



**East Carolina University | Board of Trustees Meeting
Murphy Center | Greenville, NC
Minutes Requiring Board Approval | September 30, 2016**

July 15, 2016

August 31, 2016

**ECU Board of Trustees
July 15, 2016
East Carolina Heart Institute**

MINUTES

The Board of Trustees met in regular session at the East Carolina Heart Institute on the Health Sciences campus of ECU. Chair Steve Jones called the meeting to order and called on Dr. Steve Duncan to lead the Pledge of Allegiance.

REPORT OF THE NOMINATION COMMITTEE

Chairman Jones called on Kel Normann, Chair of the Nominating Committee, to give his report. Mr. Normann reported that the Nominating Committee has polled each board member in terms of their recommendations for leadership positions within the board and are presenting the following slate to the board for consideration:

Chair – Steve Jones; Vice Chair – Kieran Shanahan; Secretary – Bob Plybon.

ELECTION OF OFFICERS

Mr. Jones called on Dr. Steve Duncan to conduct the election of officers. Dr. Duncan asked for a motion to accept the Nominating Committees' slate of officers. The motion was approved and presented. Dr. Duncan then asked if there were any nominations from the floor. Hearing none, Dr. Duncan asked for a motion to elect the officers as recommended by the Nominating Committee. The motion was approved unanimously, electing Steve Jones as Chair, Kieran Shanahan as Vice Chair and Bob Plybon as Secretary of the Board. This concluded the election of officers.

ROLL CALL

Mr. Jones called on Secretary Bob Plybon to call the roll:

Members Present

Ryan Beeson
Edwin Clark
Mark Copeland
Vern Davenport
Deborah Davis
Leigh Fanning
Steve Jones
Max Joyner
Kel Normann
Bob Plybon
Danny Scott
Kieran Shanahan (via phone)
Terry Yeargan

Members Absent

READING OF ETHICS STATEMENT

In compliance with the State Government Ethics Act, Mr. Jones read the conflict of interest statement and asked if anyone had a conflict of interest to disclose. No conflicts were identified.

APPROVAL OF MINUTES

Mr. Jones asked for a motion to approve the minutes from the April 8 meeting and the June 24 special called meeting. Ms. Davis moved approval of the minutes and Mr. Joyner seconded the motion. The motion was approved with no negative votes.

ADMINISTRATION OF OATH OF OFFICE

Chairman Jones then called on Sara Beth Fulford Rhodes, Pitt County Clerk of Court to administer the oath of office to Mr. Ryan Beeson, SGA President.

UNIVERSITY REPORTS

CHANCELLOR'S REPORT

Dr. Staton gave his remarks to the board. A full text version of the Chancellor's remarks is listed as "Attachment A."

REPORT FROM THE STUDENT GOVERNMENT ASSOCIATION

Mr. Ryan Beeson, President of the Student Government Association, brought an update from the SGA. A full text version of Mr. Beeson's remarks is listed as "Attachment B."

BOARD OF GOVERNORS REPORT

Mr. Henry Hinton, a member of the UNC Board of Governors, brought remarks on behalf of the BOG. Mr. Hinton began his remarks by saying how honored he was to have served on the Chancellor Search Committee that brought Dr. Staton to ECU. This was the first time a Board of Governors member served on a search committee, even as an ex-officio member.

Mr. Hinton discussed several highlights from the recent legislative session. They included the \$4M recurring and \$4M nonrecurring money that was given to assist in sustaining the Brody School of Medicine, eliminating the private fundraising cap, postponing the implementation of the NC GAP program, \$2.3M in support of partway home students and \$40M to the system for repairs and renovations.

Mr. Hinton also gave an update on the newest initiative from UNC President Margaret Spellings – the development of a new strategic plan for the UNC System. Partnering with system chancellors and members of the Board of Governors, the President would like to see a strategic plan focus on 8-10 system level goals. She's asked each Board of Governors committee to work on a

specific area of interest. The Governance Committee will work on access; the Budget Committee will focus on affordability and efficiency; the Education Planning, Policy and Programs Committee will focus on student success; the Personnel and Tenure Committee will develop goals related to creating an excellent and diverse institution; and the Public Affairs and Audit Committees will focus on the economic impact of the system to North Carolina.

REPORT FROM THE FACULTY SENATE

Dr. John Stiller, Chair of the Faculty, brought an update from the Faculty Senate. A full text version of the Dr. Stiller's remarks is listed as "Attachment C."

REPORT FROM THE STAFF SENATE

Ms. Kristal Gauthier, Chair of the Staff Senate, brought an update from the group. A full text version of the Ms. Gauthier's remarks is listed as "Attachment D."

REPORT FROM THE BOARD OF VISITORS

Mr. Mark Garner, Chair of the Board of Visitors, brought an update from the BOV. A full text version of the Mr. Garner's remarks is listed as "Attachment E."

COMMITTEE REPORTS

UNIVERSITY AFFAIRS COMMITTEE

Mr. Max Joyner gave the report from the University Affairs Committee for Committee Chair Kieran Shanahan. A summary of this report is listed as "Attachment F." There were items that needed the board's attention.

Mr. Joyner moved that the board approve the Promotion and Tenure Policy as presented in board materials. The motion was approved unanimously. The revised policy is listed in this document as “Attachment G.”

Mr. Joyner moved that the board approve a resolution regarding the discontinuation of the Institute of Outdoor Theatre as presented in board materials. The motion was approved unanimously. The text of the resolution is listed as “Attachment H.”

HEALTH SCIENCES COMMITTEE

Mr. Davenport gave the report from the Health Sciences Committee. A summary of this report is listed as “Attachment I.” There were no items for the board to consider in open session.

FINANCE AND FACILITIES COMMITTEE

Mr. Plybon, gave the report from the Finance and Facilities Committee. A summary of the Finance and Facilities Committee report is listed as “Attachment J.” There were two items that required board attention.

Mr. Plybon moved that the board approve the designer selection for the Life Sciences and Biotech building in accordance with the terms and conditions in board materials. The board approved the motion unanimously. This request is listed as “Attachment K.”

Mr. Plybon moved that the board approve the construction manager at risk for the Dowdy Ficklen Stadium expansion in accordance with the terms provided in the board materials. The motion was approved unanimously. This item is listed as “Attachment L.”

ATHLETICS AND ADVANCEMENT COMMITTEE

Committee Chair Edwin Clark gave the report from the Athletics and Advancement Committee. The full committee report is listed in these minutes as “Attachment M.” There were several items that required board attention.

Mr. Clark moved that the board approve the appointment of Board of Visitors members as presented in board materials. The motion was approved with no negative votes. The memo recommending these appointments are listed as “Attachment N.”

Mr. Clark moved that the board approve the slate of officers for the ECU Board of Visitors as presented in board materials. The slate was approved unanimously. The slate included Mark Garner as chair, Sabrina Bengel as vice chair and Linda Thomas as secretary.

Mr. Clark moved that the board approve a charter revision for the Board of Visitors that mandated a minimum \$500 giving requirement for service on the Board of Visitors. The motion was approved with no negative votes.

AUDIT, RISK MANAGEMENT, COMPLIANCE AND ETHICS COMMITTEE

Mr. Kel Normann, chair of the Audit Committee, gave the report from the Audit Committee. The full committee report is listed in these minutes as “Attachment O.”

CLOSED SESSION

Mr. Beeson made a motion that the board go into closed session. That motion was seconded and approved unanimously.

MOTIONS FROM CLOSED SESSION

Upon resumption of open session, Mr. Jones called for any motions that were a result of closed session discussions.

Mr. Beeson moved that the board approve the tenure recommendation for Dr. Cecil Staton as presented in board materials. The motion was approved unanimously.

Mr. Beeson moved that the board approve the tenure recommendation for Dr. Leonard Annetta as presented in board materials. The motion was approved unanimously.

Mr. Davenport moved that the board approve the tenure recommendations for Dr. Jason Higginson, Dr. Susan Kennerly and Dr. Robert Orlikoff. The motion was approved with no negative votes.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Terry Yeargan gave a brief update on the 2017 Board of Trustees Self Assessment Retreat.

ADJOURNMENT

Hearing no other business, Mr. Jones adjourned the meeting at 12:00 p.m.

ADJOURN

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Respectfully Submitted,
Megan Ayers
Office of the Assistant Secretary to the Board of Trustees

Chancellor's Remarks
Board of Trustees Meeting
East Carolina University
July 15, 2016

Good morning. It is great to see you here and even greater to be here with you. First of all, let me thank each of you for your important service on this board and for your love for and support of this great university. As I have said before, during the search process Catherine and I were so impressed with everyone we met. We could see it in your eyes, in your smiles, and the expressions on your faces. You love this university and it made it so much easier for us to fall in love with ECU too. We are sincerely glad to be here. I am humbled to be your chancellor.

All of you know, July 1, was my first official day and this is my first regular trustee meeting. By the way, I am still waiting on that honeymoon Chairman Jones and the search committee promised me. Perhaps we'll get that scheduled and on the calendar very soon. As you would expect, with only two weeks under my belt, I am still very much in a learning mode. ECU is a complex institution, so there is much to learn. But let me tell you about my some of my early impressions.

