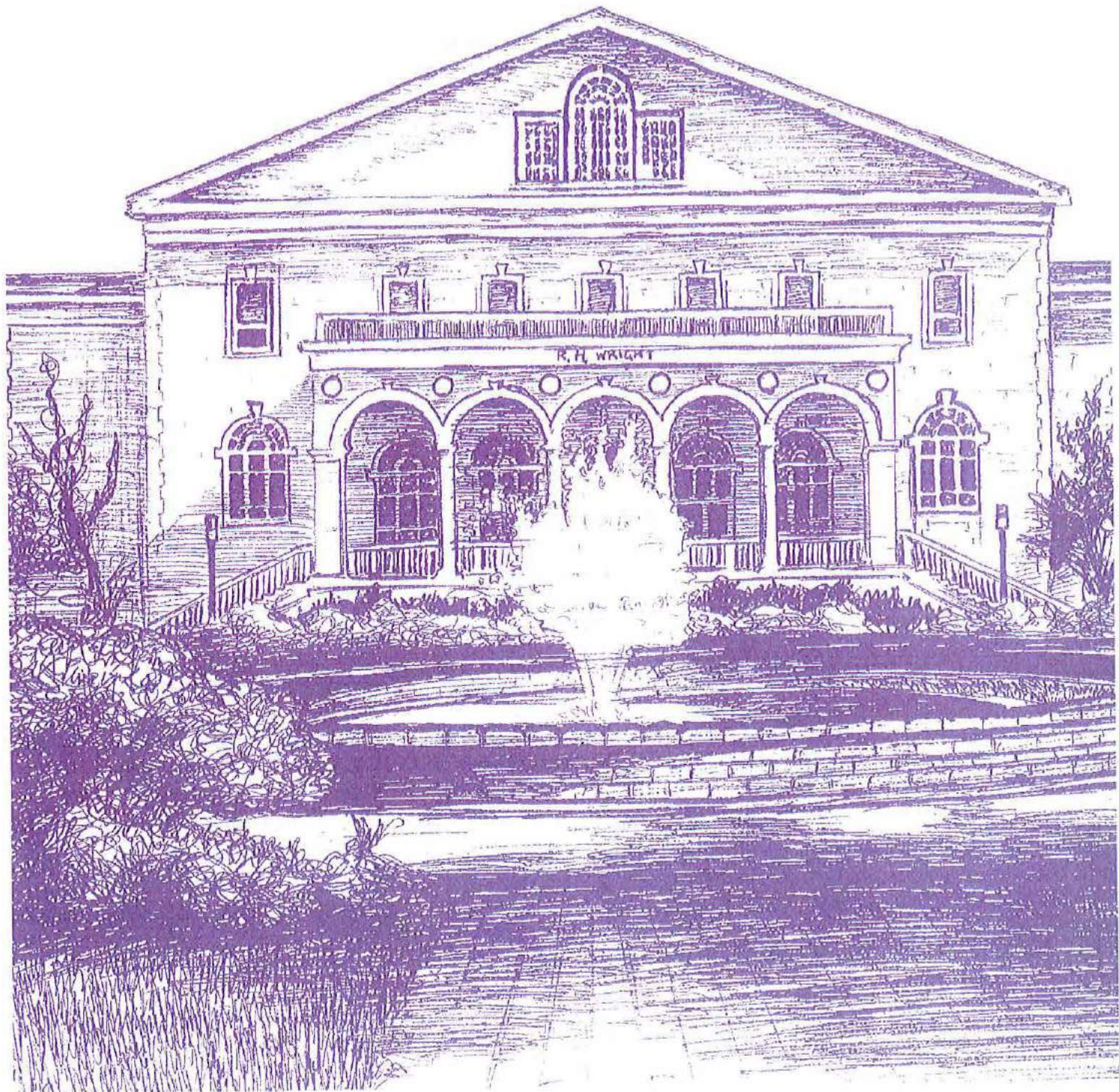




Plan for Management Flexibility to Appoint and Fix Compensation



**Plan for Management Flexibility to Appoint and Fix Compensation
East Carolina University**

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East Carolina University Plan for Management Flexibility to Appoint and Fix Compensation

In accordance with the University of North Carolina Board of Governors policy number 600.3.4, amended July 12, 2002 (Attachment *A*), East Carolina University (ECU), a Special Constituent Institution of the University of North Carolina, respectfully submits the following plan for management to appoint and fix compensation. The Board of Governors delegates to the Board of Trustees the authority to appoint and fix compensation for tier I senior academic and administrative officer (SAAO) positions (Attachment *B*). Authority to appoint and fix compensation for tier II SAAO, EPA Research and Instructional, and faculty has previously been delegated to the chancellor and/or his designee.

Institutional Plan for Management Flexibility for Personnel Appointments

Policy 600.3.4 requires that ECU establish or have in place the following nine items denoted in italics:

1a. Policies and procedures for the recruitment and selection of Senior Academic and Administrative Officers.

Please see Attachment *C-1*, which is the ECU policy for the recruitment and selection of faculty members and EPA administrators that includes SAAO's. This policy includes the following provisions:

- When a vacancy opens
- Content of the advertisement
- Receiving applications
- The screening process
- Search committees
- Requirements for advertisements
- Selection

For Tier I SAAO positions, once selected, the chancellor will recommend appointment and compensation to the Board of Trustees for approval (see Attachment *C-2*).

1b. A campus policy for promotion and tenure that complies with the Code of the University of North Carolina, current federal law, provides for the periodic pre-tenure review, tenure and promotion review at multiple levels, and clear requirements for promotion and conferral of permanent tenure.

The policies for promotion and tenure are outlined in Appendices C and D (Attachment *D*) of the ECU Faculty Manual. These policies require that unit administrators complete pre-employment discussions of the faculty evaluation

process. These policies also require that unit administrators complete annual progress-toward-tenure evaluations of probationary term faculty members in consultation with unit personnel committees. Promotion and/or tenure recommendations are initiated by the unit committees and forwarded to the unit administrator, who then forwards the recommendations to the next higher administrator with the unit administrator's concurrence or non-concurrence. These recommendations continue using this process until reaching the chancellor. The promotion and tenure policies are developed by the Faculty Governance Committee for approval by the Faculty Senate, the Chancellor, the Board of Trustees, and the Office of the President.

The requirements for promotion and tenure are also outlined in Appendices C and D of the Faculty Manual. These requirements are developed by the Faculty Governance Committee for approval by the Faculty Senate, the Chancellor, and the Board of Trustees. Evaluation criteria for promotion and tenure are specified in the unit codes of schools and departments. These criteria must be consistent with the requirements outlined in Appendix C and/or D of the Faculty Manual.

The policy for the Cumulative Review of Permanently Tenured Faculty (post-tenure review) is outlined in Appendix B (Attachment E) of the ECU Faculty Manual.

Please note that the complete ECU Faculty Manual located at the web address <http://www.ecu.edu/fsonline/FacultyManual2/contents.htm> and/or the referenced appendices address the following:

- Compliance with federal retirement law
- Definition of role and responsibilities of reviewing agencies at all levels: departmental, college, and university
- Uniform file for submission of portfolio for review process: personal statement, CV, external/internal letters, teaching portfolio, recorded votes, copies of publications or record of creative works
- Standardization of CV
- Schedule for the process distributed well in advance to provide timely notice to faculty
- Role of external letters in review process
- Definition of the balance of teaching, research, and professional service
- Process of informing the faculty member of results
- Process of governing review of faculty with joint appointments
- Relationship between letter of offer and subsequent expectations for tenure and promotion
- Workshops and mentoring process for faculty to gain information
- Hiring faculty and/or administrators with tenure in academic department

- Grievance and appeal process
- Post-tenure review process

2. *A schedule and process of periodic review of promotion and tenure policies and a process for amending promotion and tenure policies that includes review by the Office of the President.*

The promotion and tenure procedures are decentralized with promotion and tenure committees operating at the unit level. The unit codes containing the unit promotion and tenure policies and procedures are on a schedule to be reviewed every five years. The unit policies and procedures must be in compliance with the promotion and tenure policies and procedures of East Carolina University that are in Appendix D of the Faculty Manual. Changes made to the unit codes are recommended to the Unit Code Screening Committee. Those changes approved by the Unit Code Screening Committee are recommended to the Faculty Senate and the Chancellor for approval.

The current version of Appendix D of the Faculty Manual was adopted in September 1995. Changes and additions to Appendix D are made on an as needed basis. For example, the Faculty Governance Committee recommended changes that took effect at the beginning of the 2001-2002 academic year. Additional recommendations for changing promotion and tenure procedures have been approved and became effective for the 2002-2003 academic year. All changes made to Appendix D are recommended by the Faculty Governance Committee for approval by the Faculty Senate, the Chancellor, the Board of Trustees, and the Office of the President. In addition to formal changes, when a question about the meaning of a phrase, policy, or procedure arises, there is a formal process for making interpretations and clarifications of Appendix D. The process starts with the Chair of the Faculty and the Provost who will make a tentative joint interpretation. This joint interpretation goes to the Faculty Governance Committee, the Faculty Senate, and the Chancellor for approval. Interpretations are included as footnotes in the Faculty Manual. See Attachment D for examples.

Permanently tenured faculty undergo cumulative review (post-tenure review) every five years. ECU's Policy for Cumulative Review of Permanently Tenured Faculty will be reviewed every five years to determine the effectiveness of this policy and make changes as necessary.

3. *Salary ranges, based on relevant data, for senior academic and administrative officer positions that are not included in the annual Board of Governors' study.*

In accordance with UNC policy, the Board of Governors establishes Vice Chancellor salary ranges annually. Salary ranges for senior academic and administrative officer positions not included in the annual Board of

Governors' study (Attachment *F* including *CUPA-HR Survey* ranges) will be based on East Carolina University's peer institutions as approved by the Board of Governors (Attachment *G*) or, as necessary and appropriate, the *Annual Administrative Compensation Survey* compiled by the College and University Professional Association for Human Resources (CUPA-HR) and other annual data reports derived from professional associations such as the Association of Academic Health Centers. The ranges will be recommended by the Chancellor and approved by the Board of Trustees beginning in the 2002-2003 fiscal year. Our goal, based on the availability of funding, is to establish a structure whereby the minimum of the ranges will be established at 60% of the 80th percentile, and the maximum of the ranges will be established at 112% of the 80th percentile. The Chancellor is delegated authority to appoint and fix salary compensation for senior academic and administrative officer positions not included in the annual Board of Governors' study.

