officers, shall serve as members without vote. The Chair of the Agenda Committee shall be chosen by the members from among its elected membership. The quorum shall be three elected committee members.

The Agenda Committee reports to the Faculty Senate on any matter within its charge requiring Faculty Senate action.

### XIII. Order of Business for the Faculty Senate

The following order of business shall be observed in meetings of the Faculty Senate unless Senators vote to change the procedures as provided in this constitution: (I) call to order, (II) approval of the minutes, (III) special order of the day, (IV) unfinished business, (V) report of Graduate Council, (VI) reports of committees, (VII) new business.

Each elected member of the Faculty Senate shall have one vote. Unless otherwise indicated, the ex-officio members shall have one vote each. Voting by the Faculty Senate shall ordinarily be by voice vote. All matters shall be decided by a majority vote of those Senators present and voting except as stated in this constitution.

A quorum shall consist of three-fifths of the elected faculty members of the Faculty Senate.

### XIV. Limitations Upon Functions of the Faculty Senate

The general faculty shall be empowered to amend or rescind any act of the Faculty Senate, provided that a majority of the total membership of the general faculty at a regular or special meeting at which a quorum of at least two-thirds of the general faculty vote.

Acts or decisions of the Faculty Senate shall be considered approved unless vetoed within thirty days of the action by the Chancellor of East Carolina University by written notice to the Chair of the Faculty or unless the Chancellor notifies the Chair of the Faculty in writing that the proposal has been forwarded to the Board of Trustees or to the Board of Governors.

### XV. Amendments to the Faculty Constitution

All proposed amendments to the Faculty Constitution shall be presented first at a regular meeting of the Faculty Senate for discussion, amendment or substitution. At the next regular meeting of the Faculty Senate the amendment will be voted upon for submission to the general faculty for approval.

As the creating body, the general faculty shall be empowered to amend or abolish these articles establishing the Faculty Senate. Any amendment to these articles or any action abolishing them shall require a vote of two-thirds of those present and voting at the annual Fall Faculty Convocation.

### XVI. Adoption and Changing of By-Laws of the Faculty Constitution

The Faculty Senate shall establish whatever by-laws are necessary. A motion to amend the by-laws shall be presented first at a regular meeting of the Faculty Senate for discussion only. At the next regular meeting of the Faculty Senate the motion to amend the by-laws will be acted upon, requiring a vote of two thirds of those elected senators present and voting for approval. An amendment to the By-Laws of the Faculty Constitution shall be effected only by action of the Faculty Senate.

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Approved: Faculty Senate Resolution #05-18, September 21, 2005, Chancellor

Amended: Faculty Senate Resolution #12-79, April 2012

Editorially revised: Faculty Governance Cmte. 9-26-12, subsection XII. Agenda of the Faculty Senate

## BY-LAWS OF THE FACULTY CONSTITUTION OF EAST CAROLINA UNIVERSITY

### I. Attendance, Seating, and Participation

- A. To facilitate the efficient flow of business, Senators shall be seated as follows:
  1. Ex-officio members shall be assigned seats on one row.
  2. Elected members shall be assigned seats in alphabetical order by electoral units
- B. Only elected and ex-officio members (including alternates, representing their electoral units) may answer the roll call, vote, or occupy seats assigned to senators.
- C. Faculty members visiting the Senate shall seat themselves in the back of the meeting room, behind the seats assigned to Senate members.
- D. Visitors may not participate in Senate discussions and business except by advance invitation of the Senate Agenda Committee or the Chair of the Faculty. Such an invitation will be announced to the Senators prior to the meeting.
- E. Each electoral unit of the University may elect a number of alternate representatives equal to its allotment of senators, not to exceed the electoral unit's number of apportioned senators. If more than one alternate is elected, they should be elected to two-year terms. The alternate(s) will be elected in the same manner as faculty senators at the time of regular election of senators, and will serve for a two-year term.

Alternates shall be eligible for re-election. The alternate will represent that electoral unit at the discretion of any Senator within the electoral unit, and in such a situation, shall notify the Secretary of the Faculty or Faculty Senate office that he or she is representing that electoral unit prior to the convening of the Senate session in question.

### II. Minutes of the Faculty Senate

- A. There shall be a Faculty Senate Committee on Minutes composed of the Chair of the Faculty, Vice Chair of the Faculty, and Secretary of the Faculty.
- B. Minutes shall become official on approval by the Faculty Senate Committee on Minutes. The official minutes shall be distributed to all faculty as soon as possible after a Senate meeting. Any corrections to the minutes by the Senate shall be made a part of the official minutes of the subsequent meeting.
- C. Incorporation into the official minutes of verbatim remarks shall be allowed or disallowed at the discretion of the Faculty Senate Committee on Minutes. The Chair of the Faculty may request that verbatim remarks be submitted in writing to the Secretary of the Faculty.

### III. Special Committees

- A. Special committees shall be established by the Senate at the discretion of the Chair of the Faculty, in consultation with the Faculty Officers.
- B. Members of the special committees may be appointed by the Chair of the Faculty or he or she may ask the Senate to elect committee members. At least one senator shall be on each special committee.
- C. The Chair of the Faculty may appoint the chair of special committees or these chairs may be elected by the committee members.

- D. Non-Senate faculty members as well as Senators may serve on special committees.
- E. Appellate Committee members, excluding the Faculty Grievance Committee, must be permanently tenured, voting faculty holding no administrative title (*ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures*).
- F. The process for election of Appellate Committees (*ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures of ECU*) will be as follows:
  1. The Appellate Committee preference form will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed preference form is due in the Faculty Senate office in February.
  2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Appellate Committee members will be elected at the Faculty Senate Organizational meeting in April. Election will be by majority present and voting.
  3. This by-law may be suspended in accordance with procedures specified in *Robert's Rules of Order, Newly Revised*.
  4. Members of the Faculty Governance Committee cannot be elected concurrently to an appellate committee.

#### IV. Appellate Committees

Appellate Committee members must be permanently tenured, or probationary tenure-track voting faculty holding no administrative title (*ECU Faculty Manual Part IX, Section I - Tenure and Promotion Policies and Procedures*). The process for election of faculty to the Appellate Committee, which serves as a pool for populating hearing panels (see *ECU Faculty Manual Part XII, Faculty Grievance Policies and Procedures*) will be as follows:

1. Each year in January, the Committee on Committees will solicit volunteers to serve on the Appellate Committee. Responses are due in the Faculty Senate office in February.
2. The Committee on Committees will review all responses and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Appellate Committee members will be elected at the spring Faculty Senate Organizational meeting. Election will be by a majority of Senators present and voting. This by-law may be suspended in accordance with procedures specified in *Robert's Rules of Order, Newly Revised*.
3. A total of 30 tenured and probationary faculty will comprise the Appellate Committee, all serving three year terms that are staggered with 10 members elected annually. All faculty ranks must be represented, with no fewer than 10 members from the rank of Professor, no fewer than 10 members from the rank of Associate Professor, and no more than five members from the rank of Assistant Professor. Individual faculty members are eligible to serve two consecutive three-year terms, which may extend to the beginning of the fall semester in the final year of a term. Faculty will be ineligible to serve again for one academic year after conclusion of a second consecutive term.
4. When vacancies occur in the Appellate Committee between annual elections, the Faculty Senate will elect additional faculty members to the committee through nominations initiated by the Committee on Committees.
5. Faculty who have been involved as either a grievant or respondent in an appellate hearing cannot serve on the Appellate Committee for the period of one three-year term from the date of the final decision on that appeal.
6. An Appellate Committee member who becomes a grievant or respondent while serving will be replaced by the usual procedure for vacancies between annual elections.

7. Members of the Faculty Governance Committee cannot be elected concurrently to the Appellate Committee.

## V. Faculty Senate, Academic and Administrative Committees, Membership, and Structure Membership

Unless otherwise specified in a Committee's charge, all faculty members in at least their second consecutive year of full-time employment at East Carolina University are eligible to serve on Faculty Senate Committees and Academic Committees. A majority of the voting members of all Committees must be faculty members, and a majority of the elected members of all Committees must be tenured or probationary (tenure track) faculty. The Chancellor and the Chair of the Faculty are ex-officio members of all committees. (Faculty Senate Resolution #20-27)

Members of committees serve in accordance with their ability, training, and experience rather than as representatives of their electoral unit.

The process for election of academic and selective administrative committees will be as follows:

1. The Academic and Administrative Committee preference forms will be distributed to all faculty, by the Committee on Committees with assistance of the office personnel in January. The completed forms are due in the Faculty Senate office in February.
2. The Committee on Committees will review all preference forms and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the floor of the Faculty Senate. Election of Academic and Administrative Committee members will take place at the Faculty Senate Organizational Meeting in April. Election will be by majority present and voting.

Members are elected to staggered three-year terms, which may extend to the beginning of the fall semester. Faculty members are not eligible to serve as an elected regular member on more than one standing university academic committee at a time. Service on a single academic or administrative committee is limited to election to two consecutive 3-year terms with ineligibility for election to the same committee for at least one year. Student members are nominated by the Student Government Association for appointment by the Chancellor.

Faculty Senate and Academic Committees meet on a standard schedule, set and revised by the Committee on Committees. When a Faculty Senate academic committee deals with matters that directly concern any administrator these matters should be discussed with the administrator during the development of a proposed policy. Further, the administrator should have adequate input before the finished resolution is presented to the Senate. This not only would involve ex-officio committee members but also would involve working with any administrator involved in a particular policy under consideration.

All University Academic Committees are Standing Committees of the Faculty Senate. Information relating to each committee is available in the Faculty Senate office and electronically on the Faculty Senate web site.

Officers: Officers of each committee are elected from the membership of the committee, excluding ex-officio, by the members of the committee, for a term of one year. Previous service as a committee officer shall not prejudice a member's election to any committee office. Under normal circumstances each committee shall have a chairperson, a vice chairperson, and a secretary.

Upon organization of the new committees, at the Committees' Organizational meetings beginning in the Fall, the former chairperson if available will turn over committee records to the new chairperson. The Chair of the Faculty may declare an elected member's seat vacant upon the occurrence of three consecutive absences of that member. The Chair of the Faculty will appoint faculty members to fill vacancies of any University Academic Committee that may occur during the academic year. Interim elections may be held to fill an office that has become vacant or to replace an officer that two-thirds of the full committee membership deems is not fulfilling the obligations of the office.

The charge of each Faculty Senate and academic committee is on file in the Faculty Senate office and available electronically on the Faculty Senate web site. Many administrative committee charges are available on the East Carolina University web site.

Each committee shall operate according to the latest version of *Robert's Rules of Order, Newly Revised*. Minutes of each committee are on file in the Faculty Senate office and available electronically on the Faculty Senate web site and shall be sent to members of the committee and Chair of the Faculty.

A file on each committee's activities, minutes, and other records shall be maintained in the Faculty Senate office. All committees and subcommittees, unless prohibited explicitly by the committee's charge, University policies, or state statutes, shall hold their regular and special meetings in open session in accordance with the North Carolina Open Meetings Law, and the chairperson of committees shall inform the Senate office of the time and place of such meetings so they may be placed on the Senate calendar and publicized in order that interested faculty may attend.

The committees' annual reports shall be composed by the committee officers according to the official form and submitted to the Faculty Senate office for duplication and distribution to the Chair of the Faculty, the Chair of the Committee on Committees, the present members of the committee, and the new members of the committee whose terms begin next academic year. Copies of the committees' annual reports will be kept on file in the University Archives, Faculty Senate office, and made available electronically on the Faculty Senate web site. Upon request, copies of committees' annual reports shall be made available by the Faculty Senate office.

The Chair of the Faculty shall each year compile the Annual Report of the Faculty Senate. This report, among other things, shall contain a summary of Senate and Senate committees' activities for the immediate past year.

The Annual Report of the Faculty Senate will be distributed to the Chancellor, academic Vice Chancellors and made available on the Faculty Senate web site. Copies of the report will also be kept on file in the University Archives and the Faculty Senate office. In addition, copies of the Annual Report of the Faculty Senate will be distributed to the members of the Faculty Senate not later than the first regular Faculty Senate meeting of the next academic year.

Currently there are two Faculty Senate committees (Agenda Committee and Committee on Committees), one Appellate Committee that serves as a pool for hearing panels for four different appeal processes (Due Process, Faculty Grievance, Hearing, and Reconsideration), and 20 academic committees as follows:

Academic Awards Committee

Admission and Retention Policies Committee  
Calendar Committee  
Distance Education and Learning Technology Committee  
Educational Policies and Planning Committee  
Faculty Governance Committee  
Faculty Welfare Committee  
General Education and Instructional Effectiveness Committee  
Libraries Committee  
Research/Creative Activities Committee  
Service Learning Committee  
Student Academic Appellate Committee  
Student Scholarships, Fellowships, and Financial Aid Committee  
Teaching Grants Committee  
Unit Code Screening Committee  
University Athletics Committee  
University Budget Committee  
Undergraduate Curriculum Committee  
University Environment Committee  
Writing Across the Curriculum Committee

As the need arises, additional committees are created, by the Committee on Committees to assist in the academic policy-making process.

#### VI. Graduate Council

The Chair of the Faculty or his/her designee shall serve as an ex-officio member. The duties and responsibilities of the Graduate Council are described in the *ECU Faculty Manual* under Graduate School Governance. The Chair of the Graduate Council provides a monthly report to the Faculty Senate for information, comment, and advice.

#### VII. Faculty Assembly Delegates and Alternates

The process for election of Faculty Assembly Delegates and Alternates (*Part III, Section II; The Faculty Assembly of the University of North Carolina*) will be as follows:

- A. The Faculty Assembly nomination form will be distributed to all faculty by the Committee on Committees with assistance of the office personnel in November. The completed nomination forms are due in the Faculty Senate office in December.
- B. The Committee on Committees will review the nominations and present to the Faculty Senate a slate of one or more nominees as there are vacancies to fill. Nominations may also be made from the Faculty Senate floor. Faculty Assembly representatives will be elected by the Faculty Senate at its January regular meeting. Election will be by majority present and voting. One Faculty Assembly Delegate will be the Chair of the Faculty, holding a term for each year he/she is elected to serve as Chair of the Faculty. No Chair of the Faculty may serve as a Faculty Assembly Delegate for more than six consecutive years.

#### VIII. Election by Acclamation

When an election that otherwise requires a vote by written, secret ballot is uncontested, that is, the number of nominees does not exceed the number of individuals to be elected, the Faculty Senate may vote by acclamation according to provisions in *Robert's Rules of Order, Newly Revised*.

Approved:

FS Resolution #05-18 (Appendix A) September 2005, Chancellor

FS Resolution #05-19 (By-Laws) April 2005, Chancellor

Amended:

FS Resolution #09-06, September 2009

FS Resolution #12-79, April 2012

FS Resolution #14-88, December 2014

FS Resolution, #19-76, June 2021

FS Resolution #20-27, April 2020

## PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

### SECTION III

#### Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty

#### CONTENTS

- I. Academic Policy
  - II. Administrative Policy
  - III. Vetting of Administrative PRRs in Matters Relating to Faculty *Revised 12-17*
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#### I. Academic Policy

The faculty organization of East Carolina University comprises the general faculty. As provided in [Section 502D](#) of The Code of UNC, the BOG requires the Chancellor to ensure that there exists in the institution a faculty council or senate, a majority of whose members are elected by and from the members of the faculty. The Faculty Senate is the legislative and advisory body which represents the general faculty and provides the means by which faculty are enabled to fulfill their function with respect to faculty welfare and academic and educational policies exclusive of graduate programs. The Faculty Senate acts upon reports and recommendations of its standing academic committees (and ad-hoc committees). Please refer to the *ECU Faculty Manual*, Faculty Constitution and By-Laws of East Carolina University for the detailed list of responsibilities and activities of the Faculty Senate. Graduate faculty governance and organizational matters are also outlined in the *ECU Faculty Manual*.

According to [ECU Regulation 01.15.01](#) regarding recommendations for new PRRs or Changes to Existing PRRs, the Faculty Senate, the Graduate Council, Staff Senate, Student Government Association, any standing or ad hoc committee of East Carolina University or any administrative or academic officer, including Executive Officers, may recommend new PRRs or changes to existing PRRs. Any member of the University Community may forward recommendations for new or revised PRRs to any of the above entities/individuals. At East Carolina University, the general faculty are the general electorate and the Faculty Senate is the legislative and advisory body representing the general faculty. The Chancellor and the Chair of the Faculty facilitate communication that enables continuing and effective faculty participation in all aspects of the University community. The Chancellor is a member of all faculties and other academic bodies of the institution and shall have the right to preside over the deliberations of any legislative bodies of the faculties of the institution.

Academic policies pertaining to faculty shall be housed in the Faculty Manual, in particular matters relating to tenure and promotion, curriculum, degree requirements, instructional standards and grading, and faculty welfare. In the spirit of shared governance, before the Chancellor either adopts with revisions a regulation or recommends to the Board of Trustees a proposed policy that differs from a recommendation of the Faculty Senate regarding matters of tenure and promotion, curriculum, degree requirements, instruction standards, and grading, the Chancellor will seek additional advice from the Faculty Senate to be provided within a period the Chancellor establishes in the best interest of the University.(FS Resolution #12-67, April 2012)



## II. 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. 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 are linked [here](#). (FS Resolution #12-06, January 2012)

## III. Vetting of Administrative Policies, Rules, and Regulations (PRRs) in matters relating to Faculty

The following outlines the internal Faculty Senate process for obtaining Formal Faculty Advice on Administrative Policies, Rules, and Regulations (PRRs).

Based on the [East Carolina University Policy Manual](#), the official repository of all approved PRRs at East Carolina University, and the regulation that governs Formatting, Adopting, and Publishing Policies, Regulations, and Rules, the following process has been established for the solicitation and provision of faculty advice on matters involving faculty in the areas of academic policies, faculty welfare, and university governance.

When the need for an administrative PRR is determined the appropriate delegated authority forwards the proposed PRR to the Chair of the Faculty. The Chair of the Faculty reviews and consults with Faculty Officers to determine whether the proposed PRR pertains to faculty and requires faculty review and vetting by Faculty Senate. If it is determined by the Faculty Officers that the proposed PRR does not pertain to faculty, the Chair provides written notification to the University Policy Committee (UPC). If a proposed PRR requires faculty review, the Chair of the Faculty asks the appropriate university academic/appellate committee to review and provide recommendations to the Chair and Faculty Senate as a means of formal faculty advice. During the faculty review, the appropriate Vice Chancellor will determine whether an interim PRR shall be posted [online](#). If the committee determines that no formal faculty advice is required, the committee provides written notification to the Chair of the Faculty who reports to the UPC.

Those PRRs considered by Faculty Officers not to pertain to faculty, and those for which a Senate committee determines no formal advice is required, will be reported as announcements that provide the full Senate an opportunity to reconsider whether formal advice is needed.

When a committee determines that revisions are necessary to a proposed PRR, recommendations are forwarded to the Chair of the Faculty and Faculty Senate as formal faculty advice. The Chair of the Faculty forwards the committee recommendations to the delegated authority responsible for the proposed PRR to facilitate discussion and agreement.

If edits are made to a proposed PRR during faculty review or after Faculty Senate action, a new proposed PRR will be forwarded to the Chair of the Faculty who consults with the Faculty Officers to determine if the edits necessitate further faculty review and Faculty Senate action. If the Officers determine that further review is not necessary, the Chair provides written notification to the UPC. If additional review is necessary, the Chair asks the appropriate committee to review and provide recommendations to the Chair and Faculty Senate as additional formal faculty advice.

The Faculty Senate votes on university committee recommendations as formal faculty advice. If formal advice on a proposed PRR is approved by the Faculty Senate, it will be submitted to the Chancellor following the normal established approval/review process. The Chancellor will act according to the established process and notify the Chair of the Faculty that the faculty's formal advice has been received.

Formal faculty advice on PRRs will be documented following the same recordkeeping process as all other Faculty Senate actions and resolutions. 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. (FS Resolution #12-66, April 2012; FS Resolution #17-74, November 2017)

SECTION IV  
Graduate School Organization  
*Revised 4-21*

CONTENTS

- I. The Graduate Faculty
    - A. Functions and Jurisdictions
    - B. Meetings
    - C. Canvass
    - D. Privileges
    - E. Implementation
    - F. Membership
    - G. Removal of Graduate Faculty Members Prior to Expiration of Their Term
  - II. Directors and Coordinators of Graduate Programs, the Graduate Council, the Graduate Council Executive Committee, and the Graduate Curriculum Committee
    - A. Directors and Coordinators of Graduate Programs
    - B. Graduate Council
    - C. Graduate Council Executive Committee
    - D. Graduate Curriculum Committee
  - III. The Dean of the Graduate School - Functions and Jurisdiction
  - IV. Modifications to the Graduate School Organization
    - A. Graduate Council
    - B. Graduate Faculty
- 

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 recommend modifications to this document, "Graduate School Organization", directly or through the concurrent approval of the Graduate Council using the procedure in Part IV of this document.

B. Meetings

The graduate faculty may meet in plenary session. Meetings may be called by the Graduate Council, or upon petition of 15% or more of the graduate faculty 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 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 Council for action.

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

### C. Canvass

Business and opinion polls may be conducted through canvass when approved by the 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 vote. A simple majority will govern unless the 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 canvass 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.

### D. Voting Privileges

Only Graduate Teaching Faculty, Associate Graduate Faculty, and Graduate Faculty members may vote on university-wide graduate issues.

### 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 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 that are appropriate for graduate faculty in their discipline. Each code unit will then submit its articulation to the 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.

### 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 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.

**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 Curriculum Committee, may serve as a Graduate Program Coordinator, may teach graduate classes, and may be a member of doctoral or master's committees. Graduate faculty members with a terminal degree in an appropriate field of study may chair a master's thesis committee or doctoral dissertation committee. Graduate faculty members not possessing a terminal degree may co-chair a master's thesis committee when the other co-chair has associate graduate faculty status or higher and possesses a terminal degree in an appropriate field of study. Exceptions to this requirement may be granted by the Dean of the Graduate School prior to the formation of the committee. Code units may define additional criteria for eligibility to serve in doctoral programs. (FS Resolution #15-18)

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 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 Council. A two-thirds majority of the Graduate Council will be required to overturn the administrative decision.

Appointment to the graduate faculty is for five years. At the end of the term, the appointment 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 Graduate Council upon nomination by their code units. Retired and emeritus faculty who are members or associate members of the graduate faculty at the time of their retirement may be considered for reappointment for five-year renewable terms in the manner outlined in this paragraph. (FS Resolution #16-07, February 2016)

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 Graduate Program Coordinators, may teach graduate classes, and may be a member of doctoral or master's committees. Associate graduate faculty members with a terminal degree in an appropriate field of study may chair a master's thesis committee or doctoral dissertation committee. Associate graduate faculty members not possessing a terminal degree may co-chair a master's thesis committee when the other co-chair has associate graduate faculty status or higher and possesses a terminal degree in an appropriate field of study. Exceptions to this requirement may be granted by the Dean of the Graduate School prior to the formation of the committee. 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. (FS Resolution #15-18, March 2015)

#### 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 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.

#### 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 an appropriate discipline or extensive professional experience. This appointment must be approved by the faculty Graduate Program Director or Coordinator and the unit graduate faculty members serving on the thesis or dissertation committee. The Graduate Program Director will maintain a record of external members' credentials (academic CV or resume) in case they are needed for external review.

#### G. Removal of Graduate Faculty Members Prior to Expiration of Their Terms

If a graduate faculty member is found to be deficient in carrying out expected roles and responsibilities based on guidelines present in the Unit Code, every effort should be made to remediate the problems identified through normal faculty evaluative procedures. If a faculty member continues to demonstrate serious deficiencies, and/or fails to perform his or her duties professionally or ethically as a graduate faculty member, the unit head or one-half of the members of the graduate faculty at the same graduate faculty status or higher of the original nominating code unit may initiate a process to recommend removal of a faculty member from the graduate faculty prior to the end of the appointment period. Any such recommendation shall include the reasons for the recommendation in writing from the Graduate Program Director or Coordinator of the original nominating code unit. A two-thirds majority of the members of the graduate faculty at the same graduate faculty status or higher of the original nominating code unit must vote to confirm the recommendation. The recommendation shall be shared with the faculty member in question who has ten working days in which to respond in writing to those making the recommendation. Should a two-thirds majority of the members of the graduate faculty at the same graduate faculty status or higher of the original code unit wish to proceed, both their recommendation and the response of the faculty member shall be forwarded to the Unit head who will review this recommendation and response in consultation with the faculty member's College Dean and Graduate Program Director or Coordinator. If the Unit Head and College Dean concur that the faculty member should no longer be a member of the graduate faculty, the Unit head makes this recommendation to the Dean of the Graduate School. The Dean of the Graduate School is then authorized to remove the individual from the graduate faculty. If the Unit Head and/or College Dean do not concur with the recommendation of the unit graduate faculty, the non-concurring recommendations of the graduate faculty and administrator(s), and the response of the faculty member, shall be forwarded to the Dean of the Graduate School for final decision. The removed faculty member shall have the right to appeal through general grievance procedures detailed in Part XII of the Faculty Manual.

Before a faculty member is removed the Graduate Program Director must confirm to the Dean of the Graduate School that students under supervision of the removed faculty member have been assigned to appropriate graduate faculty members in a manner specific to the program/department. If at some

point in the future the removed faculty member chooses to apply to return to graduate faculty status, documentation regarding the removal of graduate faculty status will be included for consideration along with the request. (Faculty Senate Resolution #16-29, April 2016)

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

A. Directors and 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 qualified to lead development and review of the program's curriculum. In some professionally oriented disciplines, Graduate Program Directors and Coordinators whose job is to manage a graduate program may be approved by the Graduate School without Graduate or Associate Graduate Faculty status. In such cases, a Graduate or Associate Graduate Faculty member must also be designated to provide academic oversight and lead curriculum development of the graduate program. 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. (FS Resolution #18-51, September 2018)

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. Graduate councilor allocations will be reviewed every three years starting at the beginning of the fall 2015 semester and allocated 50% in proportion to the number of graduate faculty and 50% in proportion to the graduate SCH production in their respective colleges.

Faculty Senate and college representatives are elected to fill expired or vacated terms according to procedures defined by the Senate and each college, at a time appropriate for each unit. All Graduate Council members are elected to serve three-year staggered terms for continuity. Regular terms begin with first Graduate Council meeting in the fall semester. The seat of an elected Graduate Council member who fails to attend more than three consecutively held meetings of the Graduate Council shall be declared vacated by the Chair of the Graduate Council. The Chair of the Graduate Council will contact the unit and request a replacement. The Graduate Council will annually elect a Council Chair and Vice-Chair as well as four persons to serve on the Graduate Council Executive Committee from the elected members of the Graduate Council during its April organizational meeting. (FS Resolution #15-18, March 2015)

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 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. Graduate Council meeting agendas will be distributed electronically to all graduate faculty.

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

The Graduate Council will

- Approve the membership of the Graduate Curriculum Committee;
  - Approve Graduate Curriculum Committees (GCC) recommendations;
  - Participate in the review of all existing graduate programs;
  - Review all unit appeals of negative decisions made by the Dean of the Graduate School regarding graduate faculty appointments;
  - Review and develop 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;
  - Report its actions to the 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, Vice-Chair, the Graduate Curriculum Committee 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.
- Exercise delegated authority from the Graduate Council to consider and make decisions regarding urgent business matters of the Graduate Council during summer months when the full Graduate Council is not in session, with a full written report of any such actions provided to the Graduate Counsel at its first meeting of the Fall term.

(FS Resolution #15-18, March 2015)

#### D. Graduate Curriculum Committee

The Graduate Curriculum Committee (GCC) will consist of one graduate or associate graduate faculty member (tenure preferred) 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 Director of Academic Planning and Accreditation. The Graduate Council will review the credentials of the nominees and approve members to serve on the GCC. 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. (FS Resolution #18-51, September 2018)

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. The Dean of the Graduate School - Functions and Jurisdiction

The Dean is the chief executive officer of the Graduate School and chairs plenary sessions of the graduate faculty. 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 will be responsible for the implementation and execution of policies, rules, regulations, and procedures established by the graduate faculty and the 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 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. Recommendations of the graduate faculty will be reviewed by the Dean of the Graduate School and Academic Council and forwarded to the Chancellor for final decision. The Chair of the Graduate Council will communicate graduate faculty recommendations to the Faculty Senate for information, comment, and advice.

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Approved by the Faculty Senate: January 24, 2012 (Resolution #12-03)

Accepted by the Chancellor: April 3, 2012 (with approved statement)

Final Document Approved by the Chancellor: May 23, 2013

##### Revisions:

FS Resolution #15-18, March 2015

FS Resolution #16-07, February 2016

FS Resolution #16-29, April 2016

FS Resolution #18-51, September 2018

FS Resolution #21-17, April 2021

## PART II - EAST CAROLINA UNIVERSITY ORGANIZATION AND SHARED GOVERNANCE

### SECTION V

#### Faculty Involvement in Selection and Evaluation of Administrators *(Text moved from former Appendix L)*

#### CONTENTS

- I. Appointment and Review of Administrative Officers at East Carolina University
  - II. Implementation Guidelines – Appointment and Review of Administrative Officers at East Carolina University
  - III. Annual Evaluation of University Administrators
- 

The faculty involvement in selection and evaluation of administrators are regulated by the following policies and guidelines:

- I. Appointment and Review of Administrative Officers at East Carolina University  
[Appointment and Review of Administrative Officers at ECU](#), Board of Trustee Policy, November 2007.
- II. Implementation Guidelines – Appointment and Review of Administrative Officers at East Carolina University  
[Implementation Guidelines](#)– Appointment and Review of Administrative Officers at East Carolina University, Board of Trustee Policy, Spring 2009.
- III. Annual Evaluation of University Administrators

Faculty shall evaluate administrators annually, employing an instrument approved by the Faculty Senate and the Chancellor. The results of such evaluations shall be made available to the administrator and the administrator's supervisor.

(FS Resolution #11-45, March 2011)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART III

### University of North Carolina System and UNC Code

## Part III

### UNIVERSITY OF NORTH CAROLINA SYSTEM AND UNC CODE

#### SECTIONS

- I. UNC Policy Manual and the UNC Code (UNC Board of Governors)
- II. The Faculty Assembly of the University of North Carolina
- III. East Carolina University Faculty Assembly Delegation

(Text moved from former Part II and Part X)

Part III - UNIVERSITY OF NORTH CAROLINA SYSTEM AND UNC CODE

SECTION I

UNC Policy Manual and the UNC Code (UNC Board of Governors)

*(text moved from former Part II)*

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, Non-reappointment, 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 <https://www.northcarolina.edu/apps/policy/index.php>

Code of the Board of Governors of the University of North Carolina  
<https://www.northcarolina.edu/apps/policy/index.php?section=100.1>  
(Faculty Senate Resolution #12-09)

## Part III - UNIVERSITY OF NORTH CAROLINA SYSTEM AND UNC CODE

### SECTION II

#### The Faculty Assembly of the University of North Carolina *(Text moved from former Part X)*

[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:

- A. 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.
- B. 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.
- C. 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.



## Part III - UNIVERSITY OF NORTH CAROLINA SYSTEM AND UNC CODE

### SECTION III

#### East Carolina University Faculty Assembly Delegation (Text moved from former Part X)

##### 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 Part II, Section II - Bylaw VI. Faculty Assembly Delegates and Alternates

ECU Faculty Manual Part II, Section II- Faculty Constitution of East Carolina University  
(Faculty Senate Resolution #12-08)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART IV

### Academic Units, Codes, and Seven Year Unit Program Evaluation

## PART IV

### ACADEMIC UNITS, CODES, AND SEVEN YEAR PROGRAM EVALUATION

#### SECTIONS

- I. Academic Code Units *(Revised 4-21)*
- II. Units Codes *(Revised 4-21)*
- III. Seven Year Unit Program Evaluation *(Revised 2-21)*

## PART IV - ACADEMIC UNITS, CODES, AND SEVEN YEAR UNIT PROGRAM EVALUATION

### SECTION I

#### Academic Code Units (Text moved from former Appendix L) (Revised 4-21)

#### CONTENTS

- I. Definition of Code Unit
  - II. Organizing as a Code Unit
  - III. Creating New Code Units and Making Changes to Existing Code Units
- 

#### I. Definition of Code Unit

By virtue of their professional disciplinary and inter-disciplinary expertise, East Carolina University faculty members are responsible for creating and implementing degree programs, associated curricula, and for performing numerous other activities essential to educating students, advancing knowledge and serving the university and the community. To fulfill this responsibility effectively, faculty members organize into self-governing departments, schools or colleges. The resulting organizational boundaries are neither arbitrary nor a reflection of individual interests. Disciplinary and interdisciplinary boundaries derive naturally from differences in the subjects studied and the methods required to generate new knowledge of these subjects. The operations of a faculty group organized around shared subject matters and research methodologies are governed by a document referred to as a "unit code." ECU uses the expression "code unit" to refer to a department, school or college whose operations are governed by a unit code. Differences between unit codes arise because of the subject matter and research methods of different code units. These differences require unique procedures that govern teaching, research, service and other assignments as well as the specific code unit's criteria for appointment, reappointment, promotion and tenure, for example. The unit code document is created by a group of faculty members and approved by the applicable code unit voting faculty members as defined below (Part IV, Section II, subsection III), the Unit Code Screening Committee, the Faculty Senate, and the Chancellor. In this process, the administrator to whom the unit administrator reports (a dean, vice-chancellor or provost) reviews a draft code and may provide advice.

#### II. Organizing as a Code Unit

Requirements: To be eligible to organize as a Code Unit, a new or existing department, school or college, (or departments, schools or colleges created by splitting or combining existing code units), shall satisfy the following requirements:

1. Code Units shall contain sufficient faculty members to create and sustain one or more degree programs and their associated curricula (excepting the libraries). What suffices in any given case will be decided by the appropriate Provost or Vice Chancellor for Health Sciences in consultation with the tenured and probationary (tenure-track) faculty who will be members of the Code Unit if established, the chairperson(s) or director(s) and the appropriate dean.
2. Code units shall be organized so as to distribute faculty and administrative responsibilities as follows (this list is not exhaustive of the duties of faculty members and administrators).

- a. Faculty: Faculty members are responsible for providing course instruction in one or more degree programs and in Foundations courses as appropriate, for advising majors, for supervising graduate theses and dissertations and for initiating recommendations on curriculum, degree program requirements, personnel actions, evaluation criteria, the unit's strategic plan, the unit's assessment activities, student, faculty and staff awards and the unit's code of operations.

When the code unit is a college and the college contains departments or schools, some or all of the responsibilities of the code unit's faculty members may separately be performed by the faculty members of each department or school.

If the code unit is a school and the school contains departments, some or all of the responsibilities of the code unit may separately be performed by the faculty members of each department or school.

If the code unit is a department and the department contains separate disciplines, some or all of the responsibilities of the code unit may be performed separately by the faculty members of each discipline.

- b. Administration: The unit administrator is responsible for faculty evaluation, for assigning duties to the unit's faculty members, for recommendations regarding initial faculty salaries and salary increments, for the use of the unit's budget, for fundraising, for maintaining the unit's contracts, records and reports, for managing the unit's support staff, for the unit's compliance with all university policies, rules and regulations and for the unit's compliance with all actions required by higher administration.

In light of these responsibilities, the unit administrator bears responsibility for cultivating an environment supportive of diversity, equity and inclusion, and for ensuring the allocation of duties and resources on an equal opportunity basis in consideration of unit needs. See [UNC Policy Manual 300.8.5 Policy on Diversity and Inclusion within the University of North Carolina](#).

### III. Creating New Code Units and Making Changes to Existing Code Units

1. Proposals recommending the creation of a code unit or units, or changes to an existing code unit: Proposals shall be initiated by a Code Unit Proposal Committee. A Code Unit Proposal Committee may be self-constituted by action of at least one-fourth of an existing code unit's faculty members (but no fewer than three faculty members) or may consist of at least three faculty members appointed by a chairperson, director, dean, the vice-chancellor for health sciences, the provost or the chancellor. The faculty members appointed to the committee will be some or all of the faculty members who will be members of the new or changed unit(s) except in a case when the people who will constitute the faculty of a new unit are not yet employed by ECU. In the case of the creation of a new code unit or changes to an existing code unit, proposals will include a provisional code of operations for the new or changed unit(s).

2. A Provisional Code will conform to the *ECU Faculty Manual* and, as much as is practicable, to the guidelines and requirements for Unit Codes that are set forth in this document [see Part IV, Section II, subsection IV]. A Provisional Code will be approved by the Educational Policies and Planning Committee, the Faculty Senate and the chancellor, and will be used for a maximum of three semesters after the formal development of the new unit. No later than three semesters after the creation of a new code unit having a Provisional Code, the faculty of the unit will develop and have approved an official Unit Code.
3. In the case of a provisional code that has been in use for three semesters in a code unit in which there are fewer than three eligible voting faculty members who have been employed for at least twelve consecutive months in the unit, the deadline for developing and having approved an official unit code shall be extended until there are three faculty members in the unit who are eligible to vote on the unit's code (see Part IV, Section II, subsection III).

If faculty members will be displaced by the creation of new code units or by changes to existing code units, the proposal must address this situation.

In addition to creating new code units, some of the changes to existing code units that proposals may address include but need not be limited to:

- a. dissolving a code unit without terminating the employment of the faculty members in the unit,
- b. dividing a code unit into two or more code units,
- c. merging a code unit with one or more other units,
- d. moving a code unit to another school or college,
- e. changing a code unit's status from a department in a college to a school, or from a school to one or more departments in a college, or the reverse,
- f. renaming a code unit (As of May 2019, System Office no longer requires ECU to notify or seek permission for changes in unit name nomenclature.),
- g. moving groups of faculty and/or disciplines from one coded unit to another. (This type of move does not require UNC System Office approval.),
- h. reorganizing departments within a code unit,
- i. any combination of the above.

Changes in all code units will not be implemented until the faculty members in the units affected and the Faculty Senate have the opportunity to recommend to the Chancellor approval or disapproval of the proposed changes as originally presented or as amended by the affected units or the Faculty Senate. (FS Resolution #19-75, December 2019)

4. Procedures for creating or changing code units:
  - a. The Code Unit Proposal Committee will provide copies of its proposal to all of the faculty members and administrators of the departments, schools or colleges addressed by the proposal.
  - b. Within 15 working days after the proposal has been distributed, the Code Unit Proposal Committee will meet to discuss the proposal with the faculty members of affected departments, schools and/or colleges or with representatives elected by each affected unit, with the unit administrators, and with the appropriate deans and vice chancellors (or their representatives).

- c. Within 10 working days after this meeting, the permanently tenured faculty members of each affected unit, including the unit administrator(s), will meet and vote their approval or disapproval of the proposal in its original form or as amended by their action.
- d. Within 10 working days the chair of the Code Unit Proposal Committee will forward to the next higher administrator the results of the unit's action.
- e. Within 10 working days the next higher administrator will communicate in writing to the Code Unit Proposal Committee and to the appropriate vice-chancellor(s) the following items: the unit faculty's action and his or her concurrence or non-concurrence with that action.
- f. The Code Unit Proposal Committee shall present copies of the proposal, the affected units' faculty recommendations, and the relevant administrators' concurrence or non-concurrence to the chair of the Educational Policies and Planning Committee. The committee shall consult with appropriate deans and vice-chancellors, and, if it deems necessary, with other faculty members and administrators. Within 40 working days (during the regular academic year), the committee will report its recommendations to the Faculty Senate.
- g. The Faculty Senate will vote, in a timely manner, to recommend to the Chancellor the approval or disapproval of the proposal as originally received by the Educational Policies and Planning Committee or as amended by the Faculty Senate.
- h. If the proposal is approved by the Chancellor (and higher authority if necessary), implementation of the proposal will be overseen by the next higher administrator(s) over the new or changed code units.

Upon approval of new unit codes, the old unit code of a unit that has undergone a change of the sort listed above will become null-and-void.

If faculty members in code units that meet the conditions for splitting into separate code units do not choose to split into separate code units, faculty in individual departments or schools (as appropriate) may democratically develop written rules for their internal organization and operation. These rules will be housed in the department's or school's administrative office.



# PART IV - ACADEMIC UNITS, CODES, AND SEVEN YEAR UNIT PROGRAM EVALUATION

## SECTION II

### Unit Codes

(Text moved from former Appendix L and former Part II)

#### CONTENTS

- I. Definition of Unit Code *(Revised 4-19)*
  - II. Approval Process for New and Revised Unit Codes
  - III. Faculty Who May Vote on a Unit's Code of Operation *(Revised 4-19)*
  - IV. Minimal Unit Code Requirements *(Revised 4-21)*
  - V. Use of "Guidelines" by a Code Unit *(Revised 4-19)*
  - VI. Five Year Review of a Unit Code
  - VII. Faculty Senate Office Records
  - VIII. Unit Code Training
  - IX. Unit Code Availability
  - X. School or College Constitutions or By-Laws *(Added 4-19)*
  - XI. Acceptable models for code units in reorganization plan
- 

#### I. Definition of Unit Code

Each Code Unit shall develop a Unit Code of Operations that will provide for the conduct of the unit's affairs according to *Robert's Rules of Order, Newly Revised* and the requirements set out below in subsection IV. A new or revised Unit Code shall be approved by the applicable code unit voting faculty members of the unit, as defined herein (see subsection III. below). A copy of each Unit Code, after approval, is housed within the Faculty Senate Office, the Code Unit Office, and is available for review by faculty and administrators within the unit. (FS Resolution #19-37, April 2019)

#### II. Approval Process for New and Revised Unit Codes

Each Code Unit will develop its own Unit Code of Operations, following the process described in this section of this document. Upon approval at the unit level, the unit administrator shall forward the new or revised Unit Code to the next higher administrator above the unit for advice. The Code Unit shall consider advice received and may amend its proposed code if approved by the applicable code unit voting faculty members as defined herein (Subsection III). *(Previous sentence was editorially revised by Faculty Governance Committee [September 2019](#).)* The Unit Code next is submitted to the Unit Code Screening Committee of the Faculty Senate for review. Upon being approved by the Unit Code Screening Committee, the Unit Code is submitted to the Faculty Senate for review and, if approved, to the Chancellor for final approval. If the Chancellor requires revisions, he or she shall so indicate in writing and shall return the Unit Code to the unit for the required revisions. After revision, the code shall be approved by the applicable code unit voting faculty members as defined herein (Subsection III) and upon approval shall be dealt with as described above, up to and including receiving the chancellor's approval or request for further revisions. *(Previous sentence was editorially revised by Faculty Governance Committee [September 2019](#).)*

#### III. Faculty Who May Vote on a Unit's Code of Operations

Responsibility for voting on a Unit Code rests with full-time faculty with a commitment to the unit demonstrated as follows. All permanently tenured faculty members with at least 12 consecutive

months in a greater than 50% assignment in a unit and all full-time faculty with at least six years in a greater than 50% assignment in a unit count towards a quorum and may vote on the unit's new or revised Code. This includes administrators who meet these conditions. An affirmative vote of at least two-thirds of faculty voting is required to approve a new or revised Unit Code.

A faculty member on non-medical leave from a greater than 50% assignment in a unit may vote if the faculty member wishes to do so but does not count towards a quorum unless he or she is present at a vote. A faculty member on approved medical leave is not permitted to participate in any University activities during the period of approved medical leave without written university approval. Faculty members with 50% or less assignment in a unit do not vote on the unit's code.

In tenure-granting units, only permanently tenured, eligible voting faculty may vote on or amend a unit's tenure, promotion, and post-tenure review criteria. A separate affirmative vote of at least a majority of voting tenured faculty is required to approve new or revised tenure, promotion, and post-tenure review criteria. Such approved criteria may not be further amended during the approval process of the full new or revised Unit Code by all voting faculty. (FS Resolution #19-37, April 2019)

#### IV. Minimal Unit Code Requirements

To provide consistency, unit codes should be developed following an approved outline that includes at least:

1. a preamble
2. definitions of the unit's faculty, its criteria for serving as a voting faculty member of the unit, and, where appropriate, its approved criteria for appointment to the graduate faculty
3. criteria for emeritus status in the unit
4. the administrative organization of the unit
5. the membership, terms, and duties of standing committees
6. responsibility for program coordination and curriculum oversight
7. current, updated, and approved guidelines, criteria, and weights governing the evaluation of tenured, and tenure-track faculty members annually and otherwise for all personnel actions, including recommendations for raises, merit awards, reappointment, promotion and the award of permanent tenure (ECU Faculty Manual, Parts VIII and IX).
8. guidelines, criteria, and weights governing the evaluation of fixed-term faculty members annually and otherwise for all personnel actions, including new or subsequent appointments, performance evaluations and advancement in title
9. standards for post-tenure review
10. procedures for meetings within the unit
11. procedures for the unit's voting faculty members to indicate in a timely fashion and by vote their approval or disapproval of the unit's major planning documents, assessment documents, Guidelines for Unit Academic Program Review, and other major reports prior to their submission in final form to person(s) outside the unit
12. procedures for discussing with its unit administrator the unit's annual budget request and annual report
13. amendment procedures. (FS Resolution #19-07, February 2019)

In furtherance of [UNC Policy Manual 300.8.5 \(Policy on Diversity and Inclusion within the University of North Carolina\)](#), unit codes should address diversity, equity and inclusion throughout the unit code. Areas to be addressed include, but are not limited to: administrator responsibilities, faculty evaluation (teaching, research, service), voting, graduate faculty status, the composition and processes of

search and personnel committees, curriculum oversight and program coordination, student enrollment and faculty respect for diverse students.

#### V. Use of “Guidelines” by a Code Unit

When a Code Unit maintains separate guidelines stating procedures to be followed with regard to faculty evaluation and/or matters not addressed in the unit’s code, the Faculty Manual, or the ECU Policy Manual, the guidelines shall be approved by applicable code unit voting faculty members (see “III” above). Amendments to Guidelines shall be approved by applicable code unit voting faculty members (see “III” above). Guidelines shall be referenced in the Unit Code, shall be in compliance with all policies in the *ECU Faculty Manual* and the *ECU Policy Manual*, shall be housed in the Code Unit’s administrative offices, in the office of the next-higher administrator and in the Faculty Senate office. At the time of the mandatory review of a unit’s code, a unit’s guidelines, if any, shall also be reviewed by the Unit Code Screening Committee for compliance with university policy. (FS Resolution #19-37, April 2019)

#### VI. Five Year Review of a Unit Code

The Unit Code Screening Committee shall report to the Faculty Senate at its last regular meeting of the academic year on the status of each unit code reviewed during the academic year, noting whether each code meets the current Faculty Senate guidelines for codes and is in compliance with all university policies, rules and regulations.

#### VII. Faculty Senate Office Records

A copy of each approved Unit Code shall be maintained in the Faculty Senate office. Included with the approved code shall be a page containing the signatures of the chair of each reviewing body and the Chancellor or the Chancellor’s delegate.

#### VIII. Unit Code Training

The Chair of the Faculty and the Chancellor, or the Chancellor’s delegate, shall include an introduction to unit codes and guidelines in the annual new faculty and new administrator orientation sessions.

#### IX. Unit Code Availability

Every tenured, tenure-track and fixed-term faculty member in a Code Unit shall be provided with a copy of or link to the Unit Code and the unit Guidelines, if any, upon becoming a 51% FTE or greater member of the unit. (FS Resolution #12-40, March 2012)

#### X. School or College Constitutions or By-Laws

A School or College in which departments are code units may establish a constitution or by-laws. These shall be developed with input from the School or College faculty and the Dean. They must specify the procedures for their ratification and amendment. Prior to their ratification, constitutions and by-laws must be submitted to the Unit Code Screening Committee for review and advice. After review and amendment, if necessary, the constitution or by-laws shall be approved at a general meeting, such as fall convocation, by a majority of the tenured faculty members present and voting. Upon ratification, the Constitution or by-laws shall be re-submitted to the Unit Code Screening Committee for approval and, if approved, forwarded for review and approval to the Faculty Senate and, subsequently, the Chancellor.

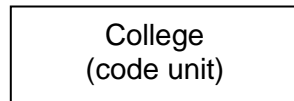
If a School or College constitution or by-laws contains provisions for a School or College Promotion and Tenure Advisory Committee, the applicable policies and procedures must be submitted to the

Faculty Governance Committee for review and approval prior to ratification of the constitution or by-laws. (FS Resolution #19-20, March 2019)

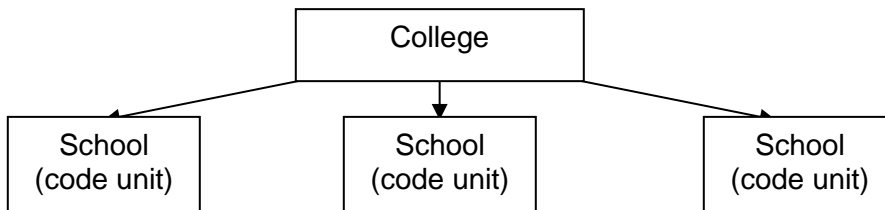
### XI. Acceptable Models for Code Units in Reorganization Plan

The following diagram illustrates acceptable models for the formation of self-governing units within colleges and schools.

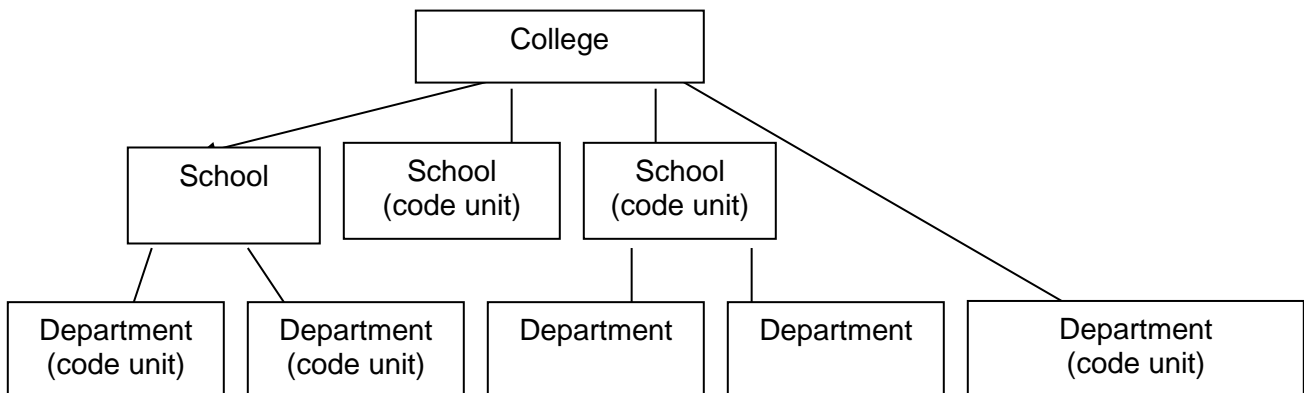
1. College Level (one code for all schools and departments within College).



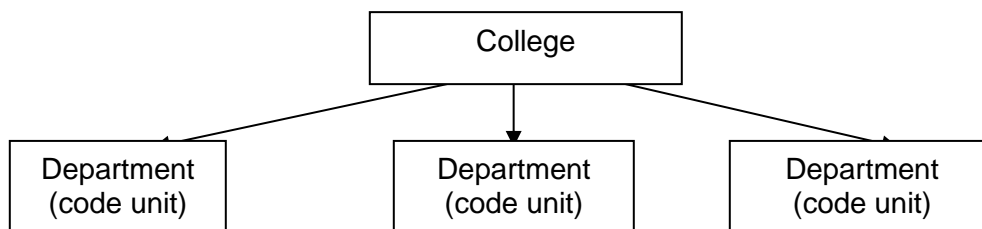
2. Separate Codes for all schools in a college.



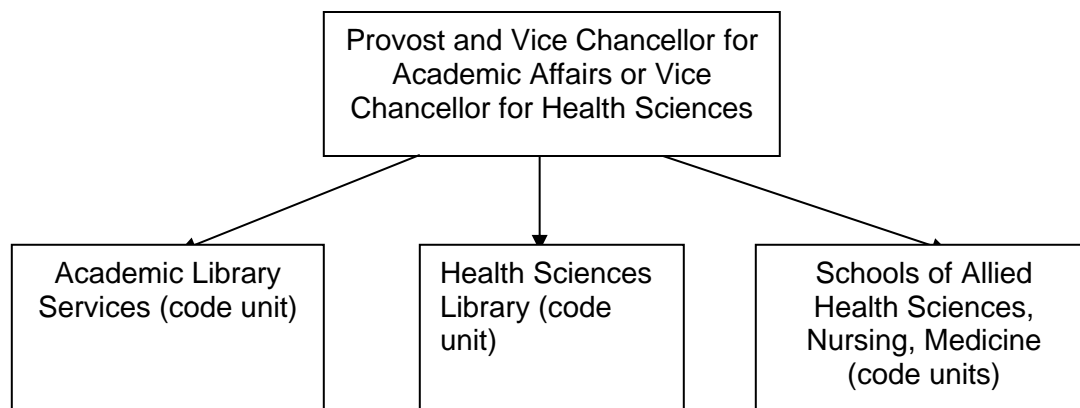
3. Separate Codes for schools and departments within a college (Mixed Model).



4. All Departments in a College: Separate Codes.



5. Code Units not in Colleges.



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PART IV - ACADEMIC UNITS, CODES, AND SEVEN YEAR UNIT PROGRAM EVALUATION

SECTION III

Seven Year Unit Program Evaluation

*(Revised 2-21)*

- A. The Academic Program Review will be conducted according to the [Academic Program Review Guidelines](#).
- B. Changes to these guidelines need to be approved by the Educational Policies and Planning Committee and the Faculty Senate.
- C. The Academic Program Review shall be used in the development of the program's operational and strategic planning.

(FS Resolution #11-45, March 2011)  
(FS Resolution #15-63, May 2015)  
(FS Resolution #17-39, May 2017)  
(FS Resolution #19-07, February 2019)  
(FS Resolution #19-75, December 2019)  
(FS Resolution #21-02, February 2021)  
(FS Resolution #21-21, April 2021)  
(FS Resolution #21-22, April 2021)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART V

### Academic Freedom, Professional Ethics, Diversity, Equity and Inclusion

## PART V

### ACADEMIC FREEDOM, PROFESSIONAL ETHICS, DIVERSITY, EQUITY AND INCLUSION

#### SECTIONS

- I. Academic Freedom
- II. Statement on Professional Ethics
- III. Statement on Diversity, Equity and Inclusion *(added 4-21)*

PART V – ACADEMIC FREEDOM, PROFESSIONAL ETHICS,  
DIVERSITY, EQUITY AND INCLUSION

SECTION I

Academic Freedom  
(Text moved from former Part III)

The East Carolina University faculty and administration believe that in writing or speaking each member of the faculty has the same rights and duties as any other citizen. They believe also that each faculty member in exercising his or her right of free speech must realize that in the minds of many people he or she occupies a representative position and that in consequence the reputation of the university lies partly in his or her hands. Therefore, it is his or her duty to safeguard the reputation of the university and of his or her colleagues with special care.

East Carolina University accepts the following statement of principles as derived from the 1940 *Statement of Principles on Academic Freedom and Tenure* by the American Association of University Professors.

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his or her subject, but he or she should be careful not to introduce into his or her teaching controversial matter which has no relation to his or her subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he or she speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligations. As a person of learning and an educational officer, he or she should remember that the public may judge his or her profession and his or her institution by his or her utterances. Hence, he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not an institutional spokesperson.

East Carolina University also accepts the following statement concerning "Professors and Political Activity" made in 1969 by the American Association of University Professors.

The college or university faculty member is a citizen and, like other citizens, should be free to engage in political activities so far as he or she is able to do so consistently with his or her obligations as a teacher and scholar.

Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state legislature, or serving a limited term in a full-time position) may require that the professor seek a leave of absence from his or her college or university.



In recognition of the legitimacy and social importance of political activity by faculty members, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.

A faculty member seeking leave should recognize that he or she has a primary obligation to his or her institution and to his or her growth as an educator and scholar; he or she should be mindful of the problem which a leave of absence can create for his or her administration, his or her colleagues, and his or her students; and, he or she should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in his or her favor are made, such as a reduction of a workload, he or she should expect them to be limited to a reasonable period.

A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.

The policy set forth by the board of governors regarding political activities of university employees can be found in The University Policy Manual with a link to the Board of Governors policy (see item 300.5 <http://www.northcarolina.edu/policy/index.php>). (FS Resolution #11-44, March 2011)

#### Student Academic Freedom

The University shall provide opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. The University shall not abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance. All members of the university community shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights and freedom of each member of the academic community are respected.

PART V – ACADEMIC FREEDOM, PROFESSIONAL ETHICS,  
DIVERSITY, EQUITY AND INCLUSION

SECTION II

Statement on Professional Ethics

The East Carolina University faculty and administration expect all ECU faculty to perform all their job responsibilities in conformance with the following *Statement on Professional Ethics* modified from the American Association of University Professors: Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

1. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.
2. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or engage in hostile conduct toward members of the university community. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors give proper acknowledgement to the ideas and data of others and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
3. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. (Faculty Senate Resolution #11-93, January 2012)

PART V – ACADEMIC FREEDOM, PROFESSIONAL ETHICS,  
DIVERSITY, EQUITY AND INCLUSION

SECTION III

*(added 4-21)*

Statement on Diversity, Equity and Inclusion

The Faculty of East Carolina University affirm the Board of Governor's [Policy on Diversity and Inclusion within the University of North Carolina](#) and its aim to "advance diversity and to foster an inclusive environment that engages, respects, and values all members of the University community." In recognition that "the University needs the talents and skills of all qualified and available individuals," the East Carolina University faculty and administration commit "to building a culture and community that actively supports and promotes diversity and inclusion for its students, faculty, and staff, and for members of the general public who access our programs, services, and facilities." Our commitment to diversity, equity, and inclusion is an extension of our commitments to academic freedom and professional ethics and should not be interpreted contrary to Sections I and II above.

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(Faculty Senate Resolution #11-44, March 2011)  
(Faculty Senate Resolution #11-93, January 2012)  
(Faculty Senate Resolution #21-24, April 2021)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART VI

### Teaching and Curriculum Regulations, Procedures, and Academic Program Development

## PART VI

### TEACHING AND CURRICULUM REGULATIONS, PROCEDURES AND ACADEMIC PROGRAM DEVELOPMENT

#### SECTIONS

- I. Teaching Regulations and Guidelines Relating to Faculty *Revised 6-21*
- II. Academic Integrity *Revised 6-21*
- III. Distance Education Policies *Revised 1-20*
- IV. Student Privacy, Conduct, and Complaints *Revised 5-16*
- V. Graduation Policies *Revised 1-16*
- VI. Emergency Notification and Evacuation Procedures
- VII. Curriculum Procedures, Academic Program Development, and the Academic Calendar  
*Revised 2-21*

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION I

Teaching Regulations and Guidelines Related to Faculty  
(Text moved from former Part V)

CONTENTS

- I. Faculty Workload
- II. Office Hours
- III. Faculty Academic Advising: Undergraduate and Graduate
- IV. Ordering Textbooks and Collateral Materials
- V. Course Expectations and Requirements *Revised 12-20*
- VI. Tests and Examinations
- VII. Final Examinations *Revised 12-19*
- VIII. Grades
  - A. Grades and Grading *Revised 4-20*
  - B. Posting Grades
  - C. Recording of Grades *Revised 1-13*
  - D. Change of Grade
  - E. Grade of Incomplete *Revised 6-21*
  - F. Grade Appeal Policy *Revised 4-21*
- IX. Academic Progress
- X. Class attendance and Participation Regulations *Revised 1-18*
- XI. Class Roll Verification
- XII. Use of Copyrighted Works *Revised 5-15*
- XIII. Policy to Remove Foundation Curriculum Credit

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This section provides a framework that permits the University to perform its academic mission uniformly and efficiently. Faculty members are expected to execute their teaching and advising duties within the context of these policies.