ECU is an institution with enormous assets, which positions it, in my view, to become the next great American university. That should be our aspiration and that is my goal for ECU. By the way, just last week Forbes released its 2016 America's Top College lists and ECU showed up as number 132 in the south, 189 among publics, and 203 among research universities. Not bad, but I happen to think we are better than those numbers suggest.

We possess a superlative faculty that is engaged across many disciplines and committed to teaching, yet busy with research and publications. We have a broad and relevant range of colleges and schools that intersect with significant societal, regional, and national needs that will continue to attract students to our university. We have a student centered staff that is committed to ECU and student success.

During the last two weeks, during orientation sessions I was privileged to speak to hundreds of new Pirates and their parents. I found them to be terrifically engaged and capable students who are full of promise. They expect to make a difference in their world and that's what we hope they'll do. We want them to show us the way forward.

And certainly we have wonderful community and alumni support. Dyba and Compher have already had me busy and involved in fundraising efforts.

So what is missing from this picture? Where do we need to go? To what should we aspire?

We all have hopes for ECU, things we want, or desire for our university. But I prefer the word “aspire.” I believe our aspirations should aim high. We must always aspire to fulfill our mission. Student success, public service, and regional transformation are at the heart of who and what we are and we will not abandon those commitments even as we seek to advance ECU. But in 2016, we must also aspire to be innovative in every aspect of our work. I know innovation is a buzzword right now and it is used a lot. But it means that business as usual just doesn’t cut it anymore.

Because of the significant challenges facing public higher education today—things like constrained public finances, the disruptive nature of technology, demographic, economic, and workforce challenges, and fierce competition, just to name a few—we have no choice but to make sure ECU is pointed in the direction of innovation and leadership.

While fulfilling our mission, we must aspire to become a world-class institution. “Pretty good” at everything simply isn’t enough anymore. We must instead choose the path of innovation and excellence that will lead ECU to its destiny of greatness.

So what are we going to be focusing on in the coming academic year?

Briefly I will mention a few things.

Over the next few months I will be undertaking a review of our Executive Team membership and structure to insure that we have in place what ECU requires to move us towards an ecosystem of innovation.

I will be going on the road, traveling across North Carolina to build relationships with political leaders, alumni, and other key stakeholders in order to gain the support we need to fulfill our mission. I'll need your help as this unfolds.

We will focus our attention upon the future of the Brody School of Medicine and our health sciences footprint and relationship with Vidant in order to develop a plan that will lead to stability and therefore the ability to continue to fulfill our mission to impact the health care outcomes of eastern North Carolina and underserved areas of our state. We need to expand our enrollment, increase residency slots, and have the facilities that will allow us to move the Brody mission forward. The story of Brody is the summed up in the words, promises made, promises kept.

We will begin to lay the groundwork for an ambitious capital campaign for ECU. It is time. Part of securing our future is the realization that we must grow our advancement activities and increase investment in ECU's future. I am heartened

by the contributions of our alumni and supporters. We cannot be bashful about telling the ECU story and asking for support. That is the new normal for public higher education. We have to become just as good as our counterparts at private institutions in seeking support for the success and future of East Carolina University.

We are going to spend some time reviewing our strategic plan for ECU, to determine if our plans and resources are properly aligned to meet the challenges we face as well as the needs of our students and our region.

And we are going to be thinking about research at ECU, and what it means for us to grow the research and economic development enterprise here, especially with our ambitions for the new Millennial campus.

And finally, for now, on my list of things to do after a couple of weeks here, we are going to be thinking about how we can raise the profile of ECU. Obviously, with more than 28,000 students, plenty of people think well of this institution and want to be here. But I don't think this institution gets the acclaim it deserves. Our contributions and the wonderful work that takes place at ECU is not as widely known as it should be and this university doesn't get the recognition it deserves. It will take time, but we can change that.

ECU's strength is ultimately in the people who are ECU. Its faculty, staff, students, alumni, and other friends and supporters who make this university what it is. We have the human resources and we will secure the financial resources to allow us to fulfill our aspirations for this great university. We are well on our way to become world class, America's next great national university. I am excited about that journey.

Now before I conclude, let me just mention very briefly some recent accomplishments that are noteworthy.

- ECU was recognized by APLU as the Southeast Regional recipient of the 2016 W.K. Kellogg Foundation Community Engagement Scholarship Award in recognition of extraordinary community outreach for the MATCH wellness program. ECU is now one of four finalists, along with Penn State, Portland State, and Purdue for the C. Peter Magrath Community Engagement Scholarship award, to be announced in November.
- Dr. Stephanie Richards, Assistant Professor in the College of Health and Human Performance, is engaged with Western Carolina, NC State, and the NC Department of Health and Human Services as part of a "Zika Taskforce". "Together, they will work with counties and local military installations to survey and identify mosquito populations across North Carolina that are

possible vectors of the Zika virus.”

- ECU alumnus Howell Binkley won the 2016 Tony Award for Best Lighting

Design of a Musical for Hamilton.

- Avion Jones who set an American Athletic Conference record with a jump of

7 feet, 7 inches at the conference outdoor track and field championship and

participated at the recent Olympic trials. AND we have to mention the success of

Coach Godwin and the baseball team and offer our congratulations for an

incredible season.

- Two words – you matter – inspired 11 East Carolina University College of

Education alumni to take the message of love and encouragement they helped

cultivate at Eastern Elementary School in Greenville to children in the Dominican

Republic. The teachers recently returned from a five-day trip to the Caribbean

country where they donated clothing and food, taught, played games and met

with residents.

- As for enrollment, we are ahead year-to-date in both undergraduate (up 6%

year-to-date) and graduate (up 14% year-to-date) enrollments. We will

experience additional melt but based on current data we believe we will make our

Freshmen enrollment target of 4,400 AND we believe a total enrollment of 29,000

is possible (up from our Fall 2015 Census day total of 28,289 from last year). Our trends are positive, especially in graduate enrollment!

Thank you again for allowing me the opportunity to lead this great university. Go Pirates!

**Report from the SGA
July 15, 2016**

Before I begin I would like to take a moment to offer thanks on behalf of all students for the time, dedication, and hard work that each member of this board gives to East Carolina University and its students, past, present, and future. Without the commitment and devotion to this institution displayed by the members of this board, East Carolina University would not be able to fulfill its mission of student success, service to the public, and regional transformation. Thank you.

This year the Student Government of East Carolina University will operate under the newly adopted constitution, approved by students in the fall of 2015. This constitution brought significant reform to the Student Government and it will allow us to better advocate for students, doing so in a more productive manner. During the term of my office I, with the other members of my team in student government, will pursue an agenda of enlarging the autonomy of the student government, making it a responsible and impactful student government that is accountable to the students we represent, being good stewards of the offices, powers, and funds with which we have been entrusted.

Thus far we have held true to this service mentality in our work with the budget for the upcoming year. Our executive team discovered and was able to free up monies which had been tied up in salaried positions which have since been discontinued as well as relieve the student government of paying for parts of other salaries over which we had no control nor any basis for paying. We will continue to work to gain autonomy over the budget of the student government

association in order to better serve all students and enlarge our ability to impact their experiences while at ECU.

As part of our efforts to advocate for students, the student government will sponsor a series of programs in the form of themed months, highlighting the services and resources available to students and encouraging greater student involvement on and off campus. To kick off the programming September is being deemed Professional Pirate month. We will partner with the Career Services center to highlight the services they provide to students in a series of events including a Professional Etiquette Dinner, a resume blitz session, and a power-greeting event. October is civic engagement month in which we will focus our efforts on voter registration as well other events surrounding election season. In November we will be focusing on student health, highlighting the resources available to students on campus as well as putting the spotlight on some of the Eight Dimensions of Wellness developed by our dedicated staff in Campus Wellness. These efforts will continue in the Spring with a variety of themes and programs for the students of ECU.

Beyond these efforts, the student government will consider legislation in line with the platform initiatives of our ticket which tackle the issues of Student Rights, safety on and around campus, student involvement and inclusivity, cost of education, especially as we consider tuition and fees this fall, and reforms related to entities benefiting from the funds of SGA. This last area is of particular interest as our ability to free up more funds means more opportunities to fund clubs and organizations, provide programming and services to students, and perhaps most importantly restore autonomy and transparency relating to the budget of the student government.

In closing, my team and I look forward to serving the students of East Carolina University over the course of the coming year. We are excited about the opportunities to improve SGA's ability to advocate for students and build upon the work, which has done by past administrations and senators. I thank you for allowing me to share some of our vision and goals with you this morning, as always, GO PIRATES!

Staff Senate Report to the BOT July 2016:

Goals for 2016-17

Goal 1: To create more opportunities for Staff Recognition throughout the year.