New salary ranges are annually developed for the following positions:

Dean: School of Art
College of Arts and Sciences
School of Allied Health Sciences
School of Business
School of Communication and Computer Science
School of Education
School of Health and Human Performance
School of Human Environmental Sciences
School of Industry and Technology
School of Medicine
School of Music
School of Nursing
School of Social Work and Criminal Justice Studies
Graduate School
Undergraduate Studies

Director, Academic Library Services
Director, Health Sciences Library
Executive Assistant to the Chancellor
University Attorney

4. *Evidence of comprehensive salary studies that establish salary ranges for the tenured faculty within different disciplines based on relevant data.*

ECU annually conducts and participates in several salary studies. Each spring an analysis of existing salary ranges within the various academic units is conducted. The data are analyzed by academic rank, gender, race, and length of service. The focus of the report is to inform unit heads of the existing ranges. The report provides data on each person's salary, the mean for the

rank, unit as a whole, dollar deviations from the mean, and statistical standard deviations. Unit heads are to use this information in making salary reviews and recommendations. The report does not include any performance evaluation component; therefore it should be used as one factor in making future salary recommendations, but not necessarily the overriding one. The university also participates in a variety of peer institution and unit-based peer salary studies. These external studies help units understand their competitiveness in setting beginning salary rates for the recruitment of new faculty and to indicate disciplinary shortfalls that need addressing from institutional funds beyond those available to individual units.

Historically, such salary studies have not been used to establish maximum salary rates. Beginning with Spring 2002, however, salary ranges from these various sources will be set for each discipline as a means of gauging institutional competitiveness.

ECU uses data from such sources as the following to establish salary ranges for tenured faculty:

American Assembly of Collegiate Schools of Business
Association of Academic Health Centers
Association of American Medical Colleges
American Association of University Professors
CUPA-HR National Faculty Salary Survey

Based on relevant data derived from all approved sources, the chancellor is granted delegated authority to:

- a. Establish salary ranges within different disciplines based on relevant data, and fix the compensation for faculty with permanent tenure.
 - b. Appoint and fix compensation for faculty awarded the designation of Distinguished Professors.
5. *Policies governing the compensation of faculty and non-faculty EPA (exempt from the State Personnel Act) from non-state sources such as grants, endowment funds, practice plan funds, etc.*

Please see Attachment *H*, ECU's Salary Policies and Procedures for faculty and EPA professional staff. Also note, Attachment *I* details the ECU Clinical Faculty Compensation Plan. In accordance with the authority delegated to him by the Board of Trustees, the chancellor may award compensation from non-state sources consistent with policies established by the Board of Governors.

6. *Policies governing any non-salary compensation of faculty and non-faculty EPA.*

ECU has formalized a policy (Attachment J), adopted by separate motion of the ECU Board of Trustees, regarding the non-salary compensation of faculty and non-faculty EPA employees.

7. *Documentation that the campus has not had audit findings related to personnel practices, salary or payroll for the previous three years or evidence that any findings have been remedied.*

Please see Attachment K, a letter from Brenda Mills, ECU Internal Auditor that certifies that the Office of State Auditor has not cited ECU for any audit findings related to personnel practices, salary or payroll for the last three years.

8. *Evidence of appropriate accountability for the authority granted pursuant to this policy by the Board of Trustees to the chancellor.*

To ensure proper oversight and accountability, the chancellor will provide annually, at the May meeting of the ECU Board of Trustees, an appropriate summary report of personnel actions taken under this delegation of authority for the current academic year.

A

GRANTING OF MANAGEMENT FLEXIBILITY TO APPOINT AND FIX COMPENSATION

A. Purpose

Pursuant to the provisions of Chapter 116 of the General Statutes of North Carolina and in an effort to enhance the administrative efficiency of the University, the Board of Governors hereby delegates to the Boards of Trustees for institutions designated as Special Responsibility Constituent Institutions with management flexibility the authority to administer personnel actions as described in this policy. The authority granted by the Board of Governors is subject to the *Code* of the University of North Carolina, policies of the Board of Governors and all applicable federal and state laws, policies, regulations, and rules. This provision requires each Special Responsibility Constituent Institution to comply with, along with other rules, all rules and regulations concerning equal employment opportunity, to act in recognition of funding availability and constraints within each institution's budget, and to take into account the actions of the Governor, the Office of State Budget and Management, and the General Assembly.

B. Institutional Plans For Management Flexibility For Personnel Appointments

The Board of Governors shall review and approve plans for management flexibility for personnel appointments. Upon approval the Board of Trustees of a Special Responsibility Constituent Institution¹ shall have the authority delegated by this policy. An institutional plan shall include the following:

1. Policies and procedures for the recruitment and selection of senior academic and administrative officers. A campus policy for promotion and tenure² that complies with the *Code* of the University of North Carolina and current federal law, provides for periodic pre-tenure, tenure and promotion review at multiple levels, and provides clear requirements for promotion and the conferral of permanent tenure.
2. A schedule and process for periodic review of promotion and tenure policies and a process for amending promotion and tenure policies that includes a review by the Office of the President.
3. Salary ranges, based on relevant data, for vice chancellors, provosts, deans, and other similarly situated administrators³ that are not included in the annual Board of Governors' study establishing salary ranges.
4. Evidence of comprehensive salary studies that establish salary ranges for tenured faculty within different disciplines based on relevant data.⁴

¹ In order for an institution to have management flexibility for personnel appointments, the institution must be designated and maintain the status of a Special Responsibility Constituent Institution.

² As applied to the North Carolina School of the Arts, the terms "tenure policy" or "policy for promotion and tenure," as used herein, refer to the institution's policy governing the appointment of faculty.

³ This would include directors of major administrative, educational, research, and public service activities.

⁴ When used in this policy, the phrase "relevant data" indicates that the institution shall draw comparisons to peer institutions as approved by the Board of Governors. Data from peer institutions will be used when available except in

5. Policies governing the compensation of faculty and non-faculty EPA (exempt from the State Personnel Act) from non-state sources such as grants, endowment funds, practice plan funds, etc.
6. Policies governing any non-salary compensation of faculty and non-faculty EPA.
7. Documentation that the campus has not had audit findings related to personnel practices, salary or payroll for the previous three years or evidence that any findings have been remedied.
8. Evidence of appropriate accountability procedures in the event that the Board of Trustees delegates the authority granted pursuant to this policy to the chancellor.

C. Delegation of Authority to Boards of Trustees of Institutions With Management Flexibility

1. Simultaneous with approval by the Board of Governors of an institution's plan for management flexibility in personnel, the Board of Trustees of an institution with management flexibility is delegated the authority, which it may not delegate until further action by the Board of Governors, to:⁵
 - a. Upon recommendation of the chancellor, appoint⁶ and fix the salary and non-salary compensation⁷ for all vice chancellors and senior academic and administrative officers (as defined in Section I.A. of policy 300.1.1 titled "Senior Academic and Administrative Officers") for which the Board of Governors establishes salary ranges. Any salary set by the Board of Trustees shall be established consistent with the salary ranges and the policies of the Board of Governors and the regulations and guidelines established by the Office of the President. Once appointed, all vice chancellors and senior academic and administrative officers will be responsible to the chancellor or the chancellor's designee and will serve at the pleasure of the chancellor.
 - b. Upon recommendation of the chancellor, establish salary ranges for deans and other similarly situated administrators that are not included in the annual Board of Governors' study establishing salary ranges. These salary ranges must be based upon available relevant data.

instances in which a campus can demonstrate legitimate labor market differences that justify the use of a supplemental or alternative set of peer institutions.

⁵ The delegation authorized by this policy is in addition to the delegation by the Board of Governors to the Boards of Trustees contained in the Appendix to the *Code of the University of North Carolina*.

⁶ For the purpose of this policy the term "appoint" means the initial appointment, reappointment, or an appointment that constitutes a promotion or a significant change in position responsibilities.

⁷ Throughout this policy, all actions of a Board of Trustees of a Special Responsibility Constituent Institution to "fix the compensation" of employees are subject to the limitations contained in Section D of this policy, the policies of the Board of Governors, guidelines and regulations established by the Office of the President, and institutional plans, policies and procedures.

- c. Upon recommendation of the chancellor, to review and approve "retreat rights" of vice chancellors and provosts. ("Retreat rights" describes the conditions of employment should the administrator leave his/her position and generally applies to those administrators with tenured faculty positions.)
- d. Upon recommendation of the chancellor and consistent with the approved tenure policies and regulations of each institution, confer permanent tenure.

2. Simultaneous with approval by the Board of Governors of an institution's plan for management flexibility in personnel, upon recommendation of the chancellor and consistent with the approved tenure policies and regulations of each institution, the Board of Trustees is delegated the authority set forth below. Any of the authority set forth below may be delegated to the chancellor.

- a. Establish salary ranges within different disciplines based on relevant data, and fix the compensation for faculty with permanent tenure;
- b. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors.
- c. Appoint and fix salary and non-salary compensation of deans and other similarly situated administrators that are not included in the annual Board of Governors' study establishing salary ranges. These salary ranges must be based upon available relevant data. The compensation shall be consistent with established ranges, equity studies, and relevant policies, regulations, and guidelines.
- d. Award compensation from non-state sources consistent with policies established by the Board of Governors.

3. The Board of Trustees of each institution with management flexibility:

- a. Shall, prior to the effective date of implementation, file with the Office of the President the salary ranges and relevant documentation for the administrators for whom the campus has authority for setting ranges or salaries. Such documentation shall be based on relevant data.⁸
- b. Shall provide an annual summary to the Board of Governors on personnel actions covered by this delegation. That annual report shall include information regarding:
 - i. The EPA appointments of all:
 - a. vice chancellors and provosts

⁸ See footnote 4.

- b. senior academic and administrative officers for which the Board of Governors establishes salary ranges
 - c. deans, and other similarly-situated administrators
 - ii. The conferral of tenure;
 - iii. The salary and non-salary compensation for all positions listed in subpart C.(3)(b)(i) above;
 - iv. The most recent analysis of equity issues relevant to the employment of faculty and administrators;
 - v. Audit findings related to weaknesses in the internal control structure, deficiencies in the accounting records, and noncompliance with rules and regulations or any other instances where significant findings are identified. The report should specifically detail any findings regarding personnel practices, salary or payroll for the previous year and remedial action taken in response to audit findings.
- c. Shall submit to the Board of Governors for review, at least 30 days prior to a regularly scheduled meeting, all new or modified compensation policies and salary ranges established for faculty with permanent tenure and senior academic and administrative officer positions.

D. Responsibility of the Board of Governors and the President

1. In consultation with the President, the Board of Governors shall:
- a. Issue a resolution each year interpreting legislative action regarding salaries. Annually set salary ranges for chancellors, vice chancellors, and members of the Office of the President senior staff. These ranges will be based upon relevant available data.
 - b. Establish the salary range of any new vice chancellors. Any significant changes in the organizational structure of a constituent institution, such as re-organization resulting in the creation of a new vice-chancellor, dean or equivalent administrative position, shall be approved by the President.
 - c. Annually review the salaries set by the medical schools at the University of North Carolina at Chapel Hill and East Carolina University to ensure that the salaries are coordinated and are consistent with relevant data in a national medical labor market.
 - d. Review and approve proposed salary increases in instances in which the salary of any employee exempt from the State Personnel Act or faculty member exceeds the established salary range or exceeds by fifteen percent or more the salary in effect at the end of the last fiscal year.⁹

⁹ Except to current employees appointed to a new position after a competitive process or to current employees promoted to higher rank consistent with campus policies or conversion from nine (9) months to a longer annual term.