- I. Faculty Workload
  - A. Faculty Workload is defined by the Faculty Workload Administrative Regulation. This regulation describes how workloads are determined at the university, college, and departmental levels. The Brody School of Medicine and the School of Dental Medicine are governed by separate workload regulations. Refer to the University Regulation on [Faculty Workload](#) for more information.
  - B. The individual faculty workload is discussed in Part VIII, Section I - Personnel Policies and Procedures for the Faculty, *ECU Faculty Manual*.
  - C. Course reduction and reassigned time – Faculty members may apply for and be granted course reductions for the relevant period. Faculty who are granted a course reduction, shall be informed in writing by the unit administrator or department chair, including the purpose for the

reduction. A faculty member may apply for and receive 100 percent reassigned time for the relevant period, according to the [Faculty Scholarly Reassignment Regulation \(UNC Policy 300.2.6 - Guidelines on Reassigned Time for Faculty\)](#) and upon the recommendation of the faculty member's department, school, or college personnel committee, the unit administrator and the next higher administrator, and upon the final approval of the appropriate vice chancellor.

- D. The summer session, consisting of two summer terms, provides course work equivalent to that of the academic year. No faculty member can be guaranteed a teaching assignment in the summer session; tentative appointments (full time and part time) are made pending enrollment statistics. No faculty member on a nine-month contract will be assigned to more than one summer term in a session except when all faculty (including fixed term faculty) in the unit have had an opportunity to teach one term or in case of curriculum necessity. (FS Resolution #12-37, March 2012)

## II. Office Hours

In addition to teaching, each instructor must maintain office hours five hours during a work-week to be available to advisees and to campus and online students who wish to consult with him or her. It is strongly recommended that the instructor be available either on campus or online at least one hour each day during the work-week. Instructors who teach only face to face Courses: Instructors must maintain office hours in a designated location for a minimum of five hours during the work-week to be available to counsel students or to answer email.

Instructors who teach only online courses: Instructors must establish a time frame of a minimum of five hours during the work-week in which they are available to answer email from students who wish to consult with them.

Instructors who teach a hybrid online face to face course or a combination of online and face to face courses: Instructors must maintain office hours in a designated location for a minimum of five hours during the work-week to be available to counsel students to answer the email of their online students.

Each Instructor is to submit to the unit administrator a schedule of their office hours and the unit administrator is to have a complete schedule of the office hours of all Instructors of the unit. The office hour availability schedule is to be posted on the Instructor's office door and/or on the online course website. (FS Resolution #10-53, April 2010)

## III. Faculty Academic Advising: Undergraduate and Graduate

Academic advising is a primary responsibility of faculty which is integral to student success. Student and faculty interaction outside the classroom is associated with greater student engagement and learning. The important contributions of faculty academic advising should be recognized at all levels of the university.

The academic advising process provides the opportunity for faculty members to influence students' approach to the learning experience and better understand the Liberal Arts Foundations, the major discipline, and related careers.

In those academic units in which faculty are assigned undergraduate academic advising faculty members are expected to meet these responsibilities by:

- Being familiar with the undergraduate catalog, knowing the foundation curriculum requirements and the requirements of the majors in their unit.
- Making advising readily available during the semester.
- Encouraging student decision-making and responsibility for their educational progress.
- Discussing the rationale and integration of the liberal arts foundations with the coursework and experiences in the major and minor field of study.
- Assisting the student in identifying and pursuing educational goals and objectives and in securing information about career opportunities.
- Promoting major-related student organizations, including interest, service, honorary, and professional organizations as available.
- Working closely with students on senior summaries to assure their accuracy.
- Making appropriate referrals to other university resources when necessary to assist the student.
- Maintaining files and notes on student progress.  
(FS Resolution #10-64, April 2010)

#### Graduate Advising

Advising for graduate students involves both mentoring and teaching. Faculty members who advise graduate students are expected to meet these responsibilities by:

- Being familiar with the graduate catalog and university policies that affect graduate students.
- Modeling and maintaining professional and ethical standards of conduct.
- Making advising readily available during the semester.
- Clarifying program requirements.
- Setting clear goals and reasonable expectations for student progress.
- Providing intellectual guidance in support of students' scholarly/creative activities.
- Proactively addressing student problems and issues.
- Promoting student participation in professional organizations and conferences.
- Assisting students in developing a realistic view of the field and the job market following graduation.
- Making appropriate referrals to other university resources when necessary to assist the student.
- Maintaining appropriate files and notes on student progress.
- Filing the graduation summary documents.

Note: The faculty member who is the department graduate advisor and has the role expressed above may be different than the thesis/internship/dissertation advisor who has the responsibility of directing the research and writing of the thesis, internship report, or dissertation. (Approved, Graduate School Administrative Board, April 26, 2010)  
(FS Resolution #10-70, September 2010)

#### IV. Ordering Textbooks and Collateral Material

All items, including textbooks and supplies, that the students are expected to purchase should be requisitioned each semester in a format provided by the Dowdy Student Stores. Book requisitions received on the requested due dates allow the store time to prepare buy back lists used in purchasing from the students any book that they no longer need. This



helps the students to keep the total costs of textbooks down as much as possible.

In a cooperative arrangement the Dowdy Student Stores provides an instructor publishing service for supplemental course materials. The store provides quality academic course materials that are sold alongside the textbooks for the course. The course pack department of the store will obtain copyright permission, process orders, and calculate and collect royalties. This service is provided at no charge to your department. A complimentary desk copy of their course pack is available to the instructors upon request.

Unit administrators or their designees will inform instructors when textbook and course supply orders are due. Instructors submit a requisition for each course providing the information needed to order the necessary books and supplies. If no textbook is required for a course this should be so noted. Unit administrators should retain a copy of the requisitions in each departmental office for future reference.

When special instructional materials (e.g., magazines, field-related supplies, etc.) are required for a course, the Institutional Trust Funds Office within the Division of Administration and Finance should be contacted in order to provide guidance regarding the special course fee process and whether these services can be provided by the Dowdy Student Stores. (FS Resolution #11-47, March 2011)

#### V. Course Expectations and Requirements (revised 12-20)

High expectations for student achievement are important for a high quality education and allow students to optimally benefit from their educational experience at East Carolina University. Further, having students clearly understand course expectations is crucial for their successfully completing a course, which in turn affects student retention. The course syllabus informs students of the expectations and requirements of the course and reduces the likelihood of problems later in the semester. The syllabus is a tool that helps both faculty and students accomplish the university's primary mission of teaching and learning. Faculty members are required to make a course syllabus available for students on or by the first day of each course.

For standard courses, whether delivery is regular face-to-face, online, or mixed, a course syllabus is required to clearly state the instructor's office location, office phone, email, office hours, a statement on continuity of instruction, and a contingency plan. Examples of syllabus language can be found here: <https://instructionalcontinuity.ecu.edu/>. The syllabus is also required to list the instructor's policy on the following: textbook(s) and other required course materials, student learning outcomes, assignments and tests, evaluation system and grading scale, late work, academic integrity, and accommodations for students with a disability. Further, it is recommended that faculty members include in the syllabus a course description and a statement on attendance expectations. (FS Resolution #20-82, December 2020)

For non-standard courses, including Independent Study Courses, regardless of delivery method, a learning contract must be submitted for the approval of the unit administrator. The learning contract must clearly specify the course requirements, including but not limited to the expected student learning outcomes, number of hours of expected work, grading information, and scheduled meeting times with the faculty member. To generate a learning contract for a non-standard course, faculty should complete a form similar to this [example](#). When the form is

submitted, a learning contract is automatically generated and sent by e-mail to the unit administrator for approval.

For campus resources for students with disabilities, contact the Department for Disability Support Services (<http://www.ecu.edu/accessibility/>). For definitions of academic integrity and procedures for dealing with infractions, see Part VI, Section II of the Faculty Manual (<http://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/part6section2.pdf>) and the Office of Student Rights and Responsibilities (<http://www.ecu.edu/osrr/>). Faculty members can also contact the Office of Equity and Diversity (<http://www.ecu.edu/cs-acad/oed/policies.cfm>) for policies on equal opportunity and nondiscrimination. The University Writing Program can be contacted for consultation and support of writing activities and guidelines for writing-intensive courses (<http://www.ecu.edu/writing/>). The Office for Faculty Excellence (<http://www.ecu.edu/ofe/>) can provide assistance with the syllabus.

It is the responsibility of each unit administrator to have copies of syllabi and learning contracts for all courses taught in the school or department (FS Resolution #10-08, February 2010; FS Resolution #15-40, March 2015; FS Resolution #17-48, May 2017).

#### VI. Tests and Examinations

Performance on tests, quizzes, and examinations are one important indicator of student learning. Instructors should clearly describe the procedures and schedule for tests and quizzes on the course syllabus. Students who are absent from intermediate tests and quizzes with an excuse acceptable to the instructor may be given a make-up test or an excuse from taking the test at the discretion of the instructor. (FS Resolution #10-08, February 2010)

#### VII. Final Examinations *Revised 12-19*

The normal expectation is that the completion of both face to face and online courses will include a final examination or an alternate method of evaluating student progress. Final examinations are required at the discretion of the faculty member and must be scheduled in the course syllabus made available to students. When a final examination or alternate method of evaluation is given, it is expected to begin for all students shortly after the beginning of the scheduled final examination period, and all students shall have the full scheduled period to complete the evaluation. Students arriving late may be turned away, but only if other students have left the room, and only if this policy is indicated on the course syllabus. If a final examination is not given during the final examination period, the scheduled time for the exam must be used for appropriate instructional activity. Online courses that do not give a final exam must use the final exam week for instructional purposes. The chair of the unit is responsible for monitoring adherence to scheduled examination requirements.

The University establishes a final examination schedule each semester to reduce conflicts in course final examination and to meet the UNC established course hour requirements. There will be no departure from the schedule officially published as part of the ECU Academic Calendar except for clinical and non-traditional class schedules, including graduate level courses. Changes for individual student emergencies of a serious nature will be made only with the approval of the instructor. An incomplete (I) for the course will only be given in the case of a student absent from the final examination who has presented a satisfactory excuse to the instructor.

No test serving as a final exam may be given during regular class meetings. Faculty may not give an examination or an assignment in lieu of an examination on Reading Day. (FS Resolution #11-51, April 2011; FS Resolution #18-46, May 2018; FS Resolution #19-79)

## VIII. Grades

### A. Grades and Grading *(Revised 4-20)*

Instructors assign grades on the basis of their evaluation of the academic performance of each student enrolled in their courses. Course grades are based on the quality of the student's performance as evaluated by the performance criteria stated in the course syllabus. Instructors for a course shall not use ad hoc contracted or outsourced companies or personnel to grade materials assigned in a course unless obtaining prior approval from the unit administrator.

(FS Resolution #10-08, February 2010; FS Resolution #20-31, April 2020)

### B. Posting Grades

In compliance with the Family Educational Rights and Privacy Act, faculty must not post grades by Social Security Number, Banner ID, any sequential part thereof, or any other personally identifiable characteristic. (FS Resolution #10-08, February 2010)

### C. Recording of Grades

Near the end of the semester, the University Registrar's Office sends procedural instructions to members of the teaching faculty for the posting of grades. Faculty members must submit grades electronically no later than the deadline established by the registrar's office. Instructors who fail to submit grades will be subject to the procedures outlined in [Consequences for Failure to Submit Grades](#). (FS Resolution #13-11, January 2013)

### D. Change of Grade

Grades cannot be changed after they are officially reported unless the change is initiated by the instructor and recorded by the university registrar. Except from grade changes arising from the grade appeal process no change may occur unless the instructor who gave the grade initiates the formal process of a retroactive grade change. A change in grade, other than removing a grade of Incomplete (I), for any reason, must be made within one year from the date the original grade was received. Forms for change of grade are available in school or departmental offices.

(FS Resolution #10-08, February 2010)

### E. Grade of Incomplete

If a student encounters a situation that negatively impacts their ability to complete work assigned in a class (i.e., prolonged and serious illness, injury, family tragedy), but their work up to that point was satisfactory as deemed by the instructor, a grade of Incomplete ("I") may be assigned. A grade of "I" indicates that the completion of some part of the work for the course has been deferred.

Both instructor and student must document the agreement prior to the posting of an "I." It should not be assigned without approval by both parties. Documentation shall include deadlines of remaining assignments for "I" removal. In situations where an "I" can be assigned, but the student is not contacted regarding this grade possibility or declines its option, the instructor will assign the grade earned by the student considering the work completed up to the point of interruption.

A grade of "I" must be replaced by an actual letter grade by the instructor during the next semester (not counting summer session) in which the student is enrolled in the university or it automatically

becomes an F. The instructor will set a date for the removal of the incomplete, in no case later than three weeks prior to deadline as posted on the academic calendar. Instructors must submit the proper change of grade form to the registrar's office via Banner Self Service at least two weeks prior to the end of the semester. If the student does not return to school, the "I" must be removed within one year or it automatically becomes an F. An "I" may not be removed by repeating the course. If a student enrolls in a course in which they have an "I", the "I" will automatically become an F. No student will be allowed to graduate with an incomplete on their record.

In the event that the student completes assigned work to remove the "I", but the instructor becomes unavailable or cannot be contacted, the unit administrator or designee will use available records including the syllabus on record to determine the appropriate grade change and submit it to the University Registrar.

Certain sequence courses, such as thesis research, may require the completion of the entire sequence before any grade other than "I" may be given for the earlier component.

## F. Grade Appeal Policy

### I. Purpose

This grade appeal policy establishes a process by which undergraduate students can contest a course grade that they believe has been awarded in a manner inconsistent with university policies or that has resulted from calculation errors on the part of the instructor. All parties involved in a disagreement over the assignment of grades are expected to engage the process in good faith.

It is critical that students, faculty members, and administrators diligently monitor the grade entry deadline each academic period and be prepared to resolve issues related thereto swiftly since graduation, participation in internships, eligibility for scholarships, and the like, may be at stake. Through careful attention and organization on the part of all parties, ECU's mechanism for processing grade appeals can facilitate timely resolution while respecting rights and interests of faculty and students. Timeliness not only better prevents negative impacts of alleged grading errors but also allows faculty members to satisfy their responsibility and retain, if they wish, purview throughout the appeal process.

Accurate and appropriate record keeping is also critical to fair and swift resolution of disputes involving grades. According to the Records Retention and Disposition Schedule for the Institutions of the University of North Carolina System, Standard 12.21, academic materials and record documenting examinations, tests, term papers, and other course work completed by but not returned to the student are to be retained for at least one year, or until challenges are resolved. Standard 12.16 applies to "Records documenting grades assigned by instructors to students enrolled in courses." Such records are to be destroyed in office "3 years after recorded on student's permanent transcript record."

### II. Statement of Grade Appeal; Jurisdiction for Grade Appeals

The evaluation of student performance is based upon the professional judgment of instructors. The grade assigned by the instructor is assumed to be correct and the student appealing the grade must justify the need for a change of the grade assigned.

To prevail in a grade appeal under this policy, the student has the burden of showing at least one of the following:

1. An error was made in grade computation;
2. Standards different from those established in written department, school, college, or university policies, if specific policies exist, were used in assigning the grade;
3. The instructor departed substantially from instructor's previously articulated, written standards, without notifying students, in determining the grade; or
4. Grade assigned was arbitrary or capricious based on the information in the record.

If a student's concern does not relate to the assignment of grades under any of the above claims, other policies collected [here](#) may provide an opportunity for addressing student concerns.

### III. Grade Appeal Process (Steps 1-4):

A grade appeal must be initiated within 48 hours following the "Grades Due" deadline in the academic calendar. A grade appeal is initiated when the student requests that the faculty member review the assigned grade by sending a request in writing by email from their university email account to the university email account of the faculty member and the unit administrator (i.e., department chair, school director) of the unit offering the course. Failure to do so will be considered a forfeiture of the student's right to pursue a grade appeal.

The grade appeal policy is structured so that the instructor will make a determination as to whether they will meet the timeline for responses and actively participate in the grade appeal resolution processes specified below. If the instructor determines they will not participate, because of travel plans, the conclusion of their contract, or other reasons, their unit administrator will act on their behalf. Instructors that determine that they will not be available to address the grade appeal per this policy must inform their unit administrator within 24 hours of receiving the student's appeal so the unit administrator can perform the role of instructor. To be considered, relevant material should be provided to the unit administrator as close to that 24 hour window as possible.

If the instructor is nonresponsive, the unit administrator will act in lieu of the instructor of record for the purpose of grade appeals.

In any case that the unit administrator is acting in lieu of the instructor, access to the grade book will be granted for the appeal in accordance with [Senate Resolution #20-83](#) and the unit administrator will apprise all parties of the final resolution to the appeal.

#### Step 1. Meeting between Student and Instructor

The first step to resolve differences between an instructor and student concerning a grade involves a virtual or face-to-face meeting between the parties not later than 96 hours after the "Grades Due" deadline. During the meeting, the student shall be provided the opportunity to state their position and provide evidence to support the grade appeal. Many cases can be resolved at this stage by mutual listening.

When the unit administrator is acting in lieu of the instructor, it may take some time to become acquainted with the record, thus, the initial meeting with the student may occur at any time within the first seven days following the "Grades Due" deadline. In these cases, the unit administrator will designate a member of the unit with an administrative role to serve as unit administrator for the purpose of the grade appeal. In these cases, the unit administrator will designate a member of the unit with an administrative role to serve as unit administrator for the purpose of the grade appeal.

If the unit administrator is the originally assigned instructor for the course, the dean's designee (i.e., a member of the dean's staff assigned to grade appeals) will appoint an individual with administrative role (program director, assistant/associate dean, etc.) to act in lieu of the unit administrator for purposes of these procedures.

## Step 2. Consultation with Unit Administrator

### A. Written Statement of Appeal.

If the instructor and student cannot resolve the appeal, and the student wishes to pursue the matter further, a written appeal must be presented to the unit administrator (or the person serving in lieu of the unit administrator) in which the course is offered by the end of ten days (240 hours) from the time of the "Grades Due" deadline. The written grade appeal must include the following:

- a. A statement addressing how the appeal meets one or more of the four standards necessary for a grade appeal.
- b. A description of the outcome of the initial discussion with the instructor, and a statement of what the student considers a fair resolution.
- c. Any relevant materials the student would like to be reviewed as part of the appeal process.
- d. A copy of the course syllabus and assignment descriptions.

### B. Review of Appeal Materials.

Following submission of the grade appeal by the student, the unit administrator (or the person serving in lieu of the unit administrator) may request additional materials from the student or instructor. The unit administrator (or the person serving in lieu of the unit administrator) shall share all materials with the instructor immediately upon receipt to provide the instructor the opportunity to evaluate and respond. Additional grading information may be requested from the instructor as part of the record of the grade appeal.

### C. Instructor's Decision.

After receiving a copy of the appeal materials from the unit administrator (or the person serving in lieu of the unit administrator), the instructor must convey their decision in writing to the unit administrator (or the person serving in lieu of the unit administrator) within seven calendar days. The unit administrator (or the person serving in lieu of the unit administrator) will discuss this response with the instructor and will provide the student with written notification of the outcome of this step within 48 hours of receiving the instructor's response.

In the event that the instructor does not submit a response to the unit administrator (or the person serving in lieu of the unit administrator), does not provide grades or other material relevant to the appeal, or otherwise declines to participate at any point in the process, the appeal will be presented to the Grade Appeal Committee for resolution.

## Step 3. Appeal to Grade Appeal Committee

A. Statement of Appeal. If after the review of the written notification of the outcome from the unit administrator (or the person serving in lieu of the unit administrator) the student wishes to pursue the matter further, the student must submit the appeal record to the dean's designee within seven calendar days so it can be conveyed to the committee.

B. The dean's designee will form a three-member hearing committee that shall include three faculty members from the college: one selected by the student, one selected by the instructor of record (or the unit administrator acting in lieu of the instructor of record), and one appointed by the

college dean. In order to adhere to the required timeline, colleges will need to establish or maintain a list of faculty members willing to make themselves available for the process. A hearing will be held within one week. Prior to the hearing, the members of the committee will meet and elect a hearing committee chair who will preside over the hearing and facilitate the drafting and submission of the recommendation. The dean's designee will be available to the hearing committee as a resource.

C. Grade Appeal Committee Hearing. The committee members shall be furnished with all relevant materials in the case under consideration as soon as the committee is formed. The hearing, which may be virtual or face-to-face, will be attended by the student, the instructor, the committee, and the dean's designee. The student and the faculty member will each state their view of the situation, provide documentation, and respond to questions from the committee, the dean's designee, and each other, as appropriate.

D. Deliberation of the Committee. The function of the Grade Appeal Committee shall be to evaluate the appeal in terms of the stated grounds for the appeal. A majority shall prevail in the committee. The dean's designee does not have a vote.

E. Committee Recommendation. The committee shall present a written recommendation to the dean (or substitute, different from the dean's designee). The committee's recommendation may be to make no change to the assigned grade or to raise the assigned grade, but in no case shall the committee recommend a reduction in the student's grade. The committee shall provide a written justification of its recommendation to the college dean, including minority opinions (when they exist), no later than seven calendar days after the committee's hearing.

F. Final Decision by Dean. The college dean shall make the final decision on the grade appeal following receipt of the recommendation from the Grade Appeal Committee. The dean shall inform both the student and the instructor of the decision, in writing, within seven calendar days. The dean shall also inform the student and instructor of the committee's recommendation and provide both parties with copies of the committee report.

G. Updating the Academic Record (if applicable). In the case of a change of grade, the dean shall implement the change of grade on the student's official transcript through the change of grade procedure within 3 days of receiving the Grade Appeal Committee's Recommendation.

H. Notification to Other Parties. The college dean shall forward a written record of the results of all grade appeals to the appropriate Vice Chancellor within fourteen calendar days. College deans shall also provide an annual summary to the Faculty Senate of the number of cases heard and the aggregate result of the process.

Hours/days of Grades Due Deadline	Description
48 hours (2 days) of Grades Due deadline	Deadline for student to appeal to instructor in writing, copying unit administrator
24 hours (1 day) of instructor's receipt of appeal	Optional: Deadline for the instructor to notify unit administrator (or the person serving in lieu of the unit administrator) if the instructor will be unavailable to address the grade appeal and turn over relevant material
96 hours (4 days) of Grades Due deadline	Deadline for meeting between student and instructor/person acting in lieu of instructor

168 hours (7 days) of Grades Due deadline	Optional: Deadline for student and unit administrator to meet if the unit administrator acts in lieu of the instructor
240 hours (10 days) of Grades due deadline	Deadline for student to decide if they will continue the appeal
408 hours (17 days) of Grades due deadline	Deadline for instructor to render decision to unit administrator (or the person serving in lieu of the unit administrator)
456 hours (19 days) of Grades Due deadline	Deadline for unit administrator (or the person serving in lieu of the unit administrator) to discuss response with instructor and to convey the instructor's response to the student.
168 hours (7 days) from receipt of instructor's decision	Deadline for student to submit an appeal of the instructor's decision to the unit administrator (or the person serving in lieu of the unit administrator)
168 hours (7 days) from receipt of student's appeal	Deadline for hearing
168 hours (7 days) from hearing	Deadline for submission of committee's recommendation
168 hours (7 days) from receipt of recommendation	Deadline for dean to notify the student and instructor of final decision

## IX. Academic Progress

Instructors should ensure that each student has received some indication of his or her standing in the course prior to the last day to drop a course without grades. While it is understood that the procedures used to measure course objectives may differ between disciplines, instructors, particularly those of 1000- and 2000-level courses, should provide their students with the results of some form of graded response (e.g., tests, term papers) prior to the last day to drop. A student should be able to discuss progress in class with the instructor any time in the semester.

Faculty members must report to the appropriate university office the unsatisfactory standing of first year undergraduate students whose work or attendance is poor at the middle of the semester. Instructions for reporting unsatisfactory progress are sent via email each semester to the faculty. (FS Resolution #10-08, February 2010)

## X. Class Attendance and Participation Regulations

A student's participation in the work of a course is a precondition for receiving credit for the course. Students are expected to attend punctually all lecture and laboratory sessions and field experiences and to participate in course assignments and activities as described in the course syllabus. Absences are counted from the first class meeting after the student registers. Students registering late are expected to make up all missed assignments in a manner determined by the instructor. Each instructor shall determine the class attendance policy for each of his or her courses as long as the instructor's policy does not conflict with university policy. The instructor's attendance policy, along with other course requirements, will be provided to the class on a syllabus distributed at the first class meeting. Class attendance may be a criterion in determining a student's final grade in the course if the instructor provides a written statement to this effect in the course syllabus. In determining the number of unexcused absences which will be accepted, the instructor should consider carefully the nature of the course, the maturity level of the students enrolled, and the consequent degree of flexibility included in the instructor's policy.

Students should consult with their instructors about all class absences. It is the responsibility of the student to notify the instructor immediately about class absences, to provide appropriate documentation for an absence, and discuss any missed class time, tests, or assignments. Except in the case of university-excused absences, it is the decision of the instructor to excuse an absence or



to allow for any additional time to make up missed tests or assignments. Excused absences should not lower a student's course grade, provided that the student, in a manner determined by the instructor, is able to make up the work that has been missed and is maintaining satisfactory progress in the course.

Student Health Services does not issue official written excuses for illness or injury, but will, upon request at the time of the visit, provide a note confirming that the student has received medical care. In the event that the student is seriously ill or injured at the time of final examinations the Student Health Service or the Center for Counseling and Student Development, on request of the student, may recommend a medical incomplete. Instructors should normally honor written medical excuses from a licensed medical or psychological practitioner that states the student was too ill or injured to attend class and provides the specific date(s) for which the student was unable to attend class due to the medical or psychological problem.

The Dean of Students may authorize university-excused absences in the following situations:

1. Student participation in authorized activities as an official representative of the university (i.e. athletic events, delegate to regional or national meetings or conferences, participation in university-sponsored performances).
2. Participation in other activities deemed by the Dean of Students to warrant an excused absence, such as required military training.
3. An extreme personal emergency or serious medical condition.
4. The death of an immediate family member (such as parent, sibling, spouse or child)
5. Student participation in religious holidays.

It is the student's responsibility to obtain verification of a university-excused absence by contacting the Dean of Students. Faculty requests for university-excused absences should be submitted according to the timeline established by the Dean of Students. Requests submitted after the fact will be disapproved unless circumstances made prior approval impossible.

Instructors are expected to honor valid university-excused absences, and to provide reasonable and equitable means for students to make up work missed as a result of those absences. Students who anticipate missing 10% or more of class meeting time as a result of university-excused absences are required to receive approval from the instructor at the beginning of the semester. Student experiences that cannot be made up should be discussed at the onset of the course to ensure that continued enrollment is feasible while there is still the opportunity to drop the course within the schedule change period.

No instructor should urge a student to take part in an extracurricular activity at the expense of the student's class work or expect the student to appear at any practice or rehearsal if he or she has a scheduled class at that time. No class absences will be excused for practices or rehearsals. Only absences for performances and necessary travel to and from performances are excused.

A student who believes that he or she has been treated unfairly concerning absences or has been misinformed by the instructor regarding that instructor's absence policy shall have the right to appeal. The appeal shall be in writing to the instructor's department chairperson or school director, and in the event the resolution is not satisfactory, the final decision rests with the academic dean. (FS Resolution #12-62, April 2012; FS Resolution #17-79, December 2017)

## XI. Class Roll Verification

Twice each semester—once near the beginning of the term (prior to census day) and once near the mid-point of the term—the registrar contacts each instructor in order to verify student enrollment in that instructor’s classes. At the beginning of the term, the purpose of the verification is to ensure the accuracy of the lists of properly registered students. At the mid-point of the term, the purpose of the verification is to identify any students who are no longer attending class. In the event that a faculty member teaches a course in which attendance is not regularly taken, he or she should note any students who have ceased participating and submitting work. Specific instructions for responding to the registrar will accompany the requests for class enrollment verification and should be followed carefully. Due to the significant impact students’ enrollment status can have on their financial aid eligibility, the amount of financial aid the university is allowed to disburse, and the amount of financial aid the university is required to return, timely faculty response to class enrollment verification requests is essential. (FS Resolution #10-10, February 2010)

## XII. Use of Copyrighted Works (revised 5-15)

### A. Appropriate Use of Copyrighted Works

The Copyright Act of 1976, as amended (Title 17, U.S. Code), generally protects certain rights and privileges of the copyright owner to exclude others from the right to reproduce and publicly distribute, display or perform a work, as well as revise or prepare a derivative work based upon a copyrighted work, without obtaining permission from the copyright owner. As an institution devoted to the creation, discovery and dissemination of knowledge, the University supports the responsible, good faith exercise of full fair use rights contained in the Copyright Act.

### B. Fair Use

The “fair use doctrine” of the Copyright Act allows certain statutory exemptions applicable to academia, recognizing the fundamental non-profit mission of universities to advance and disseminate knowledge for public benefit. Section 107 of the Copyright Act specifies that these exemptions exist “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” and requires that a person evaluate four statutory factors to determine whether a proposed use is fair. If the desired use cannot be determined as “fair”, faculty members must request permission from the copyright holder or select an alternative work.

#### 1. Elements of Fair Use

Individuals from the University community who wish to make fair use of a copyright work must consider in advance the four statutory factors:

##### a. Purpose and Character of the Use

The purpose and character of the use, including whether such use is for commercial or non-profit educational purposes.

##### b. Nature of the Work

The characteristics of the work being used, including whether it has been previously published and whether it is factual or fictional.

##### c. Amount of Work to be Used

The amount, substantiality and qualitative nature of the portion used in relation to the entire copyrighted work.

##### d. Effect on the Market

The effect of the use on the potential market for or value of the work.

#### 2. Support for Making Fair Use Determinations

The University’s Copyright Committee, together with the Copyright Officer, shall identify educational needs of University faculty, EPA non-faculty employees, SPA staff employees, and students in complying with copyright law, including application of fair use. The

Chancellor shall also maintain copyright and fair use resources at the ECU libraries. The Copyright Officer shall develop tools, resources, and training and education materials for use by the campus community and shall coordinate workshops, conferences, seminars, and other similar activities on copyright. Faculty are encouraged to review materials on the ECU Copyright website, attend events scheduled through the Office for Faculty Excellence, and contact the ECU Copyright Officer with any questions they may have. (FS Resolution #12-38, March 2012 and FS Resolution #15-69, May 2015)

### XIII. Policy to Remove Foundation Curriculum Credit

Units wishing to remove Foundation Curriculum credit from a course must send a memo to the Foundations Curriculum and Instructional Effectiveness Committee by email attachment stating the requested action and a list of the courses for which Foundation Curriculum credit should be removed. The list should include the name of the person requesting the action, and the prefix, number, and name of the course. If the course is cross-listed with another unit or is otherwise a cognate in another unit, a letter of approval from the cognate department must be submitted with the request to remove Foundation Curriculum credit. The Foundations Curriculum and Instructional Effectiveness Committee will consider the request and, if approved, will take the request to the Faculty Senate for final approval.

Additional information available at: [Revised Goals of the Liberal Arts Foundations Curriculum](#), [Foundations Assessment Guidelines](#), [Request For Foundations Credit](#).  
(FS Resolution #11-15, February 2011)

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION II

Academic Integrity  
(Text moved from former Part IV)  
*Revised 6-21*

CONTENTS

- I. Statement of Academic Integrity
- II. Purpose and Scope
- III. Definitions of Academic Integrity Violations (AIV)
- IV. University-Wide Responsibility to Report Academic Integrity Violations
  - A. Responsibilities of Faculty, Teaching Assistants, and other Instructional Personnel
  - B. Responsibilities of the Student
  - C. Responsibilities of other University Community Members
  - D. Responsibilities of the Office of Student Rights and Responsibilities (OSRR)
  - E. University Committee on Academic Integrity (UCAI) Composition and Membership
- V. Rights and Responsibilities of Participants
  - A. Respondent Rights and Responsibilities
  - B. Complainant Rights and Responsibilities
  - C. Bias
  - D. Contact Information
- VI. Procedure for Reporting a Suspected Academic Integrity Violation
  - A. Notice of Suspected AIV and Scheduling the Initial Meeting
  - B. Provisions for Special Cases
  - C. Formal Departmental Meeting
  - D. Outcome of Formal Departmental Meeting
  - E. AIB Hearings
  - F. Appeals
  - G. Appeal of Expulsion
- VII. Records
- VIII. Annual Reports
- IX. Review of AIV Process
  - I. Statement of Academic Integrity

Academic integrity is the application of pertinent personal virtues, such as honesty, responsibility, authenticity, honor, and justice, to academic work. Academic integrity is a cornerstone value of the intellectual community at East Carolina University. Academic integrity is required for students to derive optimal benefit from their educational experience and their pursuit of knowledge. Violating the principle of academic integrity damages the reputation of the university and undermines its educational mission. Without the assurance of integrity in academic work, including research, degrees from the university lose value; and the world beyond campus (graduate schools, employers, colleagues, neighbors, etc.) learns that it cannot trust credits, or a diploma earned at ECU. For these reasons, academic integrity is required of every ECU student.

Maintaining the academic integrity of ECU is the responsibility of all members of the academic

community. Faculty should ensure that submitted work accurately reflects the abilities of the individual student. Toward this end, faculty should—through both example and explicit instruction—instill in students a desire to maintain the university’s standards of academic integrity and provide students with strategies that they can use to avoid intentional or accidental violation of the academic integrity policy.

## II. Purpose and Scope

This document sets forth democratic procedures to follow for suspected academic integrity violations (AIVs) at ECU as well as possible penalties. These procedures comply with the minimal due process standards of 700.4.1 of the UNC Policy Manual (<https://www.northcarolina.edu/apps/policy/index.php>). These procedures pertain to anyone registered for an academic course at the University, including but not limited to, undergraduate and graduate students who are classified as degree or non-degree seeking, as well as visiting students, and students studying abroad. The Academic Integrity Regulation also applies to student violations discovered after the student has completed the course, has left the University, or has graduated. Depending on the circumstances of the case, degree revocation may be a consequence, as outlined in the relevant catalog. All students are responsible for conducting themselves in a manner that enhances a learning environment where the rights, dignity, worth, and freedom of each member of the academic community are respected. Upon acceptance of admission to ECU, each student agrees to abide by the policies of the University and to conduct themselves on- and off-campus in a manner consistent with its educational mission. Students have a responsibility to review the Academic Integrity Regulation and other policies, and, if necessary, to seek clarification from the Office of Student Rights and Responsibilities (OSRR).

ECU’s policy on research misconduct is a separate and independent process from this AIV process. “Research Misconduct” is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. The determinations, results, procedures, and outcomes of the Research Misconduct Proceedings shall rely on ECU’s PRR on the Regulation on Research Misconduct (<https://www.ecu.edu/prr/10/45/01>), which is necessary for university compliance with this UNC system policy as well as with state and federal laws. It is recommended that all faculty, staff, and students be familiar with the Research Misconduct Proceedings Regulation. The procedures for reporting, investigating, and determining penalties in cases of academic integrity violations under these procedures for Academic Integrity shall not supersede procedures for reporting, investigating, and determining penalties for Research Misconduct. Cases and questions related to Research Misconduct should be reported to the Office of Student Rights and Responsibilities (OSRR).

1. In addition to the expectations of Academic Integrity provided by the Faculty Manual, certain academic departments, programs, colleges, and schools, especially at the professional and graduate level, may have additional ethical and behavioral expectations of their students, including expectations for the conduct of research; further, units may also establish additional penalties for AIVs. As a result, various academic units and administrative departments have policies specific to their area of responsibility. It is the responsibility of each student to be familiar with University policies and procedures applicable to the University generally, as well as any individual program or unit. This Academic Integrity Regulation and related policies and procedures are available on-line within the University’s Policy Manual.

2. In addition to the consequences outlined in this Regulation and the possible penalties and

sanctions discussed below, students who represent units within the University to third-parties, such as medical students, dental students, graduate students, student athletes, resident advisors, student organization leaders, and residential students may also be subject to additional consequences under the standards set by those units.

### III. Definitions of Academic Integrity Violations

An academic integrity violation (AIV) is defined as any activity that exhibits dishonesty in the educational process or that compromises the academic honor of the university. Examples of AIVs include, but are not limited to, the following:

1. Cheating: Unauthorized aid or assistance or the giving or receiving of unfair advantage on any form of academic work. Examples of cheating include, but are not limited to: copying from another student's paper or receiving unauthorized assistance during a quiz or examination; using books, notes, or other devices when these are not authorized; improperly obtaining tests or examinations; collaborating on academic work without authorization and/or without truthful disclosure of the extent of that collaboration; allowing or directing a substitute to take an examination.
2. Plagiarism: Copying the language, structure, ideas, and/or thoughts of another and adopting the same as one's own original work. Examples of plagiarism include, but are not limited to: submitting a paper that has been purchased or downloaded from an essay-writing service; directly quoting, word for word, from any source, including online sources, without indicating that the material comes directly from that source; omitting a citation to a source when paraphrasing or summarizing another's work; submitting a paper written by another person as one's own work.
3. Falsification/Fabrication: The statement of any untruth, either spoken or written, regarding any circumstances related to academic work. This includes any untrue statements made with regard to a suspected AIV. Examples of falsification/fabrication include, but are not limited to: making up data, research results, experimental procedures, internship or practicum experiences, or otherwise claiming academic-related experience that one has not actually had; inventing or submitting deceptive citations for the sources of one's information; submitting a false excuse for an absence from class or other academic obligation.
4. Multiple submission: The submission of substantial portions of the same academic work for credit more than once without authorization from the faculty member who receives the later submission. Examples of multiple submission include, but are not limited to: submitting the same essay for credit in two courses without first receiving written permission; making minor revisions to an assignment that has already received credit in a course and submitting it in another class as if it were new work.
5. Violation assistance: Knowingly helping or attempting to help someone else in an act that constitutes an AIV. Examples of violation assistance include, but are not limited to: knowingly allowing another to copy answers during an examination or quiz; distributing test questions or examination materials without permission from the faculty member teaching the course; writing an essay, or substantial portions thereof, for another student to submit as his or her own work; taking an examination or test for another student; distributing information involving clinical simulation and skills assessments.
6. Violation attempts: Attempting any act that, if completed, would constitute an AIV as defined

herein. In other words, it does not matter if a student succeeds in carrying out any of the above violations, the fact that a violation was attempted is itself a violation of academic integrity.

#### IV. University-Wide Responsibility to Report AIVs

AIVs are unfair to honest students and they damage the quality and reputation of the entire university. Thus, the University places obligations on students and community members to report information on AIVs based on the principle that ignoring AIVs is as problematic as actively committing an AIV.

##### A. Responsibilities of Faculty, Teaching Assistants, and other Instructional Personnel

Faculty, teaching assistants, and other instructional personnel are responsible for communicating university-wide expectations for academic integrity, for example, by providing copies of this AIV Regulation or by providing a reference to it in their course syllabus to ensure that students are accountable for conforming their conduct to these expectations. It is also recommended that faculty, teaching assistants, and other instructional personnel communicate clear ground rules for academic work conducted under their supervision and take reasonable steps to prevent AIVs. For example, faculty, teaching assistants, and other instructional personnel should: prevent unauthorized access to examinations during the development, duplication, and administration of such exams; avoid reusing prior examinations (in whole or in part) to the extent possible; take all reasonable steps consistent with physical classroom conditions to reduce the risk of cheating during the administration of examinations; and maintain proper security during the administration of examinations, including as appropriate overseeing distribution and collection of examinations, and proctoring the examination session.

If faculty, teaching assistants, or other instructional personnel suspect an AIV, they should:

- follow the procedures for responding to suspected AIVs (enumerated below, Section VI). The responsibility for following the stated procedures also includes but is not limited to, the following: obeying time constraints of this regulation, providing proper notice to the respondent student, refraining from taking unilateral punitive action, and reporting the alleged violation to the Office of Student Rights and Responsibilities (OSRR), and the department chair (or his/her designee), as required; and
- cooperate with the OSRR and the Academic Integrity Board (AIB) when these bodies are conducting investigations, administering hearings and/or reviewing matters of academic integrity. The cooperation may call for actions such as providing testimony or other evidence, recommending appropriate sanctions, or helping to bring the matter to a prompt conclusion.

##### B. Responsibilities of Students:

ECU students are responsible for promoting academic integrity in the ECU community by upholding it in their own work and by reporting any suspected violations. A student knowing of circumstances in which an AIV may have occurred (or is likely to occur) should bring this knowledge to the attention of a faculty member or OSRR.

ECU students are responsible for understanding what plagiarism is, learning the recognized techniques of proper attribution of sources used in the preparation of written work, and identifying allowable resource materials or aids to be used during examination or in completion of any graded

work. Students should seek clarification from faculty if it is not clear whether a certain action would violate this Academic Integrity Policy.

ECU students are responsible for complying with faculty classroom procedures designed to reduce the possibility of cheating—such as removing unauthorized materials or aids from the classroom and protecting one’s own examination paper from the view of others.

ECU students are responsible for maintaining the confidentiality of examinations by divulging no information concerning an examination, directly or indirectly, to another student.

ECU students are responsible for reporting any instance in which reasonable grounds exist to believe that a student has given or received unauthorized aid in graded work or in other respects committed an AIV. Such report should be made to the OSRR, the Office of the Dean of Students (DOS), or other appropriate instructor or official of their college or school.

ECU students are responsible for cooperating with the OSRR in the investigation and hearing of any incident of alleged violation, including providing testimony when called upon.

#### C. Responsibilities of other University Community Members

Other ECU community members are responsible for promoting academic integrity in the ECU community both by upholding it in their own work and by reporting any suspected AIV. An ECU community member knowing of circumstances in which an AIV may have occurred (or is likely to occur) should bring this knowledge to the attention of a faculty member or the OSRR. The AIV form for reporting to OSRR can be found at <https://osrr.ecu.edu/faculty-staff/>

#### D. Responsibilities of the Office of Student Rights and Responsibilities (OSRR)

The OSRR is responsible for discussing the suspected AIV with the instructor of record for the course(s) involved. The OSRR, in consultation with the faculty member(s), will follow the procedures outlined in this Regulation. The OSRR is responsible for acting as a source of information and liaison concerning this Regulation and procedure for faculty, teaching assistants, other instructional personnel, department chairs, administrators, and students.

The OSRR is also responsible for coordinating the staffing and for maintaining of the University Committee on Academic Integrity (UCAI), the Academic Integrity Review Committee (AIRC), and the Academic Integrity Board (AIB).

#### E. University Committee on Academic Integrity (UCAI) Composition and Membership

1. Faculty members – Sixteen faculty members, at least six (6) of whom have graduate faculty status, each of which is elected for three-year staggered terms by the Faculty Senate.
  2. Student members – Sixteen students, at least six (6) of whom are graduate students, elected by and from among the members of the Student Conduct Board. These students shall serve for a one year term and may be reelected for one additional one year term.
- The Director of the OSRR, or designee, shall serve as an administrative officer of the committee, but shall not participate in hearings.



The members of the UCAI form the following Boards:

- Academic Integrity Review Committee (AIRC): Is a three-member panel consisting of: one administrator from OSRR (designated by the Director of OSRR); one student member from UCAI; and and one faculty member from UCAI. In cases involving possible academic integrity violations by a graduate student, the faculty appointed to the AIRC must have graduate faculty status and the student must be a graduate student. The AIRC is charged with reviewing student appeals from a Department's finding and/or academic penalty imposed. The AIRC will review the appeal request to determine if it is appropriate to forward it to the AIB. (See below for appeal grounds and standard of review.)
- Academic Integrity Board (AIB): Is a panel of five UCAI members; three faculty members and two students. The AIB is charged with determining whether a student has violated this policy and, if appropriate, assigning academic penalties and/or sanctions, in matters referred to OSRR for UCAI review. This includes: appeals from the Initial Meeting: cases in which the department recommends additional sanctions (e.g. suspension or expulsion) after an Initial Meeting; in cases of repeat violations, multi-student violations; or suspected violations at the undergraduate level that occur outside of a specific course. In all matters where the respondent student is a graduate student, at least two of the three faculty members must have graduate faculty status; and every attempt should be made to ensure that all three faculty members on the board have graduate faculty status.,. Additionally, in cases involving possible violations by graduate students, the student members of the board must be graduate students. The AIB will select a chair from among its faculty membership. All members of the AIB may vote on the selection of a chair.

## V. Rights and Responsibilities

### A. Respondent Rights and Responsibilities

A student whose conduct is under review is a Respondent and has the rights and responsibilities listed below. The Respondent may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

#### Respondent Rights:

- The right to an objective and impartial evaluation of the complaint.
- The right to be present during the meeting with the instructor of record and during the AIB hearing (if applicable).
- The right to reasonable access to all information gathered throughout the investigation pertinent to the alleged violation.
- The right to present information relevant to the alleged violation, including inviting witnesses.
- The right to respond to information presented against the Respondent.
- The right to a separate meeting with a faculty member or AIB hearing in cases involving multiple Respondents. Charges against multiple Respondents involved in the same incident may be heard in a single case only if each Respondent consents to such a proceeding.
- The right not to provide information, with the understanding that the University will make a determination with or without the Respondent's information.

- The right to review of the decision, after receiving written notice of the outcome, including to appeal as described below.
- The right to be informed of pertinent University-based support services.

#### Respondent Responsibilities:

- The responsibility to be honest and direct in communicating with individuals involved in the Academic Integrity process.
- The responsibility to review this Academic Integrity policy and procedures and to seek clarification if necessary.
- The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.
- The responsibility to participate in the Academic Integrity process in a manner that is civil and respectful.

#### B. Complainant Rights and Responsibilities

A faculty member, teaching assistant, or other instructional personnel who alleges a violation of this Regulation is the Complainant and has the rights and responsibilities listed below. The Complainant may forfeit any of these rights if, after being given appropriate notice and opportunity to exercise these rights, he/she fails to do so.

#### Complainant Rights:

- The right to an objective and impartial evaluation of the complaint.
- The right to invite relevant witnesses with knowledge of the alleged AIV.
- The right to submit a written statement.
- The right, after receiving written notice of the outcome, to review the decision, if permitted under ECU policies, University of North Carolina System policies and local, state, and federal laws.

#### Complainant Responsibilities:

- The responsibility to provide a copy of the course syllabus and all relevant controlling documents (e.g. project instructions).
- The responsibility to be honest and direct in communicating with individuals involved in the conduct process.
- The responsibility to review this Academic Integrity Policy and its procedures, and to seek clarification if necessary.
- The responsibility to respond in a timely manner to University requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
- The responsibility to provide the decision-maker with pertinent information that the Complainant would like considered in the review of the alleged violation.
- The responsibility to participate in the Academic Integrity process in a manner that is civil and respectful.

### C. Bias

If the Respondent and/or Complainant believes that one or more of the fact finders, such as the Department Chair (or designee), a member(s) of the AIRC, or the AIB, has a conflict with, bias about, or an interest in a case that may unduly influence the decision making either positively or negatively, the Respondent and/or Complainant may request a different Panel or Official. The challenging party will be asked to provide specific reasons for the challenge. If the challenge is made concerning the Formal Departmental Meeting, then the Department Chair (or designee) will be responsible for making a determination following the request, and may decide to recuse and replace themselves. If the challenge is made concerning the AIRC, or the AIB, then the Chair of the UCAI along with the Director of the OSRR, or designee, will determine whether the identified panel member should be removed. If the removal of a panel member results in fewer than five panel members, parties will be given the option to consent to continuing with the existing panel (less than 5 members) or to reschedule the hearing for review by a full panel.

### D. Contact Information

Students have the responsibility to update personal contact information on their Pirate Port account as soon as it changes and to consistently monitor their ECU e-mail account and telephone answering equipment, as the University frequently communicates through these modes. U.S. Postal System letters will be sent to the local address provided by the student in the Pirate Port system or to the permanent address if attempted contact with the student through other means is unsuccessful.

## VI. Procedure for Reporting a Suspected Academic Integrity Violation

Outlined below is a formal procedure for reporting suspected AIVs. This procedure applies to all ECU students regardless of mode of instruction. Additional information regarding AIVs in distance education (DE) courses is available from OSRR.

**Standard of Evidence:** The standard used throughout the academic integrity process to reach case resolution is preponderance of the evidence. This standard will be used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this Regulation. To meet the standard of preponderance of evidence, the evidence must demonstrate that it is more likely than not that the alleged conduct occurred. Formal rules of evidence do not apply to student conduct cases.

All complaints of suspected AIVs will be reviewed by the OSRR to track and to determine whether the reported behavior is governed by this Regulation. Anonymous complaints may result in a formal charge if they contain sufficient information to independently establish a violation of this policy.

**Retaliation:** The University does not tolerate retaliation against individuals who file a complaint. Retaliation means any act of interference, restraint, penalty, coercion, reprisal, intimidation, threats, or harassment against an individual for using applicable policies responsibly (including testifying, assisting, or participating in a hearing, proceeding, review process or investigation; opposing an illegal act; or exercising any other right protected by this policy). Students who retaliate against such persons will be held accountable under the Student Conduct Process

<https://www.ecu.edu/prr/11/30/01>). It is the responsibility of the target of the retaliation to immediately report the behavior to OSRR.

#### A. Notice of Suspected AIV and Scheduling the Initial Meeting

##### Initial Meeting

If it is believed that an AIV has occurred in the Complainant's course, then the student will be invited to an Initial Meeting with the Complainant. The purpose of this meeting is to gather information and to provide the student (Respondent) with the opportunity to respond to the allegations.

Formal review of a suspected AIV is initiated upon sending notice of the Initial Meeting. Any informal discussions between faculty and student about coursework prior to the Initial Meeting is not considered part of the formal AIV review process. The Initial Meeting is designed for the Complainant to gather information, discuss the allegation with the Respondent, and provide evidence of the suspected violation.

In a case where the AIV involves multiple students (for example, cheating rings), the Complainant should submit a report of the suspected AIV(s) to OSRR for handling. In the event that OSRR receives credible reports of multi-student violations, it reserves the right to refer the case to the UCAI for an AIB hearing.

To initiate the formal review of a suspected AIV, the Complainant (as a designated University official) shall provide written notice of the Initial Meeting to the Respondent. This notice:

1. must be sent by some method with evidence of dispatch (e.g., email from the Complainant's official ECU email account to the Respondent's official ECU email account, or hand-delivered letter accompanied by a brief form that the Respondent signs to indicate the note was delivered, or receipt-request postal mail);
2. must be sent to the Respondent(s) involved within seven (7) calendar days of the time the suspected violation comes to the attention of the Complainant. (If the AIV is discovered during a time when regularly scheduled classes are not being held, the seven (7) calendar days shall be counted starting with the next day regularly scheduled classes are held.);
3. must communicate the following important information:
  - a. a specification of the suspected AIV(s);
  - b. a brief description of the material evidence supporting the allegation;
  - c. the proposed academic penalty and a list of the possible sanctions/penalties, including any program specific AIV penalties, if appropriate. If the Complainant believes that the alleged violation(s) could result in suspension, this possibility must be stated and the Respondent shall be provided written notice that the matter will be referred to OSRR for review following any recommendation of suspension for a hearing process in accordance with the requirements of applicable ECU and UNC system policies. Further, if the Complainant believes that the alleged violation(s) could result in expulsion, this possibility must be stated and the Respondent shall be provided written notice that expulsion precludes matriculation at any UNC constituent institution, and that the matter will be referred to OSRR for review following any recommendation of expulsion for a hearing process in accordance with the requirements of applicable ECU and UNC system policies;
  - d. instructions for the Respondent to contact the Complainant to set up the Initial Meeting, including appropriate contact information for the Complainant;

- e. a statement presenting the option to bypass the Initial Meeting and accept a the academic penalty proposed by the Complainant, including instructions for how to do so; and
- f. a copy of the student's rights and responsibilities form (available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>)

A student may not withdraw from a course while a suspected AIV is being investigated. The AIV investigation is commenced once notice of the Initial Meeting or notice of the AIB hearing is sent, whichever comes first. If hand-delivered, then the commencement date is based upon the signed note of receipt.

If a faculty member finds an AIV at the end of the semester and the student has already attended the last scheduled class session and final exam, the faculty member should follow the steps above and notify the Respondent in writing of a suspected violation and mark a grade of Incomplete (I) until the investigation is complete.

Upon delivery of the written notification from the Complainant, the Respondent has seven (7) calendar days to contact the Complainant and schedule a day and time for the Initial Meeting. If the Respondent fails to respond to Complainant notification within seven (7) calendar days, the Respondent shall forfeit the opportunity to respond . However, the Director of OSRR (or designee) may decide to reopen a case if good cause exists or extenuating circumstances explain the Respondent's failure to respond in a timely manner (e.g. medical issue, family death, etc.).

In the event that the Respondent fails to respond to the notice, the Complainant may find the Respondent responsible for the AIV and may impose an appropriate academic penalty (as outlined below; see Section VI.C). If so, the Complainant will need to complete an Academic Integrity Violation Form (AIV form) (which is available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>) and submit it to the OSRR within twenty-four calendar days of the date on which the notice of a suspected violation was sent to the Respondent. OSRR will notify the Respondent, in writing, of the Complainant's decision and the academic penalty within seven (7) calendar days of receiving the AIV form. The written notice shall include a copy of the student's rights and responsibilities form and inform the Respondent of their right to appeal and the appeal process (described below). In the event that the Respondent involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding academic integrity violations, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

If the Respondent does not accept responsibility for the alleged AIV at the Initial Meeting (or waive their rights to proceed)a Formal Departmental Meeting shall be held within twenty-four calendar days of the date that the suspected AIV came to the Complainant's attention.

## B. Provisions for Special Cases

1. If a Complainant discovers a suspected violation in which the currently enrolled Respondent has used the work of a student either in a different section of the course or has taken a course at a different time, the Complainant should follow the procedures for the Initial Meeting and what follows (described in the previous section and below) for the Respondent enrolled in their

course. If the other student involved is enrolled in another section of the course or if the student took the class during a different time (different semester), then the Complainant should submit the AIV Form directly to OSRR for an AIB hearing.

2. If a Complainant discovers a suspected violation at a time immediately after the Complainant is no longer within the Complainant's course, the Complainant should refer the case, including all evidence related to the suspected violation, directly to OSRR for an AIB hearing via the AIV Form. The AIB will review the evidence submitted (e.g., syllabus, any AI statement signed by the student, documents such as the paper and SafeAssign or other software used to find a suspected violation, etc.) through its normal hearing procedures and impose an appropriate academic penalty or sanction if a violation is found.

3. University Community Complainant: If the suspected AIV occurs outside of a specific course, the case will be referred directly to OSRR for an AIB hearing. (The AIV Form is available at <https://osrr.ecu.edu/faculty-staff/>). In the case of a suspected AIV reported directly to OSRR for which an instructor of record can be identified, OSRR will first consult with the faculty member(s) in charge of the course(s) affected. The faculty member will determine whether to pursue the alleged violation against the student in their course. If the faculty member decides to pursue, the procedures of the Initial Meeting and subsequent procedures (as described below) shall be followed. Following this consultation, if the suspected violation(s) is egregious, pervasive, or involves multiple students, OSRR may decide to pursue the alleged AIV(s) and additional academic penalties or sanctions outside of that course by taking the case to the UCAI for an AIB hearing.

4. Graduate Advisor or Director Complainant: If the suspected AIV involves a graduate student and occurs outside of a specific course, the case will be referred to the student's Faculty Advisor who will serve in the role of the faculty member in the steps above and below. In the event that no Faculty Advisor can be identified, the Graduate Program Director will serve in the role of the faculty member in the process described above and below. The Advisor or Director will then follow the procedures of the Initial Meeting and what follows or refer the case to the OSRR, whichever is applicable.

If the suspected academic violation involves a professional school student, the school may have its own panel or board and may have supplemental processes or procedures, and/or additional academic penalties or sanctions, as long as the professional program and its procedures comport with 700.4.1 of the UNC Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings, as well as Federal, State and Local Law. The Complainant is also required to follow the procedures of this Regulation and report the suspected AIV to OSRR. Also, the professional school's panel does not have the authority to suspend or expel a student from the University; all matters where a suspension or expulsion from the University is recommended shall be referred to OSRR.

### C. Formal Departmental Meeting

The Formal Departmental Meeting is designed as the primary formal hearing for Academic Integrity Violations. The Formal Departmental Meeting is not necessary, nor required, if the Respondent waives their right to this Formal Departmental Meeting during the Initial Meeting. A determination as to responsibility and/or assignment of penalty/sanction may be made at, or following, the Formal Departmental Meeting.

The Formal Departmental Meeting shall be held within twenty-four (24) calendar days of the date that the suspected AIV came to the Complainant's attention. The Respondent, Complainant, or the Department Chair (or designee) may request a reasonable postponement of the Formal Departmental Meeting by contacting the other parties, in writing, no fewer than two (2) business days before the scheduled meeting. Any requests for postponement must explain the reason for the request and provide an alternate meeting date and time. The Department Chair (or designee) will make the final determination of the meeting date and time.

#### 1. Participating Parties and Nonparticipating Observers

The Complainant and the Department Chair (or designee) are required to participate in the Formal Departmental Meeting. The Respondent is strongly encouraged, but not required to participate. If the Respondent does not participate after being properly notified, the matter will be decided on the basis of information gathered by the Complainant or Department Chair. Witnesses with information relevant to the alleged AIV may be invited by the Respondent or Complainant. Character witnesses may not participate in the Meeting, but may submit written statements. The Respondent and the Complainant may each have a nonparticipating observer at the Formal Departmental Meeting. The Complainant's nonparticipating observer should be another faculty member from the same department. The Respondent may select a faculty member, parent, or student who is not involved in the suspected AIV, as his/her nonparticipating observer. The observer(s) may attend the Meeting and take careful notes for reference, but they may not actively participate or present information. The Meeting is closed to the public and no individuals except those described above may attend.

#### 2. Meeting Procedures

The Department Chair (or designee) shall ensure an orderly meeting and that both the Complainant and Respondent have the opportunity to present evidence, including but not limited to witness testimony and relevant documents.

The Respondent may waive the Formal Departmental Meeting and accept an academic penalty proposed by the Complainant. The waiver and acceptance must be in writing and signed by the Respondent. Waivers are made available by the OSRR at <https://osrr.ecu.edu/faculty-staff/>

#### D. Outcome of the Formal Departmental Meeting

The Department Chair (or designee) shall evaluate evidence presented at the Formal Departmental Meeting and determine if a preponderance of evidence supports the conclusion that the Respondent is responsible for an AIV. The Department Chair (or designee) shall also determine the appropriate academic penalty and/or sanction, in consultation with the Complainant's recommendation. The outcome of the Formal Departmental Meeting shall be communicated to the student within ten (10) calendar days of the Meeting. If a determination is made in the absence of the Respondent because the Respondent failed to attend the Meeting, the Complainant must complete and submit the Academic Integrity Violation Form (AIV form; available on the OSRR webpage <https://osrr.ecu.edu/faculty-staff/>) to OSRR within twenty-four (24) calendar days from the date of Respondent notification. The Chair (or designee) can make any of the following determinations and/or assign the following academic penalties:

## 1. No violation found

The Department Chair (or designee) determines that the evidence fails to indicate that an AIV occurred, and therefore, no penalty will be imposed. The Department Chair will notify the student in writing of this decision, and no AIV form will be submitted to the OSRR.