Currently, we host Staff Senate Fitness walk which takes place in October at Lake Laupus each year. We also host Staff Appreciation week in April which provides several activities and promotions during the week for staff employees including a free lunch (equivalent to \$7.50), free movie nights, free bowling, discounted ECU softball/baseball tickets, a fitness walk, and for the first time this year, the Captain's First Mate Award was established in order to recognize a staff member in each division (nominated by each divisional vice chancellor). **This year, the Staff Senate would like to create opportunities for staff recognition more frequently throughout the year. We plan to do this by utilizing the Treasured Pirates program, which has been in place for several years. However, many people aren't aware that it still exists. The purpose of the Treasured Pirates Award is to recognize the special contributions of ECU Staff Employees to their departments. We plan to learn more about this program and find out how it can be better promoted and utilized across campus.**

Goal 2: To secure a sponsor for the Chancellor's Cup Golf Tournament. The Chancellor's Cup Golf Tournament is an annual event usually held during the month of May each year. The purpose of the tournament is to raise scholarship funds for the Janet B. Royster Memorial Staff Scholarship Fund. The money from this fund will go to UNC system Staff Employees in order to provide with assistance for the cost of courses to further their education or for staff development opportunities. This year, approximately \$30,000 were raised. This year, we had a wonderful turn-out with representation from almost all 17 universities in the UNC System. This is an event that allows the opportunity for all of the UNC system universities to work together for one common goal, and it's a lot of fun! Chancellor Ballard's team came in 3rd place.

Goal 3: We will strive to continue to build scholarship funds for our own ECU staff employees and their children. For the past few years, we have been able to host fundraising events at Wimpie's Steam Bar and Grill. This year we hope to come up with some additional ideas to help raise more money for the Children of SPA Employees Scholarship fund.

Goal 4: Recently, the Staff Senate established the Staff Emeritus Recognition program. Staff Emeritus Recognition is for ECU staff who have retired after at least a minimum of 10 years full-time or part-time permanent service at ECU. This person must be nominated by another member of the ECU staff, faculty, student population, or administration. The nomination must also be approved by the Associate Vice-Chancellor of Human Resources, Divisional Vice Chancellor, and the Chancellor. Benefits of Staff Emeritus are the following: an ECU Identification card and access pass with the same access to campus and use of basic facilities as regular staff; An ECU e-mail address subject to the Acceptable Use Policy; and full ECU library privileges. **The Staff Senate will continue to work closely with HR to initiate this program, promote it, and help facilitate it.**

Goal 5: The Staff Senate will continue to build relationships with the Faculty Senate. Working with the Faculty Senate is imperative if we want to continue to provide a positive workplace for faculty and staff. Therefore, communication between the Faculty Senate and the Staff Senate will continue to be vital in promoting positive change here at ECU. I, as the Staff Chair, will meet once a month with the current Faculty Senate Chair Dr. Stiller. Through these monthly meetings, we can continue an open dialogue about faculty and staff concerns, and we can work together to help resolve these concerns.

Goal 6: The Staff Senate will strengthen relationships with ALL campus employees. We will plan to develop a Staff Senate Newsletter that will be sent out electronically 4 times a year through ECU Official. In addition, we learned last year that there is a large number of staff who do not have regular access to computers and e-mail due to their job responsibilities. Many of these staff are

people who work in housekeeping or grounds and facilities. We have Chancellor Staton's support in coming up with a creative solution in order to better communicate information to all ECU staff.

University Affairs Committee - July 14, 2016 at 10:00am

Board Members Attending: Joyner, Beeson, Scott, Davis and Fanning - Board Members Not Present: Shanahan

Policy

Promotion and Tenure Policy – Ron Mitchelson went through some of the 20 key changes in the policy:

- The two levels of faculty (tenurable and fixed term);
- Communications permitted in the processes (i.e. use of email); eliminating unneeded redundancy;
- Clarifying that tenure can only be attained by Associate Professor and Professor level faculty (meaning they should be promotable to get tenure);
- Special employment arrangements (i.e. Vidant and others in private sector);
- Instructor is now considered fixed term until the assistant professor title is awarded will the tenure clock start; maximum probationary terms for faculty are clarified;
- Faculty may request probationary period extension (up to 2 years);
- Progress toward tenure letters remain; joint faculty appointments (promotes multi-disciplinary work);
- Unit code clarification for proper use in the process;
- Support for those units that have high numbers of fixed term faculty; conflict of interest language exists to avoid employment conflicts;
- Communication between committee and the department leadership is clarified as to what is permitted;
- Peer reviews are required (not all universities do) and there must be three peer review letters submitted and this process is now more clear;
- Misconduct is now part of the tenure record for faculty; faculty voting rules and definitions were clarified (i.e. people on medical leave can't vote);
- College level faculty committees can make recommendations to a dean (always a dean review, and this now allows the dean to rely on a college level committee to provide additional support on a decision);
- Procedures for managing recommendations and responses (appeals are not a part of these revisions, but referenced in Parts 5-7 of this policy);
 - **Motion**

Title IX Training – Donna Payne and Lakesha Forbes

- It was shared that the training for Board members and others required to take the training is being prepared by an outside entity. They asked for feedback about how the Board prefers to handle this training. Due to many Board members living outside of Greenville, some recommended that this could be delivered via an online option. Other recommendations were to keep it at an hour and also to be interactive and not just a lecture. Online delivery provides a record of who completed the training.

Research, Economic Development and Engagement

Discontinuation of the Institute of the Outdoor Theatre

- Dr. Michael Van Scott shared that this Board of Governors recommendation is different from previous recommendations. The Institute of Outdoor Theater was created in 1963 at UNC and was transferred to ECU six years ago. The director is stepping down soon and Dean Buddo concluded that this was not something we need to continue. Dean Buddo sought other ways to have the same activities and services offered and found a 501(c)(3) organization in Greensboro to take this over. To do this, we would need officially close this as a UNC System Institute. We would transfer assets such as a database of outdoor activities and \$100,000 of program income accrued. The funds will help to make this transition and is upfront funds to help maintain the services through the transition. The 1.75 FTE assigned to the Outdoor Theater will be reassigned by Dean Buddo.
 - **Motion**

Student Affairs

Student Affairs Landscape Update- Dr. Virginia Hardy shared some information and data about what we saw in our students last year and a lot of this relates to resiliency problems. We are seeing increases in mental health problems, suicidal attempts and ideations and other student conduct concerns. Of note:

- **Disability Support** numbers increased 26% in one year.
- **Counseling** increased to more unique students visiting and also there was an increase in the total number of appointments.

- The number of **Title IX** cases are going down a bit this spring and we believe this is due to marketing and communication efforts to make sure reporting options are very clear.
- **Drugs and Alcohol**, we have seen a reduction in the number of incidents, but an increase in the severity of the crime (more felonies, prescription drugs). In housing alone, we have an increase in felonies in the halls (40) with 68% around heroin and marijuana and 32% related to robbery or identity theft.
- Dr. Hardy talked about the **Collegiate Recovery Community (CRC)** that focuses on a recovery and enhances the college experience that are struggling, but want to get them into a sober lifestyle. We are expecting a third year of funding to be provided for this program. Some new initiatives include Resiliency Training Programs; Cognitive-Affective Stress Management Training; CRC partnership about recovery during the NC State and Virginia Tech games (their students and ours together), Living Learning Communities (LLC) continue to grow on campus (now 19 going into the fall with two more in 2017 - 15% of on campus students live in an LLC).
- **Campus Living** – We will open at capacity for the fall and there might be a slight overflow of people but we will be able to house them in Clement for the fall. The rising costs of construction are having impacts on the construction of our three towers and the Jones Hall Gallery. This will prohibit us from doing some of special things such as lounges, study spaces, a pergola and other interior/exterior features.
- **Career Services** – First Destination survey coming – starting with the May graduates to find out what our alums are doing after the graduate for a career. That information will go back to the colleges for them to adjust any curricular plans related to the data. This information will be shared during the fall during a Faculty Symposium. This is the first time we have had this information and data.

Faculty Senate Resolution #16-15

Approved by the Faculty Senate: February 23, 2016

Approved by the Chancellor: April 1, 2016 ([with edits](#))

Approved by the Board of Trustees: *pending*

Approved by the UNC General Administration: *pending*

Revised *ECU Faculty Manual*, Part IX, Section I. Tenure and Promotion Policies and Procedures of East Carolina University, subsections I. – IV.

[Link to Current Text](#)

Proposed additions are underlined, while proposed deletions are shown in ~~striketrough~~ text. (subsections V. – VIII. are also provided in this document but do not reflect any revisions at this time.)

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**

CONTENTS

- I. Tenure
- II. Faculty Appointments
 - A. General Provisions
 - B. Fixed-Term Appointments
 - C. Probationary Appointments
 - 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 (~~A description of "voting faculty" may be found here.~~) (Please refer to Faculty Manual Interpretation [#I06-22](#).)
 - 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 ECU 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, ~~research~~ scholarship, or public service program as detailed in Part IX, Section I (VII.A.1.) and (VII.A.2.) (Faculty Senate Resolution #03-44).