- e. Establish chancellors' salaries and salaries of the President's senior staff based on recommendations from the President.
- f. Provide periodic faculty salary studies based on peer data.
- g. Approve contracts for the chancellors and the President.
- h. Consistent with the Board of Governor's responsibility for ensuring accountability, conduct performance audits on policies, practices, and other matters related to Management Flexibility implementation and operation at constituent institutions to which this flexibility has been granted.

2. For institutions designated as institutions with management flexibility the President and the Board of Governors shall have the same responsibilities and authority as set forth in the policy on Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions.¹⁰

3. The Personnel and Tenure Committee of the Board of Governors reserves the right to withdraw the granting of management flexibility to any institution that does not adhere to the policies and procedures set forth in this policy. Should this occur, the Board of Governors will notify the institution of the discrepancies, and if they are not adequately addressed, in the judgment of the Board of Governors, then the management flexibility shall be withdrawn. This will mean another review process will have to be conducted and flexibility reinstated under the original procedure.

E. Implementation of the Delegated Authority

1. Special Responsibility Constituent Institutions seeking to obtain management flexibility may submit a plan to the Senior Vice President for Academic Affairs for review and approval by the Board of Governors or the Personnel and Tenure Committee of the Board on any date after March 1, 2002.

2. The delegation authorized by this policy is not effective until the date set upon the approval of the institution's plan for management flexibility for personnel appointments.

3. The Personnel and Tenure Committee of the Board of Governors is hereby authorized to approve plans submitted by a Special Responsibility Constituent institution and to grant management flexibility for personnel appointments. The committee shall report to the Board of Governors, prior to the effective date of the delegation, those institutions approved for management flexibility for personnel appointments by the Committee.

¹⁰ See §600.3.1 of the University of North Carolina Policy Manual and in particular §600.3.1.A.2.

B

Definition of Senior Academic and Administrative Officers

The positions commonly referred to as **tier I** senior academic and administrative officer positions (SAAO) are defined in Board of Governors regulations 300.1.1, I.A, as amended June 8, 2001, which states in pertinent part that these positions are:

“...the vice chancellors, provosts, and deans of constituent institutions, and the directors of major administrative, educational, research and public services activities of the constituent institutions designated by the Board of Governors.”

These positions at ECU are:

The Vice Chancellors:

- Academic Affairs and Provost
- Administration and Finance
- Health Sciences
- Institutional Advancement
- Research, Economic Development and Community Engagement
- Student Life

The Deans:

- School of Art
- College of Arts and Sciences
- School of Allied Health Sciences
- School of Business
- School of Communication and Computer Science
- School of Education
- School of Health and Human Performance
- School of Human Environmental Sciences
- School of Industry and Technology
- School of Medicine
- School of Music
- School of Nursing
- School of Social Work and Criminal Justice Studies
- Graduate School
- Undergraduate Studies

And Other Designated Positions:

- University Attorney
- Director, Health Sciences Library
- Director, Academic Library Services
- Executive Assistant to the Chancellor
- Director of Athletics *

* The Director of Athletics is governed by a separate employment contract.

The positions commonly referred to as **tier II** SAAO positions are defined in Board of Governors regulations 300.1.1, I.B, which states in pertinent part that these positions are:

“...associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the constituent institutions...”

There are approximately 120 tier II positions at ECU. Delegated authority to appoint and fix compensation for tier II positions has previously been delegated to the Chancellor.

Currently, the establishment of a new SAAO position (tier I and tier II) must be recommended by the Office of the President's Human Resource Advisory Board for EPA Personnel and approved by the President. ECU's Department of Human Resources, Classification and Compensation unit is responsible for coordinating this effort with the HRAB-EPA in establishing new positions at ECU.

C-1

GUIDELINES FOR RECRUITMENT AND SELECTION OF FACULTY MEMBERS AND EPA ADMINISTRATORS

(Revised 08/19/2002)

RESPONSIBILITY FOR IMPLEMENTATION:

The Governor of the State of North Carolina has overriding responsibility for the State's equal employment opportunity policies and programs. The Governor to each University Chancellor delegates the responsibility for the actual development and implementation of individual equal employment opportunity/affirmative action plans and programs.

The Chancellor of the University has the ultimate responsibility for implementation of the University's Equal Employment Opportunity Policy. The coordination of responsibilities for the implementation of the policy has been assigned to Taffye Benson Clayton, Assistant to the Chancellor/EEO Officer, who has the full support of executive management. An Associate EEO officer assists her.

Duties of the EEO Officer are as follows:

The Assistant to the Chancellor/EEO Officer shall be responsible for:

1. interacting with management and employees to interpret and apply all Federal and State policies, regulations, and guidelines that involve discrimination in employment on the basis of race, color, national origin, religion, creed, sex, age, veteran status or disability;
2. analyzing work force utilization data for development of the affirmative action plan;
3. effectively communicating the ECU policy to all University employees and applicants for employment and the general public;
4. writing, with input from line administration, the Affirmative Action Plan including policy statements, strategies for overcoming the under utilization of protected group workers in the organization's work force, affirmative action support programs, and audit measures;
5. analyzing data on employment practices to monitor and evaluate the effectiveness of the EEO/AA program, identifying areas where further action is needed, and advising management of the program's impact and effectiveness on University work force demographics;
6. providing confidential counseling to employees and management in matters involving EEO/AA concerns or problems and investigating complaints alleging discrimination as soon as they come to the University's attention;
7. providing for and/or coordinating special emphasis programs (internally or in cooperation with State Personnel) to allow for employee and management input, training, and assistance in program development and implementation;
8. circulating current EEO/AA information throughout the University;
9. serving as a liaison between the university and enforcement agencies; and

10. investigates complaints when made at the campus level.

East Carolina University's Affirmative Action Plan delineates specific procedures for recruitment and selection of faculty and EPA administrators. These procedures are designed to insure that women and minority candidates are attracted to the applicant pool and considered for our faculty positions. The following is a step-by-step guide to assist you in carrying out these procedures and meeting the requirements. The EEO Officer must approve each stage of the recruitment and selection process for EPA faculty and administrators. The EEO Officers are available at any time during the search to provide technical assistance to search committees.

UNDER WHAT CIRCUMSTANCES DO THESE PROCEDURES APPLY?

These procedures apply to hiring for any EPA position. Such positions include EPA administrators (e.g., Directors or Vice Chancellors) and EPA teaching faculty positions in both tenure track and fixed term categories. They also include EPA non-teaching positions such as Research Associates.

The procedures apply to hiring for any position, which involves greater than 50% time. If a position involves less than 50% time, no search is required. We have generally interpreted the hiring of a faculty member full time for one semester as a 50% commitment for which no search is required. However, if an individual is hired for one semester full time without a search, he or she cannot be extended for another semester without an appropriate search being conducted.

These procedures also apply when you intend to recruit and select a candidate from within the University rather than from outside. Such an "internal" search can be conducted in a shorter time period; the same requirements, however, must be met.

TECHNICAL ASSISTANCE / TRAINING:

The EEO Officers are available at any point once the search is undertaken to meet with the chairperson or the entire committee. These meetings provide an opportunity to offer technical assistance and encouragement and to assist the committee members in thinking of strategies to generate minority and female applicants.

In addition, the EEO Office is currently developing two initiatives to provide technical assistance, training and support to search committees. The first initiative is an instructional video that will provide comprehensive step-by-step procedures in a media format to be provided to the search committee for viewing at the onset of the process. During Summer 2002, the EEO Office will implement a second initiative by beginning routine meetings with all personnel representatives in the divisions of Academic Affairs and Health Sciences, as well as those personnel representatives from every other division on campus. The purpose of these meetings will be to create a context in which personnel

representatives can meet and receive valuable information and engage in communication around EEO/search issues to include general EEO recruitment guidelines and the more advanced technical inquiries that routinely surface relative to these EPA searches.

SEARCH COMMITTEES:

The search committee composition and appointment process for EPA faculty and EPA administrators is quite different.

EPA Faculty:

There is no single comprehensive policy for appointing individuals to serve on search committees to fill teaching or research faculty positions. Some unit codes include procedures and guidelines for appointing search committees. Department representatives should consult the Chair of the Faculty regarding specific guidelines for appointing search committees for faculty appointments. Generally, the search committees are charged with recruiting a qualified pool of candidates for the position. The search committees and the academic unit administrators participate in the interview process, and the search committees forward a recommendation to the unit personnel committees. The unit personnel committee then reviews the candidates and forwards the recommendation to the unit administrator. Additional information regarding the selection and appointment of new faculty members may be found in the Faculty Manual, Appendices C and D (attachment D).

EPA Administrators:

Specific guidelines for convening a search committee for the appointment of administrative officials (excluding the Chancellor, Vice Chancellors, Director of Athletics, and their assistants) can be found in the Faculty Manual, Appendix L (Attachment L).

Most of the senior administrative, research and instructional positions have responsibilities that impact many areas on campus. Thus, representatives from departments that will be routinely working with the new incumbent hired into a vacancy should be invited to serve on a search committee. Women and minorities should be represented on the search committee, as appropriate. Staff from the department in which the new employee will work may be included on the search committee; however, it is recommended that the hiring authority should not be a member of this committee. The hiring authority will designate one of the search committee members to serve as chair of the committee. On average, 3 to 5 people are sufficient for most search committees; however, larger numbers may be appropriate when filling positions that have significant campus impact. Please keep in mind the larger the committee the greater the logistical challenges in meeting and scheduling interviews. As a result, larger committees tend to extend the time frame for completing the search.

WHEN A VACANCY OPENS:

At the onset, when a position becomes available, a search committee is formed. Although the University does not have a requirement that search committees be used for hiring in every vacancy, the use of search committees is the general practice. In each case, an effort should be made to include minorities and women on the search committee.

At the convening of the search committee, it is extremely important to begin preparation of the Academic Position Vacancy Notice. To do this, you must make certain decisions such as the desired qualifications of the successful candidates and the responsibilities of the position you seek to fill.

You also must specify the date the search will open and for what length of time you will accept applications. On the form you may specify a "cut-off date" after which you will accept no more applications. Or, instead, you may specify a date on which screening will begin. This means that on that date you will begin the screening and interviewing process, although you continue to accept applications until someone is hired. In either event, the minimum time period for accepting applications in the case of teaching faculty is sixty days. For non-teaching faculty (e.g., research associates or EPA administrators) the minimum is thirty days. For "internal searches" the minimum time is also thirty days. Begin counting the days from the time an announcement of your position will appear in some type of advertisement.

Once the form is complete, have it signed by the chair or appropriate administrator and forward it to the Equal Employment Opportunity Office (by campus mail: 104 Spilman, or fax: 328-0110). If you have any questions regarding this process, please call Sheniqua Reid at 328-6804. Here the vacancy will be logged and numbered. A copy of the approved Vacancy Notice will be returned to you.

REQUIREMENTS FOR ADVERTISEMENTS:

Preparation of the position vacancy notice is an important aspect of the recruitment process. All positions for which we recruit applicants must be advertised. Word-of-mouth recruitment alone does not satisfy the requirements of the Affirmative Action Plan because word-of-mouth recruitment has traditionally resulted in exclusion of minorities and women from consideration for positions.