## 2. Violation found

The Department Chair (or designee) determines that the evidence indicates that the Respondent is responsible for an AIV and that an academic penalty is appropriate. If the Respondent does not appear for a scheduled meeting, the Department Chair (or designee) may make a determination in the Respondent's absence. The Department Chair shall impose the academic penalty recommended by the Complainant, provided that, however, the penalty is an academic penalty, and in no case can the Chair issue a sanction of suspension or expulsion. The Department Chair (or designee) shall submit a completed AIV form to OSRR within ten (10) calendar days of the Meeting. If the Department Chair (or designee) deems the penalty to be disproportionate to the AIV, the Chair will indicate this finding on the AIV Form submitted to OSRR. Furthermore, if the Complainant or Department Chair (or designee) believe the violation is egregious enough to warrant further university action and additional sanction, the Department Chair (or designee) will include such a statement on the AIV Form submitted to OSRR.

Possible academic penalties include, but are not limited to, written warning, additional work or learning opportunity, reducing the grade on the assignment(s), or reducing the overall course grade.

If at any time during the review of the alleged AIV, in the Complainant's discretion, the Complainant determines the penalty for the alleged AIV should be something less than a grade reduction (e.g., a warning, some additional work or learning opportunity) then the Complainant is required to formally notify the Respondent and to formally report the decision and imposed academic penalty to the respective Department Chair (or designee) and OSRR (for its records). If at any point, however, the Complainant determines that the AIV warrants a grade reduction or other substantial academic penalty, either as a result of the initial determination and penalty assignment, or as a result of a student failing to complete alternative work or learning opportunities assigned as an initial penalty, the Complainant must follow the reporting process outlined in Section 4 (Referral to UCAI) below, including reporting the situation to OSRR for its review, support, and coordination.

If the penalty assigned is a failure for the course, OSRR will inform the registrar to record a final grade of "XF" on the Respondent's transcript to indicate that failure in the course was the result of an AIV. The "X" indicates the matter is related to a responsible finding of AIV. If the Complainant regards the AIV as severe enough to warrant additional sanction such as suspension or expulsion, the Department Chair shall indicate this recommendation on the AIV form, and the matter will be referred to OSRR for review. The decision to pursue suspension or expulsion will be made by OSRR.

The "X" designation must remain on the student's transcript for at least one year and will be removed from the official transcript after one year only if the student has completed the academic integrity training module and obtained the approval of the Director of the OSRR. The



approval of the Director of the OSRR must be obtained through the submission of a formal written request for removal of the “X” designation. Courses in which a student receives a grade of “XF” are not eligible for grade replacement even if the “X” is removed from the official transcript. All courses for which a student receives an “XF” will be factored into the student’s GPA, even if the “X” is removed from the official transcript and the course is retaken.

OSRR shall provide written notification to the Respondent of the Department Chair’s decision and the imposed academic penalty within seven (7) calendar days of receiving the AIV form. The written notice shall include a copy of the student’s rights and responsibilities form and inform the Respondent of their right to appeal and the appeal process (described below). In the event that the Respondent involved in the violation is a graduate student or is in a degree program that has additional penalties for or policies regarding AIVs, the OSRR will also submit a copy of the AIV form to the appropriate program administrator.

### 3. Disagreement between Complainant and Department Chair (or designee).

If there is a disagreement between the Department Chair (or designee) and Complainant regarding responsibility for the violation or academic penalty imposed, the Complainant may appeal the decision to the respective college Dean (or administrative designee) for review. In such cases, all information related to the AIV shall be submitted to the Dean (or designee) for review. The review shall be resolved within fourteen (14) calendar days. If the Dean (or designee) rules in favor of the Department Chair (or designee), that decision will be final. If the Dean (or designee) rules in favor of the Complainant, the AIV process will resume following the procedure to report the AIV to OSRR as outlined in part VI.D.2.

### 4. Referral to the UCAI for AIB Review

If a Respondent’s case is referred for AIB review, OSRR will notify the Respondent of the referral within seven (7) calendar days of receiving the AIV form. The role of the AIB hearing is to review the entirety of the case, including determination of responsibility, assignment of academic penalty, and additional recommended University sanctions (if applicable). There are three situations in which OSRR will refer the case to the UCAI for AIB review:

1. In a case where the recommended sanction includes suspension or expulsion.
2. In a case where the student has prior AIV. If OSRR finds that the Respondent has a prior AIV on file, the case will be referred to the UCAI for an AIB hearing to consider whether additional academic penalties or sanctions are appropriate based on a pattern of behavior and a history of prior AIV findings.
3. In a case where the AIV involves multiple students. OSRR will receive all reports of suspected AIVs involving multiple students (for example, cheating rings). Faculty members, students, and community members should, in all cases, report suspected AIVs involving multiple students to OSRR. In the event that OSRR receives credible reports of multi-student violations, it reserves the right to refer the case to the UCAI for an AIB hearing.

The AIV form, and all records concerning disciplinary actions brought against Respondent(s) for academic infractions, including charges, evidence, transcripts, recordings, summaries, appeals, correspondence, and other related records, shall be kept by the OSRR in compliance with applicable record retention periods, including the retention of records for a period of eight (8) years; in matters where suspension or expulsion is assigned as a sanction, records shall be retained permanently. Record retention is maintained in compliance with the most recent UNC

Records Retention and Disposition Schedule (§12.13) and Federal Code 20 USC 1232g; and is subject to change to remain in compliance with the governing law.

#### E. AIB Hearings (In lieu of Formal Departmental Meeting and for appeals Formal Departmental Meeting )

As stated above, an AIB Hearing will be convened: (1) as an appeal of the Formal Departmental Meeting; (2) when the alleged AIV occurs outside a specific course; or (3) is egregious enough that it involves possible sanctions of suspension or expulsion. (In addition to Formal Departmental Meeting appeal, examples include, but are not limited to, sanction of suspension or expulsion, cases of repeat AIVs, multi-student AIVs, or suspected violations at the undergraduate level that occur outside of a specific course.) In the case of an alleged AIV by a graduate student, at least two of the three faculty members must have graduate faculty status and every attempt should be made to ensure that all three faculty members on the AIB board have graduate faculty status. Further, in these matters, the student members of the board must be graduate students. The AIB will select a chair from among its faculty membership. All members of the AIB may vote on the selection of a chair.

All AIB hearings are reviewed de novo (from the beginning), meaning that whether the case originates from a Formal Departmental Meeting or as an AIB hearing, the case will be reviewed in its entirety, including a review of all facts and allegations to determine responsibility and the appropriate penalty/sanctions (if applicable).

The Director of the OSRR (or designee) will notify the parties involved of a meeting of the AIB within ten (10) calendar days of receipt of a case that requires an AIB hearing. The Complainant (if appropriate), the Respondent, witnesses, Student Advisors, and the five (5) Panel members shall be provided not less than 10 calendar days' notification of the date, time, and place of the AIB meeting. Appropriate waivers of the Family Educational Rights and Privacy Act (FERPA) must be obtained prior to any hearing, in accordance with applicable law. If a grade for the Respondent must be submitted prior to the conclusion of the AIB process, the Complainant shall record a grade of incomplete, pending a decision by the AIB.

##### 1. Participating Parties and Nonparticipating Observers

The required participating parties are the Complainant, the Respondent, and the five AIB panel members, witnesses for the Complainant and/or Respondent, and any other person called by the AIB Chair. If the Respondent or Complainant would like to request the assistance of a Student Advisor, the Respondent or Complainant may contact OSRR for assistance. The Director of the OSRR (or designee) is a nonparticipating observer.

If the Respondent or Complainant (if appropriate) fail to appear without prior approval of the OSRR administrative officer, the AIB will proceed with an absentia hearing.

Attorneys are not permitted to participate in the AIB unless the Respondent is facing pending criminal charges stemming from the incident in question or if the University is otherwise required by law to allow an attorney to be present. In such situations, the attorney may only advise their client. The attorney is not permitted to actively participate in the AIB, for example, the attorney may not ask questions or present information, except and unless allowing the Respondent's attorney to participate is otherwise required by law. The Respondent will assume all responsibility for attorney fees.

## 2. Hearing Procedures

The AIB Chair will give an extensive and detailed summary of the case, present materials relevant to the case, and direct the AIB hearing. Detailed procedures for AIB hearings are available from the OSRR. A determination of whether the Respondent committed the AIV, and a determination of an appropriate sanction/penalty, if applicable, will be made by a simple majority of the AIB. The AIB chair will vote only in the case of a tie. Detailed procedures for AIB hearings are available from the OSRR.

The Director of the OSRR (or designee) will serve as administrative officer and is responsible for maintaining accurate and complete records of the proceedings. The hearing will be audio recorded; however, recording quality problems and/or malfunctions will not invalidate or nullify the decision of the AIB.

AIB hearings are closed to the public.

AIB members and staff assigned to perform work related to the hearing shall report any potential procedural irregularities or procedural errors that come to their attention, which may have occurred before or during the hearing, to the Director of OSRR for review by the Senior Vice Chancellor for Academic Affairs (or designee). The Senior Vice Chancellor for Academic Affairs (or designee) shall have the authority to determine whether corrective action, including but not limited to, a new hearing, is necessary to correct such procedural errors. This review does not constitute an appeal, and is a separate, independent review of the hearing procedures.

### F. Appeals

During an appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors:

- **Violation of Due Process.** Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this Regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
- **Material Deviation from Substantive and Procedural Standards.** Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based upon the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

The Respondent must specify in writing (“appeal letter”) which grounds form the basis for the Respondent’s appeal. The Respondent must provide factual information to support the appeal and explain what outcome is sought. The Respondent has a right to be assisted in preparing their written challenge by a licensed attorney or non-attorney advocate, at the Respondent’s expense.

The appeal letter must be dated, signed by the Respondent, and received by OSRR within five (5) calendar days from the date that the written decision on sanctions is provided to the Respondent, either by hand delivery or by delivery or attempted delivery through e-mail or postal mail. Appeals should be directed to osrr@ecu.edu; or 364 Wright Building. Failure to deliver the written notice of appeal within this time limit will render the decision of the Department Chair/AIB final and conclusive. An extension of time for good cause may be requested within the five day limit, but it is within the discretion of OSRR to grant or deny such requests.

Appeals will be limited to the record of the hearing, including the supporting documents provided by the Respondent and available records (“written record”) within OSRR.

In appeals from a Formal Departmental Meeting, the AIRC will review the written record and make a determination as to whether a decision and/or sanction is supported by the evidence and whether the decision or penalty/sanction should be altered. If the AIRC denies the appeal, the decision of the Department Chair and any assigned sanctions are effective immediately, and the student will have no further appeal opportunities. The AIRC decision is final.

The final decision of the AIRC will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten (10) calendar days of the date the decision was made. The decision will include a brief summary of the information upon which the decision was based.

In appeals from a hearing before the AIB where suspension is assigned, the Director of OSRR will compile the written record and provide it to the Senior Vice Chancellor for Academic Affairs (or designee) who will make the final administrative determination. The Vice Chancellor (or designee) will determine whether to impose the sanctions recommended by the AIB, to modify the sanctions recommended by the AIB, to refer the case back to OSRR for a new hearing before a different AIB, or to take other necessary administrative action.

In appeals from a hearing before the AIB where expulsion is recommended, the Director of OSRR will compile the written record and provide it to the Senior Vice Chancellor for Academic Affairs (or designee) who will make the final administrative determination. The Vice Chancellor (or designee) will determine whether to impose the sanctions recommended by the AIB, to modify the sanctions recommended by the AIB, or to refer the case back to OSRR for a new hearing before a different AIB, or to take other necessary administrative action. If the Vice Chancellor (or designee) determines that the student should be expelled from the University, the student has the right to file an appeal by following the process described in Section G below.

The final decision in cases where suspension or expulsion is the sanction will be made within 45 calendar days after the hearing and will be shared with the Respondent in writing within ten

(10) calendar days of the date on which the decision was made. The letter will include a brief summary of the information upon which the decision was based and any appeal rights, including the time limits during which to appeal and the permitted grounds for appeal.

Requests for reconsideration based on new information, sufficient to alter a decision and not reasonably available at the time of the decision, should be directed to the original decision-maker. A Complainant or Respondent has one calendar year after the final imposition of sanctions by the University to present new information.

#### G. Appeal of Expulsion

Should the Senior Vice Chancellor for Academic Affairs (or designee) uphold a recommendation of expulsion, the Respondent has the right to appeal the decision to the East Carolina University Board of Trustees. The Respondent should send a written appeal by certified or registered mail, return receipt requested, or by another means that provides proof of delivery to the Assistant Secretary to Board within ten (10) calendar days after the notice of the Vice Chancellor's decision is sent to the Respondent. A copy should also be provided to the Office of Student Rights and Responsibilities and the Vice Chancellor for Legal Affairs and University Counsel of East Carolina University. If the appeal is received in a timely manner, the Board of Trustees will establish a schedule for its review. If the Respondent fails to comply with the schedule, the Board of Trustees may dismiss the appeal. The decision of the Board of Trustees is final.

### VII. Records

A. Family Educational Rights and Privacy Act of 1974: Academic Conduct case information is recorded and maintained by OSRR in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). Generally, information contained in OSRR files that personally identifies a student will not be released without the written and dated consent of the student identified in the record. However, disciplinary records may be shared with third parties to the extent allowed under FERPA. For specific information on FERPA, please contact the Registrar's Office.

B. Maintenance of Records: Academic Conduct records are maintained by the OSRR for at least eight (8) years from the completion of the last sanction imposed. Records of students, who have been suspended or expelled, and of those who have a pending case or have not completed sanctions, are kept indefinitely.

C. UNC Suspension/Expulsion Database: Information about students who are suspended, expelled, or have serious pending cases is entered into a UNC database, where it is stored permanently. All UNC constituent institutions have access to this information.

D. Transcript Notation: Academic Conduct suspensions and expulsions will be permanently marked on the student's transcript.

E. Awarding of Degrees: The University does not award degrees solely because a student successfully completed all academic requirements. Violations of this Regulation and/or the Student Code of Conduct, including academic and non-academic violations, may impact the awarding of a degree, and if a student has a disciplinary complaint pending, the awarding of the degree may be delayed until the complaint is resolved, and, if imposed, the sanctions have been completed.

F. Withdrawal: Students with a pending AIV case will not be permitted to withdraw from the University without first resolving the case, or receiving permission from the Director of OSRR to do so.

G. Continual Enrollment: Students with a pending AIV case might be prohibited from future enrollment until the AIV matter is resolved by the University.

#### VIII. Annual Reports

At the end of each academic year, the UCAI shall prepare a report summarizing its work. This annual report shall be submitted early in the fall semester to the Faculty Senate, the Student Government Association (SGA), and the Academic Council.

#### IX. Review of the AIV Process

The Faculty Senate will convene the AIV Review Committee every three (3) years. This committee will assess the effectiveness of the AIV process and related policies and recommend any changes in policy or procedure to the Faculty Senate.

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Originally Approved (entire document): Faculty Senate Resolution #83-26, April 1983  
East Carolina University Chancellor

Amended:

FS Resolution #83-30 thru #83-34, April 1983 Chancellor

FS Resolution #84-42, January 1985 Chancellor

FS Resolution #87-16, October 1987 Chancellor

FS Resolution #11-36, June 2011 Chancellor

FS Resolution #20-18, June 2021 Chancellor

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION III  
Distance Education Policies  
*(Revised 1-20)*

CONTENTS

- I. Distance Education Courses and Programs
- II. Oversight of Distance Education
- III. Courses Delivered by Distance Education
- IV. Fostering Academic Integrity in Distance Education
- V. Instructor Preparation
- VI. Professional Development Activities for Online Instructors
- VII. Standards for Online Learning
- VIII. Evaluation of Distance Education

Distance education is a formal educational process in which the majority (i.e. more than 50%) of instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place. Instruction may be synchronous or asynchronous. A distance education course may use Internet; one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices; audio conferencing; or video cassettes, DVDs, and CD-ROMs if used as part of the distance learning course or program. (The Southern Association of Colleges and Schools Commission on Colleges definition of “distance education”.)

I. Distance Education Courses and Programs

Programs offered via distance education shall be consistent with the mission of East Carolina University and the academic unit offering the courses or programs. There shall be no distinctions in academic rigor or content between programs offered through distance education and those offered on campus. Development of new online programs and courses will follow the same development and approval procedures as face-to-face programs and courses (Part VI). Selection of courses and programs to be offered via distance education is the purview of the offering academic unit. The academic units shall provide oversight of programs and courses delivered via distance education to ensure that each is coherent and complete and has learning outcomes appropriate to the level and rigor of the course or program.

II. Oversight of Distance Education

The Office of the Provost shall ensure that academic units adhere to the distance education policies described in this section. The instructor assumes primary responsibility for ensuring the rigor of programs and the quality of instruction offered through distance education.

III. Courses Delivered by Distance Education

The instructor teaching a distance education course shall have the same control of content and instruction as in face-to-face courses, consistent with university policies on instruction and academic freedom. Proposals for distance education courses shall be evaluated at the department or school, college and university level. The instructor, unit curriculum committees, and the unit administrator play a significant role in guiding the development and implementation of distance education courses.

Only those proposals demonstrating suitable content and sufficient quality and rigor shall be approved.

Instructors develop syllabi for distance education courses consistent with the ECU Standards for Online Learning. These standards address learning objectives and other things necessary for student success in distance education courses. The structure of distance education courses and programs reflects consideration of the challenges of time management and the risk of attrition for students in these courses. Course design takes into consideration the need for and importance of interaction between instructors and students and among students.

#### IV. Fostering Academic Integrity in Distance Education

Distance education courses, whether they are fully online or blended, pose new challenges in maintaining academic integrity for both faculty and students. Specifically, the ease of access provides a persistent temptation for students to access the work of others without providing appropriate attribution, or to search for an exam answer during a closed-book assessment. It is thus our shared responsibility to provide students with clear, unambiguous guidelines regarding the academic unit and university expectations for ethical behavior in the digital environment.

This [document](#) contains information and strategies to foster ethical behavior and academic integrity within online and blended courses. It is divided into two sections. The first section lists unique scenarios that a faculty member teaching an online class may encounter. The second section includes various strategies for effective online content delivery. As you evaluate each section you are encouraged to incorporate relevant suggestions drawn from the experiences of previous instructors and incorporate their solutions into your course materials.

#### V. Instructor Preparation

All courses offered via distance education shall be taught by a qualified, credentialed instructor approved and assigned by the unit administrator. Instructors who teach distance education courses and programs shall have the same academic qualifications as instructors who teach face-to-face courses. Each instructor who teaches one or more distance education courses must complete a university training program. Academic units that wish to develop their own training program must use the university training program until their own training program is approved by the appropriate vice chancellor.

Unit administrators are responsible for ensuring that each instructor teaching distance education courses has the appropriate distance education training. All instructors teaching distance education courses will engage in at least one training activity each academic year that addresses advances in the methodologies and technologies used in distance education. Training is documented in the faculty annual report of each instructor teaching one or more distance education courses.

#### VI. Professional Development Activities for Online Instructors

Each faculty member who teaches one or more distance education courses must complete an initial university training program consisting of online instructional modules. Faculty continuing to teach distance education courses must engage in at least one professional development activity each academic year that addresses advances in the methodologies and technologies used in distance education.



The following all qualify as professional development activity:

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

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

- individual units will offer seminars and other programs related to online learning / teaching. As these are announced, they will be distributed via email, posted in cornerstone, and or other means of communication. Documentation will be provided by the presenter(s). Please add it to your records.

If there is a specific seminar or topic or activity that you think may qualify but you are not certain, or if you have questions or require further information, you can complete the below Petition for Alternative Activity to Meet the ECU Distance Education Professional Development Requirement and submit it to your unit administrator. This form will be placed online once it has been approved by the Chancellor.

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

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

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

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

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

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

Description of activity and time invested in its completion:

(FS Resolution #19-88, January 2020)

## VII. Standards for Online Learning

Distance education courses shall comply with the following ECU Standards for Online Learning.

### Course Overview & Introduction

- The syllabus is easy to navigate and follows a consistent format that introduces the course and its structure and states expectations. The syllabus should be available in a downloadable format for offline reference.
- Course instructors introduce themselves.
- An appropriate format (e.g. discussion board) should be used to allow students to introduce themselves to each other and to the instructor.
- Minimum technology hardware, software, and skills required by the student are clearly stated and resources for technology training are listed.
- Prerequisite knowledge is clearly stated.

### Learning Objectives

- The learning objectives are clearly stated and describe measurable outcomes.
- The learning objectives address content mastery and critical thinking ability.
- Clear instructions for achieving course objectives and learning outcomes are provided.

### Assessment & Measurement

- Evaluation methods measure the achievement of course objectives and learning outcomes and are appropriate for the online learning environment.
- Course evaluation, policies, learner feedback are appropriate for the online learning environment.
- Course instructors should utilize a controlled testing environment as appropriate.

### Resources & Materials

- The course instructional materials, resources, and content have sufficient depth and breadth for the student to achieve learning outcomes.
- The course instructional materials, resources, and content are accessible, Americans with Disabilities Act (ADA) compliant, and available in multiple formats when appropriate.
- The course instructor makes students aware of relevant resources and services at the university, college, department, and course level (e.g. library resources, Online Writing Center, and Pirate Academic Success Center).

### Learner Interaction

- The course provides opportunities for interaction between the instructor and the student, and among students as appropriate.
- Activities designed to generate student interaction align with course objectives and learning outcomes.
- Clear standards are established for course interactions, instructor response time, and instructor availability (turn-around time for email, grade posting, online office hours, etc.)

### Course Technology

- Instructional tools support the learning objectives of the course and are integrated with course material.

- Instructional tools enhance learning activities and guide the student to become a more active learner.
- Instructional tools required for this course are clearly defined and easily attained.

#### Accountability

- The syllabus or supportive course materials include required statements per the Faculty Manual (Part VI, [Section I. Teaching Regulations and Guidelines Related to Faculty](#)).

#### VIII. Evaluation of Distance Education

Instructors teaching through distance education will be peer reviewed to assure the rigor of programs and the quality of instruction. Instruction in distance education courses shall be evaluated according to the instruction evaluation procedures in effect for face-to-face courses with appropriate additions consistent with the delivery method, including use of the [University Peer Review Instrument for Online Learning](#) or an approved Peer Review Instrument developed by the academic unit. Units that wish to develop their own Peer Review Instrument must use the university instrument until their own instrument is approved by the appropriate vice chancellor. Peer reviewers will be selected based on criteria determined by the faculty of the college, school or department.

Student opinion of instruction will be evaluated through an online evaluation specific for distance education courses approved by the Faculty Senate and the chancellor and administered through the Office of Institutional Planning, Assessment and Research.

Each distance education academic degree program shall be assessed in the same manner and the same frequency as the unit's assessment of academic programs offered on campus. The unit administrator shall review assessment results with assigned instructors and the departmental faculty to facilitate the continual enhancement of the unit's distance education program. (FS Resolution #16-31, May 2016; FS Resolution #18-43, May 2018)

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION IV

Student Privacy, Conduct, and Complaints  
(Text moved from former Part V)

CONTENTS

- I. Student Educational Records
    - A. Access to Student Educational Records
    - B. Privacy of Student Educational Records
  - II. Student Conduct
    - A. Disruptive Academic Behavior
    - B. The Student Code of Conduct
  - III. Student Complaints *New Section 5-16*
- 

- I. Student Educational Records
  - 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. (FS Resolution #12-12, January 2012)
  - B. 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. (FS Resolution #12-13, January 2012)
- II. Student Conduct
  - A. Disruptive Academic Behavior

East Carolina University is committed to providing each student with a rich, distinctive educational experience. Disruptive academic behavior impedes the learning environment and

hinders other students' learning. The course instructor has original purview over his/her class and may deny a student who is unduly disruptive the right to attend the class. Students who repeatedly violate reasonable standards of behavior in the classroom or other academic setting may be removed from the course by the instructor following appropriate notice. Students removed from a course under this policy will receive a "drop" according to university policy and are eligible for tuition refund as specified in the current tuition refund policy.

This policy does not restrict the instructor's prerogative to ask a disruptive student to leave an individual class session where appropriate or to refer the student to the Office of Student Rights and Responsibilities for violation of the Student Code of Conduct.

#### Disruptive Academic Behavior

Disruptive academic behavior is any behavior likely to substantially or repeatedly interfere with the normal conduct of instructional activities, including meetings with instructors outside of class. Examples of such behavior include, but are not limited to, making loud or distracting noises; using cell phones and other electronic devices without prior approval; repeatedly speaking without being recognized; frequently arriving late or leaving early from class; and making threats or personal insults. A verbal expression of a disagreement with the instructor or other students on an academic subject matter discussed within the course, during times when the instructor permits discussion, is not in itself disruptive academic behavior.

#### Procedure for Instructors

A student who does not follow reasonable standards of academic decorum should first receive a private verbal warning from the faculty member. The instructor should describe the behavior of concern to the student, explain that it is inappropriate, and ask the student to stop the behavior. If the behavior continues, the instructor should give the student a written warning indicating that the student will be removed from the course if the behavior does not cease. If the behavior persists, the instructor should discuss the situation with his/her department chair. If it is decided to remove the student from the course then the instructor should schedule a meeting with his/her department chair and the student to inform the student that s/he is being removed from the course. This decision must be communicated in writing to the student with a copy promptly forwarded to the Office of Student Rights and Responsibilities. The department chair must promptly communicate the decision in writing to the Office of the Registrar so that the student's schedule will be adjusted accordingly. Instructors should keep written documentation of all actions taken during this process.

If the behavior is threatening in nature or is likely to result in immediate harm, the faculty member should contact the East Carolina University Police Department for immediate assistance.

#### Student Appeals

The student may appeal the decision of the instructor and the department chair to remove him/her from the course to the academic dean of the college in which the course is located. The appeal must be received by the dean, in writing, within three working days of the date of the receipt of the decision by the student. The dean or dean's designee will review the appeal and the documentation, will discuss the appeal with the faculty member and, after discussion with the student and instructor, can affirm, reverse or modify the decision made by the instructor and department chair. The student, instructor and department chair will be notified of the appeal decision no later than three working days after receiving the appeal. The dean will

provide written notification of the appeal decision to the Office of Student Rights and Responsibilities, and also, if the original decision is overturned, to the Registrar's Office. If the decision is made that the student is to return to the course then the student will be allowed to immediately return to the classroom without academic penalty and the chair will work with the student and instructor to facilitate the completion of any missed work. The dean's decision is final.

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*Footnote\**

*ECU provides reasonable accommodations to students with disabilities. When communicating a warning to a student, faculty should ensure the discussion is private and refer any student who discloses a disability to Disability Support Services.*

(FS Resolution #11-52, April 2011)

#### B. The Student Code of Conduct

The Student Code of Conduct and the procedures for its administration and enforcement exist to promote standards of behavior that create a positive environment in which students can learn and live. Instructors should be familiar with the Student Code of Conduct and refer students whose behavior violates community standards and/or disrupts any normal curricular or extracurricular functions of the university to the Office of Student Rights and Responsibilities or the Dean of Students. The Student Code of Conduct applies to on- and off-campus behavior of both individual students and student groups/organizations, and to both undergraduate and graduate students. The Student Conduct Process, which applies to all ECU students is available at: <http://www.ecu.edu/PRR/11/30/01>. When appropriate, instructors should follow the steps for addressing Disruptive Academic Behavior in the classroom or other academic settings as outlined in Part VI, Section IV of the *ECU Faculty Manual*. If student behavior appears threatening or likely to result in immediate physical harm, the faculty member should contact the ECU Police Department.

The Academic Integrity Policy governs student conduct directly related to academic activities involving ECU students. All alleged violations of the policy must be resolved in accordance with the procedures outlined in the Academic Integrity Policy as found in Part VI, Section II of the *ECU Faculty Manual*. The Academic Integrity Policy is available to students at:

[http://www.ecu.edu/cs-studentlife/policyhub/academic\\_integrity.cfm](http://www.ecu.edu/cs-studentlife/policyhub/academic_integrity.cfm)

(FS Resolution #10-92, December 2010)

#### III. Student Complaints

East Carolina University (ECU) is committed to maximizing student success and providing the highest quality educational experience. In general, the investments that faculty and students make in assuring this excellence are part of ECU's academic culture and are carried out in a very positive learning environment. Occasionally and for varied reasons, the experience can be negative. While this is a relatively rare event, ECU will provide a respectful and responsive avenue for students to lodge complaints concerning the performance of an instructor. In addition, ECU must consider due process in notifying instructors of such complaints and in permitting appropriate responses.

Complaints from students whose identity is known by a chair, dean or other administrative officer of the University will be properly investigated. Confidential student educational records, including student complaints containing personally identifiable information, shall remain confidential to the extent required by applicable law, including the Family Educational Rights and Privacy Act (FERPA).

This may require disclosure of some or all of an otherwise confidential student education record when rights protected by Due Process are at stake, as in situations where the results of a disciplinary proceeding could adversely impact an instructor's property interests, such as potential loss of tenure or termination of an instructor on a fixed term contract prior to expiration of the term. Complaints containing personally identifiable information from students whose identities are known by a chair, dean or other administrative officer of the University shall not be considered part of a "secret file," or "obtained from an anonymous source." Evaluations of an instructor's performance may include supervisor opinions based on observations and investigations prompted by such student complaints, so long as the content of the complaint is disclosed to the subject instructor at the initiation of the complaint, to the extent allowed by applicable law.

These provisions apply to those complaints by students about instructors received by unit (or other) administrators that are not covered by specific institutional policies, rules and regulations, such as those relating to academic integrity violations, grade disputes, sexual harassment, or any type of alleged discrimination. In general, the types of complaints covered by these provisions relate to violations of the reasonable expectation of students for a respectful, organized, and productive learning experience.

These provisions apply when a chair/unit (or other) administrator receives a verbal or written complaint from a student whose identity is known to the chair/unit (or other) administrator. The complaint may come directly from a student, a group of students, or from the Office of the Dean of Students, which maintains a student grievances and inquiries policy. If the complaint is against a Chair/unit Administrator, then the next higher-level administrator assumes the role of Chair/unit administrator in this process. Each step should be executed in a timely fashion (generally no more than five working days).

If the complaining student is willing to be identified to the instructor, a FERPA/Buckley waiver should be administered. A copy of any signed FERPA/Buckley waiver should be forwarded to the Registrar for inclusion in the student's permanent file.

If the student is unwilling to be identified to the instructor, but is known to the unit administrator, protection of personally identifiable information about the student will be maintained to the extent required by law.

Upon receipt of a complaint the Chair/unit administrator will investigate the complaint and engage in fact finding. The Chair/unit administrator will first meet with the complaining party and then with the instructor in question, but personally identifiable information regarding the student will not be revealed to the instructor at this stage unless the student has signed a FERPA/Buckley waiver.

If warranted, the Chair/ unit administrator will initiate other actions to investigate the complaint, e.g., visiting class, inspecting the syllabus, and examining grading records. The investigation may continue even if the student withdraws the complaint.

If the complaint is substantiated, then a form/letter documenting, to the extent allowed by law, the investigation and its resolution will be included in instructor's personnel file. Typically, a copy of the student complaint or an administrator's record of a verbal complaint, redacted to remove all personally identifiable information about the student, will be one of the items placed in the file. The instructor will receive timely notification of the addition to his or her personnel file and will be advised of his or her right to include a response in the personnel file, and of potential avenues for appeal as outlined in Part XII, Section I of the Faculty Manual. Disclosure of some or all of an otherwise confidential

student education record may occur when rights protected by Due Process are at stake, such as those instances where the results of a disciplinary proceeding could adversely impact an instructor's property interests.

If the complaint is not substantiated, this resolution is communicated to the instructor and the complaining party without inclusion of any record in the personnel file. At the option of the instructor, documentation, to the extent allowed by law, of this resolution may be placed in the personnel file. The student may contact the next higher administrator (usually the dean) with concerns or questions. (FS Resolution #16-42, May 2016)



PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION V

Graduation Policies  
(Text moved from former Part V)

CONTENTS

- I. Application for Graduation
  - II. Faculty Marshals
  - III. Mace Bearer *(Revised 1-16)*
- 

I. Application for Graduation

Advisers should remind students that an application for graduation (<http://www.ecu.edu/cs-acad/registrar/upload/Undergraduate-Graduation-Application-2.pdf>) must be submitted to the Registrar's Office not later than two semesters before the completion of the requirements for an undergraduate degree or one semester for a graduate degree. (FS Resolution #11-17, February 2011)

II. Faculty Marshals

Faculty Marshals are ten faculty and two alternates appointed from the full-time, tenured, senior faculty to serve at graduations and other such ceremonial occasions as requested by the chancellor. Those appointed should be individuals readily recognized as outstanding members of the academic community. The Chief Faculty Marshal shall be the faculty marshal in the second or later year of appointment as a faculty marshal and who is of greatest faculty seniority among the faculty marshals. This seniority determination is made each year by the Assistant Vice Chancellor for Human Resources. The Chief Faculty Marshal shall serve as ex-officio on the Administrative Commencement Committee. A Faculty Marshal's appointment is a one-term, four year appointment beginning August 1. The Chair of the Faculty will make recommendations in May of each year to the Chancellor, who will appoint the individuals no later than July 31.

III. Mace Bearer

The mace bearer is a faculty member who leads University ceremonial events such as graduation and Founder's Day processions. The eligibility requirements to be appointed East Carolina University's mace bearer include:

- Senior faculty member in terms of years of service,
- Holds a full-time faculty position with East Carolina University, and
- Is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties.

The Associate Vice Chancellor for Human Resources prepares a list of the most senior faculty members in terms of years of service to the University and notifies the Chancellor and Chair of the Faculty. The Chancellor makes the appointment. The Chancellor makes this appointment taking diversity of the University community into consideration. If there is more than one qualified individual,

the responsibility of the position should rotate annually among them. (FS Resolution #10-14, February 2010; FS Resolution #15-101, December 2015)

Faculty members have the following options for ordering academic apparel:

1. A quality, tailor-made outfit may be purchased through the [Student Store](#). Samples of materials and information concerning the styles of academic apparel are available. The cost of an outfit depends on the type of materials selected.
2. Academic apparel may also be rented through the Student Store. If an order is placed with the Student Store, faculty members are responsible for the rental fee whether or not the gown is picked up. The rental fee is based on the degree held by the faculty member.  
(FS Resolution #10-16, February 2010)

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION VI

Emergency Notification and Evacuation Procedures  
*(Text moved from former Part V)*

I. Emergency Notification and Actions

Faculty have the responsibility of familiarizing themselves with all firefighting equipment available in their area of operations and to knowing how and when to use it. Furthermore, faculty should familiarize themselves with the evacuation plan for their unit in the event of a fire.

The University has established an Emergency Notification System called ECU Alert. Through ECU Alert, the campus community is warned of dangerous situations and receive emergency action instructions through email, pop-up box, web page, tone, text and voice through VOIP phones, scroll bars on plasma screen displays, outdoor speaker system, text messaging and Tweets. Faculty should establish several ways to receive these alerts and emergency action instructions. Initial Alerts, emergency instructions and follow-up information will be posted on line at [www.ecu.edu/alert](http://www.ecu.edu/alert). Faculty must become familiar with exit routes as well as shelter-in-place procedures for their classroom/s and building/s. Once an alert has been issued, it is the responsibility of Deans, Department Heads and Vice Chancellors to verify that all units have received and are following the Alert instructions. (FS Resolutions #10-15, February 2010 & #10-47, April 2010)

II. Emergency Evacuation Procedures

Faculty have responsibility for familiarizing themselves with emergency plans for their unit and are expected to assist with and encourage complete building evacuation whenever the fire alarm system is activated or when instructed to do so through other means of notification. Faculty are expected to inform students in the classroom buildings of the specific emergency and what actions should be taken. Attempts should not be made to fight a fire unless trained in the proper use of fire-fighting equipment. Faculty are not expected to place themselves in a position that will compromise their safety. Once safely outside the building faculty should remain with their class, identifying any missing students and provide names and any other pertinent information to ECU Police or Greenville Fire Rescue. (FS Resolution #10-47, April 2010)

PART VI - TEACHING AND CURRICULUM REGULATIONS, PROCEDURES  
AND ACADEMIC PROGRAM DEVELOPMENT

SECTION VII

Curriculum Procedures, Academic Program Development, and the Academic Calendar

(Revised 2-21)

In accordance with ECU's commitment to strong academic programs and the SACSCOC Principles of Accreditation, ECU "places primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty." Program and curriculum changes are initiated, prepared, and presented for review through ECU's curriculum management system. All proposals follow an approval process inclusive of all relevant ECU campus bodies and voting faculty as defined in this document. Three levels of approval are defined according to the specific delegated authority of final approval bodies. Proposals governed by the policies and procedures of the UNC System Office (UNC-SO) and/or Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) will follow additional approval steps and will therefore take longer to proceed through the entire approval process.

Academic Planning and Accreditation (APA), a unit of Institutional Planning, Assessment and Research, facilitates the curriculum and program development process through administration of ECU's curriculum management system and direct consultation with faculty planners. The Office of Continuing Studies and Distance Education and APA process requests to deliver new and existing academic programs through distance education. Consultation with the unit curriculum liaison, personnel in the Office of the Registrar, and personnel in APA is recommended at the onset of curriculum and program development.

The Academic Program Development Collaborative Team (APDCT), an advisory body to the Academic Council, is comprised of the Educational Policies and Planning Committee (EPPC) chair; dean of the Graduate School; representatives from the Office of Continuing Studies and Distance Education, Institutional Research, Academic Planning and Accreditation, and Division of Health Sciences; and the Chair of the Faculty. APDCT collaborates with faculty planners to strengthen program proposals and makes recommendations to the Academic Council, EPPC, and the dean of the Graduate School (as applicable) on developing programs.

Academic committees of the Faculty Senate and the Graduate School review course and program proposals, as well as proposed changes to the academic calendar in accordance with their stated charges. Faculty Senate committees also approve requests for special course designations, such as service learning, writing intensive, and diversity.

In cases of financial exigency or the initiation of a discontinuation, curtailment, or elimination of a teaching, research, or public service program, the provisions of the *ECU Faculty Manual* will apply.

The Chancellor or designee in consultation with the Chair of the Faculty may establish deadlines of not less than two weeks by which each person and/or committee listed must report its concurrence (approval) or non-concurrence with the proposed action. Failure to report by the established deadline shall be considered an abstention and the proposed action shall progress to the next level for consideration.

## A. Definitions

### 1. Degree Programs

A degree program is a program of study in a discipline specialty that leads to a degree in that distinct specialty area at a specified level of instruction. All degree programs are categorized individually in the University's academic program inventory (API) at the six-digit CIP code level, with a unique UNC-SO identifying code, and teacher licensure area, if applicable. As a rule, a degree program requires coursework in the discipline specialty of at least 27 semester hours at the undergraduate level and 21 semester hours at the doctoral level. A master's level program requires that at least one-half of the total hours be in the program area. Anything less than this within an existing degree program should be designated a concentration. Degree programs require final approval by UNC-SO and the UNC Board of Governors (BOG). Minors and concentrations receive final approval at the campus level. (Paraphrased from Academic Program Guidance, UNC System Office, 1/25/16. Accessed at [https://www.northcarolina.edu/wp-content/uploads/2016/01/academicprogramdevelopment\\_guidance\\_january25.2016v1.pdf](https://www.northcarolina.edu/wp-content/uploads/2016/01/academicprogramdevelopment_guidance_january25.2016v1.pdf).)

### 2. Certificates

A certificate program provides an organized program of study that leads to the awarding of a certificate rather than a degree. ECU offers certificate programs at a minimum of 12 credit hours at the pre-baccalaureate level, and a minimum of 9 credit hours at the post-baccalaureate, post-master's, and post-doctoral levels. Once a certificate is approved, it must be submitted to the U.S. Department of Education to determine if the program is eligible for participation in Title IV (financial aid) programs.

### 3. Teacher Licensure Areas (TLAs)

These are specific course clusters that meet licensure requirements of the State Board of Education but do not lead to the conferral of a particular degree or certificate. These may be at either entry level or advanced level of teacher licensure. When an institution receives authorization from the State Board of Education to offer a TLA, UNC-SO must be notified. A current inventory of teacher licensure programs approved by the State Board of Education is available on the North Carolina Department of Public Instruction Website.

## B. Program Coordination

Each degree program and certificate will have a designated Program Director or Coordinator who must be approved by the unit chair (or, in the case of interdisciplinary programs, appointed by the college dean) and qualified to lead development and review of the program's curriculum. (FS Resolution #19-08, February 2019)

## C. Levels of Delegated Authority for Course and Program Approval Process

Level I Course and Program Changes: Level I course and program changes require campus approval by the department, college/school, and university Undergraduate Curriculum or Graduate Curriculum Committees. The Faculty Senate delegates authority to the Undergraduate Curriculum Committee and the Graduate Council delegates authority for these actions to the Graduate Curriculum Committee.

### Level I Course Changes:

1. Revising a course: title, description, objectives, prerequisite(s), prefix, repeatability, credit hours, and content
2. Renumbering an existing course at the same or different level
3. Revising the prefix for an entire course list or program\*

4. Banking or deleting courses
5. Removing a 5000-level course from the undergraduate catalog
6. Proposing new courses

\* Memo-only action; committee may waive faculty attendance

#### Level I Program Changes:

1. Revising degrees: revising course selections (excludes total credit hours); revising core requirements, electives, admission standards, and/or descriptive text; adding or removing thesis/non-thesis options
2. Revising certificates: revising course selections (excludes total credit hours); revising core requirements, electives, admission standards, and/or descriptive text
3. Revising concentrations and minors: revising course selections (including total credit hours); revising titles; revising core requirements, electives, admission standards, and/or descriptive text; discontinuing

Program changes excluded from Level I are degree and certificate title and/or CIP code changes; revising total credit hours of degree programs; change in delivery mode; and moving degree and certificate programs to a new academic home, as these actions require EPPC review and some are reported to UNC-SO and/or SACSCOC as indicated below.

Level II Course and Program Changes: Delegated authority to EPPC and Academic Council. Level II changes course and program changes require approval at the department, college or school, and university levels including Undergraduate Curriculum/Graduate Curriculum Committee, Graduate Council, EPPC, Faculty Senate and the Chancellor (Academic Council).

1. Increasing/decreasing a graduate degree total credit hours by less than 25%
2. Moving a prefix, degree, certificate, concentration, or minor program to a new academic home
3. Proposing an accelerated degree program
4. Proposing a new certificate
5. Proposing a new concentration in an existing degree program
6. Proposing a new minor
7. Revising an existing certificate title
8. Revising an existing certificate total credit hours
9. Revising a CIP code for an existing certificate
10. Discontinuing an existing certificate (no UCC/GCC review required)

#### Level III Program Changes: Require Chancellor Approval

Level III changes are program changes or proposals that require approval at the department, college/school, and university levels/committees; Chancellor; and UNC-SO and/or SACSCOC approvals or notifications.

1. Discontinuing an existing degree program (no UCC/GCC review required)
2. Proposing a new degree program
3. Revising an existing degree title
4. Increasing/decreasing an existing undergraduate degree outside the UNC mandatory 120 total credit hours
5. Consolidating two or more existing degrees

6. Proposing a new delivery mode for an existing degree (no UCC/GCC review required)
7. Increasing/decreasing graduate degree total credit hours by 25% or more
8. Changing a degree designation (e.g., MA to MS)

UNC-SO and/or SACSCOC approvals or notifications only (no UCC/GCC, or EPPC review required)

1. Revising a CIP code for an existing degree program
2. Discontinuing an existing teacher licensure area

#### D. New Degree Program Development Approval Process

Proposed programs must be approved for inclusion on the ECU Academic Program Plan through the Request for Inclusion process and, by special circumstance, through the Academic Council in consultation with the Educational Policies and Planning Committee. All program proposals accepted on the plan undergo a rigorous campus-wide vetting process and are submitted in accordance with UNC-SO policies and procedures. New degree programs may not be advertised until ECU receives UNC BOG approval.

Programs included on the ECU Academic Program Plan require approval at the department, college/school and university levels/committees through approval of the Academic Program Development Collaborative Team. In the first (planning) phase of development, all ECU faculty are invited to participate in a campus-wide process and are invited to provide formal feedback to aid in decision-making by the Academic Council. Upon approval of the Academic Council, the planning document is submitted to the UNC-SO. The establishment phase of development follows normal campus review processes, including curriculum and program proposals.

The proposing academic unit, Academic Planning and Accreditation, and the Office of the Registrar will collaborate to ensure that all approved actions are communicated to the campus community, as well as to UNC-SO and SACSCOC as required.

#### E. Academic Program Review

Every academic program that is not accredited by a specialized accrediting agency is required to be reviewed as part of a seven-year unit program evaluation. The Academic Program Review will be conducted according to the [Academic Program Review Guidelines](#). Changes to these guidelines need to be approved by the Educational Policies and Planning Committee and the Faculty Senate. The Academic Program Review shall be used in the development of the program's operational and strategic plans.

#### F. Academic Calendar

Because the Academic Calendar is fundamental to the "content, quality, and effectiveness of the curriculum," (see para. 1 above; or SACS) no changes to the Academic Calendar shall be made without consultation of the Calendar Committee and Faculty Senate.

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Faculty Senate Resolution #10-08, February 2010

Faculty Senate Resolution #12-46, March 2012

Faculty Senate Resolution #12-50, March 2012

Faculty Senate Resolution #14-62, May 2014

Faculty Senate Resolution #15-63, May 2015

Faculty Senate Resolution #17-13, March 2017

Faculty Senate Resolution #18-22, April 2018

Faculty Senate Resolution #18-68, January 2019

Faculty Senate Resolution #19-08, February 2019  
Faculty Senate Resolution #19-71, November 2019  
Faculty Senate Resolution #19-79, December 2019  
Faculty Senate Resolution #19-88, January 2020  
Faculty Senate Resolution #20-18, June 2021  
Faculty Senate Resolution #20-31, April 2020  
Faculty Senate Resolution #20-58, November 2020  
Faculty Senate Resolution #20-72, December 2020  
Faculty Senate Resolution #20-82, December 2020  
Faculty Senate Resolution #21-02, February 2021  
Faculty Senate Resolution #21-27, April 2021  
Faculty Senate Resolution #21-33, June 2021



# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART VII

### Faculty Research and Scholarship

PART VII  
FACULTY RESEARCH AND SCHOLARSHIP

SECTIONS

- I. Faculty Research, Creative Activity, Scholarship, Innovation, Engagement, and Outreach
- II. Scholarship/Research/Creative Activity Guidelines
- III. Ethics and Conduct in Research, Creative Activity, and Scholarship

## PART VII – FACULTY RESEARCH AND SCHOLARSHIP

### SECTION I

#### Faculty Research, Creative Activity, Scholarship, Innovation, Engagement, and Outreach

Faculty scholarship includes the scholarship of research, the scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach. Scholarship is a fundamental faculty activity, and faculty have freedom to pursue scholarship on the subjects of their choosing. The quality of the scholarly works that faculty produce should be based on the standards of the profession as determined by the community of scholars with the expertise and training to establish these standards. Part VIII of the *ECU Faculty Manual* establishes general criteria for the evaluation of scholarship in the appointment and promotion of faculty members and requires that the relative importance of each type of scholarly activity be clearly defined in the unit code. Faculty have the obligation to adhere to the research and scholarship guidelines established by East Carolina University, the federal government, and the community of scholars. This document provides guidelines for research and scholarship established by the ECU faculty and references to research and scholarship policies, rules, and regulations (PRRs) as well as research- and scholarship-related standard operating procedures established by East Carolina University.

Research and scholarship also form a basic part and are integrally linked to the faculty members' teaching responsibility. Original results of research and scholarship inform faculty members' interactions with students at all levels. Deeper understanding of research and scholarship is conveyed when faculty develop students so that they may participate in research and scholarly activities. Effective mentoring of students is critical to their transition to independent research and scholarship. While this document focuses on faculty research and scholarship, it also provides references to research and scholarship related PRRs relevant to collaborative scholarly work involving faculty and students. (FS Resolution #12-39, March 2012)

## PART VII – FACULTY RESEARCH AND SCHOLARSHIP

### SECTION II

#### Scholarship/Research/Creative Activity Guidelines

#### CONTENTS

- I. Funded Research
  - II. Principles and Policy for the Protection of Human(s) in Research
  - III. Animal Welfare Regulations
  - IV. Research Data and Records
  - V. Patents
  - VI. Copyrights (created work) *(Revised May 2015)*
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This section and the related policies and regulations referenced within the section, contain guidelines for ECU researchers and scholars. Many of these guidelines are dictated by federal law and institutional policies and procedures. Guidelines within this section include those for externally funded research and scholarship, protection of humans in research, animal welfare in research, retention of research data and records, patents that arise from scholarly activity, and copyright of scholarly material produced by faculty. Faculty members are expected to be familiar with and to follow the guidelines that apply to their research and scholarly activities.

#### I. Funded Research

As a constituent institution of The University of North Carolina, East Carolina University receives its basic financial support from appropriations by the North Carolina General Assembly and from tuition and fees paid by students. However, to achieve and maintain a higher level of excellence than is possible with those funds and in accordance with the mission and strategic plan of ECU, grants and contracts are sought from governmental and other sources as well as gifts from alumni, friends, corporate entities, and foundations.

#### A. Definitions

Gift - A gift is an item of value, ownership of which is voluntarily transferred from one party to East Carolina University or one of ECU's foundations without direct compensation to the first party. Gifts may be in the form of cash or in kind (e.g., art objects, equipment, securities, real estate, services, insurance, etc.). Gifts may be solicited (given in response to a request from ECU) or unsolicited (given at the donor's own initiative). Gifts are generally classified as unrestricted, i.e., use or disposition of the gift is at the discretion of the university. Visit <http://www.ecu.edu/cs-acad/grants/Policies.cfm>, "Gifts vs. Grants" for more information.

Contract – The principal purpose of a contract is the acquisition of property or services for the direct benefit or use by the Government or other sponsor. The sponsor may select from several candidates to carry out the project and typically exerts fairly strict management control over the contract recipient. Contracts are typically awarded by the federal government in response to requests for proposals (RFP's), by state and local government agencies, and by for-profit commercial entities (single owner companies, partnerships, and corporations).

Grant – The purpose of a grant is to transfer money, property, services or anything of value from the government or other sponsor to the recipient in order to accomplish a public purpose. A grant is typically awarded for projects where most or all of the factors outlined above have not yet been determined. Grants are frequently awarded for experimental projects or for projects where the idea and purpose of the award have been suggested by the grantee. The grantee works independently and has considerable latitude in accomplishing the aims and goals of the project. Grants are typically awarded by the federal government and by private nonprofit foundations and organizations. The outcomes of the project are typically not of direct benefit to the sponsor of a grant.

Cooperative Agreement –A cooperative agreement is like a grant; however, the government or sponsor expects to be more involved in project planning and implementation. The funding agency retains an interest in procedures, timetables, etc. and works cooperatively with the awardee in order to share responsibility for achievement, changes in methods, delays, etc. A cooperative agreement is most likely to be used by certain agencies of the federal government, again to accomplish a public purpose.

#### B. Fundraising and Gifts

While all members of the university community are encouraged to participate in the process of identifying and qualifying prospective funding sources, the vice chancellor for institutional advancement is responsible for the coordination of all fund raising activities at the university which are direct gift solicitations. No solicitation or acceptance of gifts shall be made by any faculty member in the name of or for the benefit of the university without prior clearance through the Office of Institutional Advancement. Exceptions to this restriction may be documented in the PRRs for Institutional Advancement. Procedures for fundraising and the solicitation and acceptance of gifts are included in the Institutional Advancement PRRs.

[ECU REG04.05.01. Gifts Affecting the Curriculum](#)

[ECU REG04.05.02. Coordination of Private Gift Fund-Raising Activities at East Carolina University](#)

#### C. Contracts, Grants, and Cooperative Agreements

All proposals to governmental, private nonprofit, or corporate agencies or organizations for a contract, grant, or cooperative agreement to support research (including clinical research), instruction, public service, or other creative activities to be conducted by any faculty or staff member or other person associated with the university shall be coordinated, reviewed and approved in advance of submission to the sponsor with the Office of Sponsored Programs.

## II. Principles and Policy for the Protection of Humans in Research

East Carolina University acknowledges and accepts its responsibilities for protecting the rights and welfare of individuals who act as participants in research conducted by its faculty, staff and students. The protection of humans in research activities was dealt within a president's (chancellor's) policy memorandum dated May 22, 1970. This earlier memorandum is hereby amplified and superseded.

#### A. Statement of Ethical Principles

East Carolina University has adopted as a guiding statement of ethical principles the three principles as set forth in the report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research dated April 18, 1979, and entitled The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research include respect for persons, as implemented through the informed consent process and documents, beneficence which is applied through the analysis of known risks versus potential benefits, and justice which ensure that the burden of research is not placed on any one population and the benefits of research are open to all who might gain from their participation.

In addition, East Carolina University acknowledges and accepts the requirements set forth in the Department of Health and Human Services Title 45 Code of Federal Regulations Part 46 (45 CFR 46) for all research involving humans regardless of funding source. ECU also applies the Food and Drug Administration regulations found at Title 21 CFR Parts 11, 50, 56, 312, 600, and 812 to all human research classified as a "clinical investigation" or that involves an article that falls within FDA's purview. ECU also applies, as applicable, regulations from the Department of Defense, Department of Education, and other DHHS agencies. With international human research, ECU applies regulations set forth by the International Council on Harmonization.

#### B. Institutional Policy

It is the policy of East Carolina University that all research activities involving humans, through direct intervention or interaction or the use of private, identifiable information about humans, and that are conducted by its faculty, staff or students must be submitted, reviewed, and approved by an appropriately established peer-review committee known as an Institutional Review Board. At ECU, there are three such committees, the Biomedical University Medical Center Institutional Review Board (UMCIRB), the Social and Behavioral Institutional Review Board (BSS IRB) and the Summer Social and Behavioral Institutional Review Board (SBSS IRB). These committees consist of scientists, non-scientists and community members. The committee must meet federally mandated membership requirements. Committee members serve four year terms, as appointed by the Vice Chancellor of Research.

The Office for Human Research Integrity (OHRI) is responsible for providing support to ECU's IRBs, the Vice Chancellor for Research, and faculty, staff and students who wish to engage in human research activities. OHRI also is responsible for providing education, quality improvement reviews, and orientation activities to IRB members, investigators and research personnel. It is the responsibility of this Office to make recommendations for IRB membership to the Vice Chancellor of Research to ensure compliance with federal regulatory requirements.

It is the responsibility of the OHRI staff, with consultation from IRB Chairs and Vice Chairs, to determine whether a research activity meets the definition of human research. This

determination cannot be made by investigators, research personnel, or other bodies within ECU.

The type of review mechanism that a proposed research activity may receive is based upon criteria set forth in the federal regulations.

Researchers wishing to conduct human research activities must first complete training in human research protections. This training is offered through the Office of Human Research Integrity and can be accessed through its website at [www.ecu.edu/irb](http://www.ecu.edu/irb).

It is the responsibility of Faculty acting as mentors to students conducting human research activities to ensure that the students complete the necessary training before submitting their applications through e-PIRATE, the electronic submission and review system found on the OHRI website.

East Carolina University requires all principal investigators and their research teams to comply fully with the appropriate federal regulations, institutional policies, and the UMCIRB Standard Operating Procedures.

### C. Implementation of Policy

In all activities involving human research participants, the chairperson of the pertinent department or head of the academic unit is responsible for ensuring that the proposed research activities are scientifically sound, that the methods and procedures will adequately address the research question, and that the proposed research fits with the mission of the department or academic unit as well as the university.

The principal investigator is responsible for conducting the research according to the ethical principles of the discipline, the ethical principles of the Belmont Report, university policies and procedures, and the methods and procedures approved by the Institutional Review Board.

The IRB has the federally mandated authority to approve, modify or disapprove proposed research. It also has the authority to suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to participants. The IRB is obligated to report suspension and terminations through a report to the investigator, institutional officials, and sponsoring agency, if any. Principal investigators of research studies involving humans must submit a complete protocol and address all applicable questions in e-PIRATE, upload appropriate informed consent and assent documents, and any other study related materials. Access to the electronic system, e-PIRATE, requires completion of human research protections training, registering with OHRI through e-PIRATE, and completing an Investigator Profile. A copy of all research study materials including signed informed consent and study related correspondence must be maintained by the principal investigator for at least 3 years, or longer if required by the research sponsoring agency.

If the research involves Protected Health Information or storage of data outside of ECU's maintained servers, additional requirements must be met. More information on those requirements can be found at <http://www.ecu.edu/hipaa/> or on the IRB website. Research documents that involve protected health information must be maintained for a minimum of 6 years beyond the end of the project.

Investigators are responsible for reporting the progress of UMCIRB-approved research to the Office for Human Research Integrity, through the use of a renewal or continuation review accessed through e-PIRATE. Federal regulations require that IRB approval be issued no less often than once per year as set forth in 45 CFR 46.109. In addition, research investigators are responsible for reporting promptly to their department chair and to the OHRI, any unanticipated problems which involve risks to the research participants or others.

### III. Animal Welfare Regulations

The ECU Institutional Animal Care and Use Committee (IACUC), in conjunction with the University Attending Veterinarian (AV) and the Institutional Official (IO- vice chancellor for research and graduate studies), are charged with oversight of vertebrate animal care and use activities. Federal regulations require that anyone (faculty, staff, students) using vertebrate animals in research, teaching, and testing must obtain approval from the ECU IACUC prior to initiation of the activity. Animal Use Protocol (AUP) forms and additional information such as training requirements, occupational health and safety requirements, mechanisms for reporting animal welfare concerns, IACUC operations, rules and guidelines, and links to other relevant websites (e.g., the Department of Comparative Medicine home page:

<http://www.ecu.edu/comparativemedicine/>, and the Prospective Health home page: <http://www.ecu.edu/cs-dhs/prospectivehealth/index.cfm> are located on the IACUC website (<https://www.ecu.edu/iacuc/>). The ECU IACUC regulations must comply with all relevant Federal regulations (for more information see: USDA Animal Welfare Act and Regulations ([http://www.aphis.usda.gov/animal\\_welfare/](http://www.aphis.usda.gov/animal_welfare/)), PHS Policy on Humane Care and Use of Laboratory Animals and Guide to the Care and Use of Laboratory Animals (<http://grants.nih.gov/grants/olaw/olaw.htm>)).

### IV. Research Data and Records

#### A. Purpose

The preparation and retention, of accurate and appropriate records are essential components of a credible research endeavor. East Carolina University, its faculty, staff, and students have a common interest and a shared responsibility to assure that research data and records are recorded appropriately, archived for a reasonable length of time, and available for review by scholars and others under appropriate circumstances. Original research records are also essential to protect intellectual property rights, to answer ongoing questions regarding the management of a research program, and to address questions that may arise regarding the propriety of research conduct and methods. This policy defines the nature of research data and its associated records. It also describes the importance of good data and record keeping for obtaining and defending intellectual property rights, and the procedures to be used for the custody, retention, access, and transfer of research data and records.