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, research and creative activity, and service; a potential for future contributions; and the institution's needs and resources. Conferral of permanent tenure shall be based on the faculty member's demonstrated professional competence in teaching, research and creative activity, and service; a potential for future contributions; 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. neither teaching nor research and creative activity nor patient care nor service is sole measure of a member's competence and contribution. Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor. Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor. No assistant professor will be awarded permanent tenure unless concurrently promoted to associate professor.~~ 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. ~~neither teaching nor research and creative activity nor patient care nor service is sole measure of a member's competence and contribution.~~ Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor. ~~Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor.~~ 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 ~~but and~~ are appointed with the following titles: teaching instructor, teaching assistant professor, teaching associate professor, teaching professor, research instructor, research assistant professor, research associate professor, research professor, clinical instructor, clinical assistant professor, clinical associate professor, clinical professor, visiting instructor, visiting assistant professor, visiting associate professor, visiting professor, artist as listed in residence, writer in residence, adjunct instructor, adjunct assistant professor, adjunct associate professor, and adjunct professor. Fixed-term faculty members may be paid or unpaid, per letter Part VIII of appointment, 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 letter, and the letter of appointment, ~~constitute~~ constitutes full and timely notice that a new term will not be granted when that term expires, ~~(except~~. Except as specified in subsection II.B.1), ~~no~~ 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 designee¹ 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.² The responsibility for initiating the inclusion

¹The 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.

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.¹ 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 ~~fixed-term~~ and 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 ~~persons~~ faculty members shall be written. The non-reappointment decision not to reappoint probationary term faculty shall not be based upon: (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, color, national origin, creed, religion, veteran's status, gender, age, sexual orientation, political affiliation, ~~or disability~~, or any other protected class as defined by established University policy; or (3) personal malice (Faculty Senate Resolution #03-37).

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~~ contract was not contingent upon the continuing availability of sources 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

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

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:

~~A contract for a fixed-term appointment shall set~~ 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). The specification of the length of the appointment in the contract/letter of appointment shall be deemed to constitute full and timely notice of non-reappointment when that term expires. Whenever possible 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. These faculty members are eligible for a new appointment. The provisions ~~At the end of Section 604 and 602(4) of The Code of The University of North Carolina do not apply to these special faculty appointments. If the~~ appointment term, a fixed-term faculty member, not earlier than 180 calendar days nor later than 90 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, provides ~~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 ~~Within 30. No later than 45 calendar days of receiving~~ before the request end of the current term, the Personnel Committee and the unit administrator shall notify the faculty member in writing of their respective recommendations and that; 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]:

~~Any faculty member~~ Faculty members employed in for a fixed-term position shall be evaluated annually in accordance with the provisions of the employment contract 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 recommending/considering a new appointment. The portfolio should contain information that demonstrates the effectiveness of the fixed-term faculty member in carrying out/fulfilling the duties/responsibilities specified in the letter of appointment. The specific contents of the portfolio shall be determined by the unit code (see subsection IV.A.1.).

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.A.1.). (see subsection IV. B.1.c.viii).

4. Terms and Conditions for Appointment:

The Chancellor or the Chancellor's designee¹ 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 instructor, of assistant professor, associate professor, and professor. Persons appointed as instructors shall not be considered for reappointment with permanent tenure until promoted to a higher rank. Persons appointed as assistant professor, 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].

~~The decision~~ 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 shall be made by the appropriate unit committee and the administrative officers, early

~~enough to permit timely notice to be given (see Part X.). Notice of reappointment or non-reappointment shall be written.~~

Timely Notice: For ~~full-time faculty members~~ at the rank of ~~instructor~~, 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.

~~Notice of reappointment or non-reappointment shall be written. If the decision is not to reappoint, then failure~~ Failure to give timely notice of non-reappointment will oblige the ~~chancellor thereafter~~ Chancellor to offer a terminal appointment of one academic year.

2. Probationary Terms

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 ~~he or she~~ 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:

~~(a) Instructor. The rank of instructor is reserved for persons who lack the qualifications for appointment as assistant professor. Faculty members appointed as instructors are eligible for an initial three-year appointment and one successive reappointment of two years. Instructors promoted to the rank of assistant professor no later than the beginning of the fourth year of employment are eligible for a final two-year probationary appointment in the higher rank. The maximum probationary term is seven years.~~
 Assistant Professor. The maximum probationary term is six years, ~~consisting of an initial three-year appointment and two successive two-year appointments.~~ 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~~ five years, ~~consisting of an initial three-year appointment followed by a two-year appointment.~~ 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 maximum probationary term is ~~three~~two years, consisting of one. 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 ~~as noted in subsection II.C.4.~~

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 in the ~~Division of Health Sciences and Academic Library Services~~members with twelve-month appointments), will be measured from the beginning of the subsequent Fall semester (or July 1 for probationary faculty in the ~~Division of Health Sciences and Academic Library Services~~members with twelve-month appointments).

3. Reduction of the Normal Probationary Term for Previous Academic Employment
~~Reduction 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. Vice Chancellor. The maximum reduction at each professorial rank shall be as follows:
 - ~~(a) For a candidate appointed at the rank of instructor, no reduction is allowed.~~
 - (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
~~Leaves from all employment obligations which are granted to probationary term faculty may include extension of the length of the probationary term. (Leaves of absence normally should be for not more than two academic years or occur more often than once in three years).~~ Extensions of the probationary term must be requested by the faculty member and shall be granted only in cases of severe personal exigency, ~~such as illness, childbirth, child care,~~ or other compelling personal circumstances, and; such extensions shall be limited to a total of no more than two years. Probationary-term faculty members who have received paid leave of at least 15 weeks under the ECU Serious Illness and Disability

Leave Policy Faculty Serious Illness and Parental Leave Policy shall receive an extension of the probationary term, if requested. Extensions of the probationary term must be expressly stated in appointment or reappointment documents or added by a written memorandum of amendment by the unit administrator during the term of an appointment. The probationary term may be extended in increments of one or more academic years: one year for leaves of one or two semesters, two years for leaves of three or four semesters. All such extensions must be approved in writing by the faculty member, the unit Personnel Committee, the unit administrator, the dean, the appropriate vice chancellor, and the chancellor or the chancellor's designee. A probationary-term faculty member who assumes a full-time administrative position 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 designee¹ provides the final approval of the extension. Extensions of the probationary term must be expressly stated in the same way 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

~~Each Spring semester, the unit Tenure Committee and unit administrator will review the annual reports of each probationary term faculty member. On the basis of this review, the unit administrator, in consultation with the unit Tenure Committee, will write a progress toward tenure letter to each probationary term faculty member. This letter will address the candidate's cumulative accomplishments to date as well as the unit administrator's and tenure committee's ongoing expectations of the candidate. In the event the unit Tenure Committee and the unit administrator cannot agree on the contents of the letter, the next higher administrator shall confer jointly with the unit Tenure Committee and unit administrator, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter. Copies of the progress toward tenure letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Tenure Committee and to the next higher administrative level. The unit administrator and a representative of the unit Tenure Committee will discuss the progress toward tenure letter with the faculty member. In the event that the faculty member disagrees with the contents of the progress toward tenure letter, it is the responsibility of the faculty member to make this disagreement known in writing addressed to the unit administrator for inclusion in the personnel file and the PAD. Copies of this letter will be placed in the faculty member's personnel file, and a copy will be sent to the unit Tenure Committee and to the next higher administrative level (See subsection IV.D.3.).~~

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 (see subsection IV.D.3.).

The timeline for completion of reviews of progress toward tenure is contained in the *Faculty Manual, Part X.*

6. Request for Early Permanent Tenure

During~~According to the Spring semester of~~timeline in the academic year~~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.³ No assistant professor shall be awarded permanent tenure unless

³When 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.

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 this document. Part IX.

E. Joint Appointments

~~Joint appointments are made when faculty members are appointed with responsibilities in more than one unit. The source of funds for joint appointments may come solely from one unit, or it may come separately from two or more units to which the faculty member has a joint appointment.~~

~~Faculty members who hold joint appointments in more than one unit or center within East Carolina University shall be assigned to a primary academic unit with a greater than half-time appointment in the primary academic unit. The letter of appointment will specify the terms of the appointment, will identify the primary academic unit and will reference all units in which the faculty member holds joint appointments. A single appointment letter signed by all supervising administrators is preferable, but in instances where a jointly appointed faculty member has disparate duties in the various units, a separate joint appointment letter may be issued by the administrators of the units in which the faculty member holds joint appointments, provided that a copy of each joint appointment letter is forwarded to the unit administrator(s) of the other supervising unit(s).~~

~~Each appointment letter issued by the primary and joint appointment units will specify the faculty member's responsibilities, performance expectations, and compensation, if any, for that department and/or program. Annual, written evaluations of the faculty member will be prepared by the unit administrator of the faculty member's primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed. If the administrators of the units to which the faculty member is jointly appointed disagree on the annual evaluation, the next higher administrator to the primary academic unit will arbitrate the disagreement and will write the final annual faculty evaluation, if agreement cannot be reached among all joint appointment units.~~