The vacancy must be advertised in at least one, but preferably two professional publications of the appropriate discipline. The Chronicle of Higher Education is an effective advertising medium for the faculty positions and may be considered in your advertising efforts. If the discipline or professional association has a minority or women's caucus, send the advertisement to this group. Send your advertisement to those schools with programs in the discipline in which you are searching. Finally, if someone in the unit is attending a professional meeting in the discipline, ask this person to recruit for the position at the meeting.

The Equal Employment Opportunity Office will also post the vacancy on the ECU Home Page. (<http://www.ecu.edu/eoo/epa.htm>)

Do conduct word-of-mouth recruitment as well. In particular, call your colleagues to request the names of possible minority and female candidates.

Finally, if recruitment is to be limited to candidates internal to the university, state statute requires that you post notice of the position vacancy within the unit itself.

You can fax or e-mail a copy of your advertisement to the Chronicle of Higher Education, Black Issues in Higher Education, or other publications. Most publications require you to write a cover letter specifying in which issues you want your advertisement to appear, what format you desire (e.g., block format), and the name of the individual to whom the bill should be sent. It is also a good idea to request that you be telephoned after the fax is sent to confirm that it was received. Fax both the cover letter and the advertisement itself.

CONTENT OF THE ADVERTISEMENT:

In addition to a statement concerning the nature of the job vacancy, advertisements should include the following information:

- a statement that current references must be provided on request.
- a statement that ECU is an Equal Opportunity/Affirmative Action University and accommodates individuals with disabilities.
- the cut-off or screening date.
- the following statement: "Proper documentation of identity and employability required at the time of employment."

RECEIVING APPLICATIONS:

When an application is received, please acknowledge its receipt and forward a copy of the Applicant Data Form to the applicant. This form should be completed by the applicant and returned directly to the Equal Employment Opportunity Office. The EEO Office will monitor the return rate of applicant data forms per position vacancy and engage in vigorous follow-up with search committees to insure that a form for each candidate is submitted. The reason for collecting these data is that we must report annually on the distribution of our applications by race and sex for all EPA positions. Without this form, we have no mechanism to compile such a report. If the candidate does not submit an applicant data form to our office, his/her applicant file is considered incomplete. However, failure to submit an Applicant Data Form will not eliminate an applicant from consideration for a position.

THE SCREENING PROCESS:

In order to evaluate candidates in a consistent manner, a candidate rating sheet should be prepared at the time the position vacancy notice is prepared. This rating sheet should be numerical and allow you to rate the qualifications of each applicant against those qualifications desired for the position.

Once the deadline for accepting applications or the date for screening has arrived, use the rating sheet to give each applicant a score. Then select those applicants to be interviewed, based on the scores.

The EEO Officers are available at this point to help the committee plan the interviews and provide appropriate cautions about equitable interviewing to include guidance consistent with the various EEO/AA laws, policies and regulations. Reference materials are also available to help committees understand the difference between proper and improper inquiries of all interviewees and specific information regarding interviewing an applicant with a disability.

Complete the EPA Screening Report and forward it to the EEO Office for approval and signature by the EEO Officer. Screening reports must be approved and signed before candidates are scheduled for interviews. This process is necessary to ensure that EEO policy has been followed in the identification of candidates to be interviewed. In this way possible issues can be identified prior to scheduling candidates for interview. On this form you must list the steps you have taken to recruit applicants. Then list each applicant by name and note whether the applicant has a terminal degree or not. If you intend to interview the person, write "yes" in the appropriate space. If you have decided not to interview, write "no", and indicate briefly the job-related reason for this decision. Standard searches should seek to interview a minimum of two candidates per vacancy.

Forward the Screening Report to the Equal Opportunity Programs Office via fax, e-mail, or campus mail. Here it will be reviewed to make certain the search has attracted an appropriate number of female and minority applicants and that the reasons for elimination from consideration of applicants are appropriate.

A copy of the form signed by the EEO Officer will be returned to you, and at this point you may begin the interview process. In addition, the "Interviewing an Applicant with a Disability" document can be found in the Affirmative Action Plan and provides guidance to departments and search committees. Specifically, this document provides some information about appropriate and inappropriate inquiries in interviews with applicants who have disabilities.

SELECTION:

Once you have completed the interviews, you are ready to select an applicant to whom a contingent offer will be made. Complete the Compliance Report at this time. This form asks you to list your first choice for the position. You may specify a second choice, if

you wish. It also asks, on Page 2, that you name those minority and female applicants who were interviewed, but not selected, and the reason why each was eliminated from consideration.

Have the form signed by the appropriate administrator and send it to the Equal Employment Opportunity Office. Here it will be reviewed to be certain that the final selection process conforms to procedures outlined in the East Carolina University Affirmative Action Plan. Once a Compliance report has been signed by the EEO Officer and a copy sent to you, you are ready to make recommendation for a contingent job offer pending Board of Governors and/or Board of Trustees approval when required.

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East Carolina University's Delegation of Authority Summary

The Board of Trustees retains authority to:

- a. Upon recommendation of the chancellor, appoint and fix the salary and non-salary compensation for all vice chancellors and senior academic and administrative officers for which the Board of Governors establishes salary ranges. Any salary set by the Board of Trustees shall be established consistent with the salary ranges and the policies of the Board of Governors and the regulations and guidelines established by the Office of the President. Once appointed, all vice chancellors and senior academic and administrative officers will be responsible to the chancellor and will serve at the pleasure of the chancellor.
- b. Upon recommendation of the chancellor, establish salary ranges for deans and other similarly situated administrators that are not included in the annual Board of Governors' study establishing salary ranges. These salary ranges must be based upon available relevant data.
- c. Upon recommendation of the chancellor, to review and approve "retreat rights" of vice chancellors and provosts. ("Retreat rights" describes the conditions of employment should the administrator leave his/her position and generally applies to those administrators with tenured faculty positions.)
- d. Upon recommendation of the chancellor and consistent with approved tenure policies and regulations of East Carolina University, confer permanent tenure.
- e. Upon the recommendation of the chancellor, the Board of Trustees may grant certain non-salary compensation to faculty and non-faculty EPA employees above the routine fringe benefits offered to all EPA employees.

The Board of Trustees hereby delegates authority to the chancellor to:

- a. Establish salary ranges within different disciplines based on relevant data, and fix the compensation for faculty with permanent tenure.
- b. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors.
- c. Appoint and fix salary and non-salary compensation of deans and other similarly situated administrators that are not included in the annual Board of Governor's study establishing salary ranges. These salary ranges must be based upon relevant data from peer institutions, where available. The compensation fixed by the chancellor shall be consistent with established ranges, equity studies, and relevant policies, regulations, and guidelines.
- d. Award compensation from non-state sources consistent with policies established by the Board of Governors.

**Approval Authority for Personnel Appointments, Promotions, and Compensation Actions
Involving ECU Positions Exempt From the State Personnel Act (EPA)**

ACTION**	Position Type					
	Faculty	EPA Non-Faculty (Including EPA Instructional and EPA Research)	SAAO I ¹			SAAO II ⁵ (Assoc. & Asst. Vice Chancellor, Assoc. & Asst. Dean, etc.)
			Chancellor	Vice Chancellor & Provost	Dean & SAAO I positions for which the BOG does not establish salary ranges	
Establish or designate an EPA position	For information on the approval authority required to establish various types of EPA positions, refer to "Positions Exempt from the State Personnel Act: Approval Authority and Submission Process to Establish and Designate EPA Positions"					
Appointment	Chancellor ⁵	Chancellor ⁵	Board of Governors	Board of Trustees*	Chancellor ⁵	Chancellor ⁵
Temporary appointment (including interim)	Chancellor ⁵	Chancellor ⁵	President	Chancellor ⁵	Chancellor ⁵	Chancellor ⁵
Promotion to position type (see above)	Chancellor ⁵	Chancellor ⁵	Board of Governors	Board of Trustees ⁹	Chancellor ⁵	Chancellor ⁵
Tenure	Board of Trustees*	N/A	N/A	N/A	N/A	N/A
<u>Salary increase < 15%</u> ² - Annual Adjustments	Chancellor ⁵	Chancellor ⁵	Board of Governors	Board of Trustees** ⁴	Chancellor ⁵	Chancellor ⁵
-Mid-year adjustment	Chancellor ⁵	Chancellor ⁵	Board of Governors	Board of Trustees** ⁴	Chancellor ⁵	Chancellor ⁵
<u>Salary increase ≥ 15% over previous 6/30 salary</u> ³ (annual or mid-year)	Board of Governors	Board of Governors	Board of Governors	Board of Governors	Board of Governors	Board of Governors
<u>Temporary supplement/stipend</u>	Chancellor ⁵	Chancellor ⁵	Board of Governors	Board of Trustees** ⁴	Chancellor ⁵	Chancellor ⁵
<u>Separation & Retreat rights</u> (conversion from administrator to faculty)	Chancellor ⁵	Chancellor ⁵	Board of Governors/ Board of Trustees	Board of Trustees*	Chancellor ⁵	Chancellor ⁵
Non-Salary compensation	Chancellor	Chancellor	President	Board of Trustees*	Chancellor	Chancellor

* Boards of Trustees may not delegate the authority for these actions.

**NOTE: Any of the above actions delegated to the Chancellor and from the Chancellor to the appropriate vice chancellor, may not be delegated below the level of vice chancellor.

¹ As defined by UNC Policy 300.1.1, Section I.A.

² As defined by UNC Policy 300.1.1, Section I.B.

³ Approval authority is the same regardless of source of funding (i.e. state and non-state funds).

⁴ Increases that cause salaries to exceed the salary ranges established by the Board of Governors require prior approval by the Board of Governors.

⁵ Delegated to the Chancellor by the Board of Trustees under Management Flexibility.

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**East Carolina University
Faculty Manual**

**APPENDIX C
PERSONNEL POLICIES AND
PROCEDURES
FOR THE FACULTY
OF EAST CAROLINA UNIVERSITY**

PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

CONTENTS

- I. Selection and Appointment of New Faculty
 - A. Determination of Number and Nature of Positions
 - B. Selection Procedure
 - C. General Criteria
 - D. Specific Criteria for Appointment
 - E. Initial Appointment
- II. Assignments
 - A. Assignment of Teaching Responsibilities
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- III. Evaluation
- IV. Professional Advancement
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- VI. Faculty Personnel Files
- VII. Amendment Procedure

PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY¹

I. Selection and Appointment of New Faculty

A. Determination of Number and Nature of Positions

Needed allocation of positions is the prerogative of the vice chancellor for academic affairs, the vice chancellor for health sciences and dean of the School of Medicine, and the vice chancellor for student life, as appropriate.

The unit administrator is responsible for recommending through administrative channels to the vice chancellor for academic affairs, the vice chancellor for health sciences and dean of the School of Medicine, or the vice chancellor for student life the number and nature of positions needed to carry on the functions of the unit.

The unit administrator, in keeping with the mission of the unit and the institutional context, shall follow the provisions of the unit code in making recommendations concerning the number and nature of positions needed.

B. Selection Procedure

The unit administrator shall notify the unit personnel committee of the number and nature of positions allocated to the unit. The actual selection process must then proceed in accordance with *Appendix D, Tenure and Promotion Policies and Procedures* and *Part VI, General Personnel Information*, the most recently revised Affirmative Action Plan, and applicable unit code provisions.