This policy shall apply to all faculty, staff, and students of East Carolina University who are involved in the design, conduct, and/or reporting of research at or under the auspices of East Carolina University, regardless of source of funding.

#### B. Definition of Research Data and Records

Research data and records refers to recorded information, regardless of its form or the media on which it may be recorded, which is necessary for the reconstruction and evaluation of the reported results of a research project. Research data and records include more than just



primary data (e.g., raw numbers generated by a measuring instrument; audiotapes or transcripts of survey interviews). They also include documentation or citation of a) the experimental methods for data collection, and b) the methods used for data processing and interpretation. In practice, they include, but are not limited to, the material contained in laboratory notebooks or other media such as computer disks and machine printouts. The term does not include the intellectual property generated by a research project; administrative information, such as financial data; or the tangible products of research, e.g., tissue banks, specialized tools or chemicals produced by the project. (Ownership and disposition of intellectual property or the tangible products of research are covered by other ECU policies.)

#### C. Intellectual Property Issues Involving Research Data and Records

Retention of maximum intellectual property rights places additional importance on the preparation and retention of research data and records. Documented research records are important in determining priority of research data, such as identifying who first conceived an invention or in defending against patent infringement. In order to protect the rights of investigators and the university to the intellectual property generated by their research programs, university technology transfer managers recommend specific record keeping and retention practices such as the use of bound laboratory notebooks. Maintaining good data records is recommended for all university laboratories, but is essential for any patentable or licensable research activity. Responsible faculty should be aware of and follow, as closely as possible, the record-keeping recommendations offered by the Office of Technology Transfer <http://www.ecu.edu/cs-acad/ott/upload/Inventors-Handbook-Version-2-2.pdf>. The data management approaches above will also help defend an investigator and his/her work if there is an allegation of misconduct regarding this research.

#### D. Custody of Research Data and Records

Custody of original research data and records is the responsibility of the senior investigator of a project, usually a faculty member. This senior investigator (the responsible investigator) must ensure the integrity, preservation and security of the original research data and records. Expenses of data and record preservation and security are allowable costs to sponsored programs. As an aid to scholars and other appropriate individuals who may wish to review the research data and records, all research records must be appropriately organized and labeled to allow the identification of specific information within the records by someone who was not involved with the original project.

In situations where the vice chancellor for research and graduate studies (the designated ECU Integrity Officer) has received an allegation of research misconduct pursuant to ECU policy (Section III. below) or when patent litigation is imminent, the university may take immediate and preemptory custody of the original research data and records relating to the allegation or the patent. In this circumstance the university shall provide needed copies of data and records to the investigator that will allow active research projects to continue.

In multi-institutional studies, contractual agreements often stipulate that the home institution of the primary study director shall have custody of original primary data from all participating institutions. In situations where ECU is not the site of the home institution and will need to transfer the original data to the institution of the study director, ECU shall retain a true copy of all data and records generated for the multi-institutional study.

Senior members of research teams have obligations and are held responsible for discussing the responsibilities of data management and retention with other members of the research team. The senior member of the research team must directly oversee the data and record management of the technicians, post-doctoral fellows, students, and others working under his/her direct supervision.

#### E. Access to Research Data and Records

The university ultimately owns data and support records generated by its faculty, staff and students. Therefore the university has the right of access to (and to make copies of) the data and records for all research performed at the university or under university auspices provided such access to the records shall be for reasonable cause, at reasonable times and after reasonable notice (except in cases of misconduct allegations, see below). For example, the University Medical Center Institutional Review Board, the office for Human Research Integrity staff, the Brody School of Medicine Compliance office, and office for Research Compliance Administration, acting for the university, may review records and study data of projects that use human participants to assure compliance with regulatory human research protections. In cases involving an allegation of research misconduct, the university through the vice chancellor for research and graduate studies may request immediate, preemptory access and custody of original research records. When such records contain confidential information about human participants in research, the vice chancellor shall institute appropriate procedures to assure that participant confidentiality is maintained while the research records are in his custody.

Extramural sponsors providing support for East Carolina University and appropriate governmental officials also have the right to review the data and records resulting from that extramural support. In addition, investigators, co-investigators, students, visiting researchers, and students who are or were an integral part of a research project team have the right to review all records and data which are part of that project or support publications for which they are named authors. Similarly, investigators, co-investigators, students, visiting researchers, and students have a right to a copy of data that they personally generated or substantially analyzed unless prohibited by law, regulation, or contractual agreements. The responsible investigator in addition has the right to distribute to other scholars or individuals copies of any part the research records in his custody per the general practices of his/her field of study unless prohibited by law, regulation, or contractual agreements.

#### F. Retention of Research Data and Records

Research data and records, including the primary experimental results, should be retained for a sufficient period to allow evaluation and repetition by others of published results emanating from those data. In general, five years from the first publication date of the research results is specified as the minimum period of retention for research published in peer-reviewed journals. For sponsored research that is not published, the minimum retention period is five years from the date of the issuance of the final report to the research sponsor, unless the sponsor specifies a longer retention period. However, if an investigation, legal action or an official inquiry concerning a research project is underway, all data and records related to the project must be retained and made accessible until all issues are resolved. In addition, the records should be kept for as long as may be required to protect any patents or other intellectual property resulting from this work. If a research project is not funded with external or designated internal funds (e.g., an internal university grant), the above retention policy shall apply to these research data and records only when the project results in a publication, its data is used to

support a grant or contract application, or it involves the use of animals or human participants. If research involves the generation, use, or disclosure of protected health information (PHI), the minimum retention of those records including consent and authorization agreements must be maintained for a minimum of six years beyond the end of the project. If a participant withdraws authorization of use of PHI, the researcher must consider that request to constitute the end of the project and Day 1 of the six year retention period for that sample.

#### G. Transfer of Research Data and Records that Support University Patents or Were Funded by Federal Grants and Contracts

Pursuant to federal regulations (OMB Circular A-110, section 53) and the need of the university to protect its patent rights, original research data and records that support university patents or were funded by federal grants and contracts must remain in the custody of the university for the required retention period as discussed above. In the event the responsible investigator transfers to another institution or leaves the university for any reason the responsible investigator shall transfer custody of these original research data and records to the university. Exceptions to this policy are discussed at the end of this section. The responsible investigator, however, may make a copy of the data and research records at university expense for his/her personal use at a new institution unless prohibited by law, regulations or contractual agreements. Before his/her departure, the responsible investigator shall transfer custody of the original research data and records to his/her department chair or supervisor as required by this policy. These records shall be retained in the University Archives of Joyner Library pursuant to the retention paragraph above. These data and records shall be organized in a format to permit reasonable identification of specific experiments and data by individuals not involved with the original research.

These research data and records shall be used by the university only for patent litigation, misconduct inquiries and investigations, or for other purposes required by federal regulations for US government funded research.

#### Exceptions:

1. Currently Active Federal Grants and Contracts: If the responsible federal agency allows the transfer of an active grant or contract to the new institution of the principal investigator, and the new institution accepts the administrative responsibility for the federal award, the original research data and records may be transferred to the new institution upon the request of that institution. The university, however, shall retain a true copy, made at university expense, of all research records produced while the research project was active and under ECU jurisdiction.
2. Faculty Request for Transfer of Original Records: Per OMB Circular A-110 section 53c, a faculty member may request authorization from the responsible federal agency to substitute true copies of the research data and records in the University Archives in place of the originals. If so authorized, the investigator may then transfer his/her original data and records to the new institution.
3. Multi-Institutional Federal Grants and Contracts: If such federal awards designate a specific institution as the depository of original data and records for a multi-institutional project, the university shall comply with this requirement. However, the university shall retain a true copy of the original records produced at university expense.

#### H. Transfer of other Research Data and Records

In the event the responsible investigator transfers to another institution or leaves the university for any reason, the responsible investigator shall provide a true copy at university expense of his/her research data and records that have been retained less than five years in the investigator's possession per the retention paragraph above. Before his/her departure, the responsible investigator shall provide these true copies of the research data and records to his/her department chair or supervisor. These data and records shall be organized in a format to permit reasonable identification of specific experiments by individuals not involved with the original research. These research data and records shall be used by the university only for misconduct inquiries and investigations,

#### I. Resolution of Disputes Involving Research Data and Records

The vice chancellor for research and graduate studies or his designee shall arbitrate all disputes involving research data ownership, retention, and access. Whenever possible, the Vice Chancellor or designee shall first attempt to mediate a resolution to the dispute acceptable to all parties. When the dispute involves faculty from the School of Medicine or the College of Arts and Sciences, the Vice Chancellor or designee shall consult with the designated Associate Deans for Research in those units.

#### V. Patents

East Carolina University is dedicated to the pursuit of instruction, research and scholarship, as well as engagement and innovation development activities, in an environment that is open to collaboration and publication. Inventions, discoveries and other intellectual assets sometimes arise as a result of these activities. These assets may qualify for intellectual property protection in the form of patents, copyrights, trademarks, and trade secrets. The Board of Governors of the University of North Carolina has determined that patenting and commercialization of these intellectual assets are consistent with the mission of the university.

The patent policy of the University of North Carolina is contained in [Part 500.2 of the University of North Carolina Policy Manual](#). The patent policy of East Carolina University is available at <http://www.ecu.edu/PRR/10/40/01>. These policies address ownership of university inventions, distribution of income derived from licensing, assignment, or commercialization activities related to university inventions, and management of disputes. The patent policies also recognize limited circumstances in which publication of scholarly works may be delayed for short periods of time to allow for filing of patent applications. Premature publication or public use of an invention can constitute a statutory bar to the granting of a patent. In most cases, inventors may publish, present, and discuss their inventions freely once a patent application has been filed.

#### VI. Copyrights (created work)

The mission of East Carolina University to become a national model for student success, public service, and regional transformation includes using creative learning strategies and delivery methods, discovering new knowledge, and fostering innovation and entrepreneurship. Products of these activities include the development and use of copyrightable materials. The creation of copyrightable materials in the form of literary, dramatic, and other intellectual works by the university community is encouraged as a measure of productivity and commitment to the dissemination of knowledge and creative activity for public benefit. The university supports an open and free environment for its faculty, staff, and students to carry out their scholarly work, and encourages publication without constraint. These policies are in accord with applicable laws and pertinent university regulations. The Copyright policies of the University of

North Carolina are contained in Part 500.2 and 500.2.1 of the University of North Carolina Policy Manual. The East Carolina University Copyright Regulation is available at <http://www.ecu.edu/PRR/10/40/02>. These policies address ownership and use of copyrightable works. (FS Resolution #12-39, March 2012 and FS Resolution #15-70, May 2015)

## PART VII – FACULTY RESEARCH AND SCHOLARSHIP

### SECTION III

#### Ethics and Conduct in Research, Creative Activity, and Scholarship

#### CONTENTS

- I. Introduction
- II. Definitions
- III. Rights and Responsibilities
- IV. General Policies and Principles
- V. Conducting the Assessment and Inquiry
- VI. The Inquiry Report
- VII. Conducting the Investigation
- VIII. The Investigation Report
- IX. Completion of Cases; Reporting Premature Closures
- X. Institutional Administrative Actions
- XI. Other Considerations

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#### I. Introduction

##### A. General Policy

All East Carolina University faculty have the responsibility to seek honestly and to promulgate ethically the truth in all phases of work. This responsibility governs not only the production and dissemination of research and creative activities, but also all applications for funding, reports to funding agencies, and teaching and publication of teaching materials.

##### B. Scope

This policy applies to allegations of research misconduct (fabrication, falsification, or plagiarism) involving East Carolina University faculty. This policy does not apply to authorship or collaboration disputes [see Part VII, Section II (VI.)].

#### II. Definitions

A. Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Creative Activity refers to scholarship of research, scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach, as defined in the *ECU Faculty Manual* Part VII, Section I. For the purposes of this policy, Research includes all basic, applied, and demonstration research in all academic and scholarly fields. Research and creative activity fields include, but are not limited to: the

arts, the basic sciences, liberal arts, applied sciences, social sciences, clinical sciences, the professions, and research involving human subjects or animals.

B. Research and Creative Activity Misconduct (hereinafter misconduct) is defined as fabrication of results, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. Research misconduct does not include honest error or differences of opinion.

C. Fabrication of results is making up data or results and recording or reporting them.

D. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The research record is the record of data or results that embody the facts resulting from the research inquiry and includes, but is not limited to research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, books, dissertations, and journal articles.

E. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

F. Allegation means a disclosure of possible misconduct through any means of communication. The disclosure may be a written or oral statement or other communication to an ECU administrator or Research Integrity Officer (RIO) (see L. of this section).

G. Complainant means a person who in good faith makes an allegation of misconduct. There may be more than one Complainant in a given case.

H. Respondent means a person against whom is made an allegation of misconduct. There may be more than one Respondent in a given case.

I. Good faith as applied to a complainant or witness means having a belief in the truth of one's allegation or testimony. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the research misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping an institution meet its responsibilities under this definition. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

J. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

K. Research Record means the record of data or results that embody the facts resulting from research and creative activity, including but not limited to, research proposals, laboratory records both physical and electronic, progress reports, abstracts, theses, dissertations, oral presentations, internal reports, journal articles, creative works, and any documents and materials provided to a sponsoring agency having jurisdiction and authority or an institutional official by a respondent in the course of the research misconduct proceeding. A research record also includes, but is not limited to, grant or

contract applications, whether funded or unfunded; grant or contract progress and other reports, laboratory notebooks, notes, correspondence, videos, photographs, X-ray film, slides, biological materials, computer files and printouts, manuscripts and publications, equipment use logs, laboratory procurement records, animal facility records; human and animal subject protocols, consent forms, medical charts, and human subject research files.

L. Research Integrity Officer (RIO) is the institutional official responsible for: (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by law, regulation, or research sponsor policy, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. The RIO for ECU is the Director of the Office of Research Compliance Administration.

M. Deciding Official (DO) means the institutional official who makes final determinations on allegations of research misconduct. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment. A DO's appointment of an individual to assess allegations of research misconduct, or to serve on an inquiry or investigation committee, is not considered to be direct prior involvement. The DO for ECU is the Vice Chancellor for Research and Graduate Studies. In the event that the Vice Chancellor for Research and Graduate Studies has a conflict of interest for a particular case then the Chancellor shall appoint a designee as the DO for that particular case.

### III. Rights and Responsibilities

#### A. Research Integrity Officer

The Research Integrity Officer (RIO) will have primary responsibility for implementation of this policy. These responsibilities include the following duties related to misconduct proceedings:

1. Consult confidentially with persons uncertain about whether to submit an allegation of misconduct;
2. Receive allegations of misconduct;
3. Assess each allegation of misconduct in accordance with V. (A.) of this Section to determine whether it falls within the definition of misconduct and warrants an inquiry;
4. As necessary, take interim action and notify sponsors of special circumstances, in accordance with IV. (F.) of this Section Section 4.6 of this policy;
5. Sequester data or other products of scholarly activities and evidence pertinent to the allegation of misconduct in accordance with V. (C.) of this Section and maintain it securely in accordance with this policy and with applicable law and regulation;
6. Provide confidentiality to those involved in the misconduct proceeding as required by applicable law and university policy;
7. Notify the respondent and provide opportunities for him/her to review/ comment/respond to allegations, evidence, and committee reports in accordance with III.(C) of this Section;
8. Inform respondents, complainants, and witnesses of the procedural steps in the misconduct proceeding;
9. Ensure that the Deciding Official appoints the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed, that the members

- are without conflicts, and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
10. Determine whether each person involved in handling an allegation of misconduct has any unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the misconduct proceeding;
  11. In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and to counter potential or actual retaliation against them by respondents or other institutional members;
  12. Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of misconduct;
  13. Notify and make reports to sponsoring agencies as required by applicable law or regulation;
  14. Take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of corrective actions; and
  15. Maintain records of the misconduct proceeding and make them available to sponsoring agencies as appropriate under VIII. (D). of this.

#### B. Complainant

The Complainant is responsible for making allegations in good faith, maintaining confidentiality [as defined in IV.(C.)], and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction.

The RIO may provide to the complainant for comment: (1) relevant portions of the inquiry report (within a timeframe that permits the inquiry to be completed within sixty (60) calendar days of its initiation, unless an extension of time is granted in accordance with the terms of this policy); and (2) relevant portions of the draft report of the investigation. Any comments on the draft investigation report must be submitted within thirty (30) calendar days of the date on which the complainant received the draft report. The University must consider any comments made by the complainant on the draft investigation report and include those comments in the final investigation report. See IV.(D.) of this Section for rights and protections of the Complainant.

#### C. Respondent

1. The Respondent is responsible for maintaining confidentiality [as defined in IV. (C.)] and cooperating with the conduct of an inquiry and investigation. The Respondent is entitled to:
  - a. A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
  - b. An opportunity to comment on the inquiry report and have his/her comments attached to the report;
  - c. Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to this policy;
  - d. Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (usually within thirty (30) calendar days after the institution decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those



allegations;

- e. Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
- f. Have interviewed during the investigation any witness who has been reasonably identified by the Respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected recording or transcript included in the record of investigation; and
- g. Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based, and be notified that any comments must be submitted within thirty (30) calendar days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.

2. The Respondent should be given the opportunity to admit that misconduct of research or creative activity occurred and that he/she committed the misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the institution's review of an allegation that has been admitted, if the institution's acceptance of the admission and any proposed settlement is approved by any sponsoring agency having authority and jurisdiction. See Part IV. (D.) of this Section on rights and protections of the Respondent.

#### D. Deciding Official

1. The DO will receive the inquiry report and after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted. Any finding that an investigation is warranted must be made in writing by the DO and, where required by applicable law or regulation, must be provided to any sponsoring agency with authority and jurisdiction, together with a copy of the inquiry report, within thirty (30) calendar days of the finding. If it is found that an investigation is not warranted, the DO and the RIO will ensure that detailed documentation of the inquiry is retained for at least seven (7) years after termination of the inquiry, so that any sponsoring agency with authority and jurisdiction may assess the reasons why the institution decided not to conduct an investigation.
2. The DO will receive the investigation report and, may request all other associated documentation, after consulting with the RIO and/or other institutional officials, decide the extent to which he/she accepts the findings of the investigation and, if research misconduct is found, refer the matter to the appropriate Vice Chancellor to decide what, if any, institutional administrative actions are appropriate. The DO shall ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative actions are provided to any sponsoring agency with jurisdiction and authority, as required by law or regulation.

#### IV. General Policies and Principles

##### A. Responsibility to Report Misconduct

1. ECU faculty will report observed, suspected, or apparent misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she may meet with or contact the RIO to discuss the suspected misconduct informally, which may include discussing it hypothetically. If the circumstances described by the individual do not

meet the definition of misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem, if any.

2. At any time, an institutional member may have discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

#### B. Cooperation with Misconduct Proceedings

All ECU faculty will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. These individuals, including Respondents, have an obligation to provide evidence relevant to misconduct allegations to the RIO or other institutional officials.

#### C. Confidentiality

The RIO shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which human research participants might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that any person and/or entity receiving information about the case does not make any further disclosure of identifying information.

#### D. Protecting complainants, witnesses, and committee members

ECU faculty may not retaliate in any way against complainants, witnesses, or committee members. Any such retaliation is itself serious, and shall be subject to sanction. Any alleged or apparent retaliation against complainants, witnesses or committee members should be immediately reported to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

#### E. Protecting the Respondent and Use of Legal Counsel

1. As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical effort to protect or restore the reputation of persons alleged to have engaged in misconduct, but against whom no finding of misconduct is made.
2. During the misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in this policy. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the personal advisor or legal counsel to interviews or meetings on the case. The role of the respondent's legal counsel is restricted to advising the respondent(s) and he/she may not act in a representative capacity or otherwise actively participate in interviews, meetings, or hearings.
3. The University shall provide legal counsel to assist the RIO, DO, Inquiry Panel, and Investigation Committee. The role of counsel is to advise and not to act in a representative capacity or otherwise actively participate in interviews, meetings, or hearings; provided, however, University counsel may be present at such interviews, meetings, or hearings, and must be present whenever respondent's legal counsel is present.

## F. Interim Administrative Actions

1. Throughout the misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, animal health, sponsor funds, equipment, or the integrity of the sponsored research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and any sponsoring agency with jurisdiction and authority, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of equipment or sponsor funds, freezing or limiting access to fund accounts, reassignment of personnel or of the responsibility for the handling of human research participants or animal research subjects, equipment or sponsor funds, additional review of research data or creative activity products, or delaying publication.
2. The RIO shall, at any time during a misconduct proceeding, notify any sponsoring agency with jurisdiction and authority immediately if he/she has reason to believe that any of the following conditions exist:
  - a. Health or safety of the public is at risk, including an immediate need to protect human participants or animal subjects;
  - b. Resources or interests of sponsor are threatened;
  - c. Research or creative activities should be suspended;
  - d. There is a reasonable indication of possible violations of civil or criminal law;
  - e. Action is required to protect the interests of those involved in the misconduct proceeding;
  - f. The misconduct proceeding may be made public prematurely and action may be necessary to safeguard evidence and protect the rights of those involved; or
  - g. The scholarly community or the public should be informed.

## V. Conducting the Assessment and Inquiry

### A. Assessment of Allegations

1. Upon receiving an allegation of misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified and whether the allegation falls within the definition of misconduct. An inquiry must be conducted if these criteria are met.
2. The assessment period should be brief, concluded within a reasonable time period as warranted by the nature of the allegations, typically within seven (7) to twenty-one (21) calendar days. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, copy as warranted, and sequester all records and evidence [see II. (K.)] needed to conduct the misconduct proceeding, as provided in V.(C.) of this Section.
3. If the criteria required to investigate are not met, the RIO is responsible for preparing a final report to be distributed to the respondent, complainant, and the DO within thirty (30) calendar days.

### B. Initiation and Purpose of the Inquiry

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

### C. Notice to Respondent; Sequestration of Research Records and Evidence

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the misconduct proceeding. The RIO will inventory the records and evidence and sequester them in a secure manner. There may be exceptions where the records or evidence encompass scientific instruments (or other tools or equipment essential to the research or creative activity in question) which are shared by a number of users. In those cases, custody of the records may be limited to copies of the data or evidence on or recorded in such instruments, so long as copies can be made substantially equivalent to the evidentiary value of the equipment itself. The RIO will provide a receipt of sequestered items to the respondent(s) or other individuals who have information relating to the inquiry. The RIO may consult with any sponsoring agency with jurisdiction and authority for advice and assistance in this regard.

### D. Appointment of the Inquiry Panel

The DO, in consultation with the RIO and other institutional officials as appropriate, will appoint an Inquiry Panel of at least three individuals, as soon after the initiation of the inquiry as is practical. The majority of the committee shall be faculty without administrative appointment. The Inquiry Panel must consist of individuals who have no unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific or other relevant expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. The committee members may be selected from inside or outside the University as warranted. The respondent, once known, will be notified in writing of the proposed committee membership and may object to a proposed member based upon a personal, professional, or financial conflict of interest. Any such objections must be submitted to the RIO no more than ten (10) calendar days from the date of the notification. The RIO will make the final determination of whether a conflict exists.

### E. Charge to the Committee and First Meeting

1. The RIO will prepare a charge for the Inquiry Panel that:
  - a. Sets forth the time for completion of the inquiry;
  - b. Describes the allegation(s) and any related issues identified during the allegation assessment;
  - c. States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether misconduct definitely occurred or who was or were responsible;
  - d. States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within the definition of misconduct; and, (2) the allegation(s) may have substance, based on the committee's review during the inquiry.
  - e. Informs the Inquiry Panel that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy and applicable law or regulation.
2. At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry,

assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.

#### F. Inquiry Process

The Inquiry Panel may interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. Then the Inquiry Panel will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy. The scope of the inquiry is not required to, and does not normally, include deciding whether misconduct definitely occurred, determining definitely who committed the misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, as required by applicable law or regulation, the institution shall promptly consult with any sponsoring agency with jurisdiction and authority, to determine the next steps that should be taken (See IX. of this Section).

#### G. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within sixty (60) calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60 calendar day period. The respondent will be notified in writing of the extension.

### VI. The Inquiry Report

#### A. Elements of the Inquiry Report

1. A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of misconduct; (3) the identification of any sponsor support, including, for example, grant numbers, grant applications, contracts and publications; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant.
2. Institutional counsel should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the Inquiry Panel. The inquiry report should include: the names and titles of the committee members and experts who conducted the inquiry; a summary of the inquiry process used; a list of the records and other evidence reviewed; summaries of any interviews; and whether any other actions should be taken if an investigation is not recommended.

#### B. Notification to the Respondent and Complainant and Opportunity to Comment

1. The RIO shall notify the respondent and the complainant whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment(s) usually within fourteen (14) calendar days, and include a copy of or refer to this policy. The complainant will receive only a copy of the portions of the draft inquiry report that address the claimant's role and opinions in the investigation for comment. The complainant shall execute

in advance a written confidentiality agreement in a form approved by the Office of the University Attorney as a condition for access to the report.

2. Any comments that are submitted by the respondent and the claimant, respectively, will be attached to the final inquiry report. Based on the comments, the Inquiry Panel may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. Institutional Decision and Notification

1. Decision by Deciding Official

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

2. Notification to External Sponsoring Agencies

Within thirty (30) calendar days of the DO's decision that an investigation is warranted, as required by applicable law or regulation, the RIO will provide any sponsoring agency with authority and jurisdiction with the DO's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO's decision. As required by applicable law or regulation, the RIO must provide the following information to such sponsoring agency upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the allegations to be considered in the investigation.

3. Documentation of Decision Not to Investigate

If the DO decides that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by sponsoring agencies with authority and jurisdiction of the reasons why an investigation was not conducted. These documents must be provided to such agencies upon request.

VII. Conducting the Investigation

A. Initiation and Purpose

The investigation must begin within thirty (30) calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials, potential harm to human participants or animal subjects, the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation must be set forth in an investigation report.

B. Notifying Respondent; Sequestration of Research Records

1. As required by applicable law or regulation, on or before the date on which the investigation begins, the RIO must: (1) notify any sponsoring agency with jurisdiction and authority of the decision to begin the investigation and provide such sponsoring agency a copy of the inquiry report; and (2) notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of misconduct within a

reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

2. The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the misconduct proceedings that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may

occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

#### C. Appointment of the Investigation Committee

The DO, in consultation with the RIO and other institutional officials as appropriate, will appoint an investigation committee of at least five (5) individuals, as soon after the beginning of the investigation as is practical, preferably within ten calendar days. The investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific or other relevant expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. The majority of the committee should be faculty without administrative appointment. Individuals appointed to the investigation committee may also have served on the Inquiry Panel. When necessary to secure the necessary expertise or to avoid conflicts of interest, the DO may select committee members from outside the University. The respondent will be notified of the proposed committee membership and given an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. If so, the respondent must submit objections in writing to the RIO no more than ten (10) calendar days from the date of the notification. The RIO will make the final determination of whether a conflict exists.

#### D. Charge to the Committee and the First Meeting

1. Charge to the Committee - The RIO will define the subject matter of the investigation in a written charge to the committee that:
  - a. Describes the allegations and related issues identified during the inquiry;
  - b. Identifies the respondent(s);
  - c. Informs the committee that it must conduct the investigation as prescribed in VII.(E.) of this Section;
  - d. States the following: *“Research and Creative Activity Misconduct (hereinafter misconduct) is defined as fabrication of results, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting the results. Research misconduct does not include honest error or differences of opinion.”*
  - e. Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible;
  - f. Informs the committee that in order to determine that the respondent committed misconduct it must find that a preponderance of the evidence establishes that: (1) misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the misconduct is a significant departure from accepted practices of the relevant community; and (3) the respondent committed the misconduct intentionally, knowingly, or recklessly; and

- g. Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and applicable law or regulation.

## 2. First Meeting

The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and any applicable federal or state law or regulation governing the investigation. The RIO will be present or available throughout the investigation to advise the committee as needed.

## E. Investigation Process

The investigation committee and the RIO must:

1. Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all records and evidence relevant to reaching a decision on the merits of each allegation;
2. Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
3. Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
4. Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible misconduct, and continue the investigation to completion.

## F. Time for Completion

The investigation is to be completed within one-hundred twenty (120) calendar days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and, as required by applicable law or regulation, sending the final report to any sponsoring agency with jurisdiction and authority. However, if the RIO determines that the investigation will not be completed within this time period, as required by applicable law or regulation, he/she will submit to any sponsoring agency with jurisdiction and authority a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with such agency, if the agency grants the request for an extension and directs the filing of such reports. If no sponsoring agency is involved, any request for extension of time must be approved in writing by the DO and the respondent notified in writing of such approval.

## VIII. The Investigation Report

### A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

1. describes the nature of the allegation of misconduct, including identification of the respondent;
2. describes and documents any relevant external sponsor support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing the sponsor support;
3. describes the specific allegations of misconduct considered in the investigation;



4. includes the University policies and procedures under which the investigation was conducted;
5. identifies and summarizes the records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
6. includes a statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings must: (1) identify whether the misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that the act in question was not misconduct but was instead an honest error or difference of opinion; (3) identify the specific sponsor support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with any sponsoring agencies.

B. Comments on the Draft Report and Access to Evidence

1. Respondent

The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed thirty (30) calendar days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Complainant

The RIO must give the complainant a copy of the portions of the draft investigation report that address the claimant's role and opinions in the investigation for comment. The complainant will be allowed thirty (30) calendar days from the date he/she received the draft report to submit comments to the RIO. The complainant's comments must be included and considered in the final report. The complainant shall execute in advance a written confidentiality agreement in a form approved by the Office of the University Attorney as a condition for access to the report.

3. Confidentiality

In distributing the draft report, or portions thereof, to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

C. Decision by Deciding Official

1. The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's(s') comments are included and considered, and transmit the final investigation report to the DO, who will determine and state in writing: (1) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.
2. When a final decision on the case has been reached, the RIO will normally notify both the respondent and the complainant in writing. After informing ORI, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of

journals in which relevant reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

#### D. Notice of Institutional Findings and Actions

In accordance with applicable law or regulation, unless an extension has been granted, the RIO must, within the 120-day period for completing the investigation, submit the following to any sponsoring agency with jurisdiction and authority: (1) a copy of the final investigation report with all attachments; (2) a statement of whether the institution accepts the findings of the investigation report; (3) a statement of whether the institution found scholarly misconduct and, if so, who committed the research misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

#### E. Maintaining Records for Review by Sponsoring Agencies

In accordance with applicable law or regulation, the RIO must maintain and provide to any sponsoring agency with jurisdiction and authority upon request records of misconduct proceedings. Unless custody has been transferred to the sponsoring agency or that agency has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for seven (7) years after completion of the proceeding or the completion of any sponsoring agency proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by the sponsoring agency to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

### IX. Completion of Cases; Reporting Premature Closures to Sponsoring Agencies

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. In accordance with applicable law or regulation, the RIO must notify any sponsoring agency with jurisdiction and authority in advance if there are plans to close a case at the inquiry or investigation stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to the sponsoring agency, as prescribed in this policy.

#### X. Institutional Administrative Actions

If the DO determines that misconduct is substantiated by the findings, he or she will refer the case to the appropriate Vice Chancellor to decide on the administrative actions to be taken, after consultation with the RIO, the DO, and respective dean and director or chair. The administrative actions may include:

A. Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;

B. Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment;

C. Restitution of funds to the grantor agency as appropriate; and

D. Other action appropriate to the research misconduct, including, but not limited to, the imposition of sanctions, up to and including termination from employment.

Respondent may appeal imposition of sanctions through the appropriate appellate committee as described in the *ECU Faculty Manual*, Part IX, Section I Tenure and Promotion Policies and Procedures of East Carolina University or, if discharge or serious sanctions are not imposed, through *ECU Faculty Manual*, Part XII, Section I Faculty Grievance Policies and Procedures.

#### XI. Other Considerations

##### A. Termination or Resignation Prior to Completing Inquiry or Investigation

1. The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the University's responsibilities to investigate the alleged misconduct.
2. If the respondent, without admitting to the misconduct, elects to resign his or her position after the University receives an allegation of misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

##### B. Restoration of the Respondent's Reputation

Following a final finding of no misconduct, including concurrence of any sponsoring agency with jurisdiction and authority where required by law or regulation, the institution must undertake reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of misconduct was previously publicized, and expunging all reference to the misconduct allegation from the respondent's personnel file. Any actions by the RIO to restore the respondent's reputation should first be approved by the DO.

##### C. Protection of the Complainant, Witnesses and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether the institution determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

##### D. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the complainant's allegations of misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith he/she will refer the matter to the appropriate Vice Chancellor to determine whether any administrative action should be taken against the person who failed to act in good faith.

#### E. Other Considerations

Respondent may appeal imposition of Institutional sanctions through the appropriate appellate committee as described in the *ECU Faculty Manual*, Part IX, Section I Tenure and Promotion Policies and Procedures of East Carolina University or, if discharge or serious sanctions are not imposed, through *ECU Faculty Manual*, Part XII, Section I Faculty Grievance Policies and Procedures.

#### Related Policies:

UNC Policy Manual 500.7

ECU Academic Integrity Policy - ECU Faculty Manual Part VI (Section II)

#### Additional References:

National Science Foundation Research Misconduct Regulation 45 CFR 689

Public Health Service Research Misconduct Regulation 42 CFR 93

Research Compliance Administration Website

(FS Resolution #13-63, April 2013)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART VIII

### Personnel Policies and Procedures for the Faculty of East Carolina University



## PART VIII

### PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

#### SECTIONS

- I. Personnel Policies and Procedures for the Faculty of East Carolina University *Revised 11-20*
  - II. Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff *Revised 7-19*
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PART VIII - PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF  
EAST CAROLINA UNIVERSITY

SECTION I

PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF  
EAST CAROLINA UNIVERSITY

(For other policies and procedures dealing with faculty appointments,  
see *ECU Faculty Manual*, Part IX and Part X.)

CONTENTS

- I. Selection and Appointment of New Faculty
  - A. Determination of Number and Nature of Positions *(Revised 11-20)*
  - B. Selection Procedure
  - C. General Criteria
  - D. Requirements for ranks and titles
  - E. Initial Appointment
- II. Assignments of Faculty Workload
  - A. Assignment of Teaching Responsibilities
  - B. Teaching Load
  - C. Assignment of Released Time
- III. Annual Evaluation *(Revised 3-19)*
- IV. Reappointment of Probationary Term Faculty Members
- V. Subsequent New Appointments of Fixed-Term Faculty Members
- VI. Professional Advancement
- VII. Salary
  - A. Initial Salary
  - B. Determination of Annual Salary Increments
  - C. Benefits and Salary Increases for Fixed-Term Faculty
- VIII. Faculty Personnel Files
- IX. Amendment Procedure
- X. Effective Date

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- I. Selection and Appointment of New Faculty
    - A. Determination of Number and Nature of Positions

Since faculty members of each academic unit are responsible for the curriculum, they shall make recommendations on the personnel needs of the unit. All faculty appointments shall be initiated by a recommendation of the Unit Personnel Committee unless otherwise specified in the Unit Code (FS Resolution #20-57, November 2020).

Acting in accord with the policies and procedures set forth in the Unit Code, the unit administrator shall recommend, with input from the faculty, to the next higher administrator (for conveyance to the Academic Council) the number and nature of faculty positions needed to



carry out the unit's mission and achieve the university, division, college and unit planning goals. Such recommendations shall contain justifications addressing the unit staffing plan and appropriate planning goals of the university, division, college, and unit.

Allocation of faculty positions is the prerogative of the Academic Council. The deans and directors shall determine the distribution of positions within their college and schools in accordance with strategic priorities.

In general, tenured and probationary term (tenure-track) positions are preferred unless sound reasons exist. Such reasons include, but are not limited to; (a) the position is not permanently assigned to the unit, (b) the position is addressing temporary needs, (c) the position cannot be filled by a faculty member with a terminal degree, (d) the duties of the position are primarily clinical, (e) the position is by its nature term-limited (term-limited endowed professorships, for example), (f) this reflects the preference of the faculty member taking the position, or (g) budgetary or strategic considerations.

#### B. Selection Procedure

The selection of candidates must be conducted in accordance with the University's "Recruitment, Guidelines and Resources" policies, *Part IX, Section I. Tenure and Promotion Policies and Procedures*, and applicable unit code provisions.

#### C. General Criteria

ECU is committed to recruiting, retaining, and developing faculty members that are highly accomplished in teaching and scholarship, including research and creative activities. Accordingly, research and creative activities that align with the institution's mission, engage students in effective ways, and advance our academic disciplines are an expectation of all tenured and probationary (tenure-track) faculty members.

##### 1. Tenured or Probationary-Term Positions

A candidate who is under consideration for a tenured or probationary-term position is evaluated on past achievements and potential for future contributions in teaching, scholarship, service, and, if applicable, contributions to patient care and related clinical responsibilities as described below:

###### a. Teaching

East Carolina University recognizes the primary importance of teaching. East Carolina University expects each member of the faculty to have knowledge of subject matter commensurate with one's teaching assignment, to maintain awareness of developments in one's discipline, and to communicate to students one's knowledge of and interest in the discipline. The faculty member will encourage students in responsible and careful inquiry, in appreciation of the interrelation of various disciplines, and in recognition of the uses of learning and the value of the educated mind. Teaching includes instructional activities and responsibilities beyond the classroom setting, e.g., advisement; mentoring; laboratory supervision; clinical rounds by a physician/professor accompanied by students; program direction; the direction of research projects and papers, dissertations, and theses; and other contacts and relationships outside the classroom.

###### b. Scholarship (Research, Creative Activity/Innovation, Engagement, and/or Outreach)

Scholarship refers to the scholarship of research, the scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach.

- c. Service to the university, the profession, and the community  
East Carolina University considers service to the university, the academic profession, and the community as an important aspect of a faculty member's contribution. Expectations for service shall be described in the unit code. (See Section III.4). Faculty members' on-campus presence is expected to the extent necessary in the performance of these responsibilities.
- d. Patient care and related clinical responsibilities, as appropriate

## 2. Fixed-Term Positions

A candidate who is under consideration for a fixed-term position is evaluated on past achievements and potential for future contributions in the areas of responsibility stated in the advertisement for the position and established in the unit code.

## D. Requirements for ranks and titles

### 1. General Provisions

Appointments are made at the academic ranks of assistant professor, associate professor, and professor. These are the only ranks that may involve a permanent tenure commitment. Appointments to all other titles are for a definite term and do not involve a permanent tenure commitment.

The following are the minimum required qualifications that may be considered when making appointments.

### 2. Ranks of Probationary Term Appointments

#### Assistant Professor

- has demonstrated potential for effective teaching and other instructional responsibilities
- has demonstrated potential to develop a program of scholarship that will lead to professional recognition in the discipline
- has demonstrated effective clinical practice in disciplines, where appropriate
- holds the appropriate terminal degree (ABD may be considered for initial appointment) or alternate professional qualifications as determined by the units and the profession and affirmed by the appropriate vice chancellor
- exhibits evidence of potential for professional growth in teaching effectiveness and scholarship
- has demonstrated ability and willingness to participate in departmental, college, and university affairs
- has demonstrated active engagement with professional organizations within the discipline

#### Associate Professor

- has qualifications of the previous rank
- has demonstrated effectiveness in teaching and/or other instructional responsibilities
- has a record of scholarship resulting in publication and/or scholarly productivity appropriate to the discipline and established by the unit code
- has a demonstrated record of effective service to the university
- has a demonstrated record of effective service to the profession

#### Professor

- has qualifications of the previous rank

- has an established record of excellence in teaching and other instructional responsibilities
- has a significant record of scholarship resulting in publication and/or other scholarly productivity appropriate to the discipline and established in the unit code.
- has demonstrated excellent ability and willingness to participate in departmental, college, and university affairs
- has a demonstrated record of significant service/clinical practice to the university and the discipline, where appropriate

### 3. Titles of Fixed-Term Appointments

- a. Faculty members with duties primarily in instruction have titles of Teaching Instructor, Senior Teaching Instructor, Teaching Assistant Professor, Teaching Associate Professor or Teaching Professor.

Fixed Term Librarians are called Library Assistant Professor, Library Associate Professor, or Library Professor. Unit codes define expectations for each title. The following general criteria apply to both titles:

#### Teaching Instructor

- holds, at a minimum, a master's degree appropriate to the area of instruction, or has equivalent professional qualifications
- has demonstrated potential for effective teaching and/or other instructional responsibilities

#### Senior Teaching Instructor

- has qualifications of the previous title
- has demonstrated excellence in teaching and/or other instructional responsibilities
- engages in professional development activity

#### Teaching Assistant Professor

- has qualifications of the previous title
- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appropriate vice chancellor and the profession concerned
- has demonstrated effectiveness in teaching

#### Teaching Associate Professor

- has qualifications of the previous title
- has demonstrated superior teaching ability and/or other instructional responsibilities
- engages in professional development activities

#### Teaching Professor

- has qualifications of the previous title
- has demonstrated excellence in teaching
- has established an excellent professional reputation among colleagues
- is qualified and competent in mentoring others (such as graduate students, teaching instructors, etc.)

- b. Faculty members with duties primarily in research

Research faculty members are typically funded externally. Research faculty members are encouraged to give seminars and teach occasional courses in their specialty.

Teaching is at the discretion of the unit and the availability of funds.

#### Research Instructor

- holds a minimum of a master's degree appropriate for the specific position or has alternate professional qualifications.

- has demonstrated potential for effective research
- should be capable of carrying out individual research or should be trained in research procedures
- should have the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken

Research Assistant Professor

- has qualifications of the previous title
- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has demonstrated effectiveness in research
- is qualified and competent to direct the work of others (such as technicians, graduate students, etc.)

Research Associate Professor

- has qualifications of the previous title
- has extensive successful experience in scholarly or creative endeavors
- has the ability to propose, develop, and manage major research projects

Research Professor.

- has qualifications of the previous title
- has established an excellent reputation among colleagues
- has demonstrated scholarly production in research, publications, professional achievements, or other distinguished and creative activity.

c. Faculty members with duties primarily in clinical teaching

Clinical Instructor

- holds, at a minimum, a graduate degree appropriate for the specific position or has equivalent professional experience
- has demonstrated potential in clinical practice and teaching in the field

Clinical Assistant Professor

- has qualifications of the previous title
- holds the appropriate professional degree, as evaluated by the academic unit and affirmed by the appropriate vice chancellor and the profession concerned
- has training and experience in an area of specialization
- has demonstrated expertise in clinical practice and teaching and other instructional responsibilities in the discipline

Clinical Associate Professor

- has qualifications of the previous title
- has extensive successful experience in clinical or professional practice in an area of specialization, or in a subdivision of the specialty area, and in working with and/or directing others (such as professionals, faculty members, graduate students, etc.) in clinical activities in the field

Clinical Professor

- has qualifications of the previous title
- has established an outstanding reputation of excellence in clinical practice and teaching and/or other instructional responsibilities

d. Faculty members with duties primarily in the libraries

Library Assistant Professor

- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appropriate vice chancellor

- has demonstrated evidence of, or potential for, the following: effective teaching and/or other professional responsibilities; collegiality and professional integrity; continued professional growth; service to the Library; service to the University, and/or to the profession; a record of contributions to scholarship/creative activity, if applicable

#### Library Associate Professor

- has qualifications of the previous title
- has demonstrated: substantive accomplishments in professional performance; collegiality and professional integrity; substantial and continued professional growth; sustained institutional; and professional service
- has a record of regular contributions to scholarship/creative activity

#### Library Professor

- has qualifications of the previous title
- has demonstrated: sustained and substantive accomplishments in professional performance; collegiality and professional integrity
- has demonstrated: superior knowledge and mastery of assigned area of specialization; and exemplary institutional and professional service;
- has attained national or international recognition as an authority and leader in the assigned area of specialization;
- has a sustained and substantive record of scholarship/creative activity

#### e. Additional faculty titles

Adjunct Instructor; Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor: These titles are used to appoint outstanding persons who have a primary employment responsibility outside the university or in a different department in the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Affiliate Instructor; Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor: These titles are used in the School of Medicine to appoint outstanding persons who have a primary employment responsibility outside the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Artist-in-Residence; Writer-in-Residence: These titles are used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time and who are not intended to be considered for professorial appointment.

Visiting Instructor; Visiting Assistant Professor; Visiting Associate Professor; Visiting Professor. The prefix “visiting” before an academic title is used to designate a short-term full-time or part-time appointment without tenure. Therefore, the visiting title shall not be used for periods of time beyond the initial contract period. It shall be used only for those fixed-term faculty members who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need. Use of the visiting title for an individual for more than 3 years is a misuse of this title.

#### 4. Emeritus status

All unit codes must specify criteria for conferring of “emeritus” or “emerita” status. Based on those criteria specified in the unit code and the recommendations of the unit personnel committee and appropriate administrators, the Chancellor may confer the title emeritus or emerita upon a retired (including Phased Retirement participant), permanently disabled, or deceased faculty member, who has made a significant contribution to the university through a long and distinguished record of scholarship, teaching, and/or service (FS Resolution #13-97, December 2013).

#### E. Initial Appointment

[For additional provisions related to initial faculty appointments, see *ECU Faculty Manual*, Part IX, Section I (II).]

Appointment to the faculty is made by the Chancellor or the Chancellor’s designee. Upon receiving recommendations by appropriate unit committees and administrators, the Chancellor or his/her designee shall issue an appointment letter to the faculty candidate. No offer is binding and no appointment is effective until signed by the Chancellor or the Chancellor’s designee and subsequently signed by the faculty appointee.

The appointment letter shall specify, at minimum: rank or title; salary rate; length of appointment, tenure status [either fixed-term, probationary-term, or appointment with permanent tenure, as defined in the *Faculty Manual*, Part IX]; initial assignments and/or responsibilities; reference to the criteria for evaluation of faculty performance, as provided in Part IX, unit codes, and other appropriate documents; and any specific terms and conditions of employment.

Any action conferring permanent tenure with the initial faculty appointment requires approval of the Board of Trustees.

#### II. Assignments of Faculty Workload

Faculty workload is governed by the [Faculty Workload Administrative Regulation](#).

By the end of the spring semester for 9-month faculty, and by the end of the summer session for 12-month faculty, and prior to making final faculty workload assignments and after soliciting faculty preferences, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities for the coming academic year.

##### A. Teaching Responsibilities

The unit administrator assigns teaching responsibilities and determines the method of delivery. If changes in a faculty member's assignment subsequently become necessary, the faculty member shall be notified at the earliest possible opportunity.

The definition of a semester credit hour is governed by [PRR #02.07.01](#).

Full-time faculty members whose primary responsibilities are teaching and other instructional responsibilities should not be required to teach more than the equivalent of 12 credit hours per semester or 6 credit hours per summer session, as consistent with the discipline norms, with the exception of faculty members who voluntarily teach directed readings and similar courses. If exceptional circumstances require that a faculty member be assigned more than the equivalent of 12 credit hours in a semester, he or she should be appropriately compensated for the excess teaching load during that term or be given the equivalent reduced teaching load at a time to be negotiated between the unit administrator and the faculty member.

Consistent with Part VI, Section I.II., faculty members teaching one or more courses must maintain five hours of office hours during the workweek. Faculty members are also expected to be on campus an appropriate number of hours consistent with assigned instructional duties and disciplinary norms.

B. Scholarly Responsibilities

A faculty member's scholarship shall reflect the high professional standards incumbent upon those who enjoy full academic freedom; such activities must be measured by standards of quality, not merely by quantity, as appropriate to the discipline. Faculty members shall fulfill their scholarly responsibilities as outlined in the unit code and consistent with overall assigned duties.

C. Service Responsibilities

Each faculty member will be assigned and/or will assume responsibilities to serve diverse service roles in the department/program, the college, the university, the profession and/or the community in consultation with their unit administrator. These roles may include formal service in committees at various levels or informal activities, such as mentoring students or junior faculty members. Consequently, as appropriate in each unit, faculty members are expected to actively participate in the life of their unit, be physically present on campus to the extent necessary to discharge their particular service duties, and to carry their fair load of assigned and assumed duties necessary for the effective and equitable operation of the unit.

D. Patient Care and Related Clinical Responsibilities, as appropriate  
Standards are described in the unit code.

Faculty reassigned time is governed by [Faculty Scholarly Reassignment](#) Administrative Regulation. Faculty members who are to be granted reassigned time shall be informed in writing of the purpose of the reassignment. (FS Resolution #14-04, March 2014)

### III. Annual Evaluation

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

The process for determining the relative weight given to teaching, scholarship, service, and where appropriate, clinical duties, for purposes of annual evaluations shall be contained in the unit code. In no case, however, shall service be weighed more heavily than either teaching or scholarship.

This annual evaluation shall:

- be in writing;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary term appointments, a record of this discussion shall be placed in the faculty member's personnel file;

- be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The faculty member has seven working days after receiving the evaluation to attach the statement. The signature of the faculty member signifies that he or she has read the evaluation, but it does not necessarily indicate concurrence.

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

#### A. Probationary-term and permanently tenured faculty

The evaluation of probationary-term and permanently-tenured faculty members shall be based upon that year's duties and responsibilities (except data from the previous year's spring semester survey of student opinion). Such evaluations shall consider, as appropriate:

##### 1. Teaching

Teaching is the primary function of the university. Teaching includes instruction in the classroom, laboratory, clinic, studio, or other setting, online instruction, other forms of distance education, study abroad, service learning, student advising, mentoring student research, and other pedagogical activities.

Teaching shall be evaluated using information from multiple sources documenting accomplishments during the period under review, including those that follow below, where applicable in a given discipline or academic unit. Additional discipline-specific provisions may be found in the unit code (FS Resolution #12-76, July 2012).

#### Instruction

##### A. Instructional Materials

1. Syllabus, including the course description, student learning outcomes, and course requirements.
2. Student assignments, examinations, and other materials relevant to teaching.
3. New or revised course materials.
4. Examples of student work, such as tests, exams, quizzes, assignments, projects, papers, juries, or other examples of student achievement.
5. Grade distributions.
6. Evidence of pedagogical innovations in response to feedback and/or to promote student success.

##### B. Student, Peer and Unit Administrator Review

1. The results of formal peer review, as detailed in Faculty Senate resolution #17-61, where required.
2. Direct observation of teaching (face-to-face or online) by the unit administrator.
3. University-approved student evaluations of the course and instructor.
4. Results of assessment of student achievement submitted by the faculty member or as otherwise enabled by the unit code

#### Workload

1. Courses taught and number of students taught.
2. Numbers of undergraduate, master's, doctoral, post-doctoral students, and students supervised in the clinic.



3. Number of master's theses and doctoral dissertations directed.
4. Number of memberships on doctoral dissertation and master's and honors research committees.
5. Number of honors research projects and theses supervised.
6. Number of honors courses taught.
7. Number of undergraduate research projects, directed readings, and independent studies supervised.

Impact of scholarly activity on improving the quality of instruction at ECU or elsewhere

1. Awards and honors recognizing excellence in teaching.
2. Grants to support instructional activities and programs; if the activities are collaborative, the faculty member's distinctive contribution must be defined.
3. Recognition by professional organizations for leadership in educational endeavors.
4. Teaching workshops conducted.
5. Publication of scholarly articles addressing pedagogy (if not classified as Scholarship in the candidate's unit or discipline).
6. State, regional or national leadership roles related to education.
7. Invitations from other institutions to serve as an education consultant.
8. Continuing education courses taught.
9. Evidence of leadership and scholarly engagement in the development of pedagogy.
10. Scholarly reputations of journals and publishers of teaching publications.
11. Evidence that contributions to teaching are being adopted or are affecting teaching.
12. Evidence of impact on the professional careers of others (e.g., former students, junior faculty, colleagues).

Student complaints may not be used to evaluate a faculty member unless they have been addressed under the provisions of Faculty Manual, Part VI, Section IV, subsection III, which defines faculty members' due process rights. (FS Resolution #19-09, February 2019)

## 2. Scholarship

Measures of success in the area of scholarship include, but are not limited to, peer-reviewed publications, books, presentations, performances, patents, and national awards, including both honorary awards and competitively awarded external funding as appropriate to the discipline. These measures, and particularly national awards that recognize prominence in the discipline, will be positively reflected in annual evaluations and other personnel actions. Unit codes should define these criteria, and relative importance, in detail.

## 3. Patient Care and Related Clinical Responsibilities

Unit codes will describe expectations for clinical services and criteria for evaluation.

## 4. Service

Service on department, school, college, and university committees, councils, and senates; service to professional organizations; service to local, state and national governments; contributions to the development of public forums, institutes, continuing education projects, patient services and consulting in the private and public sectors; unit codes should define these criteria, and relative importance, in detail.

## 5. Other assigned responsibilities.

#### B. Fixed-term faculty members

The evaluation of fixed-term faculty members shall be based on their performance of duties as stated in their appointment letters, utilizing the criteria stated in the unit code.

#### IV. Reappointment of Probationary-Term Faculty Members

Refer to Part IX of the *ECU Faculty Manual*.

#### V. Subsequent appointments of Fixed-Term Faculty Members

Refer to Part IX of the *Faculty Manual*.

#### VI. Professional Advancement

Promotion for tenured and probationary-term faculty members and advancement in title for fixed-term faculty members are means through which professional achievement is encouraged, recognized, and rewarded by the university. The evaluation of faculty members for purposes of promotion or advancement in title shall accord with the regulations established in the unit code and shall employ the criteria contained in the unit code approved by the Chancellor (*ECU Faculty Manual*, Part IV).

Specific regulations and criteria governing evaluation of faculty for purposes of promotion or advancement in title may vary from unit to unit. For evaluations pertaining to fixed-term subsequent new appointment at a higher title, the criteria shall be stated in the unit code.

As a minimum, each unit shall:

- apply published criteria in teaching, scholarship, service, and clinical service, where relevant to the discipline, for evaluating faculty for promotion or advancement in title;
- make available procedures which will permit each faculty member to report achievements annually or on a more frequent basis; and
- inform each faculty member of the right to discuss his or her candidacy with the unit administrator and/or the appropriate unit committee at any time prior to the deadline for submission of materials.

#### A. Promotion for tenured and probationary-term faculty members

Upon request by a tenured faculty member, the unit administrator and the unit promotion committee shall evaluate the faculty member for promotion. Following such evaluations, the unit administrator and appropriate unit committee shall inform the faculty member of their respective recommendations. Promotion shall be based upon the faculty member's demonstrated professional competence and achievements. Procedures to be followed for promotion are found in *ECU Faculty Manual*, Part IX and Part X.

Promotion in academic rank should be accompanied by a salary increment, which shall be separate from any and all other increments to which the individual may be entitled, unless State of North Carolina or University of North Carolina regulations state otherwise.

#### B. Advancement in title for fixed-term faculty members

The unit code shall specify the criteria and the means of evaluation of fixed-term faculty members to be used for a subsequent new appointment at a higher title. Advancement in title shall be based upon the faculty member's demonstrated professional competence and

achievements, and should be accompanied by a salary increment, which shall be separate from any and all other increments to which the individual may be entitled, unless State of North Carolina or University of North Carolina regulations state otherwise. Competence for advancement in title may be attested to by demonstrated excellence in the performance of duties specified in the appointment letter of the fixed-term faculty member and supported by the faculty member's annual performance evaluation.

The unit administrator shall notify eligible faculty members within four working days of receipt of the next higher administrator's call for advancement in title recommendations. Upon request by a fixed-term faculty member, the unit administrator and the personnel committee shall evaluate the faculty member for advancement in title. Following such evaluations, the unit administrator and appropriate unit committee shall inform the faculty member of their respective recommendations. Procedures to be followed for advancement in title should be specified in the unit code in accordance with *ECU Faculty Manual*, Part IX, Section I (II.B.3) and Part VIII, Section I.

## VII. Salary

### A. Initial Salary

Initial salary shall be based on degree attainment, academic rank, pertinent professional experience and qualifications, scholarly publication or its equivalent, and level of responsibility. Consideration should be given to the salaries of personnel presently in the unit and must be consistent with University-established faculty salary ranges.

### B. Determination of Annual Salary Increments

The unit administrator shall recommend annual salary increments to the appropriate administrative officials in accordance with requirements imposed by the North Carolina General Assembly, The University of North Carolina Board of Governors, the ECU Board of Trustees, and the university administration. Recommended salary adjustments shall rely upon criteria that have been established in the *Faculty Manual*, in unit codes, or in guidelines referenced in unit codes. Criteria for assessing merit are contained in unit codes. The unit administrator shall also inform the unit, in dollar amounts and percentages, the total adjustment, mean salary increment, and range in salary increments for the unit. Each faculty member shall be informed by the unit administrator of any salary increment recommendations made on behalf of the faculty member.

### C. Benefits and Salary Increases for Fixed-Term Faculty

Equitability of salary and benefits for fixed-term faculty members should be reviewed annually. When salary increments are provided by the Board of Governors, full-time fixed-term faculty members who have completed one year of employment and have received a subsequent new appointment should be considered for a salary increase based upon their annual evaluation and criteria established by the Board of Governors, ECU Board of Trustees, and the unit code.

Full-time, fixed-term permanently appointed faculty members are entitled to those benefits that are provided to other full-time permanent faculty employees of ECU, unless State of North Carolina or University of North Carolina regulations state otherwise.

## VIII. Faculty Personnel Files

- A. [Article 7 of Chapter 126](#) of the General Statute of North Carolina shall govern matters relating to an employee's personnel file, its contents, and permissible access. Current General

Statutes may be requested through the Office of University Counsel (formerly, the University Attorney) or through references in Joyner Library.

For questions regarding personnel file, contact the Faculty Senate Office, the appropriate Division Vice Chancellor, or the University Counsel Office.

#### B. Definition

“Personnel File” means any employment-related or personal information gathered by an employer or by the Office of State Human Resources. Employment-related information contained in a personnel file includes information related to an individual’s application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual’s home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries. “Record,” as used in this Part VIII of the *Faculty Manual*, means the personnel information that each employer is required to maintain in accordance with G.S. 126-123.

The Personnel Action Dossier (PAD), defined in the ECU Faculty Manual Part X, Section I, is an evaluative document, employment-related personnel information, and a part of the faculty member’s personnel file. The personnel file is University property and is retained by the University.

Contents of the personnel file are kept in accordance with the Records Retention and Disposition Schedule approved by the Chancellor. Timing of storage and transfer vary depending on the specific type of document. Please refer to the following websites for additional information: [Records Retention and Disposition Schedule for the Institutions of the University of North Carolina System](#) and [ECU Records Management](#).

#### C. Location

Personnel records exist in various locations across campus. Academic Affairs and the Health Sciences divisions will maintain comprehensive lists of locations where files may be found on a website accessible to faculty members. The Faculty Senate office can direct faculty members to the appropriate website.

All records used in the formal evaluation of faculty members should be located in the primary collection of documents that are kept in the department or unit that are part of the personnel file, hereafter referred to as the department/unit personnel file. The unit administrator can inform the faculty member of the location of evaluative material.

An appeal hearing file or an investigative file prepared by the EEO Office or by the Office of University Counsel may include materials such as: filed grievances; appeals of non-reappointment or non-conferral of tenure; complaints filed by or against a faculty member with the ECU EEO Office alleging sexual harassment, discrimination based on race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status ("Protected Class"), or a violation of the amorous relations policy; and records relating to any disciplinary action against a faculty member.