~~For probationary faculty appointments and permanently tenured faculty appointments, the policies and procedures of the primary academic unit shall be used for reappointment, tenure, and promotion of the faculty member, as appropriate to the appointment type. Annual progress toward tenure letters for probationary faculty will be prepared by the unit administrator of the primary academic unit, in consultation with the administrator(s) of the unit(s) to which the faculty member is jointly appointed, and in consultation with the Tenure Committee of the primary academic unit. If there is disagreement on the progress toward tenure letter, the next higher administrator of the primary academic unit will confer with the Tenure Committee of the primary academic unit and with the administrators of the units to which the faculty member is jointly appointed, determine at his or her discretion the content of the letter, and prepare the progress toward tenure letter.~~

~~For all faculty on joint appointments, annual salary increase recommendations will be made on each funding source of the appointment according to the guidelines of the units, the General~~

~~Administration, and those of the University. If there is one source of funding, the administrators of the separate portions of the appointment will consult and recommend together. If there is disagreement, it will be appealed to the next higher administrator of the primary academic unit.~~

~~All faculty members who hold joint appointments are governed by the *ECU Faculty Manual*, and all provisions of each faculty appointment must be consistent with relevant sections of the *ECU Faculty Manual*. (Faculty Senate Resolution #02-05)~~

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 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 Operation* 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 Operation* 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 instructor, of assistant professor or associate professor may be promoted considered for promotion to the next professorial rank. Promotion shall be based primarily 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, below. By the first week of March of every academic year, a. 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 a personnel action of promotion in rank to her or his unit administrator by the deadline stated in Part X of the *Faculty Manual*. The request for promotion shall be considered by the appropriate unit committee during the Fall semester of the next academic year. When a request is received by the deadline, the unit administrator shall notify the chair of the unit Personnel Committees. 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*.⁴~~

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 Interpretation #106-22*.)

⁴ A faculty member considering such action is encouraged to seek consultation with the unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for 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.

Recommendations for faculty appointments, reappointments, promotion, and the conferral of permanent tenure to faculty are the responsibility of unit committees and the unit administrator. Evaluation of faculty 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 ~~also evaluate faculty members for promotion and the early conferral of permanent tenure at the request of the faculty member.~~ ~~Once the evaluation has been completed, the committee's recommendation and the recommendation of the unit administrator shall be forwarded to the next higher administrator above the unit level for initiation of administrative review of the recommendations.~~ The pertinent structures and processes are set forth in this section. ~~The timeline for these processes is set forth in Part X of the *ECU Faculty Manual*.~~

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 personnel, tenure, and promotion committees composed of faculty members with the appropriate expertise.

~~Confidentiality must be maintained when conducting any substantive business pertaining to initiation, review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions. Email should be used with discretion because it does not guarantee confidentiality. Formal correspondences relating to any substantive business pertaining to initiation, review, conferral of permanent tenure, and approval of appointments, reappointments, and promotions should be maintained in paper form.~~

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.

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 one-halftime position assignment in the unit, and

is either a probationary-term (tenure-track) faculty member or a permanently tenured faculty member, and

~~has at least one half of the teaching/research duties normally assigned in the unit, as determined by the permanently tenured faculty of the unit using standards appropriate to their discipline.~~

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 ~~one~~ half or more of his/her load/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 Senate Resolution #03-30). 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 Senate Resolution #03-30). 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.

~~Related faculty within the same academic department (or other comparable institutional subdivision of employment) shall not participate, either individually or as a member of a committee, in the evaluation of related persons for appointment, reappointment, promotion, the conferral of permanent tenure, cumulative review, salary recommendations, or any other personnel action.~~

A faculty member 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 Committees⁵

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~~ 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.

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 transitioning faculty units are to be elected by the voting faculty of each unit, as defined in Part IX, Section I (IV).

⁵ 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*.

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 not earlier than 180 calendar days nor later than 90 calendar days before the current term expires.(see subsection II.B.1).
- ii. ~~Reviewing~~Making recommendations on requests for reduction in the normal probationary term at the time of initial appointment (see subsection II.C.2)-~~3~~.
- iii. ~~Reviewing~~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.B-).~~E.2~~.
- vii. ~~7. The personnel committee may elect~~ 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 the unit search committee members must have at least one academic year's employment at ECU and must be voting 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 ~~faculty~~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 ~~professional~~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 ~~the meetings of such committees and facilitating~~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. ~~The elected chair of the committee shall obtain and distribute materials to be used during the deliberation of such bodies, insure that a valid vote has been taken, communicate the results of such votes to the appropriate faculty and to the unit administrator, and perform other duties as designated by the unit.~~

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 ~~and probationary term~~ 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, ~~with at least two thirds of the members being permanently tenured faculty.~~ These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured ~~and probationary term~~ faculty members having rank at least equal to the ~~candidate~~ 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. ~~Meetings of the promotion committee shall be convened by the Chair of the unit's Personnel Committee. The first order of business for a newly convened Promotion Committee shall be to elect a Chair from among its membership.~~

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 ~~Code of Operation, 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.—Consults with the unit administrator who writes a progress toward tenure letter to each probationary term faculty member as described in subsection II.C.5.~~
- 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 ~~research and creative activity scholarship~~ materials to be sent to external peer reviewers (see subsection IV.D.).
- ~~iv. Prepares a cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties.~~
- iv.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.

~~The unit administrator is responsible for maintaining the personnel files, providing timely notification to the chair of the unit Personnel Committee on all personnel actions required or expected, and distributing all personnel documents and materials to the appropriate location. The unit administrator, in consultation with the unit Tenure Committee (or properly constituted subcommittee), will write a progress toward tenure letter to each probationary term faculty member as described in subsection II.C.5. The unit administrator prepares a cumulative evaluation in narrative form of the candidate's teaching, research, service, and any other relevant duties.~~

~~In personnel matters, the unit administrator functions as an administrator rather than a faculty member. Therefore Consequently, the unit administrator does not have a faculty vote in personnel matters, and is. ~~Therefore, unit administrators are excluded from all unit committee deliberations and votes concerning candidates for appointment, re-appointment, promotion, or permanent tenure. (for procedure for nonconcurring recommendations, see Part IX, Section I (IV.H)).~~ However, there may be occasions on which a unit administrator and a committee wish to confer for informational purposes. However, at the invitation, by a majority vote of the membership of the Personnel, Tenure, or Promotion Committee, a unit administrator may meet with that committee to discuss initial appointments. Further, the administrator may meet with the Tenure Committee (or properly constituted subcommittee) in reference to progress toward tenure letters as noted in subsection II.C.5~~

- D. G.—External Peer Review for Promotion and the Conferral of Permanent Tenure
 “External peer review” means a review of a candidate’s research and creative activity scholarship by persons who are not faculty members or employees of East Carolina University. External 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 research and creative activity 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.

~~By~~ In accordance with the last week of March of timeline in the Spring term 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 the professional 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. ~~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 unit Tenure Committee shall select a sufficient number of names from the unit Tenure Committee's list and the candidate's list to ensure that a minimum of three external reviewerstwo from the unit Tenure Committee's list and one from the candidate's list. 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. 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. In those cases where a unit requires more than three reviewers, the choice of reviewers must reflect, as nearly as possible, the two to one ratio of reviewers proposed by the unit Tenure Committee to those proposed by the candidate. 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 the potential reviewers in writing that they have been nominated to conduct the review and will ascertain their willingness to serve as reviewers. Selected materialTo 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 on the Faculty Senate website at <http://www.ecu.edu/cs-acad/fsonline/fg/facultygovernance.cfm>. ~~http://www.ecu.edu/cs-acad/fsonline/fg/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 subsection IV.D.2.).

[Sample of an External Review Letter](#) (used by both Academic Affairs and Health Sciences)

~~Only the unit administrator will communicate with the external reviewers and only on procedural matters for the duration of the personnel action.~~

~~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 he or she disagrees with the initial selection. 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 and the candidate that the review Personnel Action Dossier, including external reviews, is available. ~~Within 7 calendar days after receipt, the unit administrator will provide candidates for Tenure and/or Promotion with copies of their external review letters.~~~~

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 respond that

accompanied the candidate's materials, this information, by memorandum from the unit administrator, shall be made a part of the candidate's personnel file and dossier. PAD as the review process continues.

D.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 ~~activity~~ activities and accomplishments. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure ~~in~~. If the faculty member is considering requesting promotion or the early conferral of permanent tenure, he/she may request consultation with the unit administrator and the chair of the unit Personnel Committee. 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. ~~A fixed-term faculty member seeking to be recommended for a second or subsequent fixed-term appointment need not compile the dossier. 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

~~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~~ 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.

~~For details on organization, content and limitations of the dossier, see Part X of the *ECU Faculty Manual*.~~

F. ~~E.~~—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 ~~unit Personnel Committee~~ appropriate committee shall make at least three attempts at intervals of no ~~less~~ 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) having authority over 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 ~~receipt~~ 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 ~~unit Personnel Committee~~ 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.; ~~f~~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 ~~reappointment~~, promotion and conferral of permanent tenure shall come from the appropriate committee (see Section IV.A). Within fifteen working days of notification by the unit administrator of the need to initiate a personnel action, the chair of the ~~unit Personnel Committee~~ appropriate committee shall convene a meeting of the appropriate committee (see subsection IV.E.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 ~~for~~ 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 subsection IV.F.2.b.