C. General Criteria²

For appointment, as well as reappointment and promotion, the faculty member is evaluated on potential or achievements in:

- Teaching
- Creative Activity/Research
- Service to the university, the profession, and the community. East Carolina University recognizes the primary importance of teaching.

1. Teaching

East Carolina University expects each member of the faculty to have knowledge of subject matter commensurate with one's teaching assignment, to maintain awareness of developments in one's discipline, and to communicate to students one's knowledge of and interest in the discipline. The faculty member will encourage students in responsible and careful inquiry, in appreciation of the interrelation of various disciplines, and in recognition of the uses of learning and the value of the educated mind. Teaching includes activities and responsibilities beyond the classroom setting, e.g., advisement; mentoring; laboratory supervision; clinical rounds by a physician/professor accompanied by students; the direction of research projects and papers, dissertations, and theses; and other contacts and relationships outside the classroom. (Faculty Senate Resolution #97-43, December 1997)

2. Creative Activity/Research

East Carolina University encourages and supports the continuing efforts of faculty to develop a deeper appreciation of the importance of professional competency acquired through scholarship, research, and other creative activities appropriate to one's discipline. A faculty member's research and creative activities shall reflect the high professional standards incumbent upon those who enjoy full academic freedom; such activities must be measured by standards of quality, not merely by quantity.

3. Service

East Carolina University considers service to the university, the academic profession, and the community as an important aspect of academic performance. (See Section III.)

D. Specific Criteria for Appointment

Among the many qualifications which may be considered when making appointments, the following are essential:

Instructor - Evidence of character traits which contribute decidedly to the professional advancement of the well-trained person; evidence of a sound educational background for the specific position, including as a minimum the master's degree or equivalent as evaluated by the academic unit and affirmed by the appointing officer; and evidence of teaching capacity.

Assistant Professor - Qualifications of the previous rank; an appropriate terminal degree, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned; evidence of potential for continued

¹For policies and procedures dealing with persons on fixed term appointment, *ECU Faculty Manual*, Appendix D.

²These criteria are not designed to be used for persons with administrative rank to evaluate their administrative service. Criteria for that purpose shall be developed by proper administrative authority.

professional growth which shall be in part measured by teaching effectiveness, creative activity/research; and membership in professional organizations.

Associate Professor - Qualifications of the previous ranks; evidence of teaching effectiveness; a record of creative or research activity resulting in publication or comparable productivity; a record of participation in organizations; effective service on academic and/or administrative committees, and a record of effective service to the profession.

Professor - Qualifications of the previous ranks; an established record of excellence in teaching; a record of significant publication or creative activity, or research activity; and a record of significant service to the profession, such as contributions to the development of public forums, institutes, continuing education projects, and patient services; consulting in the private and public sectors; and a record of significant contribution as a member of academic and/or administrative committees. (Faculty Senate Resolution #99-7, March 1999)

Notwithstanding any previous statement that has appeared herein, competence for appointment to a specific rank may be attested to by advanced study, culminating in appropriate graduate degrees, or by extensive work experience in the teaching fields or in a professional practice which is demonstrably of highest quality.

E. Initial Appointment

Appointment to the faculty is made by the chancellor or his/her designee.³ Criteria for evaluation of faculty performance shall be provided in writing and discussed before initial employment. A record of this discussion shall be placed in the faculty member's personnel file. Any action conferring permanent tenure with the initial appointment requires approval of the board of trustees. The initial contract shall be signed by the chancellor, or his designee, and the appointee. This contract shall be accompanied by and elaborated on by a letter signed by the chancellor, or his designee, and a letter signed by the unit administrator.

The chancellor's letter shall specify rank or title; salary; length of appointment; and tenure status, whether fixed term, probationary term appointment, or appointment with permanent tenure (*ECU Faculty Manual*, Appendix D). The unit administrator's letter shall establish the specific conditions of employment.

II. Assignments

A. Assignment of Teaching Responsibilities

Prior to making final faculty assignments and at least two weeks prior to the beginning of each semester, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities in teaching, after soliciting faculty teaching preferences. If changes in a faculty member's assignment become necessary, the faculty member shall be notified of such changes prior to the effective date of the amended assignment.

B. Assignment of Released Time

Faculty members who are to be granted released time from teaching shall be informed in writing of the purpose of the reduced teaching assignment.

III. Evaluation

Each faculty member with a probationary term appointment and each permanently tenured faculty member shall receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data, except that data from the previous year's spring semester survey of student opinion of teaching may be utilized when current spring semester survey data are unavailable⁴. This annual evaluation shall:

- be in writing;
- state the percentage of salary increment available to the unit to be recommended by the unit administrator for the faculty being evaluated;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary period appointments, a record of this discussion shall be placed in the faculty member's personnel file; and
- shall be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The signature of the faculty member signifies that the faculty member has read, but does not necessarily concur in, the evaluation.

The unit administrator shall forward to each faculty member a copy of that member's annual evaluation within ten days after completing the evaluations of unit members.

³Reference to the chancellor's designee shall include and be limited to the vice chancellor of academic affairs, vice chancellor for student life, or the vice chancellor for health sciences.

⁴With respect to Appendix C, Section III. Evaluation, "academic units" are defined as: departments described in the codes of operation of professional schools, the departments in the College of Arts and Sciences, professional schools without departments, Academic Library Services, Health Sciences Library, and any other units in which faculty evaluations are made. In the College of Arts and Sciences and in professional schools whose unit codes describe departmental structures, departmental chairs are the unit administrators. In schools that do not have departments described in their unit codes, the dean of the school is the unit administrator.

The unit administrator's annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor (*ECU Faculty Manual, Appendix L*). The evaluation shall be based upon that year's assigned duties and responsibilities (except, as earlier noted, for the previous year's Spring semester survey of student opinion) and shall consider:

1. teaching

The quality of teaching must be evaluated by means of

- a. data from surveys of student opinion, when such data have been gathered in accordance with established procedures of the department or the university which guarantee the integrity and completeness of said data. As part of the effort to evaluate the teaching of faculty members, each unit shall either: develop and use its own instrument(s) as approved by the chancellor to determine student opinion of teaching or utilize the instrument developed by the Teaching Effectiveness Committee to determine student opinion of teaching.
- b. formal methods of peer review, including direct observation of the classroom teaching of new and tenure-track faculty.
- c. procedures provided for in unit codes;

2. research and creative activities;

3. patient care;

4. services rendered on department, school, college, and university committees, councils, and senates; service to professional organizations; service local, state and national governments; contributions to the development of public forums, institutes, continuing education projects, patients services and consulting in the private and public sectors; and

5. other responsibilities as may be appropriate to the assignment.

The relative weight given to teaching, research/creative activity, and service in personnel decisions shall be determined by each unit code. In no case, however, shall service be weighed more heavily than either teaching or research/creative activity. (Faculty Senate Resolution #97-43, December 1997)

IV. Professional Advancement

Promotion is a means through which professional achievement is encouraged, recognized, and rewarded by the university. Evaluation of faculty for purposes of promotion shall accord with the regulations established in accordance with the unit code and shall employ the criteria contained in the unit code approved by the chancellor (*ECU Faculty Manual, Appendix L*). Departments in professional schools may also establish guidelines for evaluation of faculty for promotion consistent with the criteria in their school's unit code. Specific regulations and criteria governing evaluation of faculty for purposes of promotion may vary from unit to unit. As a minimum each unit shall:

- apply published criteria in teaching and creative activity and service for evaluating faculty for promotion;
- make available procedures which will permit each faculty member to report achievements annually or on a more frequent basis;
- assure each faculty member the right to discuss one's candidacy with the unit administrator and/or the personnel committee at any time; and
- notify each faculty member within four days of receipt of the administration's call for promotion recommendations.

Upon request by the faculty member, the unit administrator and the unit personnel committee shall evaluate the faculty member for promotion. Following such evaluation, the unit administrator and the personnel committee shall inform the faculty member of their respective recommendations. Promotion shall be based primarily upon the faculty member's total demonstrated professional competence and achievement. Procedures to be followed for promotion are found in *ECU Faculty Manual, Appendix D*. Among the many qualifications which may be considered when making recommendations for promotion, the following are essential:

Assistant Professor - Qualifications necessary to be appointed to the rank of instructor, an appropriate terminal degree, as evaluated by the academic unit and affirmed by the appropriate administrative officer and the profession concerned; a record of progress toward teaching effectiveness; and evidence of a potential for continued professional growth which shall, in part, be measured by creative activity/research and membership in professional organizations.

Associate Professor - Qualifications of the previous rank; evidence of teaching effectiveness; a record of creative or research activity resulting in publication or comparable productivity; a record of participation in professional organizations; effective service on academic and/or administrative committees, and a record of effective service to the profession.

Professor - Qualifications of the previous ranks; an established record of excellence in teaching; a record of significant publication, creative activity, or research activity; a record of significant service to the profession, such as contributions to the development of public forums, institutes, continuing education projects, and patients services; consulting in the private and public sectors; and a record of significant contribution as a member of academic and/or administrative committees. (Faculty Senate Resolution #99-7, March 1999)

Promotion usually should be accompanied by a salary increment which shall be separate from any and all other increments to which the individual may be entitled. Notwithstanding any previous statement that has appeared herein, competence for

promotion to a specific rank may be attested to by advanced study, culminating in appropriate graduate degrees, or by extensive work experience in the teaching fields or in a professional practice which is demonstrably of highest quality.

V. Salary

A. Initial Salary

Initial salary shall be based on degree attainment, pertinent experience, professional activity, scholarly publication or its equivalent, and level of responsibility, consideration being given to the salaries of personnel presently in the unit and salaries within the discipline in comparable institutions.

B. Determination of Annual Salary Increments

The unit administrator shall recommend annual salary increments to appropriate administrative officials in accordance with requirements imposed by the North Carolina General Assembly, The University of North Carolina Board of Governors, and the university administration, and shall employ any additional criteria that have been established in this appendix, in units codes, or in policies required by unit codes. Basic criteria for assessing merit shall include the degree of teaching excellence; creative activity and research; service to local, state, and national governments; as well as contributions to the development of public forums, institutes, continuing education projects, and patients' services. The unit administrator shall report annually to the unit, in dollar amounts and percentages, the total increment allotted, mean salary increment, and range in salary increments for the unit. Each faculty member shall be informed by the unit administrator of any salary increment recommendations made on behalf of the faculty member by the unit administrator.

VI. Faculty Personnel Files

[Please refer to interpretation #190-1 located in the Index of ECU Faculty Manual Interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>.]