Information retained in the EEO Office or the University Counsel’s Office will remain confidential, but the documents collected and/or created in those offices are usually

considered part of an investigative/preparation file and are not considered part of the department/unit personnel file. Disclosure of documents in those files is subject to applicable University policies and state laws. Additionally, in accordance with the relevant University policy and state laws, the University will formally notify the faculty member of any complaint or grievance formally filed against a faculty member and will follow the procedures prescribed for due process. In most cases, documents containing employment-related or personal information maintained in the EEO Office or University Counsel's Office will be duplicates of documents in the department/unit personnel file. In all cases, the documents in those files will be available for review by the faculty member, except that the University does not waive rights and responsibilities to limit disclosure recognized by law, including but not limited to attorney-client communication privilege and attorney work product privilege.

#### D. Content

State law requires that the University permit the public to have access to the following employment related information about each employee:

- name;
- age;
- date of original employment or appointment to state service;
- the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the university has the written contract or a record of the oral contract in its possession;
- current position;
- title;
- current salary;
- date and amount of each increase or decrease in salary with the university;
- date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the university;
- date and general description of the reasons for each promotion with the university;
- date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the university. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Chancellor setting forth the specific acts or omissions that are the basis of the dismissal; and
- the office to which the employee is currently assigned.

To the extent allowed by applicable law (e.g., [Article 7 of Chapter 126](#) of the General Statutes of North Carolina), all other information contained in the personnel file is confidential and shall not be open for inspection and examination except to the following persons:

- (1) The employee, applicant for employment, former employee, or his or her properly authorized agent, who may examine his or her own personnel file in its entirety except for (i) letters of reference solicited prior to employment or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee;
- (2) The supervisor of the employee;
- (3) A potential state or local government supervisor, during the interview process, only with regard to the performance management documents;

- (4) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
- (5) A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file; and
- (6) An official of an agency of the federal government, state government, or any political subdivision thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected or, in the case of an applicant for employment or a former employee, by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation; and
- (7) Any person or corporation to which the Chancellor determines release of such information is essential as allowed by [General Statute §126-24](#).

Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system are placed in the department/unit personnel file when signed by a representative of the committee. In particular, official copies of Personnel Action Dossiers, as outlined in Part X of the ECU Faculty Manual, including documentation submitted by faculty members for consideration in the tenure, reappointment, and promotion processes, shall reside in the department/unit personnel file.

No material obtained from an anonymous source shall be placed in the -personnel file except for data from student opinion surveys. Data from student opinion surveys shall be submitted by the authorized surveying agent to the faculty member and the unit administrator. Administrators shall not keep secret files.

A faculty member who objects to material in the department/unit personnel file or other employment-related or personal information contained in the personnel file may place in the file a statement relating to the material the faculty member considers to be inaccurate or misleading. This concise statement shall be submitted to the custodian for inclusion as an attachment to the specific document. A faculty member who objects to material in the personnel file because it is inaccurate or misleading may seek the removal of such material from the personnel file in accordance with Part XII of the *Faculty Manual*.

#### E. Access

Personnel records may be located at various locations across campus. The personnel offices of Academic Affairs and the Health Sciences divisions will maintain comprehensive lists of locations where files may be found.

Faculty members may obtain access to their departmental/unit personnel file by submitting advance notice of at least 4 calendar days to the unit administrator. Confidential documents, as specified in D.1 (above), will be removed. The faculty member may request the unit administrator's assistance in gathering files from various locations. The unit administrator must make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies of the file, if applicable. A faculty member may obtain copies of any materials contained in the personnel file subject only to restrictions provided by state law.

#### F. Disclosure of Confidential Information

Willful disclosure of confidential information or unauthorized access to a personnel file by any person violates state law and university regulations and may result in disciplinary action under university regulations. Any public official, employee, agent, University contractor, student worker, intern, or volunteer who knowingly and willfully permits these violations but does not act to address them has neglected his or her duties and may also be disciplined in accordance with university regulations.

#### IX. Amendment Procedure

Amendment procedures are subject to the University's Regulation on Policies, Rules, and Regulations. The Faculty Senate will consider amendments to *ECU Faculty Manual*, Part VIII, Section I - Personnel Policies and Procedures that are proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. Amendment(s) submitted to the Faculty Senate for consideration shall be handled as any other item of legislation that comes before the Senate. If the Senate approves such a proposed amendment, the Senate shall submit the proposed amendment to the Chancellor and, if approved by the Chancellor, the amendment will be forwarded to the Board of Trustees for its approval. Consideration by the Board of Trustees is not required if the Chancellor has final authority to enact the amendment.

#### X. Effective Date

All provisions of these policies and procedures shall become effective on the date they are approved by the East Carolina University Board of Trustees or its designee.

(FS Resolution #11-94, November 2011; FS Resolution #12-76, April 2012; FS Resolution #14-04, March 2014; FS Resolution #18-41, July 2018; FS Resolution #19-09, February 2019; FS Resolution #20-57, November 2020)

PART VIII – PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

SECTION II

Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff *Revised 7-19*

CONTENTS

- I. Introduction
  - II. Conflict of Interest
  - III. Conflict of Commitment
  - IV. Categories of Potential Conflicts
  - V. Conflict of Interest Procedures
  - VI. Enforcement
  - VII. Political Candidacy and Holding Public Office
- 

I. Introduction

Faculty are encouraged to engage in appropriate relationships with public and private agencies outside of the University in their scholarly, teaching and service contributions. In doing so, there is a need for commonly understood principles and corresponding procedures that identify, address, and manage potential conflicts that would detract from or interfere with an employee's dedication of unbiased primary professional loyalty, time, and energy to the University's mission.

All members of the University community are expected to avoid conflicts of interest and conflicts of commitment that have the potential to directly and significantly affect the University's interests or compromise objectivity in carrying out University Employment Responsibilities, including research, service, and teaching activities and administrative duties, or otherwise compromise performance of University responsibilities. All activities that raise the issue of such conflicts must be disclosed, reviewed, and appropriately managed in accordance with the provisions of ECU [REG01.15.03](#) Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay. (<http://www.ecu.edu/prr/01/15/03>). [REG01.15.03](#) is based on policies and guidelines adopted by the UNC system Board of Governors, federal and state law, and federal agency sponsor requirements. Any questions regarding these procedures, or the Board of Governors' policies upon which they are based, should be directed to the Conflict of Interest Officer within ECU's Office of Research Compliance.

II. Conflict of Interest

Conflict of Interest (COI) relates to situations in which financial or other personal considerations, circumstances, or relationships may compromise, have the potential to compromise, or have the appearance of compromising an individual's objectivity in fulfilling their university duties or responsibilities, including research, service and teaching activities, and administrative duties.

III. Conflict of Commitment

A Conflict of Commitment (COC) relates to an individual's distribution of time and effort between obligations to University employment and participation in other activities outside of University employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting (i.e. External Professional Activities for Pay—refer to UNC



Policy Manual 300.2.2). Such activities promote professional development and enrich the individual's contributions to the institution, profession, and society; however, a conflict of commitment occurs when their pursuit involves an inordinate investment of time or is conducted at a time that interferes with the employee's fulfillment of University Employment Responsibilities.

#### IV. Categories and Examples of Potential Conflicts

Activities that may involve financial conflicts of interest can be categorized under four general headings: (1) activities that are allowable and are disclosed; (2) activities requiring disclosure for further administrative review and analysis; (3) activities or relationships that are generally not allowable or permitted unless an approved Conflict of Interest Management Plan is in place; and (4) activities that are not allowable under any circumstances.

A full explanation of each of these categories is provided in regulation ECU [REG01.15.03](#) on Conflicts of Interest, Commitment, and External Professional Activities for Pay.

Faculty have an obligation to become familiar with, and abide by, the provisions of the university's COI/COC Regulation. At a minimum, all are required to receive COI/COC training and complete a disclosure annually. Certain situations or activities may precipitate the need to submit or update a disclosure more frequently. If any question of a COI/COC arises, faculty should discuss the situation with the University's Conflict of Interest Officer and are encouraged to make a formal disclosure to the University.

#### V. Conflict and Commitment Procedures

The institutional COI Officer reviews the disclosures, categorizes the activity, and when required, works with the faculty member and Conflict of Interest Committee to implement a COI management plan. All questions on allowable activities, potential COIs, disclosures, and management plans should be directed to the University's COI Officer.

#### VI. Enforcement

Faculty and all employees are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Violations may include, but are not limited to: (a) failure to properly disclose personal or financial interests as required, failure or refusal to respond to requests for additional information, providing incomplete, misleading, or inaccurate information; (b) failure to comply with a prescribed management or monitoring plan; or (c) engaging in an external activity for pay without receiving prior approval. Possible sanctions for such violations can range from administrative intervention to termination of employment in accordance with applicable University policies, including the Faculty Manual (Part IX, Section I, VI). (FS Resolution #10-36, March 2010)

#### VII. Political Candidacy and Holding Public Office

The Board of Governors has established rules for monitoring and regulating the involvement of University employees in political candidacy and office holding that could interfere with fulltime commitment to University duties. Faculty seeking to hold or are holding public office should refer to UNC Policy Manual, 300.5 for specific policy details.

(FS Resolution #10-36, March 2010, FS Resolution #19-58, June 2019)

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART IX

### Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty

PART IX – APPOINTMENT, TENURE, PROMOTION, AND ADVANCEMENT POLICIES AND PROCEDURES AND PERFORMANCE REVIEW OF TENURED FACULTY

SECTION I

Appointment, Tenure, Promotion, and Advancement  
Policies and Procedures of East Carolina University

CONTENTS

- I. Tenure
- II. Faculty Appointments
  - A. General Provisions
  - B. Fixed-Term Appointments
  - C. Probationary Appointments (Please refer to *Faculty Manual* Interpretation [#117-01](#).)
  - D. Initial Appointment with Permanent Tenure
  - E. Joint Appointments
- III. Promotion
- IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure (Please refer to *Faculty Manual* Interpretations [#106-22](#) and [#117-01](#).)
  - A. Description of “voting faculty” members
  - B. Unit Committees
  - C. Role of Unit Administrator
  - D. External Peer Review for Promotion and the Conferral of Permanent Tenure (Please refer to *Faculty Manual* Resolution [#11-43](#))
  - E. Documentation for Personnel Actions
  - F. Initiation of Recommendations by Unit Personnel, Tenure, and Promotion Committees
  - G. College Promotion and Tenure Committee
  - H. Notification of Recommendations
  - I. Procedure for Concurring and Non-Concurring Recommendations concerning Reappointment, Promotion, and/or the Conferral of Permanent Tenure
- V. Procedure for Review of Any Notice of Non-Reappointment or Notice of Non-Conferral of Permanent Tenure at the Completion of the Probationary Term
  - A. Deadlines for Appeals
  - B. Request for Hearing with the Faculty Hearing Committee
  - C. Procedures for the Hearing
  - D. Procedures After the Hearing
- VI. Due Process Before Discharge or Imposition of Serious Sanction
  - A. Penalties
  - B. Notice
  - C. Penalty Without Recourse
  - D. Specification of Reasons and Hearing Request
  - E. Due Process Committee
  - F. Procedures for the Hearing

- G. Procedures After the Hearing
  - H. Appeal
  - I. Suspension During a Period of Intent to Discharge
  - VII. Termination of Faculty Employment
    - A. Reasons Justifying Termination and Consultation Required
    - B. Termination Procedures
  - VIII. Effective Date
- 

SECTION I  
Appointment, Tenure, Promotion, and Advancement  
Policies and Procedures

## Prologue

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

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

Confidentiality must be maintained when conducting any substantive business pertaining to all personnel actions, including but not limited to, initiation, review, and approval of appointments, subsequent appointments, advancements in title, reappointments, conferrals of permanent tenure, and promotions in academic rank. Because it does not guarantee confidentiality and because it becomes part of the candidate's personnel file, email shall only be used for organizational arrangements. Formal correspondences relating to any substantive business pertaining to all personnel actions must be maintained in secure archival form and in accordance with the ECU Records Retention and Disposition Policy and relevant procedures.

## I. Tenure

Academic tenure serves to insure academic freedom by guarding faculty members against negative consequences of expressing unpopular points of view. Academic tenure refers to the conditions and guarantees that apply to a faculty member's professional employment. Tenure resides in East Carolina University, not the individual academic units. Tenure protects a faculty member against involuntary suspension or discharge from employment or

reduction in rank except upon specified grounds and in accordance with the procedures provided in Part IX, Section I (VI.) or against termination of employment except as provided for in Part IX, Section I (VII.). During the term of such guarantees, the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, or demonstrable, bona fide institutional financial exigency or major curtailment or elimination of a teaching, scholarship, or public service program as detailed in Part IX, Section I (VII.A.1.) and (VII.A.2.)

A. Tenure While Under Contract to East Carolina University

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

B. Permanent Tenure

1. Permanent tenure may be conferred only by action of the Board of Trustees of East Carolina University and is always held with reference to employment by East Carolina University rather than to employment by The University of North Carolina. The conferral of permanent tenure is allowed only as the result of the processes enunciated in this document.
2. Conferral of permanent tenure shall be based on the faculty member's demonstrated professional competence in teaching, scholarship, clinical practice (as appropriate), and service; performance of these responsibilities in accord with appropriate professional standards of ethical conduct (Part V, Section II); a potential for future contributions in a like manner; and the institution's needs and resources. While teaching is the first consideration, the faculty member must meet unit expectations in all other areas, as appropriate. No assistant professor will be awarded permanent tenure unless concurrently promoted to associate professor.

II. Faculty Appointments

A. General Provisions

1. Categories of Appointments

There are three kinds of faculty appointments:

- (a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 610 and ECU *Faculty Manual*, Part VIII]. Fixed-term appointees do not hold professorial ranks and are appointed with titles as listed in Part VIII of the *Faculty Manual*. Fixed-term appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. Except as specified in subsection II.B.1, no obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether a new appointment will be granted at the end of a specified fixed-term.
- (b) Probationary Appointments and Reappointments. Probationary appointments are made at the professorial ranks of assistant professor, associate professor, or professor. Probationary appointees are entitled to reappointment reviews and, if

reappointed throughout the probationary period, are entitled to a tenure review. The timing of these reviews is explained below and in Part X of the *Faculty Manual*.

- (c) Appointments with Permanent Tenure. Appointments with permanent tenure are continuous until retirement, resignation, or removal according to the provisions of Part IX, Section I (VI or VII) of this document. Appointments with permanent tenure may be made at the professorial ranks of associate professor or professor only.
- (d) Unpaid adjunct and affiliate faculty members are volunteers, and they are not covered by provisions in Part IX.

## 2. Criteria for Initial Appointment and Reappointment

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

## 3. Terms and Conditions for Appointment and Reappointment

The Chancellor or the Chancellor's designee<sup>1</sup> shall set out in writing, with a copy to the faculty member, the terms and the conditions of each appointment, including fixed-term appointments, and each probationary faculty reappointment. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment or reappointment.<sup>2</sup> The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Prior to the initial appointment, the unit administrator shall provide a copy of the unit's criteria for evaluating faculty performance contained in the unit code [as specified in Part VIII, Section I.III] to persons offered a faculty appointment in the unit. No offer is binding and no appointment is effective until signed by the Chancellor or the Chancellor's designee.<sup>1</sup> Criteria for evaluating faculty performance contained in the unit code shall be discussed by the unit administrator in a Fall Criteria Review meeting with each probationary-term faculty member at the beginning of the first term of employment and at the beginning of each academic year thereafter. A summary of this discussion shall be placed in the faculty member's personnel file. The responsibility for calling this meeting is with the unit administrator.

Notice of reappointment or non-reappointment to probationary-term faculty members shall be written. The non-reappointment decision shall not be based upon: (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, color, national origin, creed, religion, veteran's status, gender, age, sexual orientation, political affiliation, disability, or any other protected class as defined by established University policy; or (3) personal malice.

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<sup>1</sup> The Chancellor's designee shall include and be limited to the Provost and Senior Vice Chancellor for Academic Affairs and the Vice Chancellor for Health Sciences.

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

#### 4. Continued Availability of Special Funding

The appointment or reappointment of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify in writing that continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon continuing availability of such funds. Exceptions to the foregoing contingency requirement are:

(a) That such a contingency shall not be included in a promotion to a higher rank if, before the effective date of that promotion, the faculty member had permanent tenure and no such condition is attached to the tenure.

(b) That such a contingency shall not be attached to the faculty member's contract if the faculty member held permanent tenure in East Carolina University on July 1, 1975, and the contract was not contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

(c) That such a contingency may be waived for health affairs faculties because of the unusual dependence of programs in the health professions on income from sources such as clinical receipts.

#### 5. Special Employment Arrangements

The University may permit, at the discretion of the Provost and Senior Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences, special employment arrangements for probationary term or tenured faculty members. Such arrangements may result in modifications in benefits.

If a special employment arrangement involving funding sources other than the University is deemed by the Unit Administrator to be necessary and in the best interests of the Unit and the University, the request for the modified work schedule shall be made in writing to the Provost and Senior Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences. The memo making this request should include specific reasons for seeking the modified work schedule and adequate assurances by the Unit Administrator, and for probationary-term faculty members, the unit Tenure Committee, that this arrangement is compatible with the faculty member fully achieving all of the duties and responsibilities appropriate for someone of the proposed rank and status.

#### 6. Notice of Resignation

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

B. Fixed-Term Appointments [cf. Special Faculty Appointments, The UNC Code, 610; for the purposes of this section, unless otherwise specified, the provisions apply to paid faculty members] (The roles of committees are defined in subsection IV.)

##### 1. Contract and Notice:

Fixed-term faculty members are appointed for a specified term of service, as set out in writing in the letter of appointment. The term of appointment concludes at the end of the

specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. A letter of appointment for a fixed-term faculty member sets forth in writing the beginning and ending dates of the term, the type of appointment and the pay status (i.e., paid or unpaid). Whenever possible, multi-year contracts, of up to five years, will be offered to fixed-term faculty members who have demonstrated their effectiveness and contributions and/or who have outstanding credentials. At the end of the appointment term, a fixed-term faculty member may request consideration of a new appointment. A fixed-term faculty member desiring a new appointment shall, no later than 75 calendar days before the current term expires, provide the unit administrator with a written request for a new appointment, and the unit administrator shall so notify the chair of the unit Personnel Committee. No later than 45 calendar days before the end of the current term, the Personnel Committee and the unit administrator shall notify the faculty member in writing of their respective recommendations; any recommendation is subject to the availability of the position, funding, administrative approval, and continued effective performance. Fixed-term faculty members are not covered by Section 604 of *The Code of the Board of Governors of The University of North Carolina* (hereafter, referred to as the UNC Code), and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed-term. During the term of their employment, fixed-term faculty members are entitled to seek recourse under Section 607 of the UNC Code (relating to faculty grievances).

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

2. Fixed-Term Employment Evaluation Policy [cf. Special Faculty Appointments, The UNC Code, 610]:

Faculty members employed for a fixed-term shall be evaluated annually in accordance with the provisions of the letter of appointment. A fixed-term faculty member should submit a portfolio to the Personnel Committee and the unit administrator prior to the unit administrator and the Personnel Committee considering a new appointment. The portfolio should contain information that demonstrates the effectiveness of the fixed-term faculty member in fulfilling the responsibilities specified in the letter of appointment. The specific contents of the portfolio shall be determined by the unit code.

3. Advancement in Title:

Initial recommendations for advancement in title for faculty members holding fixed-term appointments are the responsibility of the Unit Personnel Committee (see subsection IV. B.1.c.viii).

4. Terms and Conditions for Appointment:

The Chancellor or the Chancellor's designee<sup>1</sup> shall set out in writing to the fixed-term faculty member the terms and the conditions of each appointment. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator. Prior to initial or subsequent appointment, the unit administrator shall provide a copy of the unit's criteria for evaluating faculty performance contained in the unit code [as specified in Part VIII, Section I.III] to persons offered a fixed-term faculty appointment in the unit.



Criteria for evaluating faculty performance contained in the unit code shall be discussed by the unit administrator in a meeting with each fixed-term faculty member at the beginning of the appointment term. A summary of this discussion shall be placed in the faculty member's personnel file. The responsibility for calling this meeting is with the unit administrator. Fixed-term faculty members on semester-by-semester contract need only meet with the unit administrator once a year.

5. Portfolio for subsequent appointment and/or advancement in title of fixed-term faculty members:

All documents pertaining to subsequent appointments for fixed-term faculty members shall be collected and maintained in accordance with the applicable unit code, as described in subsection II.B.2 above.

6. New or Subsequent Appointments:

In the case of recommendations for new appointments or subsequent appointments of faculty members currently holding fixed-term appointments, the Personnel Committee will determine its recommendation for or against new and subsequent appointments, using secret ballots.

7. Notice of Resignation:

A fixed-term faculty member with a multi-year appointment may resign at the end of an academic term with 90 days advance notice in writing. A faculty member should not resign with an effective date between the beginning and ending dates of an academic term.

8. Procedure for Concurring and Non-concurring Recommendations:

All concurring and non-concurring unit committee recommendations and unit administrator recommendations regarding fixed-term employment are forwarded through each administrative level until reaching the appropriate vice chancellor. If the unit administrator's potential recommendation for a new fixed-term faculty appointment, subsequent appointment, or advancement in title will differ from the unit Personnel Committee's recommendation, the unit administrator shall discuss the potential non-concurrence at the unit committee level before forwarding the committee's recommendation and his or her concurrence or non-concurrence to the next higher administrator.

After the appropriate committee and the unit administrator transmit their recommendations to the next higher administrator, that administrator performs their own review, reaching a decision to either concur or not concur. The recommendation is forwarded to the next higher administrator along with the recommendations from the committee and the unit administrator. The unit administrator and the chair of the appropriate committee are notified of the recommendation of the next higher administrator. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate Vice Chancellor. Immediately after the completion of each level of administrative review, the administrator's recommendation shall be communicated to all appropriate lower administrators, the candidate, and the committee of the unit which made the initial recommendation.

The Vice Chancellor's decision regarding all fixed-term faculty employment recommendations is final.

### C. Probationary Appointments

Probationary appointments are made at the professorial ranks of assistant professor, associate professor, and professor. Persons appointed as associate professor or professor are eligible for permanent tenure.

A faculty member appointed to an administrative position is eligible for permanent tenure only as a faculty member in one of the professorial ranks. There is no permanent tenure in an administrative position.

#### 1. Notice of Reappointment or Non-Reappointment [UNC Code 604].

After considering all prior recommendations, the appropriate Vice Chancellor shall decide, early enough to permit timely notice to be given, whether to reappoint or not to reappoint a faculty member at the expiration of a term of service (see Part X.). Notice of reappointment or non-reappointment shall be written.

Timely Notice: For faculty members at the rank of assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:

(a) During the first year of service at East Carolina University, the faculty member shall be given not less than 90 calendar days' notice before the employment contract expires.

(b) During the second year of continuous service at East Carolina University, the faculty member shall be given not less than 180 calendar days' notice before the employment contract expires.

(c) After two or more years of continuous service at East Carolina University, the faculty member shall be given not less than 12 months' notice before the employment contract expires.

Failure to give timely notice of non-reappointment will oblige the Chancellor to offer a terminal appointment of one academic year.

#### 2. Probationary Terms (Please refer to *Faculty Manual* Interpretation [#117-01.](#))

Although the Chancellor may recommend that a faculty member be granted permanent tenure at any time, the faculty member shall be notified not later than twelve months before the end of the probationary period whether the faculty member will be recommended for permanent tenure. The normal probationary term for the professorial ranks, as established at the time of initial appointment, shall be as follows:

Assistant Professor. The maximum probationary term is six years. The faculty member can receive an initial three-year appointment and a maximum of two successive two-year appointments. No assistant professor will receive reappointment in a probationary term without a terminal degree or appropriate alternate credentials as defined in the unit code. If a faculty member does not receive permanent tenure at the end of his or her sixth year, the faculty member remains employed through one terminal year. During that terminal year, the faculty member may not serve on the unit's Personnel Committee.

Associate Professor. The maximum probationary term is four years. The faculty member can receive an initial three-year appointment and a maximum of one two-year appointment. If a faculty member does not receive permanent tenure at the end of his or her fourth year, the faculty member remains employed through one terminal year. During that terminal year, the faculty member may not serve on the unit's Personnel Committee.

Professor. The probationary term is two years. The faculty member can receive a single three-year appointment. If a faculty member does not receive permanent tenure at the end of his or her second year, the faculty member remains employed through one terminal year. During that terminal year, the faculty member may not serve on the unit's Personnel Committee.

All time served in a probationary appointment at East Carolina University must be continuous, excluding any approved leaves of absence.

When a faculty member in probationary appointment requests and is awarded promotion in rank before the end of the probationary term, the original contractual probationary term shall not be altered.

In order to afford the maximum opportunity for tenure, the probationary term for personnel hired at the professorial ranks, whose contract date occurs earlier than the beginning of the Fall semester (or July 1 for probationary faculty members with twelve-month appointments), will be measured from the beginning of the subsequent Fall semester (or July 1 for probationary faculty members with twelve-month appointments).

### 3. Reduction of the Normal Probationary Term for Previous Academic Employment

Although generally discouraged in favor of petitioning for early tenure (see subsection II.C.6), reduction of the normal probationary term may be granted for previous full-time faculty employment at the time of initial appointment as assistant professor or associate professor. The granting of such a reduction shall require a strong justification and the agreement of the appointee, a simple majority of the unit Personnel Committee, the unit administrator, the dean, and the appropriate Vice Chancellor. The maximum reduction at each professorial rank shall be as follows:

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

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

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

### 4. Extensions of the Probationary Term

Extensions of the probationary term must be requested by the faculty member and shall be granted only in cases of severe personal exigency or other compelling personal circumstances; such extensions shall be limited to a total of no more than two years. Probationary-term faculty members who have received paid leave under the Faculty

Serious Illness and Parental Leave Policy shall receive an extension of the probationary term, if requested. The probationary term may be extended in increments of one or more academic years: one year for leaves of one or two semesters, two years for leaves of three or four semesters. A probationary-term faculty member who assumes a full-time administrative position or clinical position for one or more semesters may be granted extensions of the length of the probationary term; such extensions shall be limited to a total of no more than three years. All such extensions must be requested in writing by the faculty member, and the unit Personnel Committee, the unit administrator, the dean, and the appropriate Vice Chancellor each must review and make recommendations. The Chancellor or the Chancellor's designee<sup>1</sup> provides the final approval of the extension. Extensions of the probationary term must be expressly stated in appointment or reappointment documents or added by a written memorandum of amendment by the appropriate Vice Chancellor during the term of an appointment.

#### 5. Progress Toward Tenure Letters

In all years except the year prior to the year in which a faculty member's mandatory tenure decision is considered, the Tenure Committee will annually meet with the unit administrator to review the cumulative record of a candidate's progress and finalize a Progress Toward Tenure Letter. This meeting should occur after completion of the candidate's current annual evaluations and prior to end of the spring semester. One week prior to the meeting, the unit administrator will provide the Tenure Committee with the candidate's current annual report, copies of the candidate's previous and current annual evaluations and previous progress toward tenure letters, and a draft of the new Progress Toward Tenure Letter written by the unit administrator. Any additional required materials must be defined in the unit's code.

These Progress Toward Tenure Letters will address the candidate's cumulative accomplishments to date. Successes and areas for improvement shall be evaluated within the context of the unit's ongoing expectations of the candidate in the unit's criteria for promotion and tenure. The letter shall include evaluative and formative language that advises the candidate on how to meet unit expectations, and it shall assess the candidate's recent performance, cumulative performance, and overall trajectory. While the letter shall include an overall summative rating progress towards tenure, those ratings shall not substitute for thorough narrative evaluations of the candidate's strengths and weaknesses. Criteria for evaluation shall be limited to the candidate's assigned duties and professional conduct (Part V, Section II). Letters must not be understood as a guarantee of the ultimate tenure decision; instead, the final tenure recommendation vote, concurring or non-concurring recommendations, and the final decision in the review process are complex decisions that are based on the candidate's overall trajectory throughout the probationary period, external letters, a potential for future contributions, and other factors permitted under the UNC Code 602.

In order to protect the candidate's due process rights, the review will address misconduct only if the misconduct is documented in the faculty member's personnel file and the faculty member's due-process rights were respected (including the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the University's charge or finding of misconduct, the

committee's review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

Representative(s) of the Tenure Committee will meet with the unit administrator and the candidate to discuss in a formative manner the outcome of the progress towards tenure review carried out by the Tenure Committee and the unit administrator, with suggested areas of improvement. That meeting shall be documented in writing by the unit administrator, and the document shall be placed in the personnel file. In the event that the faculty member disagrees with the substance of the Progress Toward Tenure Letter, it is the responsibility of the faculty member to make this disagreement known in writing within fourteen days, in a letter addressed to the unit administrator. This letter will be placed in the faculty member's personnel file, and copies will be sent to the unit Tenure Committee and to the next higher administrator.

The timeline for completion of reviews of progress toward tenure is contained in the *Faculty Manual*, Part X.

#### 6. Request for Early Permanent Tenure

According to the timeline in the *Faculty Manual*, Part X, a faculty member who has not completed the probationary term (see subsection II.C.1-3) and who requests in writing that consideration be given to conferral of permanent tenure will be considered for permanent tenure during the fall semester of the next academic year.<sup>3</sup> No assistant professor shall be awarded permanent tenure unless concurrently promoted to associate professor. When a faculty member holding the rank of assistant professor requests consideration for early tenure, this request also constitutes a request for consideration for promotion to associate professor.

#### D. Initial Appointment with Permanent Tenure

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

#### E. Joint Appointments

An ECU faculty member may hold only one tenured or probationary appointment at professorial rank. This may be in a single academic code unit or by joint appointment when holding responsibilities in more than one such unit. Joint appointments may be made within a single code unit (such as between departments in a School or College), or they may also be made in which the appointee holds tenured or probationary professorial rank in an academic code unit and a non-probationary contractual or academically titled position in another entity within the University not organized as an academic code unit in the manner described in the *ECU Faculty Manual*, Part IV, hereinafter referred to as an "entity." Such entities are usually, but not exclusively, identified as a School, Center, Institute, or Program.

One academic code unit must be designated primary, with greater than 50% of all administrative and academic responsibilities for the position. Only academic code units, as defined in Part IV, Section I of the *ECU Faculty Manual*, can be the primary unit for a joint

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<sup>3</sup>When a faculty member applies for and then withdraws a request for early consideration for permanent tenure, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate vice chancellor.

appointment. The designation of the primary unit and the secondary unit or entity must be made when the appointment is created, and may be changed only with the written agreement of the faculty member, the relevant personnel, tenure, and promotion committees of the primary unit, as applicable, the relevant personnel, tenure, and promotion committees of the secondary unit or entity, and the relevant administrators.

Letters of appointment for faculty members in joint appointments to two academic code units must clearly state the criteria for reappointment, promotion, and tenure contained in the unit codes of both units, and the roles of the faculty member and all appropriate committees and administrators in personnel actions.

Letters of appointment for faculty members in joint appointments to an academic code unit and a University entity must clearly identify the criteria for reappointment, promotion, and tenure contained in the unit code of the primary unit, the criteria that the relevant standing committee or administrator of the entity will use in evaluating the professional performance of the faculty member, and the roles of the faculty member and all appropriate committees and administrators in personnel actions.

Probationary faculty members in appointments jointly held between academic code units will be reviewed for reappointment, promotion, or tenure by both units, although only members of the applicable committees of the primary unit are allowed to vote and recommend the personnel action sought. All review materials are to be fully shared between the units. Although one unit will be primary and provide the recommendation, input from the secondary unit is also considered important in the review process. In the absence of specific policies and procedures clearly enunciated in the *Unit Code* of either or both units, the review by the secondary unit will be transmitted by written memorandum from the chair of the relevant personnel committee of the secondary unit with concurrence or non-concurrence of the administrator of the secondary unit to the chair of the relevant personnel committee and to the administrator of the primary unit. Faculty members holding joint appointments of this type are subject to a special schedule described in the *ECU Faculty Manual Part X, Section II* to allow the secondary unit reasonable time to review the faculty member's Personnel Action Dossier, or other relevant documentation pertaining to the personnel action sought, prior to the review by the primary unit.

Probationary faculty members in appointments jointly held between an academic code unit and an entity will be reviewed and recommended for reappointment, promotion, or tenure only by the primary unit. All review materials are to be fully shared between the unit and the entity. Although the academic unit carries all responsibilities for personnel decisions, review by the entity is also considered important. In the absence of specific policies and procedures clearly enunciated in the *Unit Code* of the primary unit, the results of the review by the entity will be transmitted by written memorandum from the chair of a standing committee of the entity authorized to review personnel matters, with concurrence or non-concurrence of the entity administrator to the chair of the relevant personnel committee and to the administrator of the primary unit. Absent such committee in the secondary unit, the entity administrator will be responsible for transmitting the results of his or her review by written memorandum to the chair of the relevant personnel committee and to the administrator of the primary unit. Faculty members holding joint appointments of this type are subject to a special schedule described in the *ECU Faculty Manual Part X, Section II* to allow the entity reasonable time to review the

faculty member's Personnel Action Dossier, or other relevant documentation pertaining to the personnel action sought, prior to the review by the primary unit.

### III. Promotion

Persons holding the professorial rank of assistant professor or associate professor may be considered for promotion to the next professorial rank. Promotion shall be based on the faculty member's demonstrated professional competence and achievements. See *Part VIII, Personnel Policies and Procedures for the Faculty of ECU*. Promotion is governed by the policies and procedures set forth in subsection IV. In evaluating a candidate for promotion, all of the candidate's teaching, scholarship, service, and other professional activity shall count, but activity since the last promotion at ECU shall carry a greater weight than activity prior to the last promotion. Additional criteria for promotion may be contained in each unit's code. A faculty member who wishes to be considered for promotion to the next professorial rank shall write a letter requesting promotion in rank to her or his unit administrator by the deadline stated in Part X of the *Faculty Manual*. When a request is received by the deadline, the unit administrator shall notify the chair of the unit Personnel Committee. The chair of the unit Personnel Committee shall facilitate the procedure for considering the candidate for promotion. The committee's promotion recommendation shall be made during the fall term of the next academic year, in accordance with the timeline stated in Part X of the *Faculty Manual*.<sup>4</sup>

### IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure for Probationary-term Faculty Members (Please refer to *Faculty Manual* Interpretations [#106-22](#)/Faculty Senate Resolution #06-20 and [#117-01](#)/Faculty Senate Resolution #17-65)

Recommendations for faculty appointments, reappointments, promotion, and the conferral of permanent tenure are the responsibility of unit committees and the unit administrator. The timeline for faculty personnel actions is set forth in Part X of the *ECU Faculty Manual*. The evaluation of faculty members for appointment, reappointment, promotion, and the conferral of permanent tenure shall be initiated by the appropriate unit committee on notice from the unit administrator and higher administrative authority. The appropriate unit committee shall evaluate faculty members for promotion and the early conferral of permanent tenure at the request of the faculty member.

The committee's recommendation shall be forwarded to the unit administrator. A committee cannot reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation. The unit administrator shall forward the committee's recommendation and his or her recommendation to the next higher administrator. If an existing unit, school, or college is reorganized, until such a time as new promotion and tenure criteria are established in an approved unit code, the provisional code shall address the manner in which existing unit code promotion and tenure criteria shall be maintained. The provisional code should ensure that faculty members are evaluated by

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<sup>4</sup> A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for promotion, a copy of all documents submitted to support the request and a record of all decisions by the appropriate committee and any administrator(s) shall be directly forwarded to the appropriate Vice Chancellor.

personnel, tenure, and promotion committees composed of faculty members with the appropriate expertise.

If the faculty member in a probationary appointment does not provide a PAD for reappointment, promotion, or conferral of permanent tenure on or before the deadline outlined in Part X of the ECU *Faculty Manual*, the failure to submit the required PAD will be considered as notice that the faculty member is withdrawing the request for consideration for reappointment, promotion, or conferral of permanent tenure. The Personnel Committee and the unit administrator shall notify the faculty member in writing, with a copy to the next higher administrator, within 30 calendar days after the deadline that failure to submit the required PAD for consideration constitutes withdrawal from consideration. From the time of this notification, the faculty member may not serve on the unit's Personnel Committee. (Please refer to *Faculty Manual* Interpretation [#117-01](#)/Faculty Senate Resolution #17-65)

A. Description of voting faculty members:

1. Tenure-granting units

For the purposes of Part IX, Section I (IV.), voting faculty members are determined by the permanently tenured faculty of the unit using the following criteria; a voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than half-time assignment in the unit, and
- is either a probationary-term (tenure-track) faculty member or a permanently tenured faculty member, and
- is in at least the twelfth consecutive calendar month of appointment to the faculty of the unit as either a probationary-term (tenure-track) faculty member or a permanently tenured faculty member, and
- is not a unit administrator or an individual with half or more of his/her workload assigned to administrative duties as determined by the permanently tenured faculty members in consultation with the unit administrator,
- or normally meets the above conditions and is on non-medical leave of absence from all University duties but is in attendance at the meeting of the appropriate committee at the time of the committee's vote on a personnel action (reappointment, promotion, or tenure recommendation). Faculty members on approved medical leave are not permitted to participate in University business during the approved leave.

2. Non-tenure-granting units, units that are transitioning between tenure-granting and non-tenure-granting faculty structures, and clinical tenure-granting units in Health Sciences that include fixed-term faculty members in personnel actions in their unit codes

For the purposes of Part IX, Section I (IV.), voting faculty members are defined in the unit code, consistent with the following criteria. A voting faculty member of a unit is someone who:

- holds a full-time faculty position with East Carolina University and a greater than half-time assignment in the unit, and
- is in at least the twelfth consecutive calendar month of appointment to the faculty of the unit, and
- is not a unit administrator or an individual with half or more of his/her workload assigned to administrative duties as determined by the established voting faculty members in consultation with the unit administrator,



- or normally meets the above conditions and is on non-medical leave of absence from all University duties but is in attendance at the meeting of the appropriate committee at the time of the committee's vote on a personnel action (reappointment, promotion, or tenure recommendation). Faculty members on approved medical leave are not permitted to participate in University business during the approved leave.

### 3. Conflicts of interest and recusal

Faculty members must recuse themselves from personnel actions in which they have conflicts of interest. Under no circumstances may a faculty member participate in any personnel action involving someone with whom the faculty member has an amorous relationship or to whom the faculty member is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]).

If a faculty member has potential conflicts of interest, those should be disclosed to the committee, and following *Roberts Rules of Order, Newly Revised*, the committee may vote to deny that faculty member a vote in a particular personnel action.

A faculty member who is ineligible for participation in the evaluation of a related person does not count for quorum purposes and his/her ineligibility does not constitute a recommendation against the proposed personnel action.

## B. Unit Committees<sup>5</sup>

### 1. Personnel Committee

#### (a) Function

The Personnel Committee shall be responsible for making recommendations regarding initial probationary appointments and initial and additional special fixed-term faculty appointments.

#### (b) Composition

##### i. Tenure-granting units, except as stipulated in ii, below

The composition of each unit's Personnel Committee shall be determined by the Unit Code but shall consist of at least three members. The membership of the committee shall be composed of some or all of the permanently tenured and probationary-term voting faculty members of the unit, including those who are on non-medical leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit administrator. At least two-thirds of the unit Personnel Committee membership shall be permanently tenured voting faculty members. When there are not enough permanently tenured voting faculty members in the unit to satisfy this requirement, additional permanently tenured faculty members shall be appointed by the next higher administrator from a list selected by the unit's voting faculty members and containing at least twice the number of faculty members required to complete the membership of the committee. All other members of the unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty members of the unit. The chair of the unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership.

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<sup>5</sup> Except as provided herein, meetings of the committees shall be conducted according to the most recent edition of *Robert's Rules of Order, Newly Revised*.

ii. Non-tenure-granting units and transitioning units, as defined above, and clinical tenure-granting units in Health Sciences that include fixed-term faculty members in personnel actions in their unit code

In units with faculty structures, all full-time faculty members in at least the twelfth consecutive calendar month of appointment to the faculty of the unit, shall be eligible to serve on the unit Personnel Committee, and to serve as Chair of the unit Personnel Committee. Members of the unit Personnel Committees of these faculty units are to be elected by the voting faculty of each unit, as defined in Part IX, Section I (IV).

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

(c) Additional Roles of Unit Personnel Committee

In addition to making recommendations to the unit administrator on initial and additional fixed-term appointments and initial probationary-term appointments, the unit Personnel Committee has the following responsibilities:

- i. Notifying fixed-term faculty members that the Personnel Committee will or will not recommend an additional fixed-term appointment when the fixed-term faculty member requests notification (see subsection II.B.1).
- ii. Making recommendations on requests for reduction in the normal probationary term at the time of initial appointment (see subsection II.C.3).
- iii. Making recommendations on requests for the extension of the normal probationary term (see subsection II.C.4).
- iv. Consulting, by request of the faculty member, with faculty members who are considering requesting conferral of permanent tenure prior to the end of the probationary term (see subsection II.C.6).
- v. Consulting, by request of the faculty member, with faculty members who are considering requesting promotion (see subsection III.).
- vi. Reviewing additional materials submitted by faculty members for inclusion in their personnel action dossier (PAD); consulting with the unit administrator regarding responses to such materials (see subsection IV.E.2).
- vii. Electing a search committee as prescribed by the unit's code to fulfill the responsibilities of soliciting and screening applicants and recommending to the unit's Personnel Committee candidates for initial appointments. A majority of unit search committee members must have at least one academic year's employment at ECU and must be full-time faculty members holding either a fixed or probationary-term appointment or permanent tenure. For the purposes of this section, unit administrators may not be a part of the committee.
- viii. Making recommendations for advancement in title for fixed-term faculty members.

(d) Role of the Chair of the Unit Personnel Committee

The chair of the unit Personnel Committee shall be permanently tenured, except as covered by Part IX section IV, subsection B. 1. (b).ii above, and shall be elected annually by and from the committee's membership. The chair shall preside over all committees making personnel recommendations to the unit administrator and may participate in the decisions of any committee of which the chair is a member, except as noted below. The chair of the committee shall ensure that the candidate's

materials contain all required documents, obtain and distribute materials to be used during the deliberation of the committee, ensure that a valid vote has been taken, communicate the results of such votes to the appropriate faculty members and to the unit administrator, and perform other duties as designated by the unit code. If the chair of the unit Personnel Committee holds a professorial rank lower than that to which a faculty member requests promotion, the unit Personnel Committee chair shall not be eligible to participate and shall only be responsible for calling a meeting of the Promotion committee to facilitate the election of a chair of the committee from among its membership. In such cases where the Chair of the unit Personnel Committee is ineligible to participate, he/she shall not attend any meetings of the committee except to facilitate the election of the chair as noted above.

## 2. Promotion Committee

### (a) Function

The Promotion Committee shall be responsible for making recommendations for promotions in rank and for recommending the ranks of initial appointments at the associate professor or professor level. When making a recommendation for or against promotion, the Promotion Committee shall prepare and forward to the unit administrator and to the candidate (Part IX, Section IV, (H)) a statement of the committee's recommendation that contains the committee's cumulative evaluation of the candidate. In the case of a recommendation for or against promotion that coincides with a recommendation for or against permanent tenure, both recommendations are reported together and only one cumulative evaluation addressing both recommendations is required. The committee's deliberations on its cumulative evaluation and recommendation may address any of the candidate's contractual duties and professional conduct (Part V, Section II).

In order to protect the candidate's due process rights, the review will address misconduct only if the misconduct is documented in the faculty member's personnel file and the faculty member's due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee's review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

### (b) Composition

The membership of the Promotion Committee shall be composed of those permanently tenured voting faculty members who hold rank at least equal to the rank for which the candidate is being considered, including those on non-medical leave but in attendance at the committee's meeting at the time of the committee's vote, but excluding the unit administrator. The composition of the committee shall thus vary with the rank to which a faculty member is being considered for promotion.

When a unit has fewer than three permanently tenured voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured faculty members at the required rank from other units across the University to increase the committee's membership to three. These appointments to the committee must be from one list of candidates

selected by a vote of the permanently tenured faculty members having rank at least equal to the faculty member(s) being considered for promotion in addition to the faculty member(s) seeking promotion. The list forwarded to the next higher administrator by the faculty will contain at least twice the number of faculty members required to complete the membership of the committee(s). Before voting on the list to be forwarded to the next higher administrator, the chair of the committee will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

### 3. Tenure Committee

#### (a) Function

The Tenure Committee shall be responsible for making recommendations for reappointments of probationary-term faculty members, the granting of permanent tenure, and conferral of tenure for initial appointments with permanent tenure. For granting of permanent tenure (but not for initial appointments with tenure), the Tenure Committee, or an elected subcommittee of the Tenure Committee, shall prepare a cumulative evaluation of the faculty member; and, after review and response (if any) by the candidate, shall forward to the unit administrator its recommendation, along with the cumulative evaluation and candidate's response (if any). When the decision is for both tenure and promotion, only one cumulative evaluation containing a recommendation for or against tenure and promotion is required. The committee's deliberations on its cumulative evaluation and recommendation shall have as their basic standard of appraisal and evaluation whether the faculty member under review met the stated and approved criteria of the unit's code during the period under review. The committee's deliberations may address any of the candidate's assigned duties and professional conduct (Part V, Section II).

In order to protect the candidate's due process rights, the review will address misconduct only if the misconduct is documented in the faculty member's personnel file and the faculty member's due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee's review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.

#### (b) Composition

The Tenure Committee shall be composed of the permanently tenured voting faculty members of the unit, including those who are on non-medical leave but in attendance at the meeting at the time of the committee's vote, but excluding the unit administrator.

When a unit has fewer than three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured voting faculty members from other units to increase the committee's membership to three. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty members of the unit, including the faculty member(s)

seeking tenure. The list forwarded to the next higher administrator by the appropriate faculty members will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty members will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

(c) Additional roles of the unit Tenure Committee.

A Code Unit may establish, in its unit code, procedures for fulfilling the additional roles; however, if the Code of a unit is silent in this regard, it is hereby established that the entire membership of the unit Tenure Committee will participate in these additional roles. In accordance with the unit code, if the unit's Tenure Committee has more than five members, the unit Tenure Committee may elect a subcommittee of at least five members to participate in these additional roles. The unit Tenure Committee (or properly constituted subcommittee):

- i. Produces a list of possible external reviewers and selects external peer reviewers from lists produced by the Committee and by the candidate (see subsection IV.D.).
- ii. Selects, with the unit administrator, the scholarship materials to be sent to external peer reviewers (see subsection IV.D.).
- iii. In consultation with the unit administrator, prepares Progress Toward Tenure Letters annually during each candidate's probationary term, except for the year immediately preceding candidate's tenure decision year.

C. Role of Unit Administrator

The unit administrator serves to provide leadership, support, and guidance to the total functioning of the unit.

The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the Personnel Committee on all personnel actions required or expected, reviewing candidates' Personnel Action Dossiers to ensure that all required documentation is present, and distributing all personnel documents and materials to the appropriate secure location. For probationary term faculty members, the unit administrator annually confers with the Tenure Committee on the candidate's Progress Toward Tenure Letter. For tenure or promotion, the unit administrator prepares a cumulative evaluation in narrative form of the candidate's teaching, scholarship, service, and any other relevant duties. As indicated at the beginning of this section, the personnel recommendations of the unit administrator shall be forwarded to the next higher administrator along with the recommendation of the appropriate faculty committee.

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

and is excluded from all unit committee deliberations and votes concerning candidates for appointment, re-appointment, promotion, or permanent tenure. However, there may be occasions on which a unit administrator and a committee wish to confer for informational purposes.

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

“External peer review” means a review of a candidate’s scholarship by persons who are not faculty members or employees of East Carolina University. Every effort must be made to ensure that the process of external peer review is conducted fairly and without bias. External peer reviews of the quality of the candidate’s scholarship, as evidenced by the material submitted by the candidate for promotion or conferral of permanent tenure or both, will be used by the appropriate committee(s) in conjunction with its own evaluation of the material. The unit administrator and the unit Tenure Committee shall select the material from the dossier to be sent to external reviewers. The candidate may include additional published or accepted material if the candidate disagrees with the initial selection. Inclusion of such additional items in the materials sent to reviewers shall be noted by memorandum of the unit administrator in the dossier and the candidate’s personnel file.

Qualifications of the reviewers and criteria for their selection are to be determined by the faculty of each unit and contained in the unit code. According to the provisions of unit codes, other materials that reflect the candidate’s scholarly activities may be included in the selections to be sent to external reviewers.

In accordance with the timeline in the Faculty Manual Part X, prior to the academic year in which a promotion or tenure decision is scheduled, the unit Tenure Committee shall produce a list of at least six possible external reviewers. The candidate for promotion and/or permanent tenure shall independently provide a similar list, noting for each name any potential conflicts of interest and a description of any current and past relationship, if any, between the reviewer and the candidate. The candidate shall also provide similar relationship information for each name on the unit Tenure Committee's list.

The unit Tenure Committee shall select a minimum of six names from its list and the candidate’s list with the goal of ensuring that a minimum of three external reviewers agree to provide letters. If fewer than three external reviewers agree to provide letters, the unit administrator shall request additional names from the Tenure Committee. The unit administrator and Tenure Committee shall ensure that at least one-third of the reviewers come from the candidate’s list. In cases where membership on the committee’s list and the candidate’s list overlaps, it is permissible that all reviewers be on the candidate’s list. External reviewers shall hold a rank not less than that to which the candidate is requesting promotion or, if a member of a foreign University, be of at least equivalent academic standing to the rank being sought as determined by the Tenure Committee. If the reviewer is not an academic, the reviewer shall demonstrably possess the professional experience necessary to evaluate the candidate’s qualification for the rank being sought. Code units that require more than three external reviewers shall make special provisions in their unit codes. These provisions must clearly indicate the number of external reviewers required by the unit.

The unit administrator or his or her delegate shall serve as the contact person with potential and actual external reviewers. If a situation arises in which a unit administrator or his or her

delegate is unable to communicate with a potential or actual reviewer in a timely manner, the unit Tenure Committee chair will do so. If the unit administrator, his or her delegate, or the Tenure Committee chair is unable to communicate with external reviewers in a timely way, the next higher administrator shall appoint someone to perform the necessary communication duties. Only procedural matters may be discussed with potential and actual reviewers for the duration of the personnel action.

The unit administrator will notify potential reviewers in writing that they have been nominated to conduct the review and ascertain their willingness to serve as reviewers. To assist the potential reviewer in determining their own suitability to perform the review, the request to serve as an external reviewer will be accompanied by a copy of the candidate's Curriculum Vitae, and it will solicit both information about potential conflicts of interest and a description of the current and past relationship, if any, between the potential reviewer and the candidate. If any potential conflicts are disclosed, the unit administrator and the Tenure Committee will meet to determine whether the disclosed relationship should preclude the potential external reviewer from serving in that capacity. If the unit administrator and the committee do not agree, the next higher administrator will reach a determination. All communications on such a disclosed relationship and a memo describing the decision written by the unit administrator should be included in the PAD.

No later than the date specified in Part X of the *Faculty Manual*, selected scholarship from the candidate's PAD and the candidate's Curriculum Vitae, along with a cover letter prescribed by the appropriate Vice Chancellor, shall be sent to the reviewers. Units may send an excerpt from the Unit Code describing the criteria for tenure and/or promotion, as applicable. Correspondence with the reviewers shall be written in neutral terms, serving to neither support nor oppose the candidate and shall not deviate substantially from the University-prescribed cover letter.

All external reviews received by the deadline specified in Part X of the *Faculty Manual* must be included in the PAD. In the case that the number of reviews received exceeds the number of reviews set by the candidate's Unit Code, all reviews received shall be included in the candidate's PAD. Copies of all written communications with reviewers who complete timely reviews shall be placed in the candidate's Personnel Action Dossier. Copies of all written communications with other potential reviewers shall be placed in the candidate's personnel file.

If the faculty member under review does not provide the material to be submitted to external reviewers by the deadline outlined in Part X of the ECU *Faculty Manual*, the failure to submit the required materials will be considered as notice that the faculty member is withdrawing the request for consideration for promotion or conferral of permanent tenure. The Personnel Committee and the unit administrator shall notify the faculty member in writing, with a copy to the next higher administrator, within 30 calendar days of the deadline that failure to submit the required materials for external review constitutes withdrawal from consideration. From that time, the faculty member may not serve on the unit's Personnel, Tenure, or Promotion committees.

(Copies of the prescribed letters are available [here](#) and on the Faculty Senate website at <http://www.ecu.edu/cs-acad/fsonline/fq/facultygovernance.cfm>.) Copies of all correspondence with the reviewers and the reviews shall be made a part of the Personnel Action Dossier (hereinafter, "the dossier") (see Part X).

Upon receipt of a review, the unit administrator will place the original review in the candidate's personnel file and copies of the review in the candidate's dossier. Copies of the external review letter will only be made available to candidates upon petition. The unit administrator shall then notify the members of the appropriate committee that the Personnel Action Dossier, including external reviews, is available.

If, prior to August 1 of the summer during which a candidate's material is under review, someone who has agreed to conduct a review withdraws or it otherwise becomes known that an agreed-upon review will not be forthcoming, the Tenure Committee will provide the unit administrator with the name of an additional reviewer from the prioritized list, following the same procedure that resulted in the original list. When fewer than three external reviews are received by the deadline set in the letter to the external reviewers that accompanied the candidate's materials, this information, by memorandum from the unit administrator, shall be made a part of the candidate's PAD as the review process continues.

#### E. Documentation for Personnel Actions

##### 1. Employment Applications

Information on job applicants is to be kept in a secure file available to the appropriate committee members (see subsection IV.A).

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

The Personnel Action Dossier (PAD) is a file containing materials for evaluating a faculty member's professional activities and accomplishments. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure. If the faculty member is considering requesting promotion or the early conferral of permanent tenure, he/she may request consultation with the Personnel Committee. Additional materials submitted by the faculty member for inclusion in the PAD will be reviewed by the Personnel Committee in consultation with the unit administrator. The dossier will be used by the appropriate committee in making personnel recommendations. Documents may not be added to the PAD after the deadline for submitting the PAD to the Tenure and/or Promotion Committee, as specified in Part X, except where revised deadlines are approved in writing by the Chancellor. Prior to a committee's review, the unit administrator will confirm that the candidate's PAD contains all required materials. If a candidate's PAD is missing any required document, the review process is halted until the Chancellor approves an extension of time to secure required documents. A committee's deliberations are not limited to the contents of the Personnel Action Dossier and may address any of the candidate's contractual duties and professional conduct (Part V, Section II).

In order to protect the candidate's due process rights, the review will address misconduct only if the misconduct is documented in the faculty member's personnel file and the faculty member's due-process rights were respected (the right to appeal a finding or sanction to the relevant committee and the right to include in the personnel file a letter expressing disagreement with a finding). Should an alleged case of misconduct be too recent for the candidate to appeal the charge or finding of misconduct by the University, the committee's review may be suspended with the approval of the Chancellor until such time as determined by the Chancellor.



For details on the organization, content, and limitations of the dossier, see Part X of the *ECU Faculty Manual*.

### 3. Disagreements as to inclusion or removal of documents

If the faculty member disagrees with the unit administrator and/or the unit Personnel Committee as to the inclusion of relevant documents, the documents will be included and each may include a statement about the document in the dossier.

## F. Initiation of Recommendations by Unit Personnel, Tenure, and Promotion Committees

### 1. Procedural Rules for conducting committee business

The unit administrator shall give timely notice to the chair of the unit Personnel Committee when personnel actions are to be initiated and of the date defined in Part X of the *Faculty Manual* by which the committee's recommendation and cumulative evaluation, if applicable, must be communicated to the unit administrator. After being notified by the unit administrator that a personnel action is required, the chair of the appropriate committee shall make at least three attempts at intervals of no fewer than five working days each to hold a meeting of the appropriate committee for the pending personnel action. In order to conduct business, a committee shall not meet without a quorum.

A quorum is defined as three-quarters of the membership for a committee that has twenty or fewer members; and a quorum is defined as a majority, defined as 50% plus one, of the membership for a committee that has more than twenty members. A list of all committee members who were absent during a vote on a personnel action will be forwarded to the unit administrator. The committee may develop policies to designate certain absences as excused absences. Faculty members on approved medical leave do not attend and do not count for purposes of determining a quorum of the committee. Unexcused absences should be considered in annual evaluations.

The purpose of this meeting is to deliberate and hold a vote by secret ballot on the pending personnel action. All materials pertaining to the pending personnel action (see subsection IV.D.) must be available for inspection in a secure location at least five business days prior to the meeting. Members of the committee(s) who are responsible for the pending personnel action shall review the materials individually in preparation for discussion at the meeting. A faculty member on leave and not in attendance at a meeting shall not be counted for the purposes of determining a quorum for that meeting. A faculty member on non-medical leave but in attendance at a meeting shall be counted for the purposes of determining a quorum for that meeting.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

If the committee fails to meet the deadline for the submission of the committee's recommendation specified in Part X, this outcome shall count as a recommendation by the committee against appointment, reappointment, promotion, or tenure. In such a case, the chair of the appropriate committee shall report in writing to the unit administrator that after at least three attempts the committee has failed to meet due to a lack of a quorum, and that this outcome constitutes a recommendation against appointment, reappointment, promotion, or tenure. The unit administrator shall forward the committee's recommendation and the unit administrator's recommendation to the candidate and to the next higher administrator.

## 2. Voting Procedures for Personnel Actions

(a) In the case of initial appointment recommendations, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for the appointment.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

A candidate who receives a majority vote of the committee members present shall be recommended for appointment. (For recommendations of rank of initial appointments at the associate professor or professor level, see subsection IV.B.2.a.; for conferral of tenure for initial appointments see subsection IV.B.3.a.) A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

(b) Faculty recommendations for promotion and conferral of permanent tenure shall come from the appropriate committee (see Section IV.B). Within fifteen working days of notification by the unit administrator of the need to initiate a personnel action, the chair of the appropriate committee shall convene a meeting of the committee (see subsection IV.F.1.). Five calendar days prior to the scheduled meeting to deliberate and vote on the required personnel decision, the committee or a subcommittee elected by the appropriate committee in accordance with Section IV will prepare a draft cumulative evaluation in narrative form. This draft evaluation shall be prepared based on the candidate's Personnel Action Dossier and shall evaluate his or her strengths and weaknesses in light of the unit's established criteria, similar to the evaluations of Progress Toward Tenure conducted annually during the probationary term.

At the scheduled meeting described above, the committee shall discuss and edit the draft cumulative evaluation and subsequently choose the method to vote by secret ballot on the recommendation for promotion and/or conferral of permanent tenure. The committee's deliberations may address any of the candidate's professional activities and conduct. If the committee chooses to vote on the recommendation at this meeting, the vote will be taken by secret ballot. Immediately following this vote on the recommendation and prior to the adjournment of the meeting, the committee may finalize and vote on approval of the cumulative evaluation. If the committee chooses to vote on the recommendation by mail as described below, it may decide to reconvene in a later meeting to revise and approve the cumulative evaluation.

The committee members may choose to vote by mail according to the latest edition of *Robert's Rules of Order, Newly Revised*. At the scheduled meeting described above, the committee shall discuss, edit, and vote on the draft cumulative evaluation. If a motion to vote on the recommendation by mail is approved by a majority of the committee members present and voting, voting on the recommendation shall be by mail. If a committee chooses to vote on the recommendation by mail, all members must vote by mail. In the event that the university officially adopts a secure and confidential system for online voting, the committee may elect to use it in place of mailed ballots as described in subsection d below.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, subsection IV.A.3.