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 ~~what constitutes~~ a majority vote. Failure to obtain a majority vote constitutes a recommendation against a new or subsequent appointment (Faculty Senate Resolution #03-30). 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 ~~UNC Policy 101.3.3~~ 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 ~~UNC Policy 101.3.3~~ 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 ~~twenty~~ 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 ~~unit Personnel Committee~~ appropriate committee in writing as to whether or not a faculty member on non-medical leave will participate in ~~a mail 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 ~~a mail balloting~~, the faculty member shall count in determining ~~what is required for~~ a majority vote in favor of the recommendation. If the faculty member on non-medical leave chooses not to participate in ~~a mail balloting~~, the faculty member shall

not count in determining ~~what is required~~ for a majority vote in favor of the recommendation (Faculty Senate Resolution #03-30).

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.).

- ~~3. In the case of reappointment, promotion, and conferral of permanent tenure, each member of the appropriate committee will indicate by secret ballot his or her vote for or against recommending that the candidate be reappointed, promoted, and/or granted permanent tenure. This vote may be taken at a committee meeting or by mail ballot as described in subsection IV.E.2.d. A vote for the recommendation by a majority of the committee members present shall constitute a recommendation for reappointment, promotion, and/or conferral of permanent tenure. A member of a committee 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 what constitutes a majority vote. Failure to obtain a majority vote shall constitute a recommendation against reappointment, promotion, and/or the conferral of permanent tenure. (Faculty Senate Resolution #03-30)~~
- ~~4. The recommendation of the appropriate committee shall be communicated by the chair of the unit Personnel Committee or the Promotion Committee to the candidate and the unit administrator (see subsection IV.A.1.d.).~~

H. F.——Notification of Recommendations

The faculty member shall be informed in writing of all personnel recommendations at every level, beginning with the ~~appropriate unit committee's recommendation~~ and continuing up to the level where the final decision is made.

The notification letter from the Tenure Committee and the notification letter from the unit administrator shall contain ~~(a) the cumulative evaluation of the candidate's teaching, research and service, and any other relevant duties, in accordance with Part X, Section I (B) – Personnel Action Dossier of the ECU Faculty Manual and (b) the statement that the candidate has four working days from the date of the notification letter to include a response to the cumulative~~

~~evaluation, in accordance with subsection D. Supporting Materials of Part X – Personnel Action Dossier.~~

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.

~~G. Procedure for Concurring Recommendations~~

~~In the case of disagreement at any level refer to the procedures outlined in H. below.~~

~~If the recommendations of the appropriate committee and unit administrator agree, the next higher administrator shall either concur or not concur, then notify the unit administrator and the chair of the unit Personnel Committee of the recommendation and forward all recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation 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, he or she shall forward the recommendation to the chancellor. The chancellor shall consider the recommendation from the vice chancellor to promote and to confer permanent tenure.~~

~~If the vice chancellor concurs in a decision not to recommend reappointment, promotion, and/or conferral of permanent tenure, he or she shall give the faculty member being considered a simple, written statement of the decision. This decision is final except as it may later be reviewed in accordance with the provisions of 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, he or she shall submit the recommendation to the Board of Trustees for final approval. If the chancellor concurs in a recommendation for promotion, the chancellor's approval shall be final.~~

~~H. Procedure for Nonconcurring Recommendations~~

~~If the recommendations of an administrator and the appropriate committee disagree, that administrator shall discuss the potential nonconcurrence at the unit committee level before forwarding the committee's recommendation and his or her concurrence or nonconcurrence to the next higher administrator. If the unit administrator and the appropriate committee do not agree, their conflicting recommendations shall be forwarded through each administrative level, together with the recommendation of the administrator at each level, until they reach the appropriate vice chancellor. In the case of fixed-term employment recommendations the~~

~~decision of the appropriate vice chancellor is final. All other personnel actions shall be handled in accordance with the procedures provided in subsection IV.G. Procedures for Concurring Recommendations.~~

~~In the event that the vice chancellor is considering a recommendation that is contrary to the vote of the appropriate unit committee, the vice chancellor shall meet with the committee to discuss the potential non concurrence. If the vice chancellor decides not to recommend 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 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.~~

~~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.~~

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, which 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. 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. (Faculty Senate Resolution #03-49)

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. 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. (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 (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. (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 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 its decisions the committee shall consider only the testimony and other materials entered or presented as evidence during the hearing. The Complainant shall have the burden of proof. 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. (Faculty Senate Resolution #03-37)

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. (Faculty Senate Resolution #03-49)

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.). (Faculty Senate Resolution #99-10)

C. Penalty Without Recourse

If, within 14 calendar ^[i] 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. (Faculty Senate Resolution #99-10)

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. (Faculty Senate Resolution #99-10)

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. (Faculty Senate Resolution #03-37). 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. (Faculty Senate Resolution #99-10).

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^[1] 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 (Faculty Senate Resolution #03-37).

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 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. (Faculty Senate Resolution #03-37)

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. (Faculty Senate Resolution #03-37)

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. (Faculty Senate Resolution #99-4)

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. (Faculty Senate Resolution #99-4)

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 Trustees⁶; 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.)

Approved (entire document)

Faculty Senate Resolution #06-19, January 9, 2007
Erskine Bowles, President of UNC System

Faculty Senate Resolution #09-51, July 12, 2010

Erskine Bowles, President of UNC System (with editorial revision to section V.B.2 as suggested)

⁶A 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.

**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.

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.

**Resolution of the Board of Trustees of East Carolina University
Regarding the Discontinuation of the ECU Institute of Outdoor Theatre
and its Transfer to the Southeastern Theatre Conference, Inc.**

Whereas, the East Carolina University (“University”) Institute of Outdoor Theatre (“IOT”) promotes outdoor theatre and theatre practitioners;

Whereas, IOT currently operates within the University College of Fine Arts and Communication (“the College”) under the ultimate direction of Dean J. Christopher Buddo;

Whereas, while IOT does generate some revenue, it has never been financially self-sustaining, and the University has been required to subsidize the salaries of the two University employees assigned to IOT, and to pay various other expenses related to the operation of IOT;

Whereas, Dean Buddo has determined that IOT is not essential to the core mission of the College, and that, therefore, the University positions and resources currently devoted to IOT should be be redirected to the core mission of the College;

Whereas, IOT’s current Director, Dr. Michael Hardy, has announced his retirement, effective June 30, 2017;

Whereas, for the reasons set forth above, the Dean has determined that, in the best interests of the College, IOT should be discontinued as of June 30, 2017;

Whereas, Southeastern Theatre Conference Inc., (“SETC”) a non-affiliated North Carolina non-profit corporation located in Greensboro, North Carolina, has as its mission the promotion of theatre and theatre practitioners.

Whereas, SETC does not currently promote outdoor theatre, and it expressed an interest in acquiring IOT so that it can more fully engage in promotion of outdoor theatre;

Whereas, SETC’s acquisition of IOT will perpetuate the benefits that IOT currently provides to the citizens of North Carolina;

Whereas, with the exception of SETC, no other person or entity has indicated any interest in acquiring IOT;

Whereas, negotiations between the University and SETC resulted in a written Transfer Agreement between the University and SETC whereby, commencing July 1, 2016, SETC would begin rendering assistance to the University with the operations of IOT, with a complete transfer of IOT to SETC to be completed by June 30, 2017;

Whereas, the transfer of IOT to SETC has received approval from UNC General Administration and Chancellor Steve Ballard, and the Transfer Agreement has received approval from UNC Legal Affairs and the ECU Office of University Counsel;

Whereas, the transfer of IOT to SETC cannot occur unless IOT has first been discontinued at East Carolina University, effective June 30, 2017; and

Whereas, pursuant to UNC Policy 400.5[R], and the ECU Centers and Institutes Policy, this Board of Trustees may discontinue any campus institute, such as IOT.

Now Therefore, Be it resolved that the East Carolina University Institute of Outdoor Theatre is discontinued at East Carolina University, effective June 30, 2017.

Adopted this the ____ day of _____, 2016.

Steven W. Jones, Chair

Attest: _____
Assistant Secretary

Minutes from the April 7, 2016 meeting were approved.

Dr. Benson announced that the new dean of the CAHS is Dr. Robert Orlikoff who will start work on August 1st and extended appreciation for the work that Dr. Hassler has done in the interim period on behalf of Vice Chancellor Horns.

Dr. Emmanuel Zervos presented an overview of a new treatment option for pancreatic cancer. This procedure allows the physician to deliver high doses of chemotherapy directly to the pancreatic tumor with fewer side effects and possible positive outcomes, including some potential for extending the patient's life expectancy. ECU is the 3rd center nationally to offer this treatment and the 1st center as a registry site.

Dr. Brown gave an update on the status of the BSOM Dean Search. The committee has reviewed a diverse pool of applications that were submitted to CarterBaldwin. The committee has narrowed the candidate pool down at this time and they will conduct video interviews next week and plan to have on-site interviews in early August. The committee is working on schedule and anticipates a new Dean named by September.