North Carolina law defines a personnel file as any information gathered by East Carolina University that relates to an individual's application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment, wherever located and in whatever form. A faculty member's primary personnel file shall reside in the code unit office under the supervision of the code unit administrator. The location and custodian of other files containing personnel records will be listed in the *Personnel File Checklist* attached to the inside cover of the primary personnel file. All evaluative documents will be contained in the primary personnel file. Official copies of Personnel Action Dossiers shall reside in the primary personnel file. Faculty members are encouraged to examine their primary personnel file often, subject to certain restrictions of state law. Faculty members may examine other files containing personnel records subject to the same restrictions. A faculty member may obtain copies of any materials that are not restricted by state law in the personnel file and may attach a concise statement in response to any item therein. This concise statement shall be submitted to the custodian for inclusion as an attachment to the specific document. A person designated by the faculty member may examine that employee's personnel file with the written authorization of the faculty member. No material obtained from an anonymous source shall be placed in the primary personnel file or any other file containing personnel records except for data from student opinion surveys. Data from student opinion surveys shall be used in the annual evaluation and shall be submitted by the authorized surveying agent to the faculty member and the unit administrator. Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system may be placed in the primary personnel file when signed by a representative of the committee. Faculty members must be made aware within a reasonable time of any change in their personnel file. The procedures of Article 7 of Chapter 126 of the General Statutes of North Carolina shall govern matters relating to personnel files. Please see the ECU Faculty Manual, Part VI. for further information on state statutes and ECU policy concerning faculty personnel files. (Faculty Senate Resolution #00-12, March 2000)

VII. Amendment Procedure

Amendments to *ECU Faculty Manual, Appendix C. Personnel Policies and Procedures* may be proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. The proposed amendment(s) shall be submitted to the Faculty Senate for consideration and shall be handled as any other item of legislation which comes before the senate. Such proposed amendments, if approved by the senate, shall be submitted to the chancellor, and then to the board of trustees for its approval.

Approved: Faculty Senate Resolution #94-05
18 March 1994
East Carolina University Board of Trustees

Amended: Faculty Senate Resolution #96-4, March 1996
Faculty Senate Resolution #97-20, April 1997
Faculty Senate Resolution #97-43, December 1997
Interpretation made to Section VI. (2-15-90)
Faculty Senate Resolution #99-7, March 1999
Faculty Senate Resolution #00-12, March 2000

**East Carolina University
Faculty Manual**

**APPENDIX D
TENURE AND PROMOTION
POLICIES AND PROCEDURES
OF EAST CAROLINA UNIVERSITY**

APPENDIX D

TENURE AND PROMOTION POLICIES AND PROCEDURES OF EAST CAROLINA UNIVERSITY

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Tenure and Promotion
Policies and Procedures of East Carolina University

Prologue: Academic Freedom

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

I. Tenure

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 protects a faculty member against involuntary suspension or discharge from employment or reduction in rank except upon specified grounds and in accordance with the procedures provided in Section VI.; or against termination of employment except as provided for in Section VII. During the term of such guarantees, the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, demonstrable, bona fide institutional financial exigency or major curtailment or elimination of a teaching, research, or public service program. (Faculty Senate Resolution #03-44, pending final approval)

A. Tenure While Under Contract to East Carolina University

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

B. Permanent Tenure

1. Permanent tenure may be conferred only by action of the President and the Board of Governors of the University of North Carolina, and is always held with reference to employment by East Carolina University rather than to employment by The University of North Carolina. The conferral of permanent tenure is allowed only as the result of the processes enunciated in this document.
2. Conferral of permanent tenure shall be based on the faculty member's demonstrated professional competence in teaching, research and creative activity, and service; a potential for future contributions; and the institution's needs and resources. While neither teaching nor research and creative activity nor patient care nor service is the sole measure of a faculty member's competence and contribution, teaching is the first consideration. Permanent tenure is independent of promotion but sound academic practice supports the concept that an assistant professor eligible for tenure should qualify for promotion to associate professor.

II. Faculty Appointments

A. General Provisions

1. Categories of Appointments

There are three kinds of faculty appointments:

- (a) Fixed-Term Appointments [cf. Special Faculty Appointments, the UNC Code, 604C]. Fixed-term appointees do not hold professorial ranks, but are appointed with titles such as lecturer, visiting assistant professor, visiting associate professor, or clinical professor. Fixed-term appointments are without permanent tenure and do not entitle the faculty member to consideration for reappointment or conferral of permanent tenure. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether re-employment will be offered for a succeeding term (except as specified in Section II.B.1).
- (b) Probationary Appointments and Reappointments. Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, or professor. Probationary appointees are entitled to reappointment reviews and, if reappointed throughout the probationary period, are entitled to a tenure review. The timing of these reviews is explained below.
- (c) Appointments with Permanent Tenure. Appointments with permanent tenure are continuous until retirement, resignation, or removal according to the provisions of Section VI or VII of this document. Appointments with permanent tenure may be made at the professorial ranks of assistant professor, associate professor, or professor.

2. Criteria for Initial Appointment and Reappointment

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

3. Terms and Conditions for Appointment and Reappointment

The chancellor or the chancellor's designee¹ shall set out in writing, with a copy to the faculty member, the terms and the conditions of each appointment, including fixed-term appointments, and each reappointment. Prior to initial appointment the unit administrator shall provide a copy of the unit's criteria for evaluating faculty performance to persons offered a faculty appointment in the unit. Criteria for evaluating faculty performance shall be discussed by

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

the unit administrator in a meeting with each fixed-term and probationary-term faculty member at the beginning of the first term of employment. Criteria for evaluating faculty performance shall be discussed by the unit administrator in a meeting with each probationary-term faculty member at the beginning of an academic year in which a reappointment or tenure decision is made. A record of the discussion shall be placed in the faculty member's personnel file. The terms shall incorporate by reference appropriate sections of the *Faculty Manual* and shall state any conditions placed on the appointment or reappointment.² The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the unit administrator.³ Notice of reappointment or non-reappointment to probationary-term persons shall be written. The 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, religion, gender, age, sexual orientation, political affiliation, or disability; or (3) personal malice. (Faculty Senate Resolution #03-37, pending final approval)

4. Continued Availability of Special Funding

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

5. Notice of Resignation

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

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

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

1. Contract and Notice

A contract for a fixed-term appointment shall set forth in writing the beginning and ending dates of the term. This specification of the length of the appointment constitutes full and timely notice of non-reappointment when the term expires. The provisions of 604 A and 602(4) of The Code of The University of North Carolina do not apply to these special faculty appointments. No obligation exists on the part of East Carolina University to give any notice before a current fixed-term appointment expires as to whether an appointment will be offered for a succeeding term. A second or subsequent appointment of a fixed-term faculty member does not constitute a reappointment of the faculty member. Only probationary-term faculty members are entitled to consideration for reappointment. However, if the fixed-term faculty member, not earlier than 180 calendar days nor later than 90 calendar days before the current term expires, provides the unit administrator with a written request for an appointment for the following academic year, the unit administrator shall so notify the chair of the Unit Personnel Committee. Within 30 calendar days of receiving the request 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 position, funding, administrative approval, and continued effective performance. The Unit administrator may but is not required to respond to a written request for an appointment for the following academic year that is received later than 90 calendar days before the current term expires.

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

Any faculty member employed in a fixed term position shall be evaluated annually in accordance with the provisions of the employment contract. However, a fixed-term faculty member does not have to submit a Personnel Action Dossier to the Personnel Committee and unit administrator prior to the Personnel Committee and unit administrator recommending a second or subsequent fixed-term appointment.

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

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

C. Probationary Appointments

[Please refer to interpretations #196-5 and #196-4.]

Probationary appointments are made at the professorial ranks of instructor, assistant professor, associate professor, and professor. Persons appointed as instructors shall not be considered for reappointment with permanent tenure until promoted to a higher rank. Persons appointed as assistant professors, associate professors, and professors are eligible for permanent tenure. In accordance with the UNC Code, 604A1, the faculty member shall be notified not later than twelve months before the end of the probationary period whether he or she will be recommended 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.

During the second year of continuous service at East Carolina University, no fewer than 180 calendar days of notice of reappointment or nonreappointment shall be given before the employment contract expires. During the third and all succeeding years of continuous service, the faculty member shall be given not fewer than twelve months notice of reappointment or nonreappointment before the employment contract expires.

1. Probationary Terms

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

- (a) Instructor. The rank of instructor is reserved for persons who lack the qualifications for appointment as assistant professor. Faculty members appointed as instructors are eligible for an initial 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.
- (b) Assistant Professor. The maximum probationary term is seven years, consisting of an initial three-year appointment and two successive two-year appointments.
- (c) Associate Professor. The maximum probationary term is five years, consisting of an initial three-year appointment followed by a two-year appointment.
- (d) Professor. The probationary term is three years, consisting of one three-year appointment. All time served in a probationary appointment at East Carolina University must be continuous, excluding any leaves of absence as noted in Section II.C.3.

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

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

- (a) For a candidate appointed at the rank of instructor, no reduction is allowed.
- (b) For a candidate appointed at the rank of assistant professor, a maximum reduction of three years is allowed.
- (c) For a candidate appointed at the rank of associate professor, a maximum reduction of two years is allowed.
- (d) For a candidate appointed at the rank of professor, no reduction is allowed.

3. Extensions of the Probationary Term

Leaves from 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 shall be granted only in cases of severe personal exigency, such as illness, childbirth, child care, or other compelling personal circumstances, and shall be limited to a total of no more than two years. 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 for one or more semesters may be granted extensions of the length of the probationary term in the same way.

4. Progress Toward Tenure Letters

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

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

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

D. Initial Appointment with Permanent Tenure

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

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 Personnel 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 Personnel 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 Office of the President, 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, October 2002)

III. Promotion

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

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

⁵ A faculty member considering such action is encouraged to seek consultation with the Unit Personnel Committee and the unit administrator. When a faculty member applies for and then withdraws a request for promotion, a copy of all documents

IV. Procedures for Initiation, Review, and Approval of Appointments, Reappointments, Promotions, and the Conferral of Permanent Tenure

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

Description of "voting faculty"

For the purposes of Section IV, voting faculty members are determined by the permanently tenured faculty of the unit using the following criteria; [Please refer to interpretations #100-14.]

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-half time position in the unit, and
- is either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- 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 as either a probationary term (tenure track) faculty member or a permanently tenured faculty member.
- is not a unit administrator or an individual with one half or more of his/her load assigned to administrative duties as determined by the permanently tenured faculty in consultation with the unit administrator.
- or meets the above conditions and is on 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, April 2003, pending final approval**)

A. Unit Committees⁶

1. Tenure Committee

[Please refer to interpretation #197-7.]

a. Function

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

b. Composition

The membership of the Tenure Committee shall be composed of the permanently tenured voting faculty of the unit, including those who are on 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 faculty from other units to increase the committee's membership to three. These appointments to the committee shall be from a list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit.

2. Promotion Committee [Please refer to interpretation #197-8.]

a. Function

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

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 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 or probationary-term voting faculty members of sufficient rank and not holding administrative status, the next higher administrator above the unit shall appoint additional permanently tenured and probationary-term faculty to increase the membership of the committee to three, with at least two-thirds of the members being permanently tenured faculty. These appointments to the committee shall be from a list of candidates selected by a vote of the permanent tenured and probationary-term faculty having rank at least equal to the candidate(s) being considered for promotion.

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.

⁶ 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*.