A committee shall not reconsider a vote on a cumulative evaluation or personnel recommendation after the committee has notified the unit administrator of its recommendation.

(c) In the case of recommendation(s) for new appointments or for subsequent appointments of faculty members currently holding fixed-term appointments, each member of the unit Personnel Committee will indicate by secret ballot his or her choice for or against the recommendation. This vote may be taken at a committee meeting or by mail ballot as described in subsections IV.F.2(d) and IV.F.2(e).

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

The committee's deliberations may address any of the candidate's professional activities and conduct. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for a new or subsequent appointment. A member who is present when a vote is taken but who does not vote counts as part of the membership of the committee for the purposes of determining a majority vote. Failure to obtain a majority vote constitutes a recommendation against a new or subsequent appointment. A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

(d) If a committee votes by mail, the ballots shall be sent by a method that provides delivery verification and is consistent with *Robert's Rules of Order, Newly Revised* or distributed by the committee chair. The refusal by a committee member to receive the correspondence containing the ballot within five business days of the delivery attempt shall count as a vote against appointment, reappointment, promotion, or tenure. If ballots are distributed by the committee chair, the committee chair shall assure that recipients acknowledge receipt in writing. The acknowledgment must include the date of receipt. A ballot either shall be returned by a method that provides delivery verification and is consistent with *Robert's Rules of Order, Newly Revised* or shall be personally returned by hand to the committee chair, at the discretion of the individual committee member. Committee members returning ballots by hand shall sign a confirmation form that is retained by the committee chair, with the secrecy of the ballot preserved according to procedures in *Robert's Rules of Order, Newly Revised*.

(e) Ballots not returned within ten working days of verified receipt shall count as a vote against recommending appointment, reappointment, promotion, or tenure. If a committee votes by mail or a university-adopted electronic system, a faculty member on non-medical leave may choose either to vote or not to vote, at his or her discretion. The unit administrator shall ascertain and shall inform the chair of the appropriate committee in writing as to whether or not a faculty member on non-medical leave will participate in balloting. Faculty members on approved medical leave are not permitted to participate in University business during the approved

leave. If a faculty member on non-medical leave chooses to participate in balloting, the faculty member shall count in determining a majority vote in favor of the recommendation. If the faculty member on non-medical leave chooses not to participate in balloting, the faculty member shall not count in determining a majority vote in favor of the recommendation.

#### G. College Promotion and Tenure Committee

##### 1. Function

A College Promotion and Tenure Committee, if established in the unit code or College constitution or bylaws, shall be responsible for advising the dean regarding promotion and the conferral of permanent tenure.

##### 2. Composition and Election

The composition and election of a College Promotion and Tenure Committee shall be determined by the college according to procedures in its College Unit Code, constitution, or bylaws. The College Committee shall consist of at least three permanently tenured faculty members from the College holding the rank of professor, but excluding the dean and unit administrators. If the committee consists of only three members, there shall be a sufficient number of alternates, as needed, to ensure there are always three voting members of the committee. Procedures shall ensure that faculty members serving on the College committee shall have only one vote, either on the unit committee or the College committee.

For limitations on participation in personnel actions due to potential conflicts of interest, see Part IX, Section IV (A.3.).

#### H. Notification of Recommendations

The faculty member shall be informed in writing of all personnel recommendations at every level, continuing up to the level where the final decision is made.

Tenure and/or promotion recommendations shall be communicated by the chair of the respective committee(s) to the candidate, sent by a method that provides delivery verification, along with a notification that the candidate has seven working days to respond to the cumulative evaluation(s), if desired. In accordance with the deadline in Part X, Section II of the *ECU Faculty Manual*, the committee shall forward to the unit administrator its recommendation, cumulative evaluation, and the candidate's response, if any.

A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

For tenure and/or promotion decisions, the unit administrator prepares a separate cumulative evaluation with a recommendation and communicates it to the candidate, the committee, and the next higher administrator. The written notification shall contain the statement that the candidate has seven working days from the date of receipt of the notification letter, sent by a method that provides delivery verification, to provide a written response to the cumulative evaluation for inclusion in the PAD, if desired.

#### I. Procedure for Concurring and Non-Concurring Recommendations concerning Reappointment, Promotion, and/or the Conferral of Permanent Tenure

If a unit administrator and the appropriate committee disagree on a recommendation for reappointment, promotion, and/or the conferral of permanent tenure, the unit administrator shall discuss the potential non-concurrence with the unit committee before forwarding the committee's recommendation and his or her concurrence or non-concurrence to the next higher administrator.

A committee shall not reconsider a vote on a personnel recommendation after the committee has notified the unit administrator of its recommendation.

After the appropriate committee and the unit administrator transmit their recommendations to the next higher administrator, that administrator performs his or her own review. The administrator shall discuss any potential non-concurrence with the unit committee before forwarding his or her concurrence or non-concurrence, along with the recommendations from the committee and the unit administrator, to the next higher administrator. The same procedure shall be repeated at each administrative level until the recommendation reaches the appropriate Vice Chancellor.

Immediately after the completion of each level of administrative review, the administrator's recommendation shall be communicated to all appropriate lower administrators, the candidate, and the committee of the unit which made the initial recommendation.

If the Vice Chancellor concurs in a recommendation for promotion and/or conferral of permanent tenure, the Vice Chancellor shall forward the recommendation to the Chancellor for the Chancellor's review.

A decision by the Vice Chancellor to reappoint is final unless it is accompanied by a request for tenure or a request for promotion; a decision to reappoint with tenure is final only upon recommendation of the Chancellor and approval by the Board of Trustees; a decision to promote without tenure is final only when approved by the Chancellor.

In the event that the Vice Chancellor is considering a recommendation concerning reappointment, promotion, and/or the conferral of permanent tenure that is contrary to the recommendation of the appropriate unit committee, the Vice Chancellor shall meet with the committee to discuss the potential non-concurrence. Regardless of the recommendation of the appropriate unit committee, if the Vice Chancellor decides against reappointment, promotion, and/or conferral of permanent tenure, the Vice Chancellor shall give the faculty member being considered a simple, written statement of the decision. This statement serves as notification of non-reappointment in accordance with UNC Code 604. This decision is final except as it may later be reviewed in accordance with the provisions of Part IX, Section I (V) or the grievance procedure of Part XII, Section I.

If the Chancellor concurs in a recommendation to confer permanent tenure, the Chancellor shall submit the recommendation to the Board of Trustees for approval. The Board's decision is final except in the case of a denial, which may be reviewed in accordance with the provisions of Part IX, Section I (V). If the Chancellor concurs in a recommendation in favor of promotion in the absence of a request for tenure, the Chancellor's approval shall be final.

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

V. Procedure for Review of Any Notice of Non-Reappointment or Notice of Non-Conferral of Permanent Tenure at the Completion of the Probationary Term.

A. Deadlines for Review

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

B. Request for Hearing with the Hearing Committee

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

1. The Hearing Committee

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

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

When the committee is convened to consider any matter associated with a complainant's request for a hearing, those committee members who hold an appointment in the complainant's academic unit, those who might reasonably expect to be called as witnesses, those who might reasonably expect to be asked to serve as advisors (see subsection V.D.2, Conduct of the Hearing) to any party of the hearing, or those who may have any other conflict of interest should disqualify themselves from participation in the

activities of the committee related to this specific request for a hearing. The complainant and those individuals or groups who are alleged to be responsible for the action or actions described by the complainant in the request for the hearing (hereinafter, the respondents) are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

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

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

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

## 2. Initiation of the Hearing Process

The basis for a request for a hearing must be found in one or more of the following reasons: (a) the decision was based on any ground stated to be impermissible in Section 604B of The Code of The University of North Carolina; (b) the decision was attended by a material procedural irregularity such that doubt is cast on the integrity of the decision not to reappoint. In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

Section 604B of The Code of The University of North Carolina states: "In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, color, sex, religion, creed, national origin, age, disability, veteran's status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. The term 'personal malice' means dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual that are not relevant to valid University decision making. For example, personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record evidence might establish that the responsible department chair declined

to recommend a probationary faculty member for reappointment with tenure because of the faculty member's 'unpleasant personality and negative attitude'. Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms 'ill-will', 'dislike', 'hatred' and 'malevolence' may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making decisions." (UNC Policy Manual 101.3.1.II.B)

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

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

### C. Procedures for the Hearing.

#### 1. Time and Date of Hearing

After receiving the request for a hearing, the committee shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The committee shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receiving the request, except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled. The committee shall then notify the complainant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. At least 21 calendar days before the hearing, the complainant shall notify the committee, the respondents, the chair of the faculty, and the chancellor of the identity of the complainant's advisor, if any, and whether or not the advisor is an attorney. ("Attorney" is defined as anyone with a Juris Doctor, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee). Within 14 days before the hearing, the complainant and respondent will submit documents and a list of witnesses to be used in the hearing.



## 2. Conduct of the Hearing

The chair of the Hearing Committee or regular member of the committee if the chair is unavailable, is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the committee's members and alternates, the complainant, one person who may advise the complainant, the respondent(s), and one person who may advise the respondent(s). If there is more than one respondent, the respondents will designate a spokesperson for the hearing. There will be an equal number of persons advising the complainant and respondent(s). The person advising the complainant may not take an active part in the proceedings. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) selected by the Chancellor or an East Carolina University attorney, if the complainant is accompanied by an attorney. The person advising the respondent(s) may not take an active part in the proceedings. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing.

Any such record is a part of the personnel inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators and attorneys, and the members of the University governing boards and their respective committees and staff are permitted access to such materials.

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

Following the opening remarks by the hearing chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their spokesperson, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their spokesperson, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. At the conclusion of the hearing, the complainant may make a summary statement of up to ten minutes in duration. If the complainant elects to do so, then the respondent(s), through their spokesperson, will be given the same opportunity.

### D. Procedures After the Hearing

After the hearing, the committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two calendar days, at which time it shall reconvene in executive session to determine whether it sustains or does not sustain the allegations stated in the request for the hearing. In reaching decisions on which the committee's written recommendations to the chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its

discretion, may allow. The Complainant shall have the burden of proof. The standard applied by the committee shall be that the preponderance of the evidence establishes that a basis for his or her contentions is found in one of the reasons listed in subsection V.B.2. Initiation of Hearing.

Within 14 calendar days of finishing its deliberations the committee shall provide the complainant, respondents, and the chancellor with a copy of the committee's report and, a copy of the court reporter's transcript of the hearing.

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

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

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

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

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

The purpose of the appeal to the Board of Governors is to assure (1) that the campus-based process for reviewing the decision was not materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered, (2) that the result reached by the chancellor was not clearly erroneous, and (3) that the decision was not contrary to controlling law or policy. No appeals for denial of early tenure will be heard by the Board of Governors.

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

### A. Sanctions

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

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

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

### B. Notice

Written notice of intent to discharge the faculty from employment or to impose serious sanction, together with a written specification of the reasons (these sanctions hereinafter in Section VI are referred to as "the sanction") shall be sent by the vice chancellor with supervisory to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The statement shall include notice of the faculty member's right, upon request, to a hearing by the Due Process Committee (subsection VI.E.).

### C. Penalty Without Recourse

If, within 14 calendar <sup>1</sup> days after the faculty member receives the notice and written specification of the reasons referred to in subsection VI.B. above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

### D. Hearing Request

A faculty member shall timely submit a request for a hearing to the vice chancellor with supervisory authority in writing by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. Upon receipt of such a request the vice chancellor with supervisory authority shall, within 10 calendar days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with subsection VI.F.1.

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

## E. Due Process Committee

The Due Process Committee (hereinafter "Committee") shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member Part IX, Section I (IV). Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates. Upon organization, the members of the Committee shall elect a chair and a secretary. Should any Committee officer be absent at the beginning of a hearing, the Committee shall elect an alternate officer for the purposes of the hearing.

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

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

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

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

## F. Procedures for the Hearing

### 1. Time and Date of Hearing

The Committee shall set the time, date, and place for the hearing. The Committee shall accord the faculty member 30 calendar days from the time it receives the faculty member's written request for a hearing to prepare a defense. The Committee may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member. The Committee shall notify the affected faculty member, the vice chancellor with supervisory authority, and the chair of the faculty of the time, date, and place of the hearing. The Committee will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is

received during official university breaks and holidays and despite reasonable efforts the Committee cannot be assembled.

## 2. Conduct of Hearing

The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction. The chair of the Committee, or an elected member of the Committee if the chair is unavailable, is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the Committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the vice chancellor with supervisory authority, or his/her designee, and/or counsel for the vice chancellor. Other persons (witnesses) providing information to the Committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the Committee as appropriate. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing. The hearing shall be closed to the public unless both the faculty member and the Committee agree that it may be open.

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

## G. Procedures After the Hearing

After the hearing, the Committee shall meet in executive session and begin its deliberations or shall adjourn for no more than two calendar days, at which time it shall reconvene in executive session. In reaching its decisions the Committee shall consider only the testimony and other materials entered or presented as evidence during the hearing and such written or oral arguments as the committee, in its discretion, may allow. The University has the burden of proof. In evaluating evidence, the Committee shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action.

Within 14 calendar days of finishing its deliberations or after the full transcript is received, whichever is later, the Committee shall provide the faculty member<sup>[i]</sup> and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. In its report the Committee shall state whether or not it recommends that the intended sanction be imposed.

In reaching a decision, the chancellor shall consider only the written transcript of the hearing and the report of the Committee. Within 30 calendar days of receiving the report, the

chancellor's decision shall be conveyed in writing to the Committee and the affected faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3.

#### H. Appeal

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

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

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

This decision shall be final except that the faculty member may, within 14 calendar days after receiving the trustees' decision, file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, to the Board of Governors by alleging that one or more specified provisions of the *Code of The University of North Carolina* have been violated. Any such appeal to the Board of Governors shall be transmitted through the President.

#### I. Suspension During a Period of Intent to Discharge

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

### VII. Termination of Faculty Employment

#### A. Reasons Justifying Termination and Consultation Required

##### 1. Reasons for Terminating Employment

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

Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or

events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by subsection VII.A.2. below.

This determination is subject to concurrence by the President and then approval of the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with Section 605 B (1) of The Code of The University of North Carolina and the institutional procedures set out in subsection B below.

## 2. Consultation with Faculty and Administrative Officers

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

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

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

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

## B. Termination Procedures

### 1. Consideration in Determining Whose Employment is to be Terminated

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

2. Timely Notice of Termination
  - a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, the faculty member shall be given timely notice as follows: One who has permanent tenure shall be given not less than twelve months notice; and one who does not have permanent tenure shall be given notice in accordance with the requirements specified in Section II.C.
  - b. When a faculty member's employment is to be terminated because of financial exigency, the institution will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in the preceding paragraph.
3. Type of Notice to be Given
  - a. Should the chancellor decide to terminate employment following receipt of the report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and a copy of this procedure on termination of employment.
  - b. For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in subsection VII.A.1., the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be sent by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 to the address last furnished to the chancellor's office, and the faculty member will be given thirty calendar days after attempted delivery of the notice in which to accept or reject the offer. The offer to resume a terminated position shall provide for tenure status, rank, and salary at least equal to those held by the faculty member at the time of termination.
  - c. The institution, when requested in writing by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. Such assistance shall include secretarial assistance, access to the telephone (including long distance), University/unit stationary and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.
4. Termination if Reconsideration is Not Requested

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



Within 10 working days after receiving the notice required by subsection VII.B.3, the faculty member may request by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 a reconsideration of the decision to terminate employment, if the faculty member alleges that the decision was arbitrary or capricious. The request shall be submitted to the chancellor and shall specify the grounds upon which it is contended that the decision to terminate employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention. Submission of such a request constitutes on the part of the faculty member: (1) a claim that the contention can be supported by representation of factual evidence, and (2) an agreement that the institution may offer in rebuttal of the faculty member's contention any relevant data within its possession. Upon receipt of such a request the chancellor shall, within 10 working days, notify the chair of the Reconsideration Committee of the need to convene a hearing in accordance with subsection VII.B.7.

6. The Reconsideration Committee

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

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

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

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

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

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

7. Procedures for the Hearing

a. Time and Date of Hearing

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

b. Conduct of Hearing

The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. For any hearing from which an appeal may be taken, a professional court reporter must be used to record and transcribe the hearing.

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

## 8. Procedures After the Hearing

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

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

If the Reconsideration Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member, the chair of the faculty and the chancellor. The faculty member may appeal the decision to terminate employment to the chancellor within 10 calendar days following receipt of the committee's decision.

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

Within 30 working days after receiving the recommendation, the chancellor shall send written notice to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee giving his decision and stating what modification, if any, the chancellor will make with respect to the original decision to terminate the faculty member's employment. If the chancellor fails to reverse the original decision, the chancellor shall send written notice of such to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty, and the chair of the Reconsideration Committee. The faculty member may appeal the termination to the Board of Trustees within 10 calendar days following receipt of the chancellor's decision.

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

- a. The Board will grant requests to review contentions that the grievance procedures followed by the campus in a particular case did not comport with University requirements that affect the credibility, reliability, and fairness of such inquiries, thereby arguably depriving the grievant of a valid opportunity to establish his or her contentions.
- b. The Board will grant requests to review University policy issues implicated by a particular grievance, when the question appears to require intervention by the governing board to clarify the definition, interpretation, or application of such policies.
- c. The Board will review questions about the sufficiency of the evidence to sustain the conclusion reached only if (a) the case involves a substantial interest of the grievant, and/or (b) the history of the case reveals disagreement, with respect to the sufficiency of the evidence to sustain the grievant's contentions, among the responsible decision

makers, i.e., the reconsideration committee, the chancellor, or the board of Trustees<sup>6</sup>; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Trustees. Under the foregoing prescriptions, it is necessary for prospective petitioners to evaluate their circumstances carefully, to understand the purposes of permissible appellate review, and to formulate clearly and concisely their statement of the one or more grounds on which they believe the Board should exercise its appellate jurisdiction. Thus, the first step in any appeal to the Board of Trustees will be an evaluation by the Board, through a designated committee, with staff assistance, of the grievant's written statement of grounds for appeal, to determine whether the issues sought to be raised warrant Board attention, as judged by the three basic standards.

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

#### VIII. Effective Date

- A. These policies and regulations supersede all other institutional documents governing the matters covered herein.
- B. Except as otherwise provided below, all provisions of these policies and regulations shall become operative on the date they are approved by the President of the University of North Carolina.

These regulations as amended shall apply only to those appeals following non-reappointments and non-conferrals of tenure in which the original decision not to reappoint or not to confer permanent tenure was made after the effective date of these regulations. Regulations applicable to appeals following non-reappointment or non-conferral of tenure in which the original decision not to reappoint or not to grant permanent tenure was made prior to the effective date of these regulations are those rules in effect at the time that the original decision was made.

In compliance with UNC Code 602 (1) final approval of this document involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs/General Counsel, and President of UNC System.)

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#### Approved (entire document)

Faculty Senate Resolution #06-19, January 9, 2007  
Erskine Bowles, President of UNC System

Interpretation #106-22/Faculty Senate Resolution #06-20, May 2006 (Chancellor)

Faculty Senate Resolution #09-51, July 12, 2010

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<sup>6</sup>A faculty member receiving a notice of non-conferral of early permanent tenure may file a grievance in accordance with *ECU Faculty Manual* Part XII, Section I. The Board of Trustees will remain responsible for reviewing, on appeal, a grievant's contention that the chancellor's decision (or affirmation of a faculty committee decision) was clearly erroneous.

Erskine Bowles, President of UNC System (with editorial revision to section V.B.2 as suggested)

Interpretation #111-01/Faculty Senate Resolution #11-43, May 2011 (Chancellor)

Faculty Senate Resolution #16-15, April 7, 2017 Effective date: July 1, 2017  
Margaret Spellings, President of UNC System (with editorial revisions as suggested)

Interpretation #117-01/Faculty Senate Resolution #17-65, November 2017 (Chancellor)

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## **EAST CAROLINA UNIVERSITY FACULTY MANUAL INTERPRETATIONS**

Referenced in *Faculty Senate Resolution #16-15: Revised ECU Faculty Manual, Part IX, Section I. Tenure and Promotion Policies and Procedures of East Carolina University, subsections I. – IV.*

### **Faculty Senate Resolution #106-20**

Approved by the Faculty Senate: April 18, 2006

Approved by the Chancellor: May 5, 2006

Interpretation of the *ECU Faculty Manual*, [Appendix D](#), clarifying that the numbers of faculty votes either yea or nay or abstaining in secret ballot voting cannot be shared with administrators.

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### **Faculty Senate Resolution #11-43**

Approved by the Faculty Senate: March 29, 2011

Approved by the Chancellor: May 5, 2011

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

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

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

The statement (noted in red) indicates that prospective external reviewers appearing on the two independently compiled lists cannot serve and that new reviewers must be identified to replace those reviewers originally on both the candidate's list and the committee's list. **This provision was NOT intended to prevent a unit Tenure Committee from selecting an external peer reviewer who was also suggested by the faculty candidate.**"

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

PART IX – APPOINTMENT, TENURE, PROMOTION, AND ADVANCEMENT POLICIES AND PROCEDURES AND PERFORMANCE REVIEW OF TENURED FACULTY

SECTION II

Performance Review of Tenured Faculty of East Carolina University  
(Revised 10-15)

- I. Preamble
  - II. Description of Policy
    - A. Timing
    - B. Performance Standards for the Review
    - C. Performance Review Committee (PRC)
    - D. Review Process
    - E. Rewards
    - F. Reconsideration
    - G. Faculty Development Plan
    - H. Subsequent Evaluation
  - III. Form: Faculty 5-Year Plan [Guidelines for Faculty 5-Year Plan](#) (link provides both forms)  
Form: Report on Performance Review of Tenured Faculty
- 

I. Preamble

On May 16, 1997, the Board of Governors mandated the review of performance of tenured faculty in the University of North Carolina system. This review, defined as the comprehensive, formal, periodic evaluation of cumulative faculty performance, has the purposes of ensuring faculty development and promoting faculty vitality. The June 24, 1997, Administrative Memorandum #371 from the General Administration of the UNC System required each constituent institution to create a policy that examines individual faculty contributions to departmental, school/college, and university goals as well as to the academic programs in which faculty teach. Guidelines mandate that the process shall recognize and reward exemplary faculty performance; provide for a clear plan and timetable for improvement of performance of faculty found deficient; and, for those whose performance remains deficient, provide for the possible imposition of appropriate sanctions or further action, including discharge. Further guidelines direct individual institutions to show the relationship between annual review and performance review, examine faculty performance relative to the mission of the unit and the university, include a review no less frequently than every five years, explicitly involve peers in the review process, assure written feedback as well as a mechanism for faculty response to the evaluation, and require individual development plans for all faculty receiving less than satisfactory ratings in the performance review.

On June 20, 2014, the UNC Board of Governors revised its *Guidelines on Performance Review of Tenured Faculty* (The UNC Policy Manual: 400.3.3.1(G)).

East Carolina University's Policy for the Performance Review of Tenured Faculty meets the revised guidelines of the University of North Carolina General Administration and is consistent with East Carolina University's Faculty Manual and The Code of the University. This policy does not create a process for the reevaluation or revalidation of tenured status. The basic standard for appraisal and evaluation is whether the faculty member under review discharges conscientiously and with

professional competence the duties associated with his or her position. Furthermore, the policy is created with the widespread presumption of competence on the part of each tenured faculty member. The performance review for a faculty member must reflect the nature of the individual's field or work and must conform to fair and reasonable expectations as recognized by faculty peers in each department and discipline. The review must be conducted in a manner free of arbitrary, capricious, or discriminatory elements and must follow these agreed-upon procedures.

## II. Description of Policy

### A. Timing

At five-year intervals, each academic unit shall review all aspects of each permanently tenured faculty member's professional performance during the preceding five years. A review leading to promotion in rank qualifies as a performance review. A faculty member granted promotion and/or permanent tenure shall be reviewed within five years of that decision. Probationary-term faculty members are excluded because other review mechanisms exist to evaluate their performance. Unit\* administrators, deans, and administrators at the division or university level shall be excluded from this policy. After returning to full-time teaching/research responsibilities, administrators shall be evaluated in the first review period following the return and at all following five-year intervals. In any case where the review period is shorter than five, the expectations shall be adjusted accordingly.

Each academic unit's Tenure Committee shall decide whether all of its tenured faculty will be reviewed in the same year (block plan) or whether its tenured faculty will be reviewed according to a serial plan. Those units choosing a serial plan shall also determine the method of serialization.

### B. Performance Standards for the Review

For the cumulative review of performance for the review period, the unit's Tenure Committee shall follow its standards of "meets," "exceeds," or "does not meet" expectations as described in the unit code. Immediately after each review period, the Tenure Committee shall review and revise the performance standards as necessary. These standards will comply with the provisions of Part VIII, Section I (subsections C and D) of the *ECU Faculty Manual*, the unit's code provisions, and the primacy of instruction within the UNC system institutions. These standards should be consistent with the mission of the institution, college, and program and with the changing goals of both the unit and the university. While also considering varying expectations at the time of the granting of permanent tenure for individual faculty members, these standards should address the faculty member's teaching, research, service, and other duties, including contributions to the departmental, college/school, and university goals, contributions to the academic programs in which the faculty member teaches, and any other professional activities bearing on the faculty member's performance of his or her duties during the period under review.

### C. Performance Review Committee (PRC)

The Tenure Committee will elect a minimum of three faculty members and one alternate from the permanently tenured voting faculty (*ECU Faculty Manual*, Part IX, Section I (IV.). Voting Faculty Member) not holding administrative status to serve on the Performance Review Committee. The alternate shall serve when a member is unable to serve. Members on the Performance Review Committee shall serve for one academic year.

When a unit is unable to elect three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured voting faculty members not holding administrative status from other units to increase the committee's membership to three members and one alternate. These appointments to the committee



must be from one list of candidates selected by a vote of the permanently tenured and probationary-term voting faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

#### D. Review Process

Performance Review of Tenured Faculty shall cover all aspects of the faculty member's professional performance. The review will be informed by the faculty member's annual reports and annual evaluations (*ECU Faculty Manual*, Part VIII, Section I (III.). Evaluations) and consistent with the faculty member's 5-year plan (utilizing the form in Section III or an alternate five-year plan approved in the unit code), but primarily shall be based on a comprehensive assessment of the faculty member's teaching, research, service, and other duties, including contributions to the departmental college/school and university goals, contributions to the academic programs in which the faculty member teaches, and any other professional activities bearing on the faculty member's performance of his or her duties during the period under review. For permanently tenured full-time faculty members who have received University approved leaves of absence, the expectations for the review period will be adjusted accordingly. A permanently tenured faculty member who is on leave during a block plan will be reviewed at time of their return to full-time service.

Should a subsequent academic unit administrator disagree with the annual reviews and annual reports of an individual faculty member composed before the term of office of the incumbent administrator, the administrator shall not dismiss, alter, or argue against the body and conclusions of the earlier annual reviews and reports.

The initial review shall be conducted by the unit administrator who, using the attached Form, shall prepare a performance review report which shall consist of a narrative evaluation of the overall performance of the candidate that takes into account the relative weights assigned to each duty during each of the years being reviewed and the amount of reassigned time from teaching to the performance of other duties for each year under review. This evaluation shall conclude with an overall ranking that categorizes each faculty member's performance as "meets," "exceeds," or "does not meet" expectations.. A negative review must include a statement of the faculty member's primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member's assigned duties.

The evaluative report, together with the faculty member's annual reports and annual performance evaluations for the period under review, a copy of the faculty member's 5-year plan, a copy of the faculty member's current curriculum vita, and any other material the faculty member provided to the review committee in support of his/her professional performance over the review period, shall be forwarded to the Performance Review Committee and shall become part of the permanent personnel file. For each faculty member, the Performance Review Committee shall either agree or disagree with the evaluation of the unit administrator.

When the unit administrator and the Performance Review Committee agree, the Performance Review Committee shall report this agreement on the Form. The unit administrator shall provide a copy of the report to the faculty member and place a copy of the report in the faculty member's personnel file.

When the unit administrator and Performance Review Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort to resolve the disagreement fails, the Performance Review Committee shall prepare its own report. The unit administrator shall provide copies of both reports to the faculty member and the matter will be referred to the next higher administrator, who after reviewing both reports and the faculty member's supporting materials, shall make an independent decision, which shall be reported in writing to the faculty member and forwarded, together with Committee and unit administrator reports, to the Provost (or Vice Chancellor for Health Sciences).

The faculty member may provide the unit administrator with a written response within 10 calendar days of receiving his or her unit-level performance review (see Section II F). A copy of the faculty member's response will be placed in the faculty member's personnel file and provided to the Performance Review Committee. The response will also be shared at the next highest administrative level.

The next higher administrator shall review all Performance Review reports, including any faculty member's response to those reports, and either concur or not concur, then notify the unit administrator and the chair of the unit Performance Review Committee, and forward her/his review to the Provost or the Vice Chancellor for Health Sciences who is responsible for ensuring the integrity of the review process. The Provost will annually certify to the UNC President or his/her designee that all aspects of the review process are in compliance with UNC Policy 400.3.3.

Immediately after the completion of each level of administrative review, the administrator's report shall be communicated to all appropriate lower-level administrators, the tenured faculty member, and the Unit Performance Review Committee.

A copy of the report shall be placed in the faculty member's personnel file.

A faculty member may provide the unit administrator with a written response within 10 calendar days of receiving his or her unit-level performance review. A copy of the faculty member's response will be placed in the faculty member's personnel file and provided to the Performance Review Committee. A faculty member's response will be forwarded to the next higher administrator.

At the discretion of the faculty member, the final review may be appealed in accordance with the provisions of the grievance procedure of Part XII, Section I, as appropriate.

#### E. Rewards

The revised UNC Guidelines on Performance Review of Tenured Faculty require that faculty whose post-tenure performance exceeds expectations shall be recognized and rewarded. A faculty member whose performance is deemed to have exceeded expectation may be recognized in ways including, but not limited to, nomination for awards, merit salary increases, research leaves, and/or revisions of work load.

#### F. Reconsideration

A faculty member whose unit-level review process determines a performance level that does not meet expectations shall have the opportunity to respond within 10 calendar days. The faculty member may request that the unit administrator and Performance Review Committee reconsider the evaluation based on additional substantive information provided by the faculty member. In reconsidering the evaluation, the unit administrator and Performance Review Committee shall have

the opportunity to nullify, modify, or reconfirm the original evaluation (or evaluations, in the case of disagreement between the committee and the unit administrator). The response of the faculty member to the report of deficient performance and the decision of the committee and the unit administrator shall be reported to the next higher administrator (as outlined in Section II, D).

When the committee and the unit administrator disagree on the appropriate action after a reconsideration initiated by the faculty member under review, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the conflicting responses to the reconsideration appeal by the faculty member under review shall be referred to the next higher administrator for final decision.

The decision of each administrator shall be reported in writing to the faculty member and a copy of each decision shall be placed in the faculty member's personnel file and provided to both the Performance Review Committee and the unit administrator.

At the discretion of the faculty member, the final review may be appealed in accordance with the provisions of the grievance procedure of Part XII, Section I, as appropriate.

#### G. Faculty Development Plan

A faculty member whose performance does not meet expectations shall negotiate a formal development plan with the Performance Review Committee and the unit administrator. The development plan must: (a) identify specific shortcomings as they relate to the faculty member's performance of his or her assigned duties; (b) state any modification of duties due to a less than satisfactory rating and take into account the new allocation of responsibilities; (c) include specific steps designed to lead to the required degree of improvement; (d) specify resources necessary to support the development plan, (e) specify a reasonable timeline of no more than three academic years, in which improvement is expected to occur; (f) schedule and require written records of progress meetings between the faculty member, the unit administrator and the chair of the Performance Review Committee at regular intervals no less frequently than twice each academic year; (g) state the consequences for the faculty member should improvement not occur within the designated timeline. The use of mentoring peers is encouraged.

The description of specific steps designed to lead to improvement shall state guidelines, present criteria by which the faculty member could monitor his or her progress, and identify the source of any institutional commitments, if required. The plan is a commitment by the faculty member, with support provided by the Performance Review Committee, and the unit administrator to improve the faculty member's performance. Adequate resources shall be provided to support the plan. The plan shall be consistent with the faculty member's academic freedom (as defined by the *ECU Faculty Manual*, Part V), shall be self-directed by the faculty member, and shall be sufficiently flexible to allow for subsequent amendment, if necessary. Such amendment will follow the same process as the development of the original plan. If the unit administrator, Performance Review Committee, and faculty member cannot agree on a formal development plan, each party's draft of a plan will be forwarded to the next higher administrator, who will make the final decision.

The faculty member's development progress shall be reviewed in a meeting that occurs at least twice each academic year with the Performance Review Committee and the unit administrator. The unit administrator shall provide a written evaluation of progress to the faculty member. If the unit administrator, the Performance Review Committee, and the faculty member cannot agree on the faculty member's progress, the next higher administration will meet with the relevant parties and

make a final determination. A copy of this evaluation will be provided to the faculty member and placed in the faculty member's personnel file.

#### H. Subsequent Evaluation

If the unit administrator and the Performance Review Committee finds that the faculty member's cumulative performance exceeds or meets expectations within the specified timeline, the unit administrator shall report the results of the performance review in writing to the faculty member and place a copy of the written evaluation in the faculty member's personnel file. In this case, the faculty member will return to the regular schedule of post-tenure review.

If the faculty member's cumulative performance level remains below expectations after the specified timelines, the unit administrator may recommend that serious sanctions be imposed as governed by Part IX, Section I (VI), "Due Process Before Discharge or Imposition of Serious Sanction," of the *ECU Faculty Manual* and Chapter VI of *The Code* of the Board of Governors of the University of North Carolina.

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

#### I. Training

All parties involved in the Performance Review of Tenured Faculty evaluations, including peer evaluators of the Performance Review Committee, department chairs, unit administrators, and deans, shall complete performance review training. Training will be provided (1) as digital training modules provided by UNC General Administration and (2) as face-to-face campus-specific policy and personnel training provided by the Faculty Senate office in cooperation with the office of the Provost.

### III. Form: Faculty 5-Year Plan [Guidelines for Faculty 5-Year Plan](#) (link provides both forms)

Name: \_\_\_\_\_

College: \_\_\_\_\_

Department: \_\_\_\_\_

#### Responsibilities and Mutual Expectations

*(Most faculty members will have responsibilities in three or more of these, but in all cases the anticipated weights in the areas of responsibility must be consistent with those outlined in the department's unit code)*

\_\_\_\_\_% Teaching.

*Use the most general descriptions reasonable for the code unit. Some departments want to include course numbers and semesters in which they will be taught and possibly number of advisees. Other departments want to use a more general description as given in this example.*



Faculty member: \_\_\_\_\_

School/department: \_\_\_\_\_ Date: \_\_\_\_\_

I. Narrative Evaluation of most recent 5 years of faculty performance:

II. Summary Performance Review Evaluation indicate meets, does not meet, or exceeds expectations in each category (other categories may be added as documented on the unit code):

\_\_\_\_\_ Teaching

\_\_\_\_\_ Research/Creative Activity

\_\_\_\_\_ Service

\_\_\_\_\_ Overall

Submitted by: \_\_\_\_\_

Unit Administrator

\_\_\_\_\_ Date

Performance Review Committee Response:

\_\_\_\_\_ Agree

\_\_\_\_\_ Disagree

\_\_\_\_\_ Committee Chair

\_\_\_\_\_ Date

\_\_\_\_\_ Faculty Member

\_\_\_\_\_ Date

(Note: faculty member signature acknowledges neither agreement nor disagreement with the report.)

Faculty Senate Resolution #98-13, April 1998

Faculty Senate Resolution #98-29, November 1998

Interpretation made to Section II., October 1998

Faculty Senate Resolution #08-42, October 2008

Faculty Senate Resolution #09-33, September 2009

Faculty Senate Resolution #15-28, October 2015

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART X

### Personnel Action Dossier and Tenure and Promotion Schedule

## PART X

### PERSONNEL ACTION DOSSIER AND TENURE AND PROMOTION SCHEDULE

#### SECTIONS

- I. Personnel Action Dossier *Revised 4-21*
- II. Tenure and Promotion Schedule *Revised 5-18*



# PART X - PERSONNEL ACTION DOSSIER AND TENURE AND PROMOTION SCHEDULE

## SECTION I

### Personnel Action Dossier (PAD)

*Revised 4-21*

#### I. Personnel Action Dossier (PAD)

[Link to Guidelines for Preparing a Cumulative Evaluation.](#)

The Personnel Action Dossier (PAD) is a collection of documents and lists of accomplishments in summary form that provides a record of the accomplishments of a faculty member seeking reappointment, promotion, or tenure. A PAD is compiled in a manner described in Part IX of the *East Carolina University Faculty Manual* each time a personnel action for reappointment, promotion, or tenure takes place. Each PAD becomes part of the faculty member's permanent personnel file and is not returned to the faculty member.

In the review process, attention is paid both to productivity since the date of hire, tenure or last promotion (whichever is more recent) and accomplishments over one's entire career. Within the PAD the candidate should supply dates for all listed activities and accomplishments, making it possible for reviewers to identify clearly the chronology of accomplishments related to the time of hire, tenure or last promotion (whichever is more recent).

The Personnel Action Dossier shall include the following items:

- A. A properly executed *ECU Cumulative Report for Reappointment, Promotion and Tenure* (see Attachment 1) is required for these personnel actions. It is the responsibility of the faculty member to have prima facie evidence of all activity listed in this report available for inspection, if requested, by reviewers at any level of the personnel action process.

Actions involving tenure and promotion also require a properly executed *ECU Personnel Action Summary Form* (see Attachment 2).

#### B. Recommendations

*(Note: The documents listed here will be added by the appropriate official as the Personnel Action progresses.)*

1. For reappointment:
  - a. Unit Tenure Committee's recommendation, signature of the chair of the unit Personnel Committee, and date
  - b. Unit administrator's recommendation, signature, and date
  - c. Dean's recommendation, signature, and date
  - d. Provost/Vice Chancellor's recommendation, signature, date
2. For tenure:
  - a. One cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit Tenure Committee. A draft of this cumulative evaluation, to be completed after the candidate turns in the PAD,

should be available for discussion by the entire Tenure committee before the vote.  
(Faculty Senate Resolution #08-27, May 2008)

- b. A cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit administrator.
  - c. Unit Tenure Committee's recommendation, signature of the chair of the unit Personnel Committee, and date
  - d. Unit administrator's recommendation, signature, and date
  - e. Dean's recommendation, signature, and date
  - f. Provost/Vice Chancellor's recommendation, signature, date
3. For promotion:
- a. One cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit Promotion Committee. A draft of this cumulative evaluation, to be completed after the candidate turns in the PAD, should be available for discussion by the entire Promotion committee before the vote.  
(Faculty Senate Resolution #08-27, May 2008)
  - b. A cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties, prepared by the unit administrator.
  - c. Unit Promotion Committee's recommendation, signature of the chair of the unit Promotion Committee, and date
  - d. Unit administrator's recommendation, signature, and date
  - e. Dean's recommendation, signature, and date
  - f. Provost/Vice Chancellor's recommendation, signature, date

### C. Records of Evaluation

1. For evaluation for reappointment decisions:
  - a. Copies of the criteria for reappointment set forth by the code unit of the faculty member.
  - b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
  - c. Records of the discussions on annual evaluation meetings with the unit administrator. See Part VIII, Section I (III.).
  - d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision. See Part VI, Section I (I.).
  - e. Records of the annual discussions on the criteria for evaluating faculty performance.
2. For evaluation for tenure decisions:
  - a. Copies of the criteria for tenure set forth by the code unit of the faculty member.
  - b. Copies of all written communications with the candidate on progress toward tenure, including all annual evaluations over the period of time appropriate to the decision.
  - c. Records of the discussions on annual evaluation meetings with the unit administrator. See Part VIII, Section I (III.).
  - d. Records of the assigned teaching duties and responsibilities including indication of released time over the period of time appropriate to the decision. See Part VI, Section I (I.).
  - e. Records of the annual discussions on the criteria for evaluating faculty performance. Part IX, Section I (II.A.3.).
  - f. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.

3. For evaluation for promotion decisions:
  - a. Copies of the criteria for promotion set forth by the code unit of the faculty member.
  - b. Copies of all annual evaluations over the period of time appropriate to the decision.
  - c. A record of the assigned teaching duties and responsibilities including indication of reassigned time over the period of time appropriate to the decision. See Part VI, Section I (I).
  - d. Copies of all communication with external reviewers, copies of the external reviews, and a listing of the documents reviewed.

In cases of application for tenure with simultaneous promotion, items B and C should be combined as appropriate.

D. Supporting materials

The faculty member, in consultation with the unit administrator and the chair of the unit personnel committee, may add materials in support of the activities and accomplishments listed in the *ECU Cumulative Report for Reappointment, Promotion and Tenure* (subject to size limitations in subsection G. below).

E. Other material

Materials not included in the categories listed in the cumulative report may be added to the dossier by the faculty member providing the unit administrator, in consultation with the Unit Personnel Committee, has an opportunity to include a response to such materials. For example, a faculty member in an adjacent or related field might comment on the candidate's equity-related challenges. In the event the unit administrator and Unit Personnel Committee cannot agree on a response, both may include a response.

F. Disagreements as to inclusion or removal of documents

The dossier shall include the required documents and lists relevant to the faculty member's teaching, research/creative activity, and service as described above. If the faculty member disagrees with the unit administrator and/or the unit personnel committee as to the inclusion of relevant documents, the documents will be included and each party may include a statement about the document in the dossier.

The candidate is allowed to review and include a response to the cumulative evaluations (see section B. above).

G. Size of Dossier

The total dossier must be assembled electronically and uploaded to folders according to the process described in the [Workflow for Assembling and Reviewing the PAD](#) contained in a single ~~three ring binder (10 in. x 12 in.) with a thickness of no more than four inches (approximately 10 cm)~~. (Previous sentence was editorially revised by action of the [joint memorandum](#) released by the Provost and the Chair of the Faculty on August 17, 2020.)

## CUMULATIVE REPORT FOR REAPPOINTMENT, PROMOTION, AND TENURE

[Link to Guidelines for Preparing a Cumulative Evaluation.](#)

### A. General Information

1. Name
2. College or Professional School and Department
3. Date of first appointment to ECU
4. Present rank and date at which present rank was established
5. Educational background: degrees, dates conferred, and institutions. Indicate the status of any degree program in process.  
Include the following where applicable:
  - a. Postgraduate Training Fellowships
  - b. Residencies
  - c. Traineeships
6. Administrative appointments or special assignments (list positions and dates in reverse chronological order with percentage of time assigned)
7. Professional credentials (certifications and licensures)
8. Professional employment history (list positions, ranks and dates of appointments in reverse chronological order)
9. Formal continuing education for professional development (courses, seminars, institutes, etc. and dates in reverse chronological order) School of Medicine (clinical staff): List all postgraduate Continuing Medical Education completed in the last 3 years (in reverse chronological order).

### B. Teaching (Didactic and Clinical) and Advising [narrative or bulleted list and relevant date(s)]

1. Teaching experience
  - a. Chronological list of all courses taught including year, semester, section, and enrollments.
  - b. Chronological list of all peer reviews including year, semester, and reviewer name.
2. Noteworthy accomplishments and practices in teaching
3. Noteworthy accomplishments and practices in advising and retention
4. Noteworthy accomplishments in the promotion of diversity, equity and/or inclusion
5. Extraordinary duties assigned or elected in advising
6. Direction of student research and performances:
  - a. List undergraduate students and projects.
  - b. List graduate students and projects.
  - c. List memberships in graduate student's thesis/dissertation committees
7. Grants (listed by year in reverse chronological order) in support of teaching and advising. Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
  - a. Grants/proposals through Office of Sponsored Programs
  - b. Grants/proposals through the Division of Institutional Advancement
  - c. University Grants
  - d. Reports to granting agencies: list agency(ies)
8. Medical Education:
  - a. Undergraduate medical student teaching, including didactic lectures, clinical teaching,

- conferences, laboratories, student advising, and student preceptorships.
- b. Postgraduate medical teaching including clinical teaching and continuing medical education.
- c. Curriculum development in medical education.

Note: Evidence of Teaching Effectiveness shall be included in Section D, *Supporting Materials*, to include:

- a. (Required) Reports from university approved student evaluations. Data should not be condensed or summarized, but included as it appears in the original survey reports. Student comments may be included at the discretion of the candidate but are not required. If student comments for a class are included, all comments from the original survey report for that class must be included.
- b. (Required) Reports from all peer reviews of instruction.
- c. (Optional) Instructional materials or other evidence of pedagogical innovation or impact (see *Faculty Manual*, Part VIII, Section I, Subsection III.).

### C. Research/Creative Activity:

1. A brief statement of research activities and interests.
2. A complete list of publications in print, in reverse chronological order, beginning with the most recent publications (Note: School of Medicine should use the AMA format for publications):
  - a. Books and monographs
  - b. Journal articles
  - c. Chapters in books
  - d. Book reviews in professional journals
  - e. Abstracts (including those published in proceedings)
  - f. Microforms
  - g. Sound/video recordings musical scores
  - h. Art exhibitions, pictures in books, applied art
  - i. Articles in proceedings
  - j. Patents
  - k. Editorships of professional journals or books
  - l. Musical performances & productions
  - m. Theatrical performances & productions
  - n. Software development
  - o. Electronic publications
  - p. Clinical trials
  - q. Other (e.g., entries in encyclopedias)
3. Papers, creative works, etc. accepted for publication but not yet in print (attach a copy of letter of acceptance)
4. Other research publications: list title(s) and publication dates and publisher
5. Research presentations and posters: list organization, date, and title of presentation(s)
6. Participation in expert panels (include topics, meeting, date(s)).
7. Visiting professorships or lectureships (include titles, place, date(s)).
8. Pedagogical materials: list title(s) and publication dates and publisher
9. Scholarly activities that advance ECU's commitment to equity, diversity and inclusion
10. Grants (listed by year in reverse chronological order) in support of research/creative activity. Provide a list of all grants applied for, listing

for each the source, amount requested, title, Principal investigator and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.

- a. Grants/proposals through Office of Sponsored Programs
- b. Grants/proposals through the Division of Institutional Advancement
- c. University Grants
- d. Reports to granting agencies: list agency(ies)

D. Clinical Practice: For those faculty who provide patient care as a part of their duties, a patient care portfolio should be included to document their clinical practice activities. The patient care portfolio should include the following information:

1. Summary of relevant activities in clinical practice and evaluations of patient care quality.
2. Noteworthy accomplishments and practices, including those that promote diversity, equity and/or inclusion
3. Extraordinary duties assigned or elected in clinical practice
4. Development and/or evaluation of clinical services and programs
5. Community service and outreach

E. Professional and University Service (list by year, in reverse chronological order)

1. University: Committee and special assignments
  - a. Unit: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
  - b. Division: name of committee(s), role on committee(s) (member, chair, etc.), inclusive dates of service
  - c. University-wide: name of committee(s), role on committee(s), inclusive dates of service
  - d. UNC system: name of committee(s), role on committee(s), inclusive dates of service
  - e. Special assignments: title or role, brief description of assignment, inclusive dates of service
2. Non-university committees and service:
  - a. Local
  - b. Regional
  - c. State
  - d. Other
  - e. Clinical Agency Committees and/or Hospital committees (Health Sciences Division)
3. Professional Organizations (list by year in reverse chronological order)
  - a. Memberships in professional organizations: list memberships
  - b. Offices held or other official functions  
President/Chair: list organization(s)  
Other office(s): list office and organization(s)
  - c. Organization of meetings, workshops, and symposia: list organization(s)
  - d. Presentations (other than research) at meetings, workshops, and symposia: list organization, date, and title of presentation(s)
  - e. Service as editor or editorial board member: list board(s), list role(s)
  - f. Items reviewed, refereed, or juried for scholarly publications: list publication(s)
  - g. Items reviewed, refereed, or juried for granting agencies: list agency (ies)

- h. Evaluation of faculty for other universities (peer review): list institution(s)
- i. Consultants: list client, specify whether paid or unpaid, briefly define activity
- 4. Service in support of equity, diversity and inclusion
- 5. Other professional service
- 6. Grants (listed by year in reverse chronological order) in support of professional service. Provide a list of all grants applied for, listing for each the source, amount requested, title, and co-investigators. Designate status: awarded (including amount awarded if different from request), pending, rejected.
  - a. Grants/proposals through Office of Sponsored Programs
  - b. Grants/proposals through the Division of Institutional Advancement
  - c. University Grants
  - d. Reports to granting agencies: list agency(ies)
- F. Honors and other noteworthy activity not covered above
- G. Administrative Activities
  - 1. Noteworthy accomplishments and practices in administration
  - 2. Extraordinary duties assigned or elected
  - 3. Summary of administrative evaluations
- H. Community service: Include organization, dates, offices held.
- I. Other: Include additional information deemed pertinent to this cumulative report.
- J. Date this cumulative report was completed.

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Attachment 2.

*EAST CAROLINA UNIVERSITY PERSONNEL ACTION SUMMARY FORM  
(Administrator completes Section I. and faculty member (appointee) completes Section II.)*

Section I. To be completed by the appropriate administrator(s).

Name of Appointee: \_\_\_\_\_

Department: \_\_\_\_\_ School/ College: \_\_\_\_\_

Current Rank or Title: *(if applicable)* \_\_\_\_\_ Proposed Rank or Title:

Indicate Type of Action: *(select all that apply)*

Administrative Appointment:

New Faculty Appointment:





Type	Number
Book	_____
Edited Book	_____
Chapter	_____
Refereed Journal Article	_____
Other Journal Article	_____
Juried Performance/Show	_____
Non-Juried Performance/Show	_____
Other: _____	_____
Other: _____	_____
Other: _____	_____

4. Membership in professional organizations:
5. Professional service on campus:
6. Professional service off campus:

Faculty Senate Resolution #07-01, March 2007  
Faculty Senate Resolution #08-27, May 2008

PART X - PERSONNEL ACTION DOSSIER AND TENURE AND PROMOTION SCHEDULE

SECTION II

Tenure and Promotion Schedule

*Revised 5-18*

The timelines designated in these schedules are the normal review cycles for the stated personnel actions. The Chancellor (or designee) may approve an adjustment to these timelines when compelling circumstances, as determined by the Chancellor (or designee), justify a temporary revision. For Promotion and Tenure consideration, the Chancellor (or designee) will adjust the schedule for notifications to faculty candidates when required by unforeseen circumstances, such as a change in the Board of Trustees meeting date normally held in the spring of the academic year.

Promotion and Tenure Timeline – Spring before Decision Year\*

Action	9 and 12 Month Faculty Deadline	Time Allotted for Decision
Faculty member makes a request to the unit administrator to begin the process of consideration for promotion or early conferral of permanent tenure	1 <sup>st</sup> Friday in February	
Faculty member submits a list of potential external reviewers to the tenure committee	3 <sup>rd</sup> Friday in February	
Tenure Committee submits of a list of external reviewers to the unit administrator and selects materials to be sent to reviewers	4 <sup>th</sup> Friday in March	
Unit administrator sends letter and materials to confirmed external reviewers	Last Friday in April	4 weeks

See endnote below for deadlines affecting 12-month faculty member with prior academic credit\*\*

Promotion and Tenure Timeline – Fall and Spring of Decision Academic Year\*

Action	9 and 12 Month Faculty Deadline (AA and HS)	Time Allotted for Decision
Unit administrator informs committee of upcoming need for a meeting	1 <sup>st</sup> Tuesday in September	
External reviewers' reports due	1 <sup>st</sup> Tuesday in September	
Faculty member meets with unit administrator to verify that all required documents are in PAD (optional but recommended)	1 <sup>st</sup> Tuesday in September	
Faculty member turns in PAD to Committee	2 <sup>nd</sup> Tuesday in September	
Committee recommendation/PAD to unit administrator	4 <sup>th</sup> Tuesday in October	6 weeks
Unit administrator recommendation/PAD to Dean (note: Brody School of Medicine P&T Committee reviews & makes recommendation to BSOM Dean)	1 <sup>st</sup> Tuesday in December	5 weeks
Dean recommendation/PAD to VCAA or VCHS	1 <sup>st</sup> Tuesday in February	6 weeks

VC decision/PAD to Chancellor	1 <sup>st</sup> Tuesday in March	4 weeks
Chancellor decision	3 <sup>rd</sup> Tuesday in March	2 weeks
BOT decision (Tenure Only)	Spring BOT meeting	Date varies each year

Reappointment of Probationary-Term Faculty Members Timeline\*

Action	9 Month Faculty Deadline	12 Month Faculty Deadline	Approx. Time Allotted for Decision
PAD due to Tenure Committee for reappointment decision	3 <sup>rd</sup> Tuesday in January	4 <sup>th</sup> Tuesday in February	
Committee recommendation to unit administrator	2 <sup>nd</sup> Tuesday in February	3 <sup>rd</sup> Tuesday in March	3 weeks
Unit administrator recommendation to Dean (if applicable)	1 <sup>st</sup> Tuesday in March	2 <sup>nd</sup> Tuesday in April	3 weeks
Dean recommendation to VCAA or VCHS	Last Tuesday in March	1 <sup>st</sup> Tuesday in May	3 weeks
VCAA or VCHS decision	Last Tuesday in April	1 <sup>st</sup> Tuesday in June	4 weeks

Reappointment of Probationary-Term Faculty Members in 2<sup>nd</sup> Year of Employment  
With Credit for Prior Academic Service Timeline\*

Action	9 Month Faculty Deadline	Time Allotted for Decision	12 Month Faculty Deadline
PAD due to Tenure Committee	1 <sup>st</sup> Tuesday in September		1 <sup>st</sup> Tuesday in April
Committee recommendation to unit administrator	1 <sup>st</sup> Tuesday in October	4 weeks	1 <sup>st</sup> Tuesday in May
Unit administrator recommendation to Dean (if applicable)	3 <sup>rd</sup> Tuesday in October	2 weeks	3 <sup>rd</sup> Tuesday in May
Dean recommendation to VCAA or VCHS	1 <sup>st</sup> Tuesday in November	2 weeks	2 <sup>nd</sup> Tuesday in June
VCAA or VCHS decision	3 <sup>rd</sup> Tuesday in November	2 weeks	3 <sup>rd</sup> Tuesday in June

Progress Towards Tenure (PTT) Letters -  
Required all years except the year prior to the year in which a faculty member's  
mandatory tenure decision is considered

Action	9 and 12 Month Faculty Deadline
Unit administrator provides the Tenure Committee with the candidate's current annual report, copies of the candidate's previous and current annual evaluations and previous progress toward tenure letters, and a draft of the new Progress Toward Tenure letter written by the unit administrator	3 <sup>rd</sup> Friday in April
Tenure Committee meets with the unit administrator to review the cumulative record of a candidate's progress and finalize the Progress Toward Tenure letter	4 <sup>th</sup> Friday in April

Delivery of PTT letter and meeting that includes the faculty member, representative of the Tenure Committee and unit administrator to discuss the letter	End of the Spring Semester
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Subsequent Appointment of Fixed-Term Faculty Members Timeline – Spring of Decision Year\*

Fixed-term faculty members request consideration of a subsequent appointment and submit portfolio required by unit code	No later than 75 calendar days before term expires	
Committee and unit administrator notify fixed-term faculty member in writing of subsequent appointment recommendation	No later than 45 days before term expires	30 days

\*Faculty candidate will be notified of the recommendation or decision, as appropriate, in writing within one week at each decision point.

\*\*For 12-month Assistant Professor with 1 year of prior academic credit, in the fourth year of appointment, external reviewer list is due to Tenure Committee on the 2<sup>nd</sup> Tuesday in April; Tenure Committee’s final list of external peer reviewers is due to unit administrator on 4<sup>th</sup> Tuesday in April; unit administrator will send letters and selected materials to reviewers by the 3<sup>rd</sup> Thursday in May.”

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- Faculty Senate Resolution #12-68, April 2012
  - Faculty Senate Resolution #18-23, April 2018
  - Faculty Senate Resolution #19-57, May 2019
  - Faculty Senate Resolution #21-25, April 2021

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART XI

### General Faculty Employment Guidelines and Benefits

## PART XI

### GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

#### SECTIONS

- I. Employment Policies *Revised 3-21*
- II. Benefits and Leave *Revised 3-21*
- III. Institutional Services Available to Faculty
- IV. Equal Employment Opportunity/Affirmative Action Policy and University Commitment to Diversity, Equity and Inclusion *Revised 4-21*
- V. Substance Abuse and Weapons Policy *Revised 6-14*



(Text moved from former Part VI)  
PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

SECTION I

Employment Policies  
(Text moved from former Part VI)  
*Revised 3-21*

CONTENTS

- I. Faculty Absence and Leave
- II. New Faculty Orientation
- III. Phased Retirement
- IV. Retirement
- V. Salary Policies
- VI. Emeritus Faculty Privileges
- VII. Travel and Expense Allowances

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It is a policy of the University throughout the campus and all its branches, divisions, departments, facilities, and activities, that firm and positive steps be taken by all supervisory and management personnel to prevent any discriminatory employment practices; and that affirmative action will be taken to ensure that applicants for employment will be considered and employed based on actual job requirements; and that all personnel matters pertaining to employment, placement, training, upgrading, promotion, demotion, transfer, layoff, termination, and salary administration will be conducted in a nondiscriminatory way without regard to race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service). Refer to the [Notice of Nondiscrimination and Affirmative Action Policy](#).

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold a professorial rank, including those on special faculty appointment. Adjunct members of the faculty do not receive benefits normally associated with full-time employment, nor does such service count toward the attainment of a tenured position. Teaching fellows are not formal members of the University faculty.

I. Faculty Absence and Leave

Faculty members unable to perform their duties are expected to make arrangements to fulfill their responsibilities in advance with their unit administrators. The unit administrator then determines the acceptability of the absence from duty, and if necessary, will coordinate substitute arrangements with the appropriate administrator (dean or vice chancellor). If the absence from duty is associated with travel, faculty must be in compliance with the East Carolina University [Travel Policy](#) which states that all employees are responsible for obtaining approvals for all University business trips. In the event of an absence from duty caused by an emergency or illness, a faculty member is advised to inform their supervisor at the employee's earliest convenience; normally the notification should be within one

business day. Faculty members incurring an illness or emergency for more than three consecutive business days will be notified of their potential entitlements under the Family and Medical Leave Act (FMLA). Refer to the [Faculty Serious Illness and Parental Leave Policy](#) for additional information on leave and benefits coverage for cases of serious health conditions and/or parental leave.

Faculty members may take a leave of absence for one or more semesters (normally for not more than two academic years or more often than once in three years) or an appropriate period of time for the faculty in the Brody School of Medicine. The leave can be with salary or without salary, depending on the type of leave and the advance approval for the leave of absence.

Faculty members may retain voting privileges while they are on leave of absence and may attend specified committee meetings, such as personnel, promotion, and tenure committee meetings. Voting privileges are specified in the unit codes (see the [ECU Faculty Manual Part IV, Section II subsection III Academic Units, Codes, and Seven Year Unit Program Evaluation](#)) and in the [ECU Faculty Manual Part IX, Section I, subsection IV Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty](#). Leaves of absence for probationary-term faculty members may, under cases of severe personal exigency or other compelling personal circumstances, include extension of the length of the probationary term. The conditions for, and approval process of, extensions of the probationary term can be found in the [ECU Faculty Manual Part IX, Section I, subsection II Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty](#). Continuation of benefits for faculty members on leave is covered by University and state regulations.