Mr. Vanderpool presented information on the \$8M Sustainability Appropriation Uses for FY2016. After much discussion, it was decided to use the non-recurring funding on medical education. Funding was used for areas such as medical simulation, educational technology and instructional support. The support allowed for much needed upgrades, support research and use state-of-the-art computer technology.

Mr. Jowers reviewed the financial year-to-date information through June 2016. Over a 12-month period, the cash reserves increased from 83.2 days to 118.6 days. The total operating revenues increased by approximately \$9.7M and the total operating expenses decreased by approximately \$4M.

Dr. Libby Baxley discussed the BSOM expansion plans briefly. The plan is to present a more detailed request for Brody class expansion to the UNC BOG in September 2016. They are currently working to make a more detailed and specific model re: space, FTE and other needs as well as honing in on which community sites to pursue. They are also working with DHHS and others to support NC GME expansion plans.

Action Items from closed session:

The Health Sciences Committee reviewed two initial appointments with permanent tenure as follows:

In the CAHS for Dr. Robert F. Orlikoff, Professor in the Department of Communication Sciences and Disorders and the Dean of the CAHS effective August 1, 2016. A motion was made to approve the initial appointment with permanent tenure as approved by the Chancellor and as presented in the Board materials. Motion passed unanimously.

In the CON for Dr. Susan Kennerly, Professor in the Department of Nursing Science effective July 1, 2016. A motion was made to approve the initial appointment with permanent tenure as approved by the Chancellor and as presented in the Board materials. Motion passed unanimously.

The Health Sciences Committee reviewed one recommendation for permanent tenure as follows:

In the BSOM for Dr. Jason Higginson, Chair of the Department of Pediatrics effective June 1, 2016. A motion was made to approve permanent tenure as approved by the Chancellor and as presented in the Board materials. Motion passed unanimously.

BOT Attendees:

Vern Davenport (Committee Chair)
Deborah Davis (Committee Vice Chair)
Edwin Clark (Committee Member)
Max Joyner (Committee Member)
Danny Scott (Committee Member)
Ryan Beeson
Leigh Fanning
Bob Plybon
Terry Yeargan

East Carolina University | Board of Trustees

Finance & Facilities | ECHI | July 15, 2016

Highlights

Finance and Facilities Committee met on July 14, 2016.

II. ACTION AND INFORMATION ITEMS

- A. The Committee reviewed a request to approve the Designer Selection for the Life Science and Biotech Building. Bill Bagnell, Vice Chancellor for Campus Operations, was available for questions. The Committee approved a motion to recommend that the full board approve the selection.
- B. The Committee reviewed a request to approve the CM @ Risk Selection for the Ficklen Stadium Expansion. Bill Bagnell, Vice Chancellor for Campus Operations, was available for questions. The Committee approved a motion to recommend that the full board approve the request.

INFORMATION

- C. Bill Koch, Associate Vice Chancellor for Environmental Health and Campus Safety shared statics/info on Campus Safety and Student Safety. Jason Suggs, Deputy Chief, will serve as Interim Chief while we do a national search to fill the Chief's position.
- D. Bill Bagnell, Associate Vice Chancellor for Campus Operations, shared an update on the Capital Projects.
- E. Bill Bagnell, Associate Vice Chancellor for Campus Operations, shared the Designer Selection Recommendations since April.

Meeting adjourned at 1:40pm.



MEMORANDUM

TO: Dr. Rick Niswander, Vice Chancellor
Administration and Finance

FROM: John G. Fields, P.E., Director

DATE: July 12, 2016

REF: Designer Selection Recommendation
Life Sciences and Biotechnology Building

On July 12, 2016 the designer pre-selection committee for the above referenced project conducted interviews with four (4) design teams who were shortlisted for interviews based on the qualifications based selection criteria required by the State Building Commission.

The committee consisted of the following members;

- Leigh Fanning, Board of Trustees
- Rick Niswander, Vice Chancellor, Administration and Finance
- Ron Mitchelson, Provost
- Michael Van Scott, Interim Vice Chancellor, Research, Economic Development and Engagement
- Bill Bagnell, Associate Vice Chancellor, Campus Operations
- Ricky Hill, Interim Executive Director, Facilities Services
- Robert Brown, Assistant Director, Capital Projects
- Bill Chatfield, Project Manager, Capital Projects
- John Fields, Director, Capital Projects

Based on the interviews and requirements of this project the committee recommends the following firms in prioritized order with Lord Aeck Sargent being the committee's top recommended firm.

Lord Aeck Sargent
HDR Architecture, Inc.
EYP, Inc.
Perkins & Will, Inc.

Chapel Hill, NC
Charlotte, NC
Raleigh, NC
Charlotte, NC

To our best knowledge and belief, all steps in the selection process were conducted in accordance with the State Building Commission requirements as they apply to the institutions of the University of North Carolina.

Approval of the top recommended firm, Lord Aeck Sargent, is requested.

If you have any questions or need additional information, please do not hesitate to call.

JGF/jf


Enclosure: Designer Advertisement Memorandum

cc: Designer Pre-selection Committee Members, via email



MEMORANDUM

TO: Interested Designers

FROM: John G. Fields, PE 
Director

DATE: March 31, 2016

SUBJECT: Pre-planning Study – Life Sciences and Technology Building

East Carolina University is seeking the services of a qualified design firm to provide pre-planning services for a new 140,000 to 150,000 square foot Life Sciences and Biotechnology Building with 500 space parking garage.

In addition to state of the art classrooms and laboratories, offices and other support space, the building will functionally provide for a more direct interface between the university community and regional partners. It will house interdisciplinary programs that involve external partners and faculty and students from biology, chemistry, and biomedical / bioprocess engineering. An example is the Pharmaceutical Development Manufacturing Center of Excellence, a joint effort with Golden Leaf Foundation, Pitt Community College and local pharmaceutical companies focused on workforce and product development for pharmaceutical manufacturing.

Current requested services include preparation of a comprehensive building program, cost model, schedule and site selection. The selected firm may be retained for further services such as advance planning, design and construction administration at the University's sole discretion.

Interested firms should submit six (6) copies of a current SF330 form, a portfolio of relevant work and a letter of interest to the project manager, Bill Chatfield, PE, at the below address by April 22, 2016. Succinct proposals that convey the breadth of the team's qualifications will be very much appreciated and considered in the review process.

Bill Chatfield, PE
East Carolina University
1001 East. Fourth Street
Greenville, North Carolina 27858

In accordance with our qualifications-based selection system, designers are expected to make no contact with our University staff, faculty or trustees at this stage of the selection process. All questions should be directed to the attention of this office, attention Bill Chatfield, PE. The use of email is highly recommended. East Carolina University encourages participation by MWBE firms and supports UNC system's policy of ensuring and promoting opportunities for Historically Underutilized Businesses.

Thanks for your interest in East Carolina University.




Facilities Engineering
and Architectural Services
Campus Operations
1001 East Fourth Street
East Carolina University
Greenville, NC 27858-4353

252-328-6858 office
252-328-4259 fax

MEMORANDUM

TO: Dr. Fredrick Niswander, Vice Chancellor
Administration and Finance

FROM: John G. Fields, PE, Director

DATE: July 12, 2016 

SUBJ: Construction Manager at Risk for
Dowdy Ficklen Stadium Press Box Renovation

The Construction Manager at Risk pre-selection committee recommends approval of the following 3 firms in prioritized order:

T.A. Loving /Frank L. Blum,
Rentenbach,
Walbridge,

Goldsboro, NC & Winston-Salem, NC
Greensboro, NC
Charlotte, NC

The interviews with these firms were conducted by the ECU pre-selection committee on July 11, 2016. The committee consisted of the following members:

- Bob Plybon, Board of Trustees
- Bill Bagnell, Associate Vice Chancellor for Campus Operations
- John G. Fields, Director of Facilities Engineering and Architectural Services
- Robert M. Brown, Assistant Director of Facilities Engineering and Architectural Services
- Ricky Hill, Interim Director of Facilities Services
- Jeff Compher, Director of Athletics
- Nick Floyd, Associate Director of Athletics
- JJ McLamb, Associate Director of Athletics
- J Batt, Pirate Club Executive Director
- Doug Edwards, State Construction

To the best of our knowledge and belief, all requirements for the Construction Manager at Risk selection as required by the State Building Commission for the University of North Carolina system have been followed. Approval by the Board of Trustees is requested.

If you have any questions or need additional information, please do not hesitate to call.

JGF/rmb

Enclosure: Construction Manager Request for Proposal

cc: William Bagnell, Associate VC for Campus Operations

Athletics & Advancement Highlights

July 14, 2016

University Advancement

We started our meeting with an advancement update by Vice Chancellor Dyba. Dyba reported a fundraising total of over \$56M including \$18.4M to the ECU Foundation, \$15.3M to the Medical and Health Sciences Foundation and \$22.3M to Athletics.

Dyba thanked those involved with the advocacy that resulted in the repeal of the legislation that would have resulted in a \$1M cap of state expenditures on advancement programs. This repeal allows for greater flexibility in budgeting however, it is important to note that there was a significant cut in state appropriations. As a result of the cuts, certain state funded positions were eliminated; however, the ECU Foundational and the Medical & Health Sciences Foundation created and funded fundraising positions and employees were transferred to those positions where possible.