3. Personnel Committee [Please refer to interpretations #I97-7, #I01-16 and #I03-18.]

a. Function

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

b. Composition

The composition of each unit's Personnel Committee shall be determined by the unit 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 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. When there are not enough permanently tenured voting faculty members in the unit to satisfy this requirement, additional permanently tenured faculty shall be appointed according to the procedures in Section IV.A.1.b. above. All other members of the Unit Personnel Committee shall be elected by the permanently tenured and probationary-term voting faculty of the unit.

B. 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:

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

C. Role of the Chair of the Unit Personnel Committee

The chair of the Unit Personnel Committee shall be permanently tenured and shall be elected annually by and from the committee's membership. The chair shall preside over all committees making personnel recommendations for the faculty, and may participate in the decisions of any committee of which the chair is a member. If the chair of the Unit Personnel Committee holds a professional rank lower than that to which a faculty member requests promotion, the Unit Personnel Committee chair shall chair the Promotion Committee but shall not have a vote on that committee. The chair shall be responsible for calling the meetings of such committees, obtaining and distributing materials to be used during deliberation of such bodies, insuring that a valid vote has been taken, communicating the results of such votes to the appropriate faculty and to the unit administrator, and performing other duties as designated by the unit.

D. Role of Unit Administrator

The unit administrator serves to provide leadership, support, and guidance to the total functioning of the unit. As indicated at the beginning of this section, 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 is jointly responsible with the Unit Personnel Committee for preparation of the progress toward tenure letter.

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

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

"External peer review" means a review of a candidate's research and creative activity by persons who are not faculty or employees of East Carolina University. External peer review of the quality of the research and creative activity material submitted by the candidate for promotion or conferral of permanent tenure or both will be used by the appropriate committee in conjunction with its own evaluation of the material. Qualifications of the reviewers and criteria for their selection are to be determined by the faculty of each unit.

In the Spring term prior to the academic year in which a promotion or tenure decision is scheduled, the Unit Personnel Committee shall produce a list of possible external reviewers. The candidate for promotion and/or permanent tenure shall provide a similar list, noting for each name the professional relationship, if any, between the reviewer and the candidate.

The candidate shall also provide similar relationship information for each name on the Unit Personnel Committee's list. [Please refer to interpretation #100-15.]

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

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

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

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

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

F. Documentation for Personnel Actions

1. Employment Applications

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

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

The Personnel Action Dossier is a file containing materials for evaluating a faculty member's professional activity. The dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure in consultation with the unit administrator and the chair of the Unit Personnel Committee. The dossier will be used by the appropriate committee 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.

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 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 XII. of the *ECU Faculty Manual*.

G. Initiation of Recommendations

[Please refer to interpretation #199-11.]

1. 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 by which the committee's recommendation 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 shall make at least three attempts at intervals of no less than five working days each to hold a committee meeting. In order to conduct business a committee shall not meet without a quorum (a majority of the members of a committee must be in attendance for the committee to have a quorum). 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 leave but in attendance at a meeting shall be counted for the purposes of determining a quorum for that meeting. If the committee fails to meet the unit administrator's deadline for receipt of the committee's recommendation, 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 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. Faculty recommendations for appointment, reappointment, promotion, and conferral of permanent tenure shall come from the appropriate committee (see Section IV.A). The committee members may choose to vote by mail according to the latest edition of *Robert's Rules of Order, Newly Revised*. Within ten working days of notification by the unit administrator of the need to initiate a personnel action, the chair of the Unit Personnel Committee shall convene a meeting of the appropriate committee to ascertain whether or not the committee will vote by mail. If a motion to vote by mail is approved by a majority of the committee members present and voting, voting shall be by

mail. If a committee chooses to vote by mail, all members must vote by mail. If a committee votes by mail, the ballots shall be sent by certified mail or distributed by the committee chair. If ballots are distributed, 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 certified mail 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. Ballots not returned within twenty working days of certified receipt shall count as a vote against recommending appointment, reappointment, promotion, or tenure. If a committee votes by mail, a faculty member on 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 in writing as to whether or not a faculty member on leave will participate in a mail ballot. If a faculty member on leave chooses to participate in a mail ballot, the faculty member shall count in determining what is required for a majority vote in favor of the recommendation. If the faculty member on leave chooses not to participate in a mail ballot, the faculty member shall not count in determining what is required for a majority vote in favor of the recommendation.

3. 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. A candidate who receives a majority vote of the membership of the committee shall be recommended for appointment.
4. In the case of re-employment recommendations for faculty members holding fixed-term appointments, each member of the Unit Personnel Committee will indicate by secret ballot his or her choice for or against recommending re-employment. This vote may be taken at a committee meeting or by mail ballot as described in section IV.G.II. Failure to obtain a majority vote of the entire membership of the appropriate committee shall constitute a recommendation against re-employment.
5. 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 section IV.G.II. Failure to obtain a majority vote of the entire membership of the appropriate committee shall constitute a recommendation against reappointment, promotion, and/or the conferral of permanent tenure.
6. The recommendation of the appropriate committee shall be communicated by the chair of the Unit Personnel Committee to the unit administrator. **(Faculty Senate Resolution #03-30, April 2003, pending final approval)**

H. Procedure for Concurring Recommendations

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

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

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

I. Procedure for Non-Concurring Recommendations

[Please refer to interpretation #199-12.]

If the recommendations from the unit administrator and the appropriate committee disagree, the unit administrator's immediate supervisor shall seek resolution of the disagreement at the unit level. If the unit administrator and the appropriate committee do not agree, their conflicting recommendations shall be forwarded through each administrative level, together with the recommendation of the administrator at each level, until they reach the appropriate vice

chancellor. The personnel action shall then be handled in accordance with the procedures provided in Section IV.H. above.

- J. Procedures for Nonconcurrence of a Tenure or Promotion Recommendation by Vote of the Faculty
In the event that the vice-chancellor's recommendation is contrary to the vote of the appropriate unit committee, the vice chancellor shall meet with the committee to discuss the recommendation. If the vice-chancellor concurs with the committee vote but the chancellor's recommendation is contrary to the vote, the chancellor shall meet with the committee to discuss the chancellor's recommendation.

V. Procedures for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure

A. Deadlines for Appeals

Failure to submit the appeals documents specified in this section within the time periods allotted constitutes a waiver of the right to appeal the decision. 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 individual or committee who is next to consider the appeal. Decisions on requests for extension of time shall be made by the individual or committee who is next to consider the appeal.

B. Request for Hearing with the Faculty Hearing Committee

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

1. The Hearing Committee

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

Upon organization, the members of the Hearing Committee shall elect a chair and a secretary. **The chair and the secretary of the committee are to be 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, pending final approval)**

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 Section V.D.2) to any party of the request for a hearing, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The complainant and those individuals or groups who are alleged to be responsible for the action or actions described by the complainant in the request for the hearing (hereinafter, the respondents) are permitted to challenge committee members for cause. The other members of the committee will decide on any potential disqualifications if a committee member is so challenged but wishes to remain.

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

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

The committee may at any time consult with the University Attorney in matters of procedure. (See *Part VIII, Responsibilities of Administrative Officers.*)

2. Initiation of the Hearing Process

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

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

"Material procedural irregularity" means a departure from prescribed procedures governing reappointment and conferral of permanent tenure that cast reasonable doubt upon the ~~integrity validity~~ of the original decision not to reappoint or not to confer permanent tenure. Whether a material procedural irregularity occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint or not to confer permanent tenure was made and communicated. The Hearing Committee shall ask the chancellor to certify what procedures were then in effect if that question is a matter of dispute. **(Faculty Senate Resolution #03-49, pending final approval)**

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

C. Validation of the Request for Hearing.

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

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

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

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

If the request for a hearing is not validated, the complainant shall be notified by registered mail, return receipt requested, within 10 calendar days of the committee meeting. Such a determination confirms the decision not to reappoint or not to confer permanent tenure. (Faculty Senate Resolution #99-4, February 1999)

The complainant may accept the decision of the Hearing Committee not to validate or appeal to the chancellor within 10 calendar days of receipt of the Hearing Committee's decision. The chancellor, within 14 days of the complainant's appeal shall decide to confirm the committee's decision or shall support the complainant's request for a hearing. (Faculty Senate Resolution #99-4, February 1999)

The complainant may accept the chancellor's confirmation of the committee's decision not to validate the request for a hearing, or the complainant may appeal to the Board of ~~Governors Trustees~~ within 10 calendar days following receipt of the Chancellor's decision. ~~as provided in Section 501C (4) of the Code of the University of North Carolina and the regulations of the Board of Governors implementing that provision.~~ (Faculty Senate Resolution #99-4, February 1999) **(Faculty Senate Resolution #03-49, pending final approval)**

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

D. Procedures for the Hearing.

1. Time and Date of Hearing

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

2. Conduct of the Hearing

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

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

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

E. Procedures After the Hearing

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

Within 10 working days of finishing its deliberations the committee shall provide the complainant, respondents, and the chancellor with a copy of the committee's report and a copy of the ~~audio recording or~~ court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37, pending final approval)

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

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

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

~~The complainant may appeal an adverse decision to the Board of Trustees within 10 calendar days as provided in Section 501C (4) of the Code of The University of North Carolina and the Board of Governors regulations implementing that provision. (Faculty Senate Resolution #99-4, February 1999)~~ (Faculty Senate Resolution #03-49, pending final approval)

If the chancellor is considering taking action inconsistent with the committee's recommendations, the chancellor shall request that a joint meeting with the committee occur within 10 working days. 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 30 working day period as referenced above. 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 10 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 ten-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 matter. (Faculty Senate Resolution #03-49, pending final approval)

The exercise of the Board of Governors' jurisdiction under ~~Section 501C (4) of the Code~~ is refined to insure 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:

1. 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.
2. 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.
3. 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, e.g., tenure or reappointment 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 hearing committee, the chancellor, ~~or the board of trustees~~⁸; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors. (Faculty Senate Resolution #03-49, pending final approval)

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 Governors will be an evaluation by the Board, through a designated subcommittee, 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.

VI. Due Process Before Discharge or Imposition of Serious Sanction

A. Penalties

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

B. Notice

Written notice of intent to discharge or to suspend from employment or to diminish in rank (these penalties hereinafter in Section VI are referred to as "the penalty") shall be sent by the vice chancellor with supervisory authority or by the vice chancellor's designee to the faculty member by registered mail, return receipt requested. The statement shall include notice of the faculty member's right, upon request, to both written specification of the reasons for the intended penalty and a hearing by the Due Process Committee (Section VI.E.). (Faculty Senate Resolution #99-10, March 1999)

C. Penalty Without Recourse

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

D. Specification of Reasons and Hearing Request

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

A faculty member's request for a hearing is to be directed to the vice chancellor with supervisory authority in writing by registered mail, return receipt requested. Upon receipt of such a request the vice chancellor with supervisory authority

⁸The 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.

shall, within ten working days, notify the chair of the Due Process Committee of the need to convene a hearing in accordance with Section VI.F.1. If the faculty member makes no written request to the vice chancellor with supervisory authority for a hearing within 10 working days after receiving the specification, the faculty member may be penalized without recourse to any institutional grievance or appellate procedures. (Faculty Senate Resolution #99-10, March 1999)

E. Due Process Committee

The Due Process Committee shall be composed of five members and five alternates each of whom is a full-time, permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates. Upon organization, the members of the Due Process Committee shall elect a chair and a secretary. Should any committee officer be absent at the beginning of a hearing, the committee shall elect an alternate officer for the purposes of the hearing.