Prior to taking leave, faculty members are encouraged to speak with a [Human Resources Benefits Consultant](#) to determine benefit continuation options. Additional information is available at the [ECU Human Resources](#) website.

Leaves of absence include, but are not limited to the following:

1. Professional Leave (Unpaid)

Leave is granted to give permanently tenured and probationary-term faculty members opportunities for research, advanced study, and/or professional growth. For both permanently tenured and probationary-term faculty members, this type of leave allows faculty members to accept competitive awards for research or advanced study opportunities. Faculty members requesting a professional leave of absence should include the reason(s) for the request and the dates the faculty member is requesting leave. The unit administrator will forward the request to the unit Personnel Committee, who will make a recommendation to the unit administrator. The unit administrator will make a recommendation and will forward both recommendations to their immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate vice chancellor. After reviewing the recommendations, the vice chancellor will render a decision and will notify in writing the faculty member, the unit administrator, and the administrator's immediate supervisor.

2. Faculty Scholarly Reassignment

Leave is granted for a faculty member to pursue a full-time project involving research or creative (scholarly) activity. Details, including eligibility, terms, and conditions can be found in the [ECU Policy Manual Faculty Scholarly Reassignment](#) policy.

### 3. Personal leave

In accordance with ECU's [Faculty Serious Illness and Parental Leave Policy](#), a faculty member may request personal leave for purposes such as serious illness or parental leave as defined by the Family and Medical Leave Act (FMLA). See the [ECU Human Resources website](#) for more information.

### 4. Public service leave

A faculty member may request a public service leave of absence to run for political office, serve in appointed or elected public office, or serve in an appointed professional office. See ["Political Activities of Employees" of the UNC Policy Manual Chapter 300.5.1](#) for more information about this type of leave.

### 5. Community Service Leave

Leave is granted under certain circumstance for 12-month faculty volunteers to support schools, communities, citizens, and non-profit charitable corporations. See the [Leave Policy for Twelve-Month Faculty](#) and [the UNC Policy Manual Faculty Community Service Leave Policy Chapter 300.2.10](#) for more information about this type of leave.

### 6. Military Service Leave.

Leave is granted to fulfill a military obligation, such as a call to active duty for a reservist. See the [UNC Policy Manual Faculty Military Leave Policy Chapter 300.2.8](#) for more information.

## II. New Faculty Orientation

New faculty are expected to attend the ECU New Faculty Orientation Program. The program offers a variety of resources, including information about benefits, parking, technology, research, and tenure. Helpful information can be found on the [New Faculty Orientation blog site](#). Additional faculty orientation activities may be required by academic units. As part of the orientation process, new faculty members are informed about the University system of shared governance and invited to serve in shared governance of the University. Orientation of new faculty is continued throughout the year by key administrators and faculty leaders to assist the faculty in becoming acquainted with the practices and procedures of the University. Ongoing programs, including information on mentoring, are available through the [Office for Faculty Excellence](#). New faculty hire letters note a begin date one week prior to the annual convocation with the expectation that all new faculty will attend the New Faculty Orientation Program.

New faculty are encouraged to attend the annual Faculty Convocation, which is scheduled at the opening of each academic year, for the purpose of becoming acquainted with the Chancellor, Chair of the Faculty, key administrative personnel and their responsibilities, and with the relationship between faculty and administration.

## III. Phased Retirement

Participation in East Carolina University's Phased Retirement Program is available to tenured faculty who meet [University of North Carolina Phased Retirement Program](#) eligibility criteria. Application forms can be found in the faculty member's respective Division Human Resources office or on the Academic Affairs [Office of Personnel and Financial Administration](#) website.

#### IV. Retirement

All full-time faculty of the University with a permanent appointment must participate in the University's retirement program. Information regarding the retirement plans can be found at the links below:

Overview of retirement plan options:

<https://humanresources.ecu.edu/benefits/retirement/>

Statutory provisions for the State Retirement system:

[http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter\\_135.pdf](http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_135.pdf)

NC State Treasurer's Retirement home page: <https://www.myncretirement.com/>

#### Privileges for Retired Faculty

The following University websites provide information about privileges awarded to retired faculty.

##### 1. ECU Retired Faculty Association

The [ECU Retired Faculty Association](#) provides retired faculty with a continuing link to the University and to colleagues and friends through social activities, receptions, and group travel. The website also provides information about the opportunity to give back to the University through an endowment fund.

##### 2. Retired Faculty Parking Permits

Retired faculty are eligible to apply for a free, retired faculty permit to park in designated 'Retired Faculty' (RF) spaces on campus upon submitting an application to the ECU Parking and Transportation office. Upon receipt of the application, the Parking and Transportation Office staff will contact Human Resources to confirm the faculty member's retired status. Phased retirement faculty participants for whom status has been confirmed by Human Resources have the option to upgrade the free retired faculty permit to an A permit for half the price of an A permit if the permit they held at the time they retired was an A permit. Individual faculty may request an application form by directly contacting the [Parking and Transportation Office](#).

##### 3. ECU 1 Card

The ECU 1 Card is the official University photo ID card. Some privileges for retired faculty require presenting an ECU 1 Card (Retiree Version). Procedures for obtaining an ECU 1 Card for retirees can be found on the [ECU 1 Card](#) website.

##### 4. E-mail

Retired faculty may continue to use their ECU e-mail account in accordance with University guidelines. Details can be found at the [ITCS](#) website.

##### 5. Student Recreation Center Membership

Retired faculty may purchase annual, semester, or summer memberships to the Student Recreation Center. They must present their ECU 1 Card when purchasing a membership. Refer to the [Campus Recreation and Wellness](#) website for more information:

##### 6. Joyner Library Access

Retired faculty may apply for borrowing privileges at the Joyner Library Circulation desk. They

must present their ECU 1 Card to obtain services. Further information may be obtained at the [Joyner Library Circulation Department](#) website.

#### 7. Laupus Library access

Retired faculty may apply for borrowing privileges at the Laupus Library Circulation desk. They must present their ECU 1 Card to obtain services. Further information may be obtained at the [Laupus Library Circulation Policies](#) website.

#### 8. Web Service

Retired faculty with existing websites may continue to have access to University-hosted web pages to allow retired faculty to continue their scholarly activities. Details can be found at the [ITCS](#) website.

### V. Salary Policies

Faculty annual salaries are paid semimonthly. New faculty receive the first payment on the first available payroll date as stated in the individual's appointment letter. When the 15th or last day of a month falls on a non-workday for the business office, distribution of payment will be made on the last workday prior to that day. Arrangements must be made with the payroll office to have all payments deposited in a faculty member's bank account. Salaries for summer teaching are paid in accordance with the faculty member's appointment letter. Nine-month faculty salaries are paid in 24 installments from September 15 to August 31. Any change in appointment that affects this will be included in the individual's appointment letter.

Federal and state income tax withholdings are based on information furnished to the payroll office on the United States Treasury Department Form W-4 and North Carolina Department of Revenue Form NC-4, respectively.

New faculty and non-immigrant visa holders must complete an I-9 form and updated forms when required by Federal law. Criminal background checks will also be conducted on all new faculty per the applicable policy statement.

For a more detailed description on Salary Policies (such as overloads, summer overloads, research/creative activity, less than full time employees, etc.) please refer to the [ECU Policy Manual](#), [Human Resources](#), and [Financial Services \(Payroll Office\)](#).

For a full-time member of the faculty or EHRA professional staff, the salary approved by the Board of Governors is the full compensation to be expected during the period of employment. No additional payments may be made for University duties that are generally related to the position to which the individual is appointed. The period of appointment includes all formal holidays and interludes during which no classes are scheduled.

Regardless of the salary source, total compensation paid during the period of appointment cannot exceed the salary amount authorized in the current appointment letter, except for extraordinary situations that must be approved in advance by the supervisor, department chair or school director, dean or director, and vice chancellor.

#### Less Than Full-time Employees

Upon appropriate approvals, individuals with appointments of less than 1.0 FTE during an academic year or fiscal year can increase their commitment up to 1.0 FTE with additional compensation.

However, in no event may the effort of an individual exceed full-time commitment unless specifically approved by their unit administrator in advance; additional compensation must be proportional to the base salary rate and not exceed full-time equivalency unless specifically approved in advance.

#### Research/Creative Activity

It is expected that such other proposed duties or tasks may require reduction in other planned responsibilities of the faculty or professional staff member. For example, arrangements may be made for reassigned time or research contract “buyouts” if nine-month faculty members are to conduct sponsored program activities during the regular academic year. Sponsored program activity does not normally constitute extraordinary or exceptional projects for consideration for supplemental payment.

#### Overloads

Under extraordinary circumstances, overloads may be approved for faculty to teach additional for-credit courses. This is only allowable if this does not cause a conflict of commitment with other assigned duties, and the faculty member has an appropriate workload prior to consideration of the overload.

#### Summer Overloads

No overloads will be permitted during summer school sessions except in extraordinary circumstances and with prior approval by the unit administrator. Compensation from any and all salary sources for summer employment may be arranged not to exceed three-ninths of the previous year’s nine-month annual salary base rate. The pay rate from summer school funds and distance education summer school courses will be based on a percentage of the nine-month rate up to a published annual maximum per session. The specific rates may be obtained through the Office of the Provost.

#### Work for ECU Outside the Home Unit

Prior approval to teach or perform other duties outside the faculty member’s home unit is required from all involved administrative levels.

#### Salary Conversion Rate for Faculty

Information regarding salary conversion rates for faculty is detailed in individual appointment letters or the applicable policy is referenced in individual appointment letters.

#### External Activities for Pay

The policy covering faculty and professional staff income derived from external activities for pay can be found in the [ECU Policy Manual Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay](#). Individuals are expected to comply with this policy.

### VI. Emeritus Faculty Privileges

Upon the recommendation of the unit personnel committee, unit head, appropriate dean, and appropriate vice chancellor, in accordance with criteria defined in the unit code, the chancellor may grant the faculty retiree emeritus status (as defined in Personnel Policies and Procedures for the Faculty, [ECU Faculty Manual, Part VIII, Section I](#)) which includes listing in Undergraduate and Graduate Catalogs and continued eligibility to march in University commencement exercises and other formal processions as active faculty, wearing appropriate regalia.

### VII. Travel and Expense Allowances

#### A. Paid Travel

All business-related travel must have written authorization prior to travel. Approval within the online travel system satisfies this requirement. Business related travel may be covered by the

University using department funds or through grant funds or other sources. All reimbursement requests shall be filed for approval and payment made within thirty days, whenever possible, after the end of the travel period for which reimbursement is being requested.

For more information on travel approval and reimbursements, refer to the [ECU Policy Manual Travel Approval and Reimbursement](#) website and the [Financial Services Travel Office](#).

#### B. Unpaid Travel

If a faculty member is traveling for business reasons, but is not going to be reimbursed for travel expenses, the pre-approved travel authorization forms must still be completed. This process is necessary for authorization of workers' compensation should an accident occur during the travel period.

# PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

## SECTION II

### Benefits and Leave (Text moved from former Part VI) *Revised 3-21*

#### CONTENTS

- I. Benefits
  - II. Workers' Compensation
  - III. Disability Insurance
  - IV. Vacation and Sick Leave
  - V. Faculty Serious Illness and Parental Leave Policy
- 

#### I. Benefits

A variety of benefits are available to permanent employees of ECU, based on specific eligibility criteria. All benefits are subject to state regulations, University policies and procedures, and individual plan documents. Employee benefits are subject to change and reasonable notice is provided to employees by Human Resources when changes occur. Information about benefits may be obtained from the [ECU Human Resources Office](#). See the [University Policy Manual](#) for more information.

#### II. Workers' Compensation

All University employees, including paid student workers, are covered by workers' compensation that provides certain benefits in the event there is an on-the-job injury or illness. If and when an on-the-job injury or illness should occur, it should be reported immediately to the supervisor who will notify the appropriate University offices. For additional information about workers' compensation and related forms see the [University Policy Manual](#), [Human Resources](#) website, and the [Office of Environmental Health and Safety](#) website.

#### III. Disability Insurance

ECU has disability insurance coverage for both short-term (2 to 12 months with the possibility of a 12-month extension) and long-term (greater than 12 months) situations. The specific details of the disability insurance options can be found on the [Human Resources](#) website.

Questions regarding disability coverage should be directed to a [Human Resources Benefits Consultant](#).

#### IV. Vacation and Sick Leave

Faculty with twelve-month employment contracts may be granted vacation and sick leave as described in the [ECU Policy Manual Leave Policy for Twelve-Month Faculty](#). Teaching faculty with nine-month employment contracts do not earn vacation or sick leave.

#### V. Faculty Serious Illness and Parental Leave Policy

This policy provides leave with pay for eligible faculty for cases of serious health conditions or parental leave as defined by the Family and Medical Leave Act. Refer to the [Faculty Serious Illness and Parental Leave Policy](#) for more information.



# PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

## SECTION III

### Institutional Services Available to Faculty *(Text moved from former Part VI)*

#### CONTENTS

- I. Information and Computer Services
  - II. Grants, Contract, and Cooperative Agreements
  - III. Tuition Privileges for Faculty
- 

#### I. Information and Computer Services

Information Technology and Computing Services (ITCS) supports employees through the integration of information, technology, and instruction. <http://www.ecu.edu/itcs>  
(FS Resolution #10-16, February 2010)

#### II. Grants, Contracts, and Cooperative Agreements

ECU's Office of Sponsored Programs (OSP) has 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. OSP must review and approve all proposals for grants, contracts, and cooperative agreements prepared by faculty for submission to outside funding sources before submission to external sponsors.

The Office of Grants and Contracts (OGC) is the University Office responsible for post-award activities related to projects 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. (FS Resolution #12-07, February 2012)

#### III. Tuition Privileges for Faculty

In accordance with North Carolina General Statute, East Carolina University faculty are eligible to take classes at a reduced cost.

See [http://www.ecu.edu/cs\\_admin/financial\\_serv/cashier/Tuition-Waiver.cfm](http://www.ecu.edu/cs_admin/financial_serv/cashier/Tuition-Waiver.cfm) for more information.  
(FS Resolution #10-95, December 2010)

## PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

### SECTION IV

#### Equal Employment Opportunity/ Affirmative Action Policy and University Commitment to Diversity, Equity and Inclusion *(Text moved from former Part VI)*

##### I. General Provisions

East Carolina University prohibits unlawful discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected veteran; or Active Duty or National Guard service) (“Protected Class”).

East Carolina University celebrates diversity among its faculty, staff, and students, and is committed to fostering respect for human difference and equal opportunities for all. To that end, the Office for Equity and Diversity develops and implements equal employment opportunity policies and diversity programs. Information about the Office for Equity and Diversity’s programs and policies, the University’s protected classes and related non-discrimination policies and procedures may be found by visiting the Office for Equity and Diversity web site at <https://oed.ecu.edu/policies/>.

##### II. Professional Development

To foster an environment supportive of diversity, and to promote equity and inclusion, all ECU faculty members will engage in at least one approved learning activity each academic year that addresses diversity, equity, and/or inclusion. It may focus on diversity, equity and inclusion issues in the context of ECU, higher education writ large, or the faculty member’s academic field.

Unit administrators are responsible for approving appropriate diversity, equity and inclusion professional development activities. Professional development is documented in the annual report of each faculty member. The unit administrator will attest that each faculty member has met the diversity, equity and inclusion professional development requirements on the Annual Faculty Evaluation Form.

The University shall provide appropriate equipment, software, and communications access to faculty necessary to provide effective professional development. The University will ensure the availability of continuing faculty education and training-related resources to enhance faculty intercultural competence.

# PART XI – GENERAL FACULTY EMPLOYMENT GUIDELINES AND BENEFITS

## SECTION V

### Substance Abuse and Weapons Policies (Text moved from former Part VI)

#### CONTENTS

- I. Substance Abuse Policy
  - II. Weapons Policy *Revised 6-14*
- 

#### I. Substance Abuse Policy

The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited. A substance abuse policy adopted by the East Carolina University Board of Trustees, consistent with the UNC Board of Governors' Policy on Illegal Drugs, is intended to: prevent substance abuse through a strong educational effort; encourage and facilitate the use of counseling services and rehabilitation programs by those members of the university community who require their assistance in stopping illegal or abusive use of drugs or alcohol; and discipline appropriately those members of the university community who engage in illegal drug or alcohol related behaviors.

The UNC Board of Governor's Policy on Illegal Drugs (Chapter 1300.1) is located at <http://www.northcarolina.edu/policy/index.php>. (FS Resolution #10-97, December 2010)

#### II. Weapons Policy

The University Weapons policy is contained in the University Regulation Concerning Weapons on Campus. Any faculty member who violates this policy may be subject to serious sanctions imposed by the university in accordance with due process as outlined in the university's tenure and promotion policies and procedures, as well as punishment in accordance with state criminal law. For further details and certain exceptions, see North Carolina General Statute § 14-269.2 located online at: <http://www.ncga.state.nc.us> or the [University Regulation Concerning Weapons on Campus](#). (FS Resolution #11-20, February 2011 and FS Resolution #14-46, May 2014)

Faculty Senate Resolution #03-37, September 2003  
Faculty Senate Resolution #10-16, February 2010  
Faculty Senate Resolution #10-86, November 2010  
Faculty Senate Resolution #10-95, December 2010  
Faculty Senate Resolution #10-97, December 2010  
Faculty Senate Resolution #11-19, February 2011  
Faculty Senate Resolution #11-20, February 2011  
Faculty Senate Resolution #11-46, March 2011  
Faculty Senate Resolution #11-60, April 2011  
Faculty Senate Resolution #11-61, April 2011

Faculty Senate Resolution #11-80, October 2011  
Faculty Senate Resolution #12-07, February 2012  
Faculty Senate Resolution #12-70, April 2012  
Faculty Senate Resolution #13-33, March 2013  
Faculty Senate Resolution #13-97, December 2013  
Faculty Senate Resolution #14-46, May 2014  
Faculty Senate Resolution #20-61, March 2021  
Faculty Senate Resolution #21-26, April 2021

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## PART XII

### Faculty Appellate Provisions

## PART XII

### FACULTY APPELLATE PROVISIONS

*Revised 4-21*

#### SECTIONS

- I. General Appellate Procedures and Reviews of Non-Reappointment, Non-Conferral of Tenure at the End of the Probationary Period, Discharge or Imposition of Serious Sanctions, and Termination Based on Institutional Considerations
- II. General Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure

## PART XII – FACULTY APPELLATE PROVISIONS

*Revised 4-21*

### SECTION I

General Appellate Procedures and Reviews of Non-Reappointment, Non-Conferral of Tenure at the End of the Probationary Period, Discharge or Imposition of Serious Sanctions, and Termination Based on Institutional Considerations.

#### Contents

- I. General Provisions on Faculty Appeals
- II. Review of Non-Reappointment or Non-Conferral of Tenure at the Completion of a Probationary Term
- III. Due Process Before Discharge or the Imposition of Serious Sanctions
- IV. Appeals of Termination of Faculty Employment Based upon Institutional Considerations

#### SECTION I.I, General Provisions on Faculty Appeals

#### CONTENTS

- I. Constituting an Appeal Panel
- II. Descriptions of Grievants and Respondents
- III. Annual Reports
- IV. Jurisdiction of the Board of Governors

#### I. Constituting an Appeal Panel

A. The Faculty Appellate Committee, established through the Bylaws (*Faculty Manual*, Part II, Section II) of the ECU Faculty Senate, shall serve as a pool for populating appeals panels for the four appellate processes covered by provisions of Part XII of this Faculty Manual. These are:

- 1) Hearing Panel (Section I.II),
- 2) Due Process Panel (Section I.III),
- 3) Reconsideration Panel (Section I.IV)
- 4) Grievance Panel (Section II.I)

Because hearings in matters of non-reappointment or conferral of permanent tenure can present complex and difficult questions of fact, policy, and law, and because of the central role of the panel in gathering and preserving the evidence upon which most subsequent decisions related to the matter will be based, it is important for the chancellor to ensure that Faculty Appellate Committee members, as well as relevant administrators and aggrieved faculty members, are appropriately trained in accordance with guidelines and procedures jointly established by the faculty officers and chancellor.

B. At its initial organizational meeting each year, the Faculty Appellate Committee will elect a steering committee of four individuals, each responsible for taking the lead in processing requests for hearings before one of the four respective types of appellate panels. These individuals will be designated as the “appellate chair” for grievances in their respective areas. Once constituted, the steering committee will elect a Chair and Secretary.

C. To determine panelists for appellate hearings, at the beginning of each academic year, the steering committee will develop a rank order for all members of the Faculty Appellate Committee by random lottery. Individuals will be asked to serve on panels in order of lottery rank, except when disqualified because of a conflict of interest or skipped over based on inappropriate rank for the

process in question. Conflicts of interest include, but are not limited to, those cases in which Appellate Committee members are from either the grievant's or respondent's relevant department, unit, college, or school, or with whom either the grievant or respondent has had an amorous relationship, or is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]). Individuals will not be asked to serve on a second panel until all eligible Appellate Committee members have already served, unless otherwise ruled out by conflicts of interest, at which time the steering committee will return to the top of the ranked list and proceed through the Appellate Committee membership again in the same order.

D. A request for an appeal panel is directed to the chair of the Appellate Steering Committee. The steering committee will determine the appropriate appellate process to be followed and the steering committee member responsible for that process (appellate chair for that area) will take the lead in further actions on that appeal request. The specified appellate chair will assemble a panel of five regular members and one alternate based on the rank order of Appellate Committee members. Once established, the panel will elect a chair and secretary, and follow the appropriate provisions, detailed below, for the specific type of appeal filed.

E. Notwithstanding anything in this document, the chancellor may extend any deadline for a reasonable amount of time in the best interests of the university. The chancellor will promptly inform grievants, respondent(s), the panel, the Chair of the Faculty and the vice chancellor with supervisory authority of the timing and basis of a deadline extension.

## II. Descriptions of Grievants and Respondent(s)

A. A grievant is any faculty member or members who seek(s) the remedies afforded by the provisions of Part XII of the *Faculty Manual*. Grievants must be current faculty members of East Carolina University. If a faculty member's employment ends voluntarily during the grievance process, prior to the end of employment the grievant may request the chancellor to allow the grievance to continue. Copies of such a request must be provided to the appellate chair. The chancellor should respond to such a request, with a copy to the appellate chair, within 30 calendar days.

B. A respondent is the person or persons identified by a grievant as the individual(s) 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. "Respondent" may be used in the singular form, even where it stands for more than one person. Named respondents must be current employees of East Carolina University. If a named respondent is a former administrator and, therefore no longer in a position to provide a remedy regarding grieved issues, the person who presently occupies the administrative position will be considered as a substitute respondent for that purpose. If still an ECU employee, the former administrator may remain as a respondent or be called as a witness as determined by the Panel. An individual or a departmental/unit committee and/or its chairperson may be named as a respondent.

## III. Annual Reports

Annually, the Appellate Committee will write a report specifying the number of each type of appeal, the outcomes, and the duration of the process, as well as any other concerns that occur to the committee. The report will be submitted to the Faculty Governance Committee for review.

## IV. Jurisdiction of the Board of Governors

It is the Board of Governors expectation that campus matters will be addressed appropriately at the constituent institution. Therefore, the board will not hear appeals of decisions that have been addressed through the appellate provisions of the ECU Faculty Manual. Under extraordinary



circumstances, as solely determined by the Board of Governors, the Board may exercise its discretion to review any matter that has not first been brought to the attention of the designated institutional administrator, chancellor, or president for appropriate review and handling. The Board of Governors may in its sole discretion conduct hearings, whether before the full board or a designated standing or special committee of the board. Such hearings shall be limited to matters as the Board of Governors deems appropriate. All appeals addressed to or requests for hearings by the Board of Governors, from whatever source, shall be transmitted through the president.

## SECTION I.II, Review of Non-Reappointment or Non-Conferral of Tenure at the Completion of a Probationary Term.

### CONTENTS

- I. Deadlines for Review
- II. Request for a Hearing Panel
- III. Procedures for the Hearing
- IV. Procedures After the Hearing

#### I. Deadlines for Review

Failure to submit the review documents specified in this section within the time periods allotted constitutes a waiver of the right to have the decision reviewed by ECU faculty committees, institutional authorities, or the UNC Board of Governors; however, before the expiration of the deadline the faculty member may request an extension, provided that the request is made in writing and presented to the appellate chair for grievances covered by Part XII, Section I.II. The Appellate Steering Committee shall decide on an extension within 10 calendar days of receiving a request. 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 steering committee cannot be assembled.

#### II. Request for a Hearing Panel

Within 25 calendar days of receiving written notice from the vice chancellor of non-reappointment or non-conferral of permanent tenure, a faculty member (hereafter, the complainant) may request a review of the decision before a Hearing Panel.

##### 1. The Hearing Panel

The Hearing Panel (hereafter, "the panel") shall be composed of five members and one alternate each of whom is a full-time, permanently tenured voting faculty member without administrative appointment (as per Part IX, Section IV). The alternate shall attend all sessions of the hearing and replace a regular member should that member be unable to attend the entire hearing. Members shall be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate and provisions for appointment of appellate panels specified in Part XII, Section I.I. Upon organization, the members of the Hearing Panel shall elect a chair and secretary. Should either officer be absent at the beginning of a hearing, the panel members shall elect an alternate for the purposes of the hearing. A quorum for the panel shall be the five members or four members and the alternate.

When the panel is convened to consider any matter associated with a complainant's request for a hearing, those Appellate Committee members who (i) hold an appointment in the complainant's academic unit, (ii) might reasonably expect to be called as witnesses, (iii)

might reasonably expect to be asked to serve as an advisor (see subsection III.2, Conduct of the Hearing) to any party of the hearing, or (iv) may have any other conflict of interest should be disqualified from participation on a panel related to the specific request for a hearing. The complainant and those individuals or groups who are alleged to be responsible for the action or actions described by the complainant in the request for the hearing [hereafter, the respondent(s)] are permitted to challenge panel members for just cause. The other members of the panel, in consultation with the Appellate Steering Committee, will decide on any potential disqualifications if a panel member is challenged but wishes to remain.

When membership of the panel falls below the specified five members and one alternate, the appellate chair will select additional members of the Appellate Committee to the panel as specified in Part XII, Section I.I of the *Faculty Manual*.

The panel may at any time consult with an attorney in the office of the University Attorney. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise the University administrator(s) substantively regarding the panel's recommendation(s) during the review process.

## 2. Initiation of the Hearing Process

The basis for a request for a hearing must be found in one or more of the following reasons: (a) the decision was based on any ground stated to be impermissible in [Chapter 101.1, Section 604B of The Code of The University of North Carolina](#); (b) the decision was attended by a material procedural irregularity such that doubt is cast on the integrity of the decision not to reappoint. In addition, the University Equal Employment Opportunity policy prohibits employment discrimination based on sexual orientation.

Chapter 101.1, Section 604B of The Code of The University of North Carolina states: "*In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) any of the protected statuses included in Section 103 of The Code, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits or circumstances of an individual. See [Policy 101.3.1 II.B.](#) for details.*"

Personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record of evidence might establish that the responsible department chair declined to recommend a probationary faculty member for reappointment with tenure because of the faculty member's 'unpleasant personality and negative attitude'. Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms 'ill-will', 'dislike', 'hatred' and 'malevolence' may connote different degrees of antipathy, such distinctions make no

difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making decisions.” ([UNC Policy Manual Policy 101.3.1 II.B](#))

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

The complainant's request for a hearing must specifically identify and enumerate all reasons for the request. The request must include the following: a) a description that is as complete as possible of the actions or the failures to act that support each specified contention; b) identification of the respondent(s); c) an enumeration and description of the information or documents that are to be used to support the contention (copies of the described documents are to be made a part of the request for a hearing); d) identification of persons who may be willing to provide information in support of the contention; and e) a brief description of the information those persons identified in (d) may provide, and f) a copy of the vice chancellor's notice of non-reappointment or non-conferral of permanent tenure. The complainant's request for a hearing shall be made to the appropriate appellate chair and delivered to the Faculty Senate office by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). The Faculty Senate Office will promptly notify the appropriate vice chancellor.

### III. Procedures for the Hearing.

#### 1. Time and Date of Hearing

After the membership of a Hearing Panel is determined by the Appellate Steering Committee, the panel chair shall provide a complete copy of the request for a hearing to the individuals named in the request for a hearing. The panel shall set the time, date, and place for the hearing. The date for the hearing must be within 42 calendar days after receiving the request, except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts a panel cannot be assembled. Once determined, the panel chair shall notify the complainant, the respondent(s), the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. At least 21 calendar days before the hearing, the complainant shall notify the panel, the respondent(s), the chair of the faculty, and the chancellor of the identity of the complainant's advisor, if any, and whether or not the advisor is an attorney ("attorney" is defined as anyone with a Juris Doctor, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee). Within 14 calendar days before the hearing, the complainant and respondent(s) will submit documents and a list of witnesses to be used in the hearing along with a brief statement of the relevance of each witness.

## 2. Conduct of the Hearing

The panel chair is responsible for conducting the hearing and maintaining order. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the panel members and alternate, the complainant, one person who may advise the complainant, the respondent(s), and one person who may advise the respondent(s). If there is more than one respondent, the respondents will designate a spokesperson for the hearing. The persons advising the complainant and respondent(s) may not take an active part in the proceedings. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) approved by the chancellor, or an East Carolina University attorney under the condition that the complainant is accompanied by an attorney. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing, but shall be available at a convenient location to appear before the panel as appropriate.

A professional court reporter must be used to record and transcribe the hearing (Faculty Senate Resolution #03-37). Any such record is a part of the personnel inquiry and must be treated with appropriate confidentiality. Only the immediate parties to the controversy, the responsible administrators and attorneys, and the members of the University governing boards and their respective committees and staff are permitted access to such materials. (Faculty Senate Resolution #03-49)

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

Following the opening remarks by the panel chair, the complainant shall present his or her contentions and any supporting witnesses and documentary evidence. The respondent(s), through their spokesperson, may then reply to these contentions and present any supporting witnesses and evidence. During these presentations, the complainant, and the respondent(s), through their spokesperson, may cross-examine opposing witnesses. For purposes of clarification, panel members may question witnesses, including the complainant and any respondent or spokesperson. At the conclusion of the hearing, the complainant may make a summary statement of up to ten minutes in duration. If the complainant elects to do so, then the respondent(s), through their spokesperson, will be given the same opportunity.

## IV. Procedures After the Hearing

After the hearing, the panel shall meet in executive session within 3 calendar days and begin its deliberations on whether to sustain or not sustain the allegations stated in the request for the hearing. In reaching decisions on which the panel's written recommendations to the chancellor shall be based, the panel shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The complainant shall have the burden of proof. The standard applied by the panel shall be that the preponderance of the evidence establishes that a basis for the complainant's contentions is found in one of the reasons listed in subsection II.2, "Initiation of Hearing." Preponderance is defined as the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

Within 14 calendar days of finishing its deliberations the panel shall provide the complainant, respondent(s), and the chancellor with a copy of the panel's report and, a copy of the court reporter's transcript of the hearing (Faculty Senate Resolution #03-37).

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

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

Within 42 calendar days after receiving the recommendation of the Hearing Panel and the transcript, the chancellor shall notify the complainant, the respondent(s), the chair of the faculty, and Hearing Panel chair what further substantive review, if any, will be made of the original decision not to reappoint or not to confer permanent tenure. If the chancellor is considering taking action inconsistent with the panel's recommendations, the chancellor shall request within 14 calendar days that a joint meeting with the panel occur. At the joint meeting, the chancellor will communicate his or her concerns and the panel will have an opportunity to respond. The joint meeting must occur within the 42 calendar-day period. No meeting is required if the chancellor decides to concur with the panel's recommendations.

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

The chancellor will inform the complainant of a decision in writing by a method that produces adequate evidence of delivery. If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the chancellor's decision shall be final. If the chancellor either declines to accept a committee recommendation that is favorable to the faculty member, or concurs in a committee recommendation that is unfavorable to the faculty member, the faculty member may appeal the chancellor's decision by filing a written notice of appeal with the Board of Trustees. This appeal shall be transmitted through the chancellor and be addressed to the chair of the Board of Trustees, by submitting such notice by certified mail, return receipt requested, or by another means that provides proof of delivery, within 14 calendar days after the faculty member's receipt of the chancellor's decision. The notice must contain a brief statement that alleges one or more of the following as the basis for the appeal: (a) that the campus-based process for reviewing the decision was materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered; (b) that the result reached by the chancellor was clearly erroneous; or (c) that the decision was contrary to controlling law or policy. The Board of Trustees' decision shall be made as soon as reasonably possible after receiving the faculty member's request for an appeal. This decision is final and shall end the University's appeals process.

## SECTION I.III, Due Process Before Discharge or Imposition of Serious Sanctions

### CONTENTS

- I. Bases for Serious Disciplinary Sanctions or Discharge
- II. Notice to Faculty of Imposition of Sanctions or Discharge
- III. Request for a Hearing
- IV. Due Process Panel
- V. Procedures for a Hearing
- VI. Procedures After a Hearing
- VII. Appeal of Chancellor's Decision
- VIII. Suspension During a Period of Intent to Discharge

#### I. Bases for Serious Disciplinary Sanctions or Discharge

A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary sanctions. For purposes of the *Faculty Manual*, a faculty member serving in a fixed-term or probationary appointment shall be regarded as having tenure until the end of the term. During the period of such guarantees, the faculty member may be discharged from employment, suspended, or demoted in rank or serious sanctions may be imposed only for reasons of:

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

Classification of alleged conduct as one categorical basis for imposition of sanctions or discharge, when the conduct more appropriately meets the definition of another (e.g., willful, intentional neglect of duty might be considered misconduct), shall not be considered a deficiency in the charge if the conduct at issue is clearly referenced in the notice of intent to discharge and evidence of the nature and/or duration of the alleged conduct supports the severity of the sanction or discharge proposed.

These provisions do not apply to non-reappointment or non-conferral of permanent tenure at the end of the probationary period (governed by provisions in Part XII, Section I.II), or termination of employment based on institutional considerations (governed by provisions in Part XII, Section I.IV).

#### II. Notice to Faculty of Imposition of Sanctions or Discharge

The vice chancellor with supervisory authority shall provide written notice to the faculty member of intent to discharge from employment or to impose serious sanction, including a written specification of the reasons for the sanction. The notification shall be sent by a method

that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). The notice shall include a statement of the faculty member's right, upon request, to a hearing by a Due Process Panel (Faculty Senate Resolution #99-10). If no written request for a hearing (see III. below) is received within 14 calendar days after receipt of this notification, the faculty member may be discharged or sanctions may be imposed without recourse to any institutional grievance or appellate procedure.

### III. Request for a Hearing

A faculty member has 14 calendar days to request a hearing after receipt of written notification of the reasons for the sanction. A request for a hearing is made to the vice chancellor with supervisory authority, in writing by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). The vice chancellor shall notify the appropriate appellate chair of the need to convene a Due Process Panel within 10 calendar days of receiving this request.

### IV. Due Process Panel

The Due Process Panel (hereafter, "the panel") shall be composed of five regular members and one alternate who shall attend all sessions of the hearing and replace, for the remainder of the process, a regular member who is unable to attend the entire hearing. Panel members shall be full time, permanently tenured voting faculty (as per Part IX, Section IV) without administrative appointment and be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate, and appointment of appeals panels described in Part XII, Section I.I of this *Faculty Manual*. Upon organization, the members of the panel shall elect a chair and secretary. Should either officer be absent at the beginning of a hearing, the panel members shall elect an alternate for the purposes of the hearing. A quorum for the panel shall be the five members or four members and the alternate.

When the panel is convened to consider any matter associated with a faculty member's request for a hearing, those Appellate Committee members who (i) hold an appointment in the complainant's academic unit, (ii) might reasonably expect to be called as witnesses, (iii) might reasonably expect to be asked to serve as an advisor (see subsection V.B, Procedures for the Hearing) to any party of the hearing, or (iv) may have any other conflict of interest, should be disqualified from participation on a panel related to the specific request for a hearing. The faculty member and the vice chancellor with supervisory authority are permitted to challenge panel members for just cause. The other members of the panel will decide by majority vote on any potential disqualifications if a panel member is so challenged but wishes to remain (Faculty Senate Resolution #99-10).

When membership of the panel falls below the specified five members and one alternate, the appellate chair will select additional members of the Appellate Committee to serve on the panel as specified in Part XII, Section I.I of the *Faculty Manual*.

The panel may at any time consult with an attorney in the office of the University Counsel. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise University administrator(s) substantively regarding the panel's recommendation(s) during the review process.

## V. Procedures for the Hearing

### A. Time and Date of Hearing

The Due Process Panel shall set the time, date, and place for the hearing. The panel shall accord the faculty member 30 calendar days to prepare a defense from the time it receives the faculty member's written request for a hearing. The panel may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member and vice chancellor. The panel shall promptly notify the affected faculty member, the vice chancellor with supervisory authority, and the chair of the faculty of the time, date, and place of the hearing. The panel ordinarily will endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and, despite reasonable efforts, the panel cannot be assembled.

### B. Conduct of Hearing

The hearing shall be concerned with the written specification of reasons for the intended discharge or imposition of a serious sanction. The panel chair is responsible for conducting the hearing and for maintaining order. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to panel members and the alternate, the faculty member requesting the hearing, advisor/attorney for the faculty member, the vice chancellor with supervisory authority, or his/her designee, and an advisor/attorney for the vice chancellor. The person advising the respondent(s) at the hearing may be either an East Carolina University faculty member (with or without administrative appointment) approved by the chancellor, or an East Carolina University attorney. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing but shall be available at a convenient location to appear before the panel as appropriate. A professional court reporter must be used to record and transcribe the hearing (Faculty Senate Resolution #03-37). The hearing shall be closed to the public unless both the faculty member and the panel agree that it may be open.

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

## VI. Procedures After the Hearing

After the hearing, the panel shall meet in executive session and begin its deliberations within three calendar days. In reaching its decisions the panel shall consider only the testimony and other materials entered or presented as evidence during the hearing and such written or oral arguments as the panel, at its discretion, may allow. The University has the burden of proof. In evaluating evidence, the panel shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for



the discharge or serious sanction exist and are the basis for the recommended action. "Clear and convincing" is a higher standard than "preponderance" of evidence and must indicate that the University's case is substantially more likely to be true than not true.

Within 14 calendar days of finishing its deliberations or after the full transcript is received, whichever is later, the panel shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. In its report, the panel shall state whether it recommends that the intended sanction be imposed (Faculty Senate Resolution #03-37).

In reaching a decision, the chancellor shall consider only the written transcript of the hearing, including materials offered in evidence in the panel's hearing and the documents that constitute the record of the appeal, including but not limited to the notice of intent to discharge or impose sanctions, the faculty member's request for a hearing, and the report of the panel. Within 30 calendar days of receiving the report and the court reporter's written transcript of the hearing along with the materials offered in evidence at the hearing, the chancellor's decision shall be conveyed in writing to the panel and the affected faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3.

## VII. Appeal of Chancellor's Decision

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

An appeal must contain a brief statement that alleges one or more of the following as the basis for the appeal: (1) that the process for making the decision was materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered; (2) that the result reached by the chancellor was clearly erroneous; or (3) that the decision was contrary to controlling law or policy.

This appeal shall be transmitted through the chancellor and be addressed to the chair of the Board. The faculty member must file the notice of appeal by certified mail, return receipt requested, or by another means that provides proof of delivery, within 14 calendar days after the faculty member receives the chancellor's decision. The notice of appeal shall be filed with the Board of Trustees within 14 calendar days after the faculty member receives the chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees; however, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members.

The Board of Trustees, or its committee shall consider the appeal based on the written transcript of the hearing held by the Due Process Panel, including materials offered in evidence and the documents that constitute the record of the appeal, including but not limited to the notice of intent to discharge or impose sanctions, the faculty member's request for a hearing, and the report of the panel; however, at its discretion, the Board may hear such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made as soon as reasonably possible after the chancellor has received the

faculty member's request for an appeal to the Trustees. This decision is final and shall be the end of the University's appeal process.

#### VIII. Suspension During a Period of Intent to Discharge

When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may reassign the individual to other duties or suspend the faculty member at any time until a final decision concerning discharge or imposition of serious sanctions has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay and benefits.

### SECTION I.IV, Appeals of Termination of Faculty Employment Based Upon Institutional Considerations

#### CONTENTS

- I. Reasons Justifying Termination and Consultation Required
- II. Termination Procedures
- III. Request for a Reconsideration Hearing
- IV. The Reconsideration Panel
- V. Procedures for a Hearing
- VI. Procedures After a Hearing
- VII. Appeal to the Board of Trustees

#### I. Reasons Justifying Termination and Consultation Required

##### A. Reasons for Terminating Employment

The employment of a faculty member with permanent tenure or a faculty member holding a fixed-term or probationary appointment may be terminated by East Carolina University because of 1) demonstrable, *bona fide* institutional financial exigency, or 2) major curtailment or elimination of a teaching, research or public service program. Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by a decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. If the institution faces financial exigency or needs to consider a major curtailment or elimination of a teaching, research, or public-service program, the chancellor or chancellor's designee shall first seek the advice and recommendations of the academic administrative officers and faculties following the process defined in subsection I.B below.

This determination is subject to concurrence by the UNC President and then approval of the UNC Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with Section 605 B (1) of *The Code of The University of North Carolina* and the institutional procedures set out below.

##### B. Consultation with Faculty and Administrative Officers

If it appears that the institution will experience financial exigency or needs to consider a major curtailment or elimination of a teaching, research, or public-service program, the chancellor or chancellor's delegate shall seek the advice and recommendations of the academic administrative officers and faculties of the department(s) in question, from units representing complementary disciplines, and from other units that might be affected.

The chancellor or the chancellor's designee shall prepare a report that identifies specifically the state of financial exigency or the program change. The report should outline the options readily apparent to the chancellor at the time and must describe clearly any options that would or might involve terminations of faculty employment.

The chancellor's report shall be directed to the Educational Policies and Planning Committee (EPPC) for their written advice and recommendations. In considering this report the EPPC shall have access to information that formed the basis for the chancellor's report and may interview appropriate persons. The EPPC shall be provided a reasonable timeframe to prepare a response to the chancellor's report, to be submitted no later than a date determined by the chancellor.

Following receipt of the EPPC's report or expiration of the time allowed for submission of the report, should the chancellor decide to consider reducing a unit's faculty for reasons of financial exigency or major curtailment or elimination of a program, the chancellor shall promptly notify, in writing, any faculty member to be terminated following procedures outlined in section II below.

## II. Termination Procedures

### A. Consideration in Determining Whose Employment is to be Terminated

In determining which faculty member's employment is to be terminated for reasons set forth in Section 605 A of the UNC Policy Manual, the chancellor shall give consideration to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

### B. Timely Notice of Termination

1. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public-service program, and such curtailment or elimination of program is not founded upon financial exigency, a permanently tenured faculty member shall be given at least twelve months of notice. A faculty member without permanent tenure shall be given notice in accordance with the requirements specified in subsection II.C below.
2. When a faculty member's employment is to be terminated because of financial exigency, the institution will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in the preceding paragraph.

### C. Type of Notice to be Given

1. An individual faculty member whose employment is to be terminated shall be notified of this fact in writing by a method that provides delivery verification and is consistent with [UNC Policy 101.3.3](#). This notice shall include: (i) a statement of the conditions requiring termination of the faculty member's employment; (ii) a general description of the procedures followed in making the decision; (iii) a disclosure of pertinent financial or other data upon which the decision was based; (iv) a statement of the faculty member's right to reconsideration of the decision by a faculty appellate panel if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and (v) a copy of this procedure on termination of employment.

2. For a period of two years after the effective date of termination of a faculty member's contract for only reasons specified in subsection I.A above, the institution shall not replace the faculty member in a comparably defined position without first offering the position to the person whose employment was terminated. The offer shall be sent by a method that provides delivery verification and is consistent with UNC Policy 101.3.3 to the address last furnished to the chancellor's office, and the faculty member will be given 30 calendar days after attempted delivery of the notice to accept or reject the offer. The offer to resume a terminated position shall provide for tenure status, rank, and salary at least equal to those held by the faculty member at the time of termination.
3. When requested by a faculty member whose employment has been terminated, the institution shall give reasonable assistance in finding other employment. Such assistance should include, for example, administrative assistance, access to the telephone (including long distance), University/unit stationery and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.

#### D. Termination if Reconsideration is Not Requested

If, within 14 calendar days after receipt of required notice, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date specified in the notice, and without recourse to any institutional grievance or appellate procedure.

### III. Request for Reconsideration Hearing

Within 14 calendar days after receiving the required notice, the faculty member may request a reconsideration of the decision to terminate employment by a method that provides delivery verification and is consistent with UNC Policy 101.3.3. The request shall be submitted to the chancellor and shall specify the contention that the decision to terminate employment was arbitrary or capricious, and shall include a short, plain statement of facts that the faculty member believes support that contention. Upon receipt of such a request the chancellor shall, within 10 calendar days, notify the appropriate appellate chair of the need to convene a Reconsideration Hearing Panel.

### IV. The Reconsideration Panel

The Reconsideration Panel (hereafter, "the panel") shall be composed of five members and one alternate, each of whom is a full time permanently tenured voting faculty member without administrative appointment. The alternate shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. Members shall be chosen in accordance with the procedures for election of the Appellate Committee specified in the Bylaws of the East Carolina University Faculty Senate, and appointment of appeals panels described in Part XII, Section I.I of this Faculty Manual. A quorum for the panel shall be five members or four members and the alternate. If membership of the panel falls below the specified five members and one alternate, the appellate chair will appoint additional members of the Appellate Committee as described in Part XII, Section I of the *Faculty Manual*.

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

When the panel is convened to consider any matter associated with a faculty member's request for a hearing, those Appellate Committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, those who participated directly in the decision to terminate the faculty member's employment, or those who may have any other conflict of interest should be disqualified from participation in the activities of a panel related to this specific request for a hearing. The faculty member and the chancellor, or the chancellor's designee, are permitted to challenge panel members for just cause. The other members of the panel, including the alternate, will decide by majority vote (excluding the panel member challenged) on any potential disqualifications if a panel member is challenged but wishes to remain.

The panel may at any time consult with an attorney in the office of the University Attorney. The consulting attorney should not have present or prior substantive involvement in the matter that gave rise to the hearing, nor advise the University administrator(s) substantively regarding the panel's recommendation(s) during the review, although individual attorneys may play the same role at different points in the process.

## V. Procedures for the Hearing

### A. Time and Date of Hearing

The Reconsideration Panel shall set the time, date, and place for the hearing. The date for the hearing should be within 42 calendar days of the time the appellate chair receives the chancellor's notification of the faculty member's written request for a hearing. The panel chair shall notify the affected faculty member, the chancellor, and the chair of the faculty of the time, date, and place of the hearing. The panel may, upon the faculty member's written request and for good cause, postpone the date of the hearing by written notice to the faculty member, chancellor, appellate chair, and chair of the faculty.

### B. Conduct of Hearing

The Reconsideration Panel's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The panel chair is responsible for conducting the hearing and for maintaining order during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. Attendance at the hearing is limited to the panel members and alternate, the faculty member requesting the hearing, advisor or counsel for the faculty member, the chancellor or designee (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the panel shall not be present throughout the hearing, but shall be available at a convenient location to appear before the panel as appropriate. Upon request, the faculty member and the panel shall be given access to documents that were used in making the decision to terminate the faculty member's employment. A professional court reporter must be used to record and transcribe the hearing (Faculty Senate Resolution #03-37).

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

any of the witnesses. Panel members may question witnesses for purposes of clarification. At the conclusion of the hearing, the faculty member or his/her advisor or legal counsel, and then the chancellor, designee, or counsel will be given the opportunity to provide summary statements.

#### VI. Procedures After the Hearing

The panel shall meet in executive session to begin its deliberations no more than three calendar days after the hearing. In reaching its decisions the panel shall consider only the testimony and other materials entered or presented as evidence during the hearing.

Within 14 calendar days of finishing its deliberations or receipt of the court reporter's transcript, whichever is later, the panel shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing (Faculty Senate Resolution #03-37).

If the Reconsideration Panel determines that the contention of the faculty member has not been established, the report shall, by a simple unelaborated statement, so notify the faculty member, the chair of the faculty and the chancellor.

If the panel determines that the faculty member's contention has been satisfactorily established, the report shall so notify the faculty member, the chair of the faculty, and the chancellor, and provide a recommendation for corrective action by the chancellor.

Within 10 calendar days after receiving the recommendation, the chancellor shall send written notice to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty and the chair of the Reconsideration Panel, giving a decision and stating what modification, if any, will be made with respect to the original decision to terminate the faculty member's employment.

If the chancellor concurs in the recommendation of the Reconsideration Panel and withdraws the termination notice, the decision is final and written notification thereof shall be sent to the faculty member, the chair of the faculty, and the chair of the Reconsideration Panel. If the original termination decision is not reversed, the chancellor shall send written notice of such to the faculty member by a method that provides delivery verification and is consistent with UNC Policy 101.3.3, with copies to the chair of the faculty and the chair of the Reconsideration Panel. The faculty member may appeal the termination to the Board of Trustees within 10 calendar days following receipt of the chancellor's decision (Faculty Senate Resolution #99-4).

#### VII. Appeal to the Board of Trustees

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

The Board of Trustees or its designated committee shall consider the appeal based on the written transcript of the hearing held by the Reconsideration Panel, including materials offered in evidence and the documents that constitute the record of the appeal. These include, but are not limited to, the statement of termination, the faculty member's request for a hearing, and the report of the panel. At its discretion, the Board may hear such other evidence as it deems necessary,

with the opportunity for rebuttal. The Board of Trustees' decision shall be made as soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the Trustees. The decision of the Board of Trustees shall be final.

In compliance with UNC Code 602 (1) final approval of this Part XII, Section I involves the Faculty Senate, Chancellor, Senior Vice President for Academic Affairs, General Counsel, and President of UNC System.

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Faculty Senate Resolution #12-17, February 2012  
Faculty Senate Resolution #14-32, April 2014  
Faculty Senate Resolution #19-69, April 2021

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## PART XII – FACULTY APPELLATE PROVISIONS

*Revised 4-21*

### SECTION II

#### General Faculty Grievance Procedures and Appeals of Non-Conferral of Early Tenure

#### Contents

- I. Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure
- II. Grievance Procedures Related to Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status
- III. Effective Date

#### SECTION II.I, Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure

#### CONTENTS

- I. Faculty Grievances
- II. The Grievance Panel
- III. General Grievances
  - A. Step One (Informal Conflict Resolution)
  - B. Step Two (Petition for Redress)
  - C. Step Three (Mediation and/or Chancellor Review)
  - D. Step Four (Request for Hearing)
  - E. Step Five (The Hearing)
  - F. Step Six (Hearing Panel 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

Part XII, Section II.I provides for peer review of general faculty grievances and appeals of non-conferral of early tenure through a formal procedure that, depending on the grievance, includes access to mediation or direct review, and the potential for an appellate panel hearing of the grievance. Grievance procedures in Part XII, Section II.I are confined to the faculty and administrative structure of East Carolina University. There are no appeals through Part XII-Section II.I beyond the Board of Trustees.



## I. Faculty Grievances

There are two classifications of grievances covered by this section. 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).

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 separate grievance procedures provides two assurances. First, it ensures there is a review process for the faculty member when the non-conferral of permanent tenure was based on an early request, for which appeals to the Board of Governors are not allowed. Appeals of non-conferral of tenure at end of the established probationary period are governed by the provisions in Part XII, Section I.II. Second, the bases for the grievance provided in Part XII, subsection II.I.IV for a grievance of non-conferral of early tenure do not apply to General Grievances covered in this section.

No grievance that involves matters related to a formal proceeding for the imposition of serious sanction, discharge, or termination of a faculty member's employment, or that is within the jurisdiction of another appellate panel, falls within the charge of these general Faculty Grievance provisions (See Part XII, Sections I.II covering review of non-reappointment or non-conferral of tenure at the completion of a probationary term; I.III covering due process before discharge or the imposition of serious sanctions; and I.IV covering appeals of termination of faculty employment based upon institutional considerations).

## II. Grievance Panel

The Grievance Panel (or “the panel”) shall be composed of five regular members and one alternate, chosen from the Appellate Committee in accordance with Part XII, Section I.I.

Upon receipt of the grievant's Petition for Redress (Step Two), the appellate chair responsible for Grievance Panel hearings (Part XII, Section I.I) will inquire of panel members about the existence of potential conflicts of interest (which include, but are not limited to, any grounds for recusal listed in this paragraph) and will automatically recuse from participation in the appeal any member from the grievant's or respondent's relevant department, unit, college, or school, or any member with whom either the grievant or respondent(s) has had an amorous relationship, or is related by blood, law, or marriage (as defined in UNC Policy Manual 300.4.2 and 300.4.2.1[G]). Committee members shall recuse themselves from participating in a grievance if they have a reason to believe that such participation represents or will create a conflict of interest.

The appellate chair's responsibility is to provide the grievant and respondent(s) a process for a possible resolution of the grievance. The appellate chair will provide only procedural information to the parties of the grievance, and shall not function as an advocate for either party. Procedural information includes the membership of the Appellate Committee, its charge, the options open to the parties to the grievance, and similar information.

Upon receipt of a request for a hearing (Step Four), the appellate chair shall determine the availability of the Appellate Committee members in lottery rank order to form a Grievance Panel consisting of five members plus one alternate who will replace any member unable to attend the entire hearing. When

choosing panelists in rank order, the appellate chair will ensure that representatives from the respective ranks of both the grievant and respondent are included on the panel. Any party to a grievance may request that any member of the panel be recused from the hearing for conflict of interest. Such a request shall be in writing, stating the reason(s) for the request and be provided to the appellate chair not later than 5 calendar days after notification in Step Four of a hearing date. If the panel member declines recusal, the established panel, including the alternate, shall determine obligatory recusal by a majority vote (the member in question not participating). The recused panel member will be replaced by the current alternate member, and the appellate chair will appoint a new alternate following the same procedure as above.

### III. General Grievances

General grievances 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.

To promote and allow for adequate efforts at informal conflict resolution, the deadline for initiating a grievance is the end of the following Spring semester for an incident alleged to have occurred during the Fall semester (August 16<sup>th</sup> to December 31<sup>st</sup>) and the end of the Fall semester for an incident alleged to have occurred during the Spring semester or during the summer months between the Spring and the Fall semesters (January 1<sup>st</sup> to August 15<sup>th</sup>). This deadline may be extended by a majority vote of the Appellate Steering Committee if, in the committee's opinion, there are extenuating circumstances despite due diligence.

The Appellate Steering Committee and Grievance Panel shall hold the grievant responsible for progressing through the grievance steps in a timely manner. If time delays are encountered because of the respondent(s), the grievant shall bring this to the attention of the appellate or panel chair as appropriate to the stage of the grievance at the time.

The grievant may terminate the grievance at any time during the process by notifying the appellate chair in writing. The appellate 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: Conflict Resolution.

Prior to initiating a grievance with the Appellate Committee, a faculty member shall make a concerted effort to resolve the issue through informal conflict resolution. Faculty are encouraged to take advantage of University resources for conflict resolution and informal mediation (<https://ombuds.ecu.edu/>) in trying to settle complaints without entering into formal grievance procedures. This can provide a less antagonistic venue, in the presence of a neutral third party trained to facilitate discussions, which can reduce tensions and lead to an equitable agreement.

Before filing a complaint with the Appellate Committee, an objecting faculty member (the potential grievant) at a minimum shall meet with the potential respondent(s) and attempt to resolve the conflict at issue. At or before this meeting the objecting faculty member shall provide the potential respondent(s) with a written statement setting forth the nature of the problem and the redress sought. If there are multiple claims, each should be presented clearly. This statement should include all information necessary to support each of the objecting faculty member's claims, giving

the respondent an opportunity to identify, understand, and address each concern. Both parties will have an opportunity to submit information and documents in support of their claims and responses before a hearing, should the issue proceed to a grievance (see Step Four below).

The objecting faculty member and respondent should meet in face-to-face discussion(s) about the substance of the problem and are encouraged to use University resources for informal conflict resolution to aid in resolving differences. In cases where the respondent refuses to meet, the objecting faculty member shall, by a memorandum with a copy to the respondent, inform the appellate chair and the next higher-level administrator in their program. Before proceeding to a formal grievance (Step Two), the objecting faculty member shall provide the respondent with the Petition for Redress that the grievant intends to submit in Step Two.

During attempts to resolve conflicts, each party may select a counselor who may also serve as an advisor throughout a conflict resolution and/or grievance process, but who shall not participate nor be called as a witness in a hearing (see Step Five). A list of potential faculty [counselors](#) is maintained by the [Faculty Senate Office](#); however, the parties to the conflict may choose any eligible ECU current or retired faculty members as counselors, or may choose to have no counselor. It is recommended that counselors be tenured professors with extensive experience in faculty governance, as evidenced by service on university governance/appellate committees, and not be associated with the conflict in any way. Association with the conflict includes individuals who may reasonably be called as a witness by either party, should the complaint proceed into the formal grievance process.

For impartial adjudication of a conflict, either party may require availability of information that is controlled or in the possession of the other party or the administration. Upon specific request by a party to the conflict, the other party or the administration shall provide the requesting party with information bearing on the conflict that is not otherwise confidential as a matter of law (“privileged”).

In cases where a formal Petition for Redress has been filed (see Step Two below), either party to the grievance may request that the Appellate Steering Committee or Grievance Panel (once a grievance has proceeded to Step Four) evaluate the basis for a claim of privileged information, and the potential value of that information to resolving the grievance. If the privileged information is deemed to bear substantively on the grievance, the steering committee/panel is required to seek resolution of the issue of privilege through the relevant vice chancellor, or through the chancellor if the vice chancellor is party to the grievance. If the information has a material bearing on the grievance but cannot be obtained for legal reasons, the steering committee/panel shall decide whether continuing the grievance would be unfair to the grievant and/or respondent. If deemed unfair to continue, the grievance process will be terminated with the reason(s) stated clearly in a memorandum to all parties to the grievance, thereby ending the administrative appeal process at East Carolina University. All requested information that is received shall be distributed to the appellate chair/panel chair and to all parties to the grievance.

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

A Petition for Redress by the grievant should be addressed to the Appellate Committee chair, and have appended a copy of the grievant’s written statement from a Step One meeting with the respondent. It shall be submitted with a statement that the grievant completed Step One above, and that with this petition the grievant intends to pursue a formal grievance.

Ten copies of the Petition for Redress, which should not exceed 20 pages, must be delivered to the Faculty Senate Office. The appropriate appellate chair will ascertain if the grievant has completed Step One. If the grievant has not followed Step One, the chair will inform the grievant that Step One is not completed and must be completed prior to any further action being taken by the Appellate Committee.

Based on information contained in the grievant's Petition for Redress, the Appellate Steering Committee shall determine whether the grievance is within the charge of Part XII, Section II.I. The committee may decide that none, some, or all of the issues in the Petition for Redress are appropriate for a general grievance. Issues not within the charge of Part XII, Section II.I will receive no further attention and the committee's decision concerning grievance issues shall be communicated by memorandum to the grievant and respondent. The ECU administrative appeal process is ended for those issues rejected by the committee, unless they fall within the scope of a different appellate process. Except after mediation, the Petition for Redress shall not be modified.