Dyba briefly talked about campaign planning and said that in a future meeting campaign readiness, feasibility marketing etc. will be discussed.

Greg Abeyounis, Associate Vice Chancellor in Advancement gave a presentation about Planned Giving. In the past 10 years ECU has gone from \$40M in planned giving gifts to \$160M. Currently 90% of our gifts are utilized for endowments in the future.

Vice Chancellor Dyba shared the schematics of the proposed Hotel and Alumni Center in Uptown Greenville. The proposed center would be a joint venture with the Hilton and the ECU Alumni Association and would be located in close proximity to the proposed Student Services building in Uptown Greenville. The Alumni Association's part of the estimated \$20M project is \$5M. No state funds will be used for this project and the project will be funded through private sources.

Our committee received several recommendations from the ECU Board of Visitors. Dr. Steve Duncan presented the recommendations from the ECU Board of Visitors for reappointments and new appointments to the board. There are 6 members seeking reappointment and recommendations for 9 new appointments. Dr. Duncan also presented a slate of officers for consideration from the BOV: He recommended Mark Garner as chair, Sabrina Bengel as Vice Chair and Linda Thomas as secretary.

Finally, Dr. Duncan, on behalf of the BOV, proposed a charter revision that would create a required giving amount for service on the Board of Visitors, bringing it more in line with the practices of the other foundations. I'll have motions at the end of my report related to the BOV.

Athletics

We had a presentation from Mike Hanley, Associate Athletics Director for Student Services. He talked about the Life Skills program in Athletics. This program focuses on the main areas of Academic Success, Athletic Excellence, Career Development, Community Outreach, Personal Development and Teams for Teams. Through this program, student athletes receive mentoring and advice on a number of topics included personal finance, Leadership, Public Speaking, Social media training and nutrition, just to name a few.

Mr. Hanley reported that student athletes posted over 10,000 hours of community service – including Austin Allen from Men’s Tennis who was actually inducted into ECU’s Servire Society this year. Another point to note is the importance of the Campus and Community Partnership to the Life Skills Program. A few of the partners include Career Services, Student Health Services, American Red Cross, Pitt County Special Olympics and Aces for Autism. Mike also reported that this was the first year of the Athletics Leadership Living Learning Community in the new Gateway Residence Hall. 43 Student Athletes lived in Gateway, having an average of 3.3 GPA and performing 971 hours of community service.

We received a Pirate Club update from J Batt. He reports that Pirate Club giving remains strong with a record of \$22.3 million in funds raised this year, which is a 58% over last year. The Annual funds remain on track to reach the goal of \$7.9 million by the end of the calendar year. The Capital Campaign for the Dowdy Ficklen Southside Renovation continues to go well. J reports that Athletics will be back before our committee in September to ask for support to move this project forward.

The committee also viewed a great “Year-In-Review” video produced by ECU Athletics.

Mr. Chairman, I have several motions for the board:

1. I move that the board approve the appointment of Board of Visitors members as presented in board materials.
2. I move that the board approve the slate of officers for the ECU Board of Visitors as presented in board materials.
3. I move that the board approve the charter revision for the Board of Visitors as presented in board materials.



**Office of the Assistant Secretary
to the Board of Trustees**

202 Spilman Building
East Carolina University
Greenville, NC 27858-4353

252-328-6105 office
ayersm@ecu.edu

MEMORANDUM

To: ECU Board of Trustees

**From: Steve Duncan
Assistant Secretary to the Board of Trustees**

Date: July 14, 2016

Subject: Board of Visitors New Member Appointments and Officer Appointments

The ECU Board of Visitors currently has a total of fifteen available seats in the Class of 2020 to be filled by the ECU Board of Trustees.

Members of the Board of Trustees, Board of Visitors and the Chancellor's Executive Council have nominated and the Board of Visitors Executive Committee are recommending six members for reappointment and nine individuals for initial appointments to the Class of 2020.

Recommended for Reappointment to the Class of 2020:

Angela Allen	Ernest Logemann
John Cooper	Donna Phillips
Brownie Futrell	Curt Vanderhorst

Recommended for Initial Appointment to the Class of 2020:

Kathy Adams	Patrick Sebastian
Deidra Blanks	Henry Taylor
Preston Mitchell	Kevin Taylor
Wanda Montano	Michael Waldrum
Justin Mullarkey	

Please see the accompanying documentation for each individual should you prefer more detailed information.

The Board of Trustees will also need to appoint a slate of officers for the 2016-2017 year. The proposed slate of officers includes:

Chair	Mark Garner
Vice Chair	Sabrina Bengel
Secretary	Linda Thomas

Thank you for considering these nominations and officers, as well as your continued support of the ECU Board of Visitors.

Attachment O

Report of ECU Board of Trustees Audit, ERM, Compliance, and Ethics Committee
July 14, 2016

Action Items (There are no items which require action by the full board):

1. Approval of the April 7, 2016 meeting minutes
2. Approval of the FY 2017 annual audit plan
3. Approval of revisions to the Internal Audit Charter
4. Approval of revisions to the Audit, ERM, Compliance, and Ethics Committee Charter (formerly the "Audit Committee")
5. Approval of the annual certification letters from the Chair of the Audit Committee and the Chief Audit Officer to UNC General Administration

Internal Audit Report – Ms. Stacie Tronto

- Ms. Tronto provided an overview on the annual audit planning process, and presented the FY 2017 proposed annual audit plan. The committee discussed the importance of the proposed Governance and Ethics review, which is required by the *International Standards for the Professional Practice of Internal Auditing*. The committee supports this engagement and understands that it will also require the support of the Chancellor and Executive Council. The committee approved the proposed audit plan.
- Ms. Tronto presented proposed changes to the Internal Audit charter. Definitions of assurance and consulting services have been added to the charter as recommended by the external assessment team. The committee approved the revised charter.
- Ms. Tronto presented proposed changes to the Audit Committee charter. As was previously recommended, the committee's formal name is now the Audit, Enterprise Risk Management, Compliance, and Ethics Committee. The committee approved the revised charter.
- Ms. Tronto presented the annual certification letters that will be sent from the Chair of the Audit Committee and the Chief Audit Officer to UNC General Administration. The committee approved the letters as written.

Research Compliance Report – Ms. Norma Epley

- Ms. Epley shared the results of a recent U.S. Food and Drug Administration (FDA) audit that was completed. Ms. Epley reported that the audit was very positive.
 - The FDA reviewed the University's policies and procedures governing research drugs, devices, and biologics
 - The FDA also reviewed the Institutional Review Board (IRB) activities and meeting minutes to learn about the University's oversight of human subjects research
 - The FDA issued a report on April 22, 2016, with no findings or recommendations

ERM Report – Mr. Tim Wiseman

- Mr. Wiseman presented an update on the enterprise risk management activity.
- Mr. Wiseman advised the committee that the interim regulation on drones/unmanned aircraft is in the final review phase and will be in place by the beginning of the fall semester. The committee members engaged in discussion on this evolving topic and agreed that it will be important for the University community to understand and comply with the regulation.
- Mr. Wiseman distributed ERM-related literature to the committee. One of the items was an article on reputational risk, which featured ECU's risk management efforts in the magazine of the American Association of State Colleges and Universities.
- Mr. Wiseman advised the committee that the ERM Top Risks Survey will be launched in the coming weeks. He would like to include the committee in this survey, and all committee members agreed. Mr. Wiseman will share the results of the risk survey and risk ranking exercises with the committee at the November meeting.

No other business was discussed.

**ECU Board of Trustees
August 31, 2016**

M I N U T E S

The Board of Trustees met in a special called board meeting in Conference Room 105 of the Spilman Building on the campus of East Carolina University. Chair Steve Jones asked Vice Chair, Kieran Shanahan, to call the meeting to order and read the conflict of interest statement. No conflicts were identified.

Mr. Jones called on Megan Ayers to call the roll:

Members Present

Ryan Beeson
Edwin Clark
Mark Copeland
Vern Davenport
Leigh Fanning
Steve Jones
Max Joyner
Kel Normann
Bob Plybon
Danny Scott
Kieran Shanahan
Terry Yeargan

Members Absent

Deborah Davis

CLOSED SESSION

A motion was made for the board go into closed session to prevent the disclosure of confidential information and to consider the qualifications, competence, performance, character, fitness or conditions of appointment for one or more prospective and/or current employees, and to consult with the University Attorney. That motion was seconded and approved unanimously.

RESUMPTION OF OPEN SESSION

Upon resumption of open session, Mr. Shanahan called for any motions that were a result of closed session discussion. Ryan Beeson moved that the board approve the appointment of Mr.

James Hopf to the position of Chief of Staff to the Chancellor under the terms and conditions presented in board materials. The motion was approved unanimously.

Mr. Shanahan then asked for a motion to adjourn. The motion was made, seconded and approved unanimously. The meeting was adjourned.

ADJOURN

#####

Respectfully Submitted,

Megan Ayers

Office of the Assistant Secretary to the Board of Trustees