When the committee is convened to consider any matter associated with a faculty member's request for a hearing, those committee members who hold an appointment in the faculty member's academic unit, those who might reasonably expect to be called as witnesses, or those who may have any other conflict of interest should disqualify themselves from participation in the activities of the committee related to this specific request for a hearing. The faculty member and the 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, March 1999)

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 or the vice chancellor's designee that a faculty member has requested a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary (see Part XI 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, March 1999)

The committee may at any time consult with the University Attorney in matters of procedure. (See *Part VIII, Responsibilities of Administrative Officers.*)

F. Procedures for the Hearing

1. Time and Date of Hearing

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

2. Conduct of Hearing

The hearing shall be on the written specification of reasons for the intended penalty. The chair of the Due Process Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the vice chancellor with supervisory authority, and 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 court reporter must be used to record and transcribe the hearing. **(Faculty Senate Resolution #03-37, pending final approval)**

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 vice chancellor with supervisory authority 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 or his or her counsel, and the faculty member or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification. (Faculty Senate Resolution #99-10, March 1999)

G. Procedures After the Hearing

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

Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. In its report the committee shall state whether or not it recommends that the intended penalty be imposed. **(Faculty Senate Resolution #03-37, pending final approval)**

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

H. Appeal

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

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

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

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

The exercise of the Board of Governors' jurisdiction under Section 501C(4) of the Code is refined to insure 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:

1. 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.
2. 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.
3. 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, e.g., tenure or reappointment 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 due process committee, the chancellor, or the board of trustees⁹; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

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 Governors will be an evaluation by the Board, through a designated subcommittee, 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.

I. Suspension During a Period of Intent to Discharge

When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may suspend the faculty member at any time and continue the suspension until a final decision concerning discharge has

⁹The 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.

been reached by the procedures prescribed herein. Suspension during a period of intent to discharge shall be exceptional and shall be with full pay and benefits.

VII. Termination of Faculty Employment

A. Reasons Justifying Termination and Consultation Required

1. Reasons for Terminating Employment

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

Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by Section VII.A.2. below.

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

2. Consultation with Faculty and Administrative Officers

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

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

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

Whenever such a Committee is created, it shall consist of two members and two alternates elected by the unit; the unit's administrator as an ex officio member; and four members and four alternates from disciplines complementary to the unit, nominated by the University 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.4.
- b. When a faculty member's employment is to be terminated because of financial exigency, the institution will make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in the preceding paragraph.

3. Type of Notice to be Given

- a. Should the chancellor decide to terminate employment following receipt of the report of the Ad hoc Faculty Advisory Committee, the chancellor or the chancellor's delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by registered mail, return receipt requested. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if the faculty member alleges that the decision to terminate employment was arbitrary or capricious; and a copy of this procedure on termination of employment.
 - b. For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section VII.A.1., the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be sent by registered mail to the address last furnished the chancellor's office, return receipt requested, and the faculty member will be given thirty calendar days after transmission of the notice in which to accept or reject the offer. The offer to resume a terminated position shall provide for tenure status, rank, and salary at least equal to those held by the faculty member at the time of termination.
 - c. The institution, when requested in writing by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. Such assistance shall include secretarial assistance, access to the telephone (including long distance), University/unit stationary and postage, travel funds to professional meetings, and other assistance as deemed reasonable and appropriate in the profession.
4. Termination if Reconsideration is Not Requested
If, within 10 working days after receipt of notice required by Section VII.B.3 above, the faculty member makes no written request for a reconsideration hearing, employment will be terminated at the date specified in the notice given pursuant to Section VII.B.3, and without recourse to any institutional grievance or appellate procedure.
 5. Request for Reconsideration Hearing
Within 10 working days after receiving the notice required by Section VII.B.3, the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate employment, if the faculty member alleges that the decision was arbitrary or capricious. The request shall be submitted to the chancellor and shall specify the grounds upon which it is contended that the decision to terminate employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention. Submission of such a request constitutes on the part of the faculty member: (1) a claim that the contention can be supported by representation of factual evidence, and (2) an agreement that the institution may offer in rebuttal of the faculty member's contention any relevant data within its possession. Upon receipt of such a request the chancellor shall, within 10 working days, notify the chair of the Reconsideration Committee of the need to convene a hearing in accordance with Section VII.B.7.
 6. The Reconsideration Committee
The Reconsideration Committee shall be composed of five members and five alternates, each of whom is a full time permanently tenured voting faculty member without administrative appointment. Members shall be elected in accordance with the procedures for election of appellate committees specified in the Bylaws of the East Carolina University Faculty Senate. Members and alternates shall be elected to three-year terms. A quorum for the committee shall be the five members or their alternates.

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

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

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

Upon receipt of a request for a hearing, the chair of the committee shall determine the availability of the elected members and alternates, and shall select from those available one or more alternates, as necessary. The ranking of the available alternates for selection shall be determined by their years of service to the University. That available alternate who is most highly ranked shall attend all sessions of the hearing and shall replace a regular member should that member be unable to attend the entire hearing. The committee may at any time consult with the University Attorney in matters of procedure. (See *Part VIII, Responsibilities of Administrative Officers.*)

7. Procedures for the Hearing

a. Time and Date of Hearing

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

b. Conduct of Hearing

The Reconsideration Committee's review of the faculty member's appeal shall be limited solely to determining whether the decision to terminate employment was arbitrary or capricious. The chair of the Reconsideration Committee is responsible for conducting the hearing and for maintaining order during the hearing. Attendance at the hearing is limited to the committee's members and alternates, the faculty member requesting the hearing, counsel for the faculty member, the chancellor or the chancellor's delegates (hereinafter, the chancellor), and counsel for the chancellor. Other persons (witnesses) providing information to the committee shall not be present throughout the hearing, but shall be available at a convenient location to appear before the committee as appropriate. The faculty member and the committee shall be given access, upon request, to documents that were used in making the decision to terminate the faculty member's employment after the decision was made that the position must be terminated. For any hearing from which an appeal may be taken, a court reporter must be used to record and transcribe the hearing. (Faculty Senate Resolution #03-37, pending final approval)

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 member's contentions or in general support of the decision to terminate the faculty member's employment. During these presentations, the faculty member or his or her counsel, and the chancellor or his or her counsel, may cross-examine opposing witnesses. Committee members may question witnesses for purposes of clarification.

8. Procedures After the Hearing

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

Within 10 working days of finishing its deliberations the committee shall provide the faculty member and the chancellor with a copy of its report, including materials entered as evidence, and a copy of the court reporter's transcript of the hearing. (Faculty Senate Resolution #03-37, pending final approval)

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 as provided in Section 501C (4) of the Code of the University of North Carolina and Board of Governors regulations implementing that provision. (Faculty Senate Resolution #99-4, February 1999)

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

Within 30 working days after receiving the recommendation, the chancellor shall send written notice to the faculty member by registered mail, return receipt requested, with copies to the chair of the faculty, and the chair of the Reconsideration Committee giving his decision and stating what modification, if any, the chancellor will make with respect to the original decision to terminate the faculty member's employment. If the chancellor fails to reverse the original decision, the chancellor shall send written notice of such to the faculty member by registered mail, return receipt requested, with copies to the chair of the faculty, and the chair of the Reconsideration Committee. The faculty member may appeal the termination to the Board of Trustees within 10 calendar days following receipt of the chancellor's decision as provided in Section 501C (4) of the Code of the University of North Carolina and Board of Governors regulations implementing that provision. (Faculty Senate Resolution #99-4, February 1999)

The exercise of the Board of Governors' jurisdiction under Section 501C(4) of the Code is refined to insure 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, e.g., tenure or reappointment 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 trustees¹⁰; if the responsible decision makers are in accord, normally no such appeal will be entertained by the Board of Governors.

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 Governors will be an evaluation by the Board, through a designated subcommittee, 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 and the Board of Governors of the University of North Carolina.
 1. Sections II C(1) entitled "Probationary Terms" and II C(2) entitled "Reduction of the Normal Probationary Term for Previous Academic Employment" shall apply only with respect to those persons employed after the effective date of these regulations. These sections shall not modify the terms of employment for persons holding current untenured appointments made under previous forms of these regulations.
 2. These regulations as amended shall apply only to those appeals following nonreappointments and nonconferrals 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 nonreappointment or nonconferral 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.

Approved: Faculty Senate Resolution #94-18
September 14, 1995
UNC Board of Governors

Amended: Faculty Senate Resolution #99-4 (Sections V.C., V.E., VII.B.8) February 1999
Faculty Senate Resolution #99-10 (Section VI. B., D., E., F) March 1999
Faculty Senate Resolution #01-19 (Section IV.F) August 2001
Faculty Senate Resolution #02-05 (Section II.E) October 2002
Faculty Senate Resolution #03-30 (Section IV) April 2003
Faculty Senate Resolution #03-37 (Sections II.A.3, D.2, V.E, VI.F.2, VI.G, VII.B.7.b, VII.8) *pending final approval*
Faculty Senate Resolution #03-44 (Section I) *pending final approval*
Faculty Senate Resolution #03-49 (Section V) *pending final approval*

Editorial Revisions:
Faculty Senate Resolution #95-13 (throughout the document) February 1996
(Sections II.A.3, IV.G.2, VI.E., VIII.) August 1997

Interpretations:
Interpretation I96-4 and I96-5 (Section II.C) March 1996
Interpretation I97-7 and I97-8 (Section IV.A.1., IV.A.2., and IV.A.3) October 1997
Interpretation I99-11 (Section IV.G) Faculty Senate Resolution #99-9, March 1999
Interpretation I99-12 (Section IV.I) Faculty Senate Resolution #99-28, December 1999
Interpretation I00-14 (Section IV) Faculty Senate Resolution #00-21, April 2000
Interpretation I00-15 (Section IV.E) Faculty Senate Resolution #00-31, November 2000
Interpretation I01-16 (Section IV.A.3) Faculty Senate Resolution #01-11, February 2001
Interpretation I03-18 (Section IV.A.3) Faculty Senate Resolution #03-33, April 2003

¹⁰The 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.

E

**East Carolina University
Faculty Manual**

APPENDIX B

**POLICY FOR THE CUMULATIVE
REVIEW OF PERMANENTLY
TENURED FACULTY OF
EAST CAROLINA UNIVERSITY**

APPENDIX B

POLICY FOR THE CUMULATIVE REVIEW OF PERMANENTLY TENURED FACULTY OF EAST CAROLINA UNIVERSITY

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Policy for the Cumulative Review of Permanently Tenured Faculty of East Carolina University

I. Preamble

On May 16, 1997, the Board of Governors mandated the review of performance of tenured faculty in the University of North Carolina system. This review, defined as the comprehensive, formal, periodic evaluation of cumulative faculty performance, has the purposes of ensuring faculty development and promoting faculty vitality. The June 24, 1997, Administrative Memorandum #371 from the General Administration of the UNC System required each constituent institution to create a policy that examines individual faculty