All material collected as part of the grievance shall be put in the grievance file maintained in the Faculty Senate Office under the grievant's name. This grievance file becomes a part of the grievant's Personnel File and, where appropriate, the respondent's Personnel File. A note will be placed in the grievant's and, where appropriate, respondent's Personnel File(s) to indicate the location of the additional records.

#### A. Step Three (Mediation and/or Chancellor Review)

After the committee has determined which, if any, issues raised in the grievant's Petition for Redress are within the charge of Part XII, Section II.I, the grievant may request:

- 1) Mediation (see C.1) followed by the Chancellor Review (see C.2) or a hearing (see Step Four) on any unresolved issues.
- 2) The Chancellor Review without mediation (see C.2).
- 3) A hearing without mediation (see Step Four).
- 4) Termination of the grievance (see Step Four).

##### 1. Mediation

The appellate chair shall offer the parties to the grievance the opportunity to seek a resolution through mediation (The UNC Policy Manual 101.3.2.III). Mediation is limited solely to the grievant and the respondent. Each party will be asked to respond within 15 calendar days after the date of notification by the appellate chair as to their acceptance of mediation. Once all parties to the grievance have accepted mediation, the grievant shall not pursue the grievances at 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, ending administrative review of the grievance. Rejection of mediation shall have no bearing on decisions or recommendations related to the grievance. Unless the grievant pursues a Chancellor Review, if any party to the grievance rejects mediation and the grievant requests a hearing, the appellate chair will notify the parties that a Grievance Panel will be formed and will set a grievance hearing date (Step Four).

If the grievant and the respondent accept mediation, the Faculty Senate Office administrator and chair of the faculty will be responsible for securing a mediator. To avoid real or apparent conflicts of interest, all mediation will be conducted by a third party mediator with no formal association with East Carolina University nor prior association with either party to the grievance, and who is certified by the North Carolina Administrative Office of the Courts.

The parties to the grievance will inform the appellate 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, unless the grievant pursues a Chancellor Review, if no acceptable mediator can be located, the appellate chair will so notify the parties to the grievance and inform them that, should the grievant request a hearing, a panel will be formed and grievance hearing date set (Step Four).

If an acceptable mediator is identified, the parties to the grievance will be informed of the selection. The Petition for Redress and the committee's memorandum will be provided to the mediator by the appellate chair. The mediator will communicate to the appellate chair the beginning date of the process. The mediator will inform the appellate chair on a monthly basis that mediation is continuing with measurable progress. The mediation process shall not exceed 42 calendar days without formal approval of the appellate chair or 60 days without the formal approval of the full Appellate Steering Committee.

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 writes to the committee chair that further mediation is unlikely to be successful.
- c. A party to the grievance writes to the committee chair a desire to terminate mediation because of resistance to or undue delays in scheduling mediation meetings, or because the mediator is no longer deemed acceptable.

Events b. through c. above will cause the appellate chair to notify the parties to the grievance that the mediation process is being terminated and, unless the grievant requests Chancellor Review, inform the grievant to move to Step Four if desired. Decisions by the grievant, respondent, or mediator to terminate mediation shall have no bearing on decisions or recommendations related to the grievance. All information from the mediation process is confidential and 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 either a Chancellor 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 as determined in Step Two. A signed copy of the partial agreement shall be placed in the grievance file. The grievant may request a Chancellor Review or a hearing for remaining issues (Step Four).

## 2. Chancellor Review

Within 20 calendar days from the request for a Chancellor Review, the grievant shall provide to the chancellor, the respondent, and the appellate chair copies of the Petition for Redress along with the committee's memorandum and any information that supports the grievant's contentions. Within 10 calendar days, with copies to the grievant and appellate chair, the respondent may submit to the chancellor 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, with copies to the appellate chair

and the respondent, within 20 calendar days of the chancellor's receipt of all materials. The chancellor may extend any of these deadlines if he or she deems it to be in the best interest of the university.

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

**B. Step Four (Request for a Hearing)**

If the grievance is not resolved, by memorandum to the committee chair with a copy to the respondent, the grievant shall request a hearing, or state that the grievance will not be pursued. If mediation has occurred, the Appellate Steering Committee will again review the grievant's Petition for Redress in light of any changes that may have resulted from mediation. The steering committee will establish a Grievance Panel if it determines that all or some of the issues unresolved by mediation allege an injury that would entitle the faculty member to relief under Part XII, Section II.I. In this case, the steering committee shall provide an updated memorandum to the grievant and respondent(s) explaining remaining issue(s) to address in a hearing. Should the steering committee determine that remaining issues are no longer within the purview of a Faculty Grievance Panel, this decision will exhaust the administrative appeals process, and shall be communicated by a method that produces adequate evidence of delivery to all parties to the grievance.

Once a Grievance Panel is established, the elected panel chair will notify the grievant and respondent, setting a time, date, and place for a hearing on the Petition for Redress. The date of the hearing shall be within 42 calendar days of this notification, except when the request for a hearing is received during summer months, official university breaks and holidays, and when, despite reasonable efforts, the Grievance Panel cannot be assembled (The UNC Policy Manual 101.3.3). Scheduling an appeal panel during the summer months is complicated by the absence of many faculty and different schedules of those available. If the panel cannot schedule a hearing during the summer, a fall hearing date will be scheduled as soon as possible after the fall organizational meeting of the Appellate Committee.

If either the grievant or the respondent petitions the panel in writing for a postponement of the hearing for health reasons, or due to a serious personal emergency, the panel chair shall postpone the meeting for a period of time appropriate to the circumstances. If either the grievant or respondent petitions the panel for a postponement of the hearing for reasons other than health or serious personal emergency, the panel chair shall determine whether it is the general agreement of the committee to postpone the hearing for good cause until the next possible scheduled date.

The notice of hearing will request that both parties submit to the panel the names of their counselors, and all information and documents they intend to introduce at the hearing to support or defend their respective positions. Such information and documents may include written materials, sound or video recordings, photographs, or other forms of information or documentation approved by the panel. The grievant's submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used in support of the grievant's claim(s). The respondent's submission shall include a list of witnesses with a brief statement of the relevance of each witness, and all information to be used to defend against the grievant's claim(s). The panel may also call other witnesses that it deems relevant 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.

Ten copies of all information and documents shall be submitted to the Faculty Senate Office no less than 14 calendar days prior to the hearing date. The department or unit of each party to a grievance is responsible for providing reasonable access to photocopy services for hearing documents during the grievance process. These services shall be at no cost to the grievant or respondent; provided, however, a party to the grievance or a unit bearing such costs may petition the panel to limit incurrence of copying costs by a grievant and/or respondent at the point those expenses appear to be extraordinary and grossly excessive, in which case the panel may direct alternative or adjusted means of making the information to be copied available for use in the hearing process. The submitted information and documents shall have a table of contents with numbers (Arabic) assigned to all pages that exhibit information. If the back of a page contains information, it also must be numbered. Numbers shall be preceded by a "G" for the grievant's submission or an "R" for the respondent's submission. If more than one grievant or more than one respondent is involved, their designation will be communicated by the panel chair.

Once the copies as described above are received from both parties, the Grievance Panel chair will provide one copy of the grievant's submission to the respondent, and one copy of the respondent's submission to the grievant. The panel chair 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 their cases. This agenda, with names of the panel members and procedures for submission of new documents and handling of the witnesses, will be distributed to the Grievance Panel, the grievant and the respondent no less than 5 calendar days prior to the hearing date.

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

The Grievance Panel shall limit its investigations to the issues presented in the Petition for Redress and confirmed by the Appellate Steering Committee's memorandum to the grievant. During the hearing, the panel may explore issues raised by any party to the grievance that are concretely based on issues raised in the Petition for Redress. The panel'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 Part XII, Section II.I.III.D, the authority of the Grievance Panel shall be solely to hear the testimony of the grievant, the respondent, and witnesses.

The panel chair shall preside and be responsible for maintaining order and prompt progression of the hearing process. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*. When, despite due diligence, circumstances make it necessary to resolve an issue not addressed in these provisions, the panel 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 Grievance Panel chair shall begin the hearing by briefly reviewing the panel's authorization and powers, and the procedures to be followed during the hearing. The chair shall then enter into the hearing record correspondence generated prior to the hearing as the Appellate Committee's Exhibit C, and information submitted in Step Four by the grievant and the respondent as Exhibits G and R.

The submitted information shall include all information necessary to support or defend the grievance; however, with approval of the Grievance Panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the opposing party and members of the panel, and shall become part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance Panel, 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 the grievant's claims and requested redress are consistent with Faculty Manual Part XII, Section II.I. Preponderance is defined as the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

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

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. When the panel and grievant have no further questions, the grievant is given the opportunity to make a 10-minute final statement, and then a total of 10 minutes is available to the respondent(s) for a final statement.

#### F. Step Six (Grievance Panel Report)

The Grievance Panel's report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. Panel recommendations are to be based on, but are not limited to, the grievant's requested redress.

Copies of the panel's report will be available to the grievant and respondent for their retrieval from the Faculty Senate Office. A copy of the panel'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, and will be open to the Grievance Panel and all parties to the grievance until the grievance is closed.

If the panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, chair of the faculty, and chancellor. In addition, the chancellor shall receive a transcript of the hearing proceedings and the evidence in the grievance file. The chancellor shall provide a decision in writing to the grievant, respondent, chair of the faculty, and the Grievance Panel within 20 calendar days of receipt of materials from the panel. The decision of the chancellor is final.

If the panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the panel, these recommendations are not within the authority of the respondent to implement, the panel shall submit its report to the grievant, respondent, and chair of the faculty. By memorandum, the panel chair shall inform the chancellor that, in the opinion of the panel, its recommendations are not within the respondent's authority to implement and request the chancellor make the appropriate adjustments.



If the Grievance Panel finds that some or all the grievant's contentions are supported and within the authority of the respondent, and the panel makes one or more recommendations in favor of the grievant, the panel shall submit its report to the grievant, respondent, and chair of the faculty. The respondents shall be provided the panel's report and recommendations along with a copy of the transcript of the hearing proceedings, the evidence in the grievance file, and documents and communications filed by the parties and decision-makers in the proceeding (collectively, the "Record of the Appeal," which may grow as additional petitions, memoranda and material procedural communications are filed by the parties and decision-makers in the process). Within 20 calendar days of receipt of these materials, the respondent shall communicate, in writing, a response to the panel's recommendations to the panel chair, grievant and the chair of the faculty. Within 15 calendar days of receipt of the respondent's response, the grievant will inform the panel chair if the adjustments are satisfactory or not satisfactory. If the adjustments are satisfactory or if the grievant fails to provide timely notice to the panel that the adjustments are not 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 grievant shall deliver to the Grievance Panel chair a memorandum addressed to the chancellor explaining in detail the reasons for the appeal. The panel chair shall forward a copy of this memorandum to the respondent and chair of the faculty and shall forward the grievant's appeal memorandum to the chancellor along with the Grievance Panel report and the full Record of the Appeal described above.

If the grievant appeals to the chancellor, or if the Grievance Panel requests the chancellor to make a recommended adjustment, the chancellor's decision shall be based on the recommendations of the hearing panel and the Record of the Appeal from the faculty Grievance Panel hearing. The chancellor has the discretion to consult with the panel and/or Appellate Steering Committee before making a decision ([The UNC Policy Manual 101.3.2.IV.g](#)). The chancellor will communicate a written decision within 20 calendar days of receipt of appeal materials, with copies to the grievant, respondent, chair of the faculty, and the Grievance Panel chair. The chancellor's decision shall contain a notice of further appeal rights, if any, and, if the decision is appealable, it shall contain the information in subsection III.G., Step Seven (Appeal to the Board of Trustees) below, and shall be signed by all individuals who contributed to the report.

If the chancellor's decision does not support the recommendations of the Grievance Panel, 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). 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 Grievance Panel's interpretation that the grievance is within the scope of redress covered by provisions of Part XII, Section II.I of the *Faculty Manual*, the chancellor shall withhold the decision, and inform the panel, all parties to the grievance, and the chair of the faculty of those areas of disagreement within the required 20 calendar days. The panel chair will then request that the chair of the faculty begin the normal interpretation process as set forth in the *Faculty Manual*. It is expected that the chair of the faculty will expedite this request. Upon completion of the interpretation process, the panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section II.I.III.F., with the grievant's rights to appeal intact.

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

1. Explanation of decisions that may be appealed.
  - a. If the Grievance Panel did not advise an adjustment in favor of the grievant, then the decision of the chancellor is final and may not be appealed.
  - b. If the panel found in favor of the grievant, and neither the relevant administrative official nor the chancellor made an adjustment advised by the panel, then the grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final.
2. 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 of The University of North Carolina](#).
3. Timeline for Appeals
  - a. A grievant who seeks to appeal the chancellor's disposition of the grievance must file written notice of appeal with the Board of Trustees by submitting such notice to the chancellor, with adequate evidence of delivery ([The UNC Policy 101.3.3](#)), within 10 calendar days after receipt of the chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. Unless the Board determines an appeal is not within its jurisdiction or fails to meet the procedural requirements for consideration by the Board, the Board will consider the appeal 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 at its discretion may extend the time for compliance or may dismiss the appeal.
  - b. If the chancellor's decision is eligible for appeal, the chancellor's notice of the disposition of a grievant's case must inform the grievant: (1) that a written notice of appeal to the Board of Trustees containing a brief statement of the basis for appeal is required within the 10 calendar day period and, (2) 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 ([The UNC Policy 101.3.3](#)).
4. Standard of Review: In order to prevail before the Board of Trustees, the faculty member must demonstrate that the chancellor's decision was erroneous based on a preponderance of the evidence, 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 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 a Faculty Grievance Panel (hereinafter, the panel) by submitting a Petition for Redress to the appellate chair.

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 non-conferral decision are allowed. Before the expiration of a deadline, however, the faculty member may request an extension, provided the request is made in writing and presented to the appellate chair. The Appellate Steering Committee will make its decision and communicate it to the grievant within 10 calendar days of receiving a request for an extension, except under unusual circumstances such as during summer months, official university breaks and holidays and when, despite reasonable efforts, the steering committee cannot be assembled in a timely manner.

A hearing will be granted if the Petition for Redress is timely (above), complete (1, below), and claims an infringement of one or more of the allowable bases (2, below).

1. 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 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.

2. The request for a hearing must be based on one or more of the following reasons.

(a) The decision was based on any ground stated to be impermissible in [Section 604B of The Code of The University of North Carolina](#). Specifically, in no event shall a non-conferral decision be based upon (i) 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 (ii) discrimination prohibited under policies adopted by the ECU Board of Trustees i.e., discrimination based on the faculty member's age, color, creed, disability, genetic information, national origin, political affiliation, race/ethnicity, religion, sex/gender, sexual orientation, or veteran's status, or (iii) personal malice. [The UNC Policy Manual 101.3.1.II.B](#)).

(b) The decision was attended by a "material procedural irregularity," meaning 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 in effect when the initial decision was made and communicated. The Appellate Steering 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)

Ten copies of Petition for Redress not exceeding 20 pages shall be addressed to the appellate chair and delivered to the Faculty Senate Office. Upon receipt of the grievant's Petition for Redress the appellate chair shall notify each named respondent 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 appellate chair will convene a Grievance Panel if the Petition for Redress is timely, complete, and based on one or more of the criteria noted above. If the Petition for Redress fails to meet any one of these requirements, the Appellate Steering 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 by a method that produces adequate evidence of delivery ([The UNC Policy 101.3.3](#)). If the Petition for Redress meets all of the above requirements, but makes claims beyond valid criteria (defined in IV.A.2.a and b above), the Appellate Steering Committee shall strike those issues from the Petition for Redress and these claims will receive no further attention in the process.

Once established, the Grievance Panel shall set the time, date, and place for the hearing. The date for the hearing shall be within 42 calendar days after receipt of the Petition for Redress by the Faculty Senate Office, except when a Petition for Redress is received during summer months, official university breaks and holidays and despite reasonable efforts the panel cannot be assembled.

The panel chair shall notify the grievant, the respondents, the chair of the faculty, and the chancellor, of the time, date, and place of the hearing. This 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 will include the names of all panel members and alternates who may take part in the hearing.

The grievant and respondent are to submit ten copies of all information and documents to be used in the presentation (by the grievant) or in defense against the grievance (by the respondent). The grievant's and respondent's information must include: a) the identification of a witness(es) who may be willing to provide information relevant to the grievance; and b) a brief description of the information each witness may provide. This information and documentation shall be submitted to the Faculty Senate Office not later than 14 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 information will be provided to the grievant.

### C. The Hearing

The Grievance Panel shall limit its investigations to the issues presented in the Petition for Redress, and include only those not struck in the Appellate Steering Committee's notification that a hearing would be granted. The panel's responsibility is limited to issuing recommendations based on the Petition for Redress, information and documentation submitted prior to or accepted during the hearing, and information developed during the hearing based on the testimony of the grievant, the respondent, and witnesses.

The panel chair shall begin the hearing by briefly reviewing the panel's authorization and powers, the conditions necessary for a hearing, the panel's belief that the issues about to be heard satisfy these conditions, and the procedures to be followed during the hearing. Except as provided for herein, the hearing shall be conducted according to the latest edition of *Robert's Rules of Order, Newly Revised*.

The Grievance Panel chair shall then enter into the hearing record correspondence (particularly any relevant correspondence from the Appellate Committee and/or panel chair) generated prior to the hearing as the Exhibit C, and information submitted (above) by the grievant and the respondent as Exhibits G and R respectively (Exhibit letter designations are prescribed only for labeling purposes). It is expected that the hearing will be limited to this information; however, with approval of a majority of the panel, the grievant, respondent, or a witness may submit additional information during the hearing. All such information must be numbered, with copies to be presented to the

opposing party and members of the panel, and it becomes a part of the formal record of the hearing.

Only the grievant, the respondent, members of the Grievance Panel, and the court reporter shall be present for the duration of the hearing. Others who are 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. This means the greater weight of evidence and its probable truth or accuracy, and not the amount of evidence presented.

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

The respondent's presentation will follow the procedures noted above for presentation of the grievant's case. Panel members may question the grievant, the respondent, or witnesses during the hearing. When the panel and grievant have no further questions, the grievant is given the opportunity to make a 10-minute final statement, and then a total of 10 minutes is available for the respondent's final statement(s).

#### D. Grievance Panel Report

The Grievance Panel's report shall be based only on facts, documentation, arguments presented at the hearing, and applicable law and University policies. The panel's recommendations are to be based upon, but are not limited to, the grievant's requested redress.

Copies of the Grievance Panel's report will be available to the grievant and respondent for retrieval from the Faculty Senate Office. A copy of the panel'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 Grievance Panel and all parties to the grievance until the grievance is closed. The panel 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 Grievance Panel's actions for each of these findings are noted below.

##### a. Panel Recommendations Do Not Support the Grievant's Contentions.

If the Grievance Panel finds that the grievant's contentions are not supported or makes no recommendations in favor of the grievant, the panel 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 Panel of a decision. The decision of the chancellor is final and may not be appealed.

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

If the Grievance Panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, the panel shall submit its report to the grievant,

respondent, and chair of the faculty. Within 20 calendar days of the recommendations, the respondent shall, with copies to the grievant and the chair of the faculty, communicate a response to the panel's recommendation in writing to the Grievance Panel chair. Within 15 calendar days of receipt of the respondent's response, the grievant will inform the Grievance Panel chair if the adjustments are satisfactory or not satisfactory. If the respondent's adjustments are not consistent with the recommendations of the Grievance Panel but are satisfactory to the grievant, 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 described below.

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

If the Grievance Panel finds that the grievant's contentions are supported and makes recommendations in favor of the grievant, but, in the opinion of the panel, these recommendations are not within the authority of the respondent to implement, the panel shall submit its report to the grievant, respondent, and chair of the faculty. By memorandum, the Grievance Panel chair shall inform the chancellor that, in the opinion of the panel, its recommendations are not within the respondent's authority to implement and request the chancellor to make the appropriate adjustments.

The Grievance Panel chair 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 Grievance Panel. The chancellor has the discretion to consult with the Grievance Panel ([The UNC Policy Manual 101.3.2.IV.g](#)) and individuals with the delegated authority to implement the panel's recommendations. It is expected that the chancellor will give deference to the advice of the faculty panel, but the final campus-based decision lies with the chancellor. Within 30 calendar days of receipt of the panel's request, the chancellor will inform the grievant, respondent, Grievance Panel chair, and chair of the faculty of a decision. If the chancellor does not support the panel's recommendation, the chancellor will inform the grievant that the decision may be appealed to the Board of Trustees. This appeal process is described in Section IV.G. The decision of the Board of Trustees is final and may not be appealed to the Board of Governors.

E. Dissenting Chancellor's Report

Should the chancellor disagree with the Grievance Panel's interpretation that the grievance is within the scope of redress covered by provisions of Part XII, Section II.I of the *ECU Faculty Manual*, UNC Code or Policies, the chancellor shall withhold a decision and inform the Grievance Panel, all parties to the grievance, and the chair of the faculty of those areas of disagreement within 30 calendar days. The Grievance Panel chair will then request the chair of the faculty begin the normal interpretation process as set forth in the *Faculty Manual*. It is expected that the chair of the faculty will expedite this request. Upon completion of the interpretation process, the Grievance Panel will make any necessary recommendations. The report will be distributed in accordance with Part XII, Section II.I.III.F., with the grievant's rights to appeal intact.

F. Appeals to the Chancellor

If the respondent's adjustments are deemed unsatisfactory by the grievant, an appeal to the chancellor is to be made within 20 calendar days of the receipt of the response. The grievant shall deliver to the Grievance panel chair a memorandum to the chancellor explaining in detail the

reasons for the appeal. The panel chair shall forward a copy of this memorandum to the respondent and chair of the faculty, and shall forward the grievant's appeal memorandum to the chancellor along with the Grievance Panel report and all supporting documentation.

The chancellor's decision is to be based solely on a thorough review of the information provided by the Grievance Panel and may, at the chancellor's discretion, include consultation with the panel ([The UNC Policy Manual 101.3.2.IV.g](#)). It is expected that the chancellor will give deference to the advice of the faculty panel, but the final campus-based decision lies with the chancellor. Within 30 calendar days of receipt of the grievant's appeal and Grievance Panel's recommendations, the chancellor will provide a decision to the grievant, respondent, panel chair and chair of the faculty. If the chancellor does not support the panel's recommendation, the chancellor will inform the grievant of the provisions for appeal to the Board of Trustees.

#### G. Appeal to the Board of Trustees

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

The Board of Trustees, or its designated committee shall consider the appeal on the written transcript of the hearing held by the Grievance Panel (including evidence admitted in connection with the hearing), but it may, at its discretion, accept and consider such other evidence as it deems necessary, with the opportunity for rebuttal. The Board of Trustees' decision shall be made as soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the Trustees. The decision of the Board of Trustees is final and shall end the University's appeal process.

## SECTION II.II, Grievance Procedures Related to Complaints of Unlawful or Prohibited Harassment, Discrimination or Improper Relationships Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status

### CONTENTS

- I. Preamble
- II. Grievance Procedures

- I. Preamble
- A. Federal and state laws and/or university policies prohibits unlawful discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status. East Carolina University establishes formal procedures to assure individuals who believe that they are the victims of unlawful or prohibited harassment, discrimination, or improper relationships that their grievances will be dealt with fairly and effectively.

The *East Carolina University Faculty Manual* (Part XII) is subject to university policies governing nondiscrimination, sexual and gender-based harassment and other forms of interpersonal

violence at East Carolina University, which are available through the University's Office for Equity and Diversity (OED) (<http://www.ecu.edu/cs-acad/oed/policies.cfm>).

- B. Unlawful or prohibited harassment, discrimination, or improper relationships violate East Carolina University's policies and will not be tolerated. Members of the University community are encouraged to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of unlawful or prohibited harassment, discrimination or improper relationships prohibited under the policies of East Carolina University. The University will take every reasonable step to resolve grievances promptly and confidentially.
  - C. Any act by a University employee or student of retaliation, interference, restraint, penalty, discrimination, coercion, reprisal, intimidation, threats, or harassment against an employee or student for using the applicable policies responsibly interferes with free expression and openness and violates University policy. Accordingly, members of the University community are prohibited from acts of reprisal and/or retaliation against those who file complaints, are involved as witnesses, or otherwise try to use University policies responsibly.
  - D. When complaints of harassment, discrimination, or improper relationships have been substantiated, the appropriate vice chancellor or the chancellor may take such disciplinary action as he or she deems appropriate, including discharge from employment, suspension, or reduction in rank in a manner that is consistent with the policies and procedures stated in the *ECU Faculty Manual*.
- II. Grievance Procedures
- 1. Faculty subject to administrative sanction(s) for violations of University policies on harassment, discrimination or improper relationships have the right to due process through appropriate appeals procedures, based on the type of sanction imposed. Faculty not subject to administrative sanction(s) based on an investigation, but who believe the process has contributed to a hostile work environment, or that they otherwise have been harmed by the investigation, have the right to redress of specific findings or actions as allowed under provisions for general grievances covered in Part XII, Section II.I of this *Faculty Manual (Policies and Procedures for General Faculty Grievances and for Appeals of Non-conferral of Early Tenure)*. These rights apply to both the faculty complainants and faculty respondents in the original complaint brought on harassment, discrimination or improper relationship.
  - 2. When disciplinary actions, if any, do not include a serious sanction, a faculty member may appeal minor sanctions, reprimands, or seek other redress through provisions governing general grievances contained in Part XII, Section II.I (this section) of the *Faculty Manual*.
  - C. Disciplinary actions that include a serious sanction may be appealed following provisions in Part XII, Section I.III of this *Faculty Manual (Due Process Before Discharge or the Imposition of Serious Sanctions)*. Alleging that one or more specified provisions of *The UNC Code* have been violated in the imposition of a serious sanction, a faculty member may further appeal a Board of Trustees decision to the Board of Governors. Note that [The UNC Code, Section 603\(3\)](#) warns that if, within 14 calendar days after receiving the notice of a serious sanction, the faculty member makes no written request for appeal, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.



- D. Appeals of specific findings, either positive or negative, of an investigation of complaints of unlawful or prohibited discrimination, harassment or improper relationship may be available under specific university policies. Current information on university policies governing these areas is available at the Office for Equity and Diversity (<http://www.ecu.edu/cs-acad/oed/policies.cfm>).

### SECTION II.III, Effective Date

- A. Except as otherwise provided below, these provisions shall become operative immediately after they are approved by the President of the University of North Carolina, and are enabled by approved revisions of the Bylaws of the East Carolina University Faculty Senate.
- B. Provisions governing establishment of appellate hearing panels will become operative only after the establishment and initial fall organizational meeting of an Appellate Committee, as specified in the revised Bylaws of the East Carolina University Faculty Senate. The Appellate Committee shall be elected at the first April organizational meeting of the ECU Faculty Senate following the date of final approval of both the revised Part XII of the Faculty Manual, and the Bylaws of the Faculty Senate.
- C. These provisions as amended shall apply to those appeals initiated after the effective dates indicated in parts A and B above. Appeals for which procedures for a hearing have been initiated before these provisions become operative will continue under the previous Faculty Manual provisions governing the type of appeal involved.
- D. If secure electronic platforms for handling grievances become available, requirements for delivery, distribution and resolution of grievance materials may be modified accordingly through recommendation by the Faculty Senate and approval by the chancellor.

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Faculty Senate Resolution #12-17, February 2012, Chancellor

Faculty Senate Resolution #14-32, April 2014, Chancellor

Faculty Senate Resolution #19-69, April 2021

Faculty Senate Resolution #19-70, April 2021

# EAST CAROLINA UNIVERSITY FACULTY MANUAL

## Index

## A

absence, 14, 16, 54, 55, 66, 67, 71, 126, 164, 168, 195, 214, 215, 216, 230, 244  
Academic and Administrative Committees, 12, 20  
Academic Council, 25, 30, 31, 32, 33, 80, 90, 92, 93, 94, 130, 131, 135  
Academic Freedom, 3, 37, 52, 53, 54, 55, 160  
Academic Integrity, 3, 58, 66, 70, 73, 74, 76, 77, 78, 80, 86, 127  
Academic Integrity Board, 70, 73, 74, 76, 77, 80  
Academic Policy, 2, 9, 24  
Academic Program Development, 58, 59, 70, 81, 84, 87, 89, 90  
Academic Program Development Collaborative Team, 90, 92, 93  
Academic Program Review, 48, 51, 94  
acceptance of gifts, 99  
accident, 220  
accomplishments, 28, 165, 201, 203, 204, 206, 207  
Adjunct, 135, 214  
admissibility, 257, 258  
advancement in title, 48, 138, 139, 163, 170  
Advancement in title, 138, 139  
Advising, 59, 60, 61, 204  
advisor, 61, 111, 117, 180, 231  
Affirmative Action, 4, 131, 143, 144, 213, 224  
allegation, 103, 104, 113, 114, 115, 116, 118, 119, 122, 123, 125, 126, 260  
alleged, 66, 86, 117, 121, 126, 178, 230, 231, 251, 252, 253  
alternates, 15, 19, 87, 178, 180, 183, 184, 187, 188, 189, 190, 229, 231, 239, 256  
Amendments, 12, 18, 48  
American Association of University Professors, 54, 56  
amorous relations, 140  
amorous relationships, 249  
Animal Use Protocol, 102  
animosity, 179, 245  
Annual Evaluation, 34, 130, 136  
Annual Evaluation of University Administrators, 34  
annual performance evaluation, 136, 139  
anonymous, 141, 252  
Appeal, 59, 64, 65, 66, 70, 76, 77, 78, 80, 159, 185, 228, 236, 237, 253  
appointment, 13, 15, 20, 27, 28, 29, 31, 43, 48, 54, 87, 97, 111, 114, 119, 122, 131, 132, 135, 136, 138, 139, 141, 149, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174, 175, 178, 180, 183, 186, 187, 188, 189, 204, 208, 211, 214, 217, 218, 219, 229, 252, 253, 256, 257  
Appointment of Administrative Officers, 28, 34, 37, 119, 122, 130, 135, 159, 161, 166, 207, 211  
arbitrary, 43, 182, 188, 189, 194  
Archives, 21, 105  
Artist-in-Residence, 134  
assigned duties, 195, 197, 219  
asynchronous, 81  
Attorney, 68, 110, 120, 124, 139, 140, 143, 144, 152, 178, 180, 184, 189, 248, 257, 259

## B

ballot, 13, 14, 15, 16, 26, 27, 174, 175  
base salary, 219  
Benefits, 4, 130, 139, 144, 212, 213, 215, 216, 217, 221, 247  
Board of Governors, 2, 6, 11, 18, 36, 37, 38, 55, 80, 90, 106, 139, 146, 156, 182, 186, 193, 197, 218, 225, 229, 236, 241, 251, 255, 260  
Board of Trustees, 6, 11, 18, 24, 80, 135, 139, 142, 155, 160, 176, 185, 191, 208, 225, 228, 236, 237, 241, 243, 255, 260  
budgetary considerations, 131, 138  
burden of proof, 181, 185  
buyouts, 219  
By-Laws, 2, 9, 12, 16, 18, 23, 24, 39, 228, 243

## C

Canvass, 26, 27  
capricious, 188, 189, 194  
Certificates, 90, 93  
certified mail, 186, 234, 238, 240  
Chair of the Faculty, 6, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 49, 87, 93, 236, 240, 241, 244, 256  
Chair of the UNC Faculty Assembly, 39  
Chancellor, 6, 11, 12, 13, 14, 18, 20, 21, 23, 24, 25, 30, 31, 32, 33, 34, 43, 45, 46, 47, 49, 65, 68, 80, 87, 91, 92, 93, 94, 100, 106, 109, 110, 111, 114, 116, 125, 126, 135, 140, 141, 143, 144, 153, 154, 155, 156, 180, 183, 192, 201, 202, 208, 209, 210, 228, 229, 231, 233, 235, 236, 237, 240, 241, 242, 243, 244, 252, 254, 255, 256, 257, 259, 260  
chancellor's decision, 191, 241  
Change of Grade, 59, 63  
Charter, 38, 39  
Cheating, 71  
Class attendance, 59, 66  
Class Roll Verification, 59, 67  
Classification of Instructional Programs, 92  
clear and convincing evidence, 185  
Clinical, 134, 204, 205, 206  
Code of Operation, 47, 171  
Code Unit Proposal Committee, 44, 45, 46  
Code Units, 2, 42, 43, 44, 49, 50, See Unit Codes  
coercion, 247, 252  
collaboration, 71, 92, 94, 106, 112  
collaborative scholarly work, 97  
collegial, 179, 245  
commencement, 16, 219, 220  
Commencement Committee, 87  
Commitment to Diversity, 4, 213, 224  
Committee on Committees, 20, 21, 22, 187, 189  
committee's recommendations, 181, 240, 241  
community of scholars, 56, 97  
Community Service Leave, 215

compensation, 55, 98, 147, 148, 149, 150, 152, 167, 218, 219, 221  
competence, 56, 138, 139, 160, 161, 167, 193  
complaint, 66, 140, 247, 251, 252, 253, 254, 255, 256, 257, 258, 260  
Compliance, 104, 106, 114, 127, 144, 146, 153, 154, 155  
Concentrations, 93  
Concurring Recommendations, 159, 176, 177  
conferral, 91, 160, 161, 166, 168, 169, 171, 172, 174, 175, 176, 177, 178, 179, 209, 228, 229, 237  
confidentiality, 84, 104, 114, 115, 117, 120, 123, 124, 168, 180, 242, 254  
conflict of commitment, 146, 148, 219  
Conflict of Interest, 146, 148, 154  
Conflicts of Interest and Commitment, 3, 129, 146  
constituent institution, 10, 37, 98, 193  
Constitution, 2, 6, 9, 12, 16, 18, 24, 39, 40, 162, 179, 238  
contentions, 181, 182, 184, 190, 191, 233, 235, 236, 240  
continuing education, 29, 137, 139, 204  
contract, 14, 28, 29, 60, 74, 98, 99, 104, 105, 108, 109, 113, 132, 135, 139, 141, 150, 151, 152, 154, 155, 156, 160, 162, 163, 164, 165, 177, 188, 219, 221, 229  
contractual agreement, 108  
cooperative agreement, 99, 148, 223  
Coordinators of Graduate Programs, 26, 30  
Copyright License, 107  
Copyright Management Officer, 68, 110  
Copyright Ownership, 108  
Copyright Use, 106  
Copyrighted Works, 59, 68  
Copyrights, 98, 106, 110, 111  
corporate agencies, 99  
Corrective Action, 249, 250  
Council on Teacher Education, 91, 92, 93, 94  
counselor, 216, 231, 244  
Course Expectations, 59, 62  
Course reduction, 59  
course syllabus, 62, 63, 65, 66, 77, 79  
court order, 141  
court reporter, 180, 181, 184, 185, 190, 234, 235, 239, 259  
created work, 98, 106  
Creative Activity, 3, 22, 96, 97, 98, 112, 122, 131, 205, 219  
cumulative evaluation, 171, 172, 176, 201, 202  
cumulative review, 169, 194  
Curriculum Approval Process, 91, 93  
Curriculum Development, 3, 58, 90  
Curriculum Regulations, 58, 59, 70, 81, 84, 87, 89, 90  
curtailment, 90, 160, 186, 187  
custodian of records, 143, 144  
Custody, 103

## D

Dean of Students, 67, 86  
Dean of the Graduate School, 28, 29, 30, 33

Deciding Official, 114, 115, 116, 121, 124  
decorum, 85  
deficient, 193, 194, 195, 196, 197  
Definition of Code Unit, 43  
Definition of Unit Code, 47  
degree of improvement, 197  
degree program, 13, 44, 75, 76, 79, 90, 93, 204  
Degree Title Changes, 93  
delegated authority, 25  
deliberations, 24, 155, 172, 181, 185, 190, 259  
delivery verification, 175, 180, 183, 185, 188, 190, 238  
demoted in rank, 182  
demotion, 140, 141, 214, 254, 259, 260  
denial, 177, 182  
Derivative Works, 107, 109  
Didactic, 204  
Directed Works, 107, 108  
Disability Insurance, 221  
Disability Support Services, 86  
disagreement, 85, 154, 166, 167, 176, 191, 194, 196, 236, 241  
discharge, 37, 55, 126, 127, 159, 160, 182, 184, 186, 193, 197, 229, 252, 254, 259, 260  
disciplinary action, 76, 110, 140, 141, 142, 157, 247, 248, 249, 250, 252, 254, 256  
disciplinary sanctions, 182  
discontinuation, 90  
discontinuing programs, 30, 32, 92  
discrimination, 4, 66, 140, 162, 179, 227, 238, 247, 248, 251, 252, 253, 257, 259  
dislike, 179, 245  
dispute, 66, 106, 111, 179, 238, 246  
disqualifications, 178, 183, 189  
Disruptive Academic Behavior, 84, 85, 86  
dissatisfied party, 253  
Dissertation, 29  
Distance Education, 3, 22, 58, 81, 82  
distance education academic degree program, 83  
distracting noises, 85  
Diversity, 213, 224, 247, 248, 252, 253  
dossier, 169, 173, 174, 203  
Due Process, 22, 37, 159, 182, 183, 185, 197, 255, 260

## E

ECU 1 Card, 217, 218  
ECU Alert, 89  
Educational Policies and Planning Committee, 22, 30, 44, 46, 90, 92, 93, 94, 187  
EEO Office, 140  
electoral unit, 13, 14, 15, 19, 20  
elimination, 90, 160, 186, 187  
E-mail, 217  
email account, 74  
emergency, 67, 89, 214, 244

Emergency Notification, 3, 58, 89  
Emeritus, 135, 214, 219  
Employees Exempt from the State Personnel Act, 37  
employee's personnel file, 141  
employment, 6, 45, 80, 106, 108, 109, 126, 135, 138, 139, 140, 141, 143, 144, 146, 147, 148, 149,  
152, 153, 157, 160, 162, 163, 164, 165, 168, 177, 179, 182, 183, 186, 187, 188, 189, 190, 191,  
204, 214, 218, 219, 221, 224, 229, 230, 243, 249, 250, 252, 254, 259, 260  
Engagement, 3, 96, 97, 131  
entire career, 201  
entitlement, 250  
entitlements, 214  
EPA non-faculty, 68, 108, 110, 111, 146, 147  
e-PIRATE, 101  
Equal Employment Opportunity, 4, 143, 144, 179, 213, 224  
Equal Opportunity and Equity, 66  
erroneous, 182, 191, 237  
Ethical Principles, 100  
Ethics, 3, 96, 112, 152, 154, 155  
Evacuation Procedures, 3, 58, 89  
Evaluation of Administrators, 2, 9, 34  
evaluation of fixed-term faculty, 48, 137  
evidence, 27, 28, 29, 74, 79, 80, 111, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126,  
132, 178, 179, 181, 182, 184, 185, 188, 190, 191, 201, 234, 235, 237, 240, 243, 244, 245, 254,  
257, 258, 259  
Examinations, 59, 62  
Exceptional Use of University Resources, 107  
Exceptions, 66, 99, 105, 162  
Excessive delays, 230  
Excused absences, 66  
executive session, 181, 185, 190, 259  
exemplary, 193, 194, 195, 196  
exploitation, 56, 109, 147  
Extensions, 165  
External Activities, 3, 129, 130, 146, 150, 151, 219  
External Peer Review, 159, 172  
external professional activity for pay, 146, 156  
External review, 93  
external reviewers, 92, 171, 172, 173, 202, 203, 209  
external sponsors, 223  
External Thesis, 29  
extracurricular events, 225  
Extramural, 104  
extraordinary circumstances, 219

## F

face-to-face courses, 81, 82  
Faculty Absence, 214  
Faculty Advisory Committee, 187  
Faculty Appointments, 159, 161, 163

Faculty Assembly, 2, 12, 14, 16, 17, 22, 36, 38, 39, 40  
 Faculty Assembly Delegation, 36, 39  
 Faculty Convocation, 16, 18, 216  
 Faculty Development Plan, 193, 197  
 Faculty Governance Committee, 20, 22, 229, 241, 242  
 Faculty Grievance, 4, 19, 22, 37, 126, 127, 226, 227, 228, 229, 233, 234, 236, 237, 241, 243  
 Faculty Orientation, 214, 216  
 Faculty Personnel Files, 130, 139  
 Faculty Scholarly Reassignment, 215  
 Faculty Status, 4, 227, 247, 248, 251  
 Faculty Workload, 59, 130, 136  
 Fair Use, 68, 107  
 False Claims Act., 152  
 falsification, 71, 72, 112, 122, 124  
 Family and Medical Leave Act, 214, 215, 222  
 Family Educational Rights and Privacy Act, 63, 78, 84  
 final statement, 235, 239  
 financial exigency, 90, 160, 186, 187  
 Financial Services, 218, 220  
 Five Year Review, 47, 48  
 five-year intervals, 194  
 Fixed-Term Appointments, 159, 161, 163  
 Fixed-Term Faculty, 130, 137, 139, 211  
 former Appendix A, 2, 12  
 former Appendix C, 3, 129, 130  
 former Appendix F, 2  
 former Appendix I, 3, 146  
 former Appendix L, 2, 26, 34, 42, 43, 47  
 former Appendix U, 4, 249  
 former Appendix V, 4, 247  
 former Appendix X, 4, 251  
 former Appendix Y, 4, 227, 228  
 former Part II, 2, 9, 10, 36, 37  
 former Part III, 3, 53, 54  
 former Part IV, 3, 58, 70  
 former Part V, 2, 3, 51, 59, 81, 84, 87, 89, 90  
 former Part VI, 3, 4, 213, 214, 221, 223, 224, 225  
 former Part X, 2, 38, 39  
 Foundation Curriculum Credit, 59, 69  
 Foundations Assessment Guidelines, 69  
 free speech, 54  
 Functions of the Faculty Senate, 12, 17, 18  
 Functions of the General Faculty, 12, 13  
 Fundraising, 99

## G

General Administration, 6, 11, 13, 39, 45, 90, 147, 156, 167, 193  
 General Assembly, 10, 38, 98, 139, 141  
 General Grievance, 228



General Statutes of North Carolina, 139, 141, 143, 144  
Gift, 98, 99  
Gifts Affecting the Curriculum, 99  
Good faith, 113  
Grade Appeal Policy, 59, 64, 66  
grade dispute, 66  
Grade of Incomplete, 59, 64  
Grades, 59, 63  
Graduate Council, 18, 22, 24, 26, 27, 28, 30, 31, 32, 33, 91, 92, 93, 94  
Graduate Council Executive Committee, 26  
Graduate Faculty, 26, 27, 28, 30, 33  
Graduate School, 2, 9, 12, 22, 26, 28, 29, 30, 31, 32, 33, 61, 80, 90  
Graduation, 3, 58, 87  
grantee, 99  
granting agencies, 204, 205, 206  
Grants, 22, 98, 99, 105, 155, 204, 205, 206, 223  
Grievance Board Procedural Flowchart, 251, 260  
Grievance Officer, 253, 254, 255, 256, 259

## H

Harassment, 4, 227, 247, 248, 251  
health reasons, 244  
holidays, 67, 177, 180, 184, 218, 238  
honoraria, 147, 148, 149  
hostile, 56, 247  
Human Resources, 87, 143, 144, 218, 221, 248  
hybrid online face to face course, 60

## I

illegal drug, 225  
illness, 14, 67, 165, 214, 221  
ill-will, 179, 245  
Imposition of Serious Sanction, 37, 159, 182, 183, 197, 254  
Improper Relationships, 4, 227, 248, 249, 251  
Inappropriate use, 147  
incompetence, 160, 182  
Independent Contractors, 109  
infringement, 103, 107, 238  
initial decision, 179, 246  
initial review, 118, 119, 154, 195  
Innovation, 3, 96, 97, 131, 147  
Institutional Resources, 108  
Institutional Review Board, 100, 101, 104, 154, 156  
Institutional Services, 4, 213, 223  
integration, 61, 223  
integrity, 56, 62, 66, 70, 71, 72, 73, 74, 75, 76, 77, 79, 86, 103, 117, 142, 143, 144, 154, 179, 235, 246, 249  
Integrity Officer, 103, 113, 114

intellectual honesty, 56  
intellectual property, 102, 103, 106, 147  
intent to discharge, 183  
inter-disciplinary, 43  
interference, 247, 252  
internal grievance process, 229  
interpretation, 6, 28, 102, 159, 191, 236, 241  
investigation, 100, 104, 112, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 141, 157,  
254, 255  
IRB Chairs, 100

## J

Joint Appointments, 159, 166  
Joint Ownership, 110  
Joyner Library, 105, 139, 218  
juried, 206  
jurisdiction, 105, 111, 113, 116, 117, 118, 119, 120, 121, 123, 125, 126, 191, 229, 237

## L

Laboratory Animals, 102  
Laupus Library, 218  
layoff, 214  
Leave, 4, 165, 213, 214, 215, 216, 221, 222  
less than full time employees, 218  
lesser sanctions, 254, 260  
liaisons, 249  
Liberal Arts Foundations, 60, 69  
Liberal Arts foundations Curriculum credit, 91  
Limitations, 12, 18, 54  
litigation, 103, 105, 151

## M

majority vote, 13, 15, 18, 33, 172, 174, 175, 176, 229, 230, 257, 259  
malevolence, 179, 246  
marital status, 179, 245  
marriage, 249  
Material procedural irregularity, 179, 246  
maternity, 215, 222  
mediation, 228, 229, 232, 233, 234, 244  
medical record, 141  
Method of Election of the Faculty Senate, 12, 14  
Military Service Leave, 216  
misconduct, 71, 72, 103, 104, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,  
124, 125, 126, 160, 182, 249, 250, 252, 254  
Mission Statement, 2, 9, 10, 11  
mode of transportation, 220  
Moving Degree Programs, 94

## N

negative reactions, 179, 245  
negotiation, 151, 155, 194, 196  
new allocation of responsibilities, 197  
New Degree Programs, 92  
New faculty hire, 216  
New Faculty Orientation, 216  
New Minors, 93  
next higher administrator, 45, 46, 47, 60, 130, 156, 166, 167, 168, 170, 171, 172, 174, 176, 177, 194, 195, 196, 197  
non concurrence, 177  
non-compensated activities, 148  
non-conferral, 140, 159, 177, 180, 191, 228, 229, 237, 238  
non-discrimination, 224, 247  
non-reappointment, 37, 159, 162, 177  
not-for-profit business, 150, 151  
notice of appeal, 182, 186, 236, 237

## O

Office for Faculty Excellence, 216  
Office for Human Research Integrity, 100, 101  
Office Hours, 59, 60  
Office of Academic Program Planning and Development, 90, 94  
Office of Continuing Studies, 90  
Office of Equity, Diversity and Community Relations, 224  
Office of Grants and Contracts, 223  
Office of Human Research Integrity, 101  
Office of Research Compliance Administration, 114, 146, 153, 154, 155  
Office of Student Rights and Responsibilities, 73, 79, 85, 86  
one-half time, 168  
online courses, 60, 62  
Organization of the Faculty Senate, 12, 13  
Organization of the General Faculty, 12, 13  
Organization of the University of North Carolina, 10  
Outreach, 3, 96, 97, 131  
Ownership, 103, 106, 107, 108, 109, 150

## P

PAD, 140, 166, 201, 202, 209, 210  
Paid Travel, 220  
Parental Leave, 222  
Parking, 217  
Parliamentarian, 16, 17  
Patent Protection, 110  
Patents, 98, 105, 106, 110, 111, 205  
patient care, 137, 146, 147, 160, 205  
Peer Review Instrument, 82  
peer review of faculty grievances, 228

peers, 137, 179, 193, 194, 197, 245  
 penalty, 72, 73, 74, 75, 76, 77, 79, 86, 247, 252  
 performance evaluations, 48, 195  
 Performance Review, 3, 158, 193, 195, 196, 197, 198  
 Performance Standards, 193, 194  
 period of appointment, 218  
 permanent appointment, 217  
 permanent personnel file, 196, 201  
 personal characteristics, 179, 245  
 personal insults, 85  
 personal malice, 162, 179, 245  
 Personnel Action Dossier, 4, 140, 173, 176, 199, 200, 201  
 Personnel Action Dossiers, 141  
 Personnel Actions, 37, 159, 173, 207  
 Personnel Committee, 163, 165, 167, 169, 170, 171, 172, 173, 174, 175, 176, 201, 202, 203, 208, 215  
 personnel data file, 13  
 Personnel File Checklist, 130, 140, 143, 243  
 Personnel Policies and Procedures, 3, 59, 128, 129, 130, 142, 146, 167, 219  
 Personnel records, 140  
 Petition for Redress, 228, 231, 232, 233, 234, 237, 238, 239, 244, 245  
 Phased Retirement, 214, 216  
 photographs, 107, 113, 244  
 plagiarism, 71, 72, 112, 122, 124  
 plenary session, 26, 27, 33  
 Police Department, 85, 86  
 Policy Manual, 25, 37, 48, 55, 106, 215, 218, 221  
 political activities, 54, 55  
 postponement, 244, 257  
 potential external reviewers, 209  
 preponderance, 122, 124, 181, 235, 239, 257, 259  
 Preponderance of the evidence, 113  
 President of the University of North Carolina, 38, 192  
 primary responsibilities, 136, 195  
 Privacy, 3, 58, 63, 78, 84  
 Privileges for Retired Faculty, 217  
 Probationary Appointments, 159, 161, 163  
 Probationary Term Faculty, 130, 137  
 processions, 87, 220  
 productivity, 27, 28, 29, 92, 106, 132, 133, 201  
 Professional Advancement, 130, 138  
 Professional Ethics, 3, 52, 53, 56, 136  
 professorial rank, 14, 107, 161, 163, 164, 165, 166, 167, 214, 229  
 profit-making entities, 154, 155  
 Program Development, 31, 57, 90, 92, 93  
 Promotion and Tenure Timeline, 209  
 Promotion Committee, 170, 171, 176, 202  
 Promotion Policies, 3, 19, 20, 126, 127, 131, 158, 159, 216  
 Promotion Schedule, 4, 199, 200, 209

Proof of delivery, 231  
properly constituted subcommittee, 171, 172  
protected class, 224, 248, 251, 260  
protected health information, 101, 104  
Provisional Code, 44  
public service, 90, 99, 148, 160, 186, 187, 223  
Publication, 108  
punishment, 225, 249

## Q

Qualifications, 27, 28, 29, 172  
Quality Standards, 81, 82  
quorum, 13, 15, 18, 26, 31, 33, 47, 169, 174, 178, 183, 188, 229

## R

Ranks of Probationary Term Appointments, 132  
Rationale, 247  
raw numbers, 102  
reappointment, 27, 28, 43, 48, 140, 141, 149, 161, 162, 163, 164, 165, 167, 168, 173, 174, 175, 176, 177, 178, 179, 180, 182, 201, 202, 210, 229  
Reappointment Decision, 228, 237  
reasonable doubt, 179, 246  
reassigned time, 59, 195, 203, 219  
record, 13, 16, 64, 65, 72, 73, 75, 76, 78, 84, 102, 103, 111, 113, 115, 116, 120, 121, 123, 132, 133, 135, 136, 140, 141, 166, 167, 179, 180, 182, 184, 190, 201, 203, 230, 234, 235, 236, 239, 240, 245, 252, 254, 256, 258  
Records Retention and Disposition Schedule, 140  
Recourse, 159, 183  
re-employment, 138  
refereed, 206  
regalia, 220  
regulations, 32, 44, 48, 55, 56, 59, 71, 97, 98, 100, 101, 102, 105, 107, 138, 142, 149, 152, 156, 162, 192, 216, 221, 230, 237, 243  
Regulations (PRRs), 6, 25  
rejection, 232  
Related faculty, 168  
Released Time, 130, 136  
remedies, 229  
reorganization plan, 47  
Request for Authorization to Establish, 92  
Request for Authorization to Plan, 92  
Requirements of Notice and Review, 37  
Research, 3, 6, 13, 14, 22, 68, 71, 72, 83, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 110, 112, 113, 114, 118, 121, 122, 127, 131, 133, 134, 146, 147, 149, 150, 153, 154, 155, 156, 205, 219  
Research and Graduate Studies, 6, 14, 71, 110, 114, 153, 154, 155, 156  
Research Compliance, 104, 155  
Research Data, 98, 102, 103, 104, 105, 106  
Research Ethics Oversight Committee, 154, 155

research misconduct, 71, 72, 103, 104, 112, 113, 114, 116, 117, 118, 124, 125, 126, 182  
Research Record, 113  
Research/Creative Activity, 205  
Residencies, 204  
Resignation, 126, 162  
Respondent, 113, 115, 116, 117, 118, 120, 121, 124, 126, 127, 231, 240, 242, 245  
restraint, 54, 247, 252  
retaliation, 115, 117, 126, 247, 252, 254  
Retention, 22, 103, 104, 140  
Retired Faculty Association, 217  
retiree, 219  
Retirement, 37, 135, 214, 216, 217  
revalidation, 193  
Review of Administrative Officers, 34  
Rewards, 193, 196  
Rights of Special Faculty, 37  
Robert's Rules of Order, 16, 20, 21, 26, 47, 169, 175, 180, 184, 187, 189, 229, 256  
Role of Unit Administrator, 159, 171  
royalties, 62, 147, 148, 149  
Royalty, 108  
Rules, 6, 16, 20, 21, 25, 26, 47, 142, 169, 174, 175, 180, 184, 187, 189, 229, 256

## S

salary conversion rates, 219  
Salary Increments, 130, 139  
Salary Policies, 214, 218  
salary recommendations, 169  
sanctions, 74, 76, 78, 126, 127, 157, 182, 183, 193, 197, 225, 254, 255, 260  
Scholarly Reassignment, 59, 136, 215  
scholarly works, 97, 106, 110, 149  
Scholarship, 3, 95, 96, 97, 98, 112, 131  
Scholarship/Research/Creative Activity Guidelines, 3, 96, 98  
Secretary of the Faculty, 13, 14, 15, 16, 17, 19  
Section 604B, 179  
Selection and Appointment of New Faculty, 130  
semimonthly, 218  
seminars, 29, 133, 147, 148, 204  
Senior faculty member, 87  
serialization, 194  
Serious Illness, 165, 215, 221, 222  
serious sanction, 126, 127, 182, 183, 184, 185, 229, 254, 255, 256, 259, 260  
Service, 20, 22, 67, 91, 127, 131, 132, 206, 211, 215, 216, 218  
Service Learning credit, 91  
Services Available to Faculty, 4, 213, 223  
seven year unit program evaluation, 2, 42, 51, 94  
sexual harassment, 140  
sexual orientation, 162, 179, 214, 248, 251  
sexual relationships, 249  
Small Business Innovation Research Program, 147

social acquaintances, 179, 245  
Social and Behavioral Institutional Review Board, 100  
SPA staff, 68, 109, 110, 111  
Special Committees, 12, 19  
Special Funding, 162  
spokesperson, 54, 180, 181  
Sponsored Programs, 99, 148, 154, 155, 204, 205, 206, 223  
Sponsored Work, 108  
Staff Senate, 24  
Standard of Review, 237  
Standards for Online Learning, 82  
Strategic Directions, 2, 9, 10, 11  
Student Appeals, 85  
Student Code of Conduct, 77, 84, 85, 86  
Student Educational Records, 84  
Student Government Association, 20, 24, 80  
Student Health Services, 67  
Student Privacy, Conduct, and Complaints 3, 58, 84  
Student Recreation Center membership, 217  
Student Works, 108  
Students' Rights and Responsibilities, 37  
students with disabilities, 86  
Subsequent Evaluation, 193, 197  
Substance Abuse, 4, 213, 225  
substantiated claims, 254  
substantive review, 181  
summer overloads, 218  
summer school, 60, 136, 156, 157, 219  
supersedes, 37, 243  
supervisory authority, 183, 184  
supplemental payment, 219  
survey, 102, 136, 204  
suspension, 20, 75, 76, 80, 101, 118, 125, 140, 141, 159, 160, 182, 186, 229, 252, 254, 259, 260  
synchronous, 81

## T

tax withholdings, 218  
Teacher Licensure Areas, 91, 93  
Teaching Load, 130, 136  
Teaching Regulations, 3, 58, 59  
Teaching Responsibilities, 130, 136  
technology, 22, 103, 110, 148, 150, 151, 155, 216, 223  
Tenure Committee, 165, 167, 171, 172, 173, 176, 194, 195, 201, 202, 211  
tenure decisions, 149, 202  
terminal degree, 29, 131, 132, 133, 134, 138  
termination, 56, 116, 121, 125, 126, 140, 153, 159, 160, 182, 186, 187, 188, 191, 214, 229, 231, 244  
Termination, 37  
testimony, 113, 119, 120, 122, 181, 185, 190, 234, 235, 239, 257, 258, 259  
Textbooks, 59, 61

The Code, 24, 45, 46, 47, 111, 162, 163, 179, 186, 193, 197, 229, 237, 243, See UNC Code  
threats, 85  
three-ninths, 219  
Time Allotted for Decision, 209, 210, 211  
time delays, 230  
time line, 197  
Titles of Fixed-Term Appointments, 133  
Traineeships, 204  
training, 10, 20, 67, 75, 82, 97, 101, 102, 133, 134, 144, 148, 208, 214, 223  
traits, 179, 245  
transcript, 65, 75, 80, 102, 115, 116, 121, 123, 181, 185, 190, 259  
transfer, 31, 99, 102, 103, 105, 107, 108, 109, 140, 141, 214  
travel expenses, 39, 214, 220  
Tuition Privileges, 223  
tuition refund policy, 85  
twelfth consecutive calendar month, 168  
twelve-month employment, 221

## U

UMCIRB, 100, 101, 154, 155  
UNC Academic Program Inventory, 92  
UNC Code, 2, 35, 36, 37, 161, 163, 184, 192, 241, 254, 255, 257, 260, See The Code  
UNC Policy, 2, 36, 37, 59, 127, 148, 149, 150, 175, 179, 183, 185, 188, 190, 193, 229  
UNC Policy Manual, 2, 36, 37, 127, 148, 149, 150, 179, 193, 229  
UNC System, 2, 192, 193  
UNC-GA, 90, 91, 92, 93, 94  
undergraduate curriculum changes, 91  
undisputed, 179, 245  
Unit Code Availability, 47, 49  
Unit Code Requirements, 47, 48  
Unit Code Training, 47, 49  
Unit Codes, 2, 44, 47  
unit curriculum committees, 81  
University Registrar, 64  
unprofessional, 247  
unsatisfactory performance, 182  
upgrading, 214  
Use of Legal Counsel, 117

## V

Vacation, 221  
verbal warning, 85  
Vetting, 2, 9, 24, 25  
Vetting of Administrative PRRs, 2  
Vice Chair of the Faculty, 13, 15, 16, 19  
video recordings, 205, 244  
Vision, 2, 9, 10, 11  
visitors, 135, 205, 248



volunteers, 215  
voting faculty, 19, 48, 90, 159, 168, 169, 170, 171, 178, 183, 188, 195, 229, 256  
Voting Privileges, 27

## W

waiver, 28, 137, 177, 237  
Weapons, 4, 213, 225  
Web Service, 218  
workers' compensation, 220  
work-place environment, 247  
Works for Hire, 108, 109  
Writer-in-Residence, 134  
Writing Intensive credit, 91

## Y

years of service, 87, 178, 184, 187, 189, 256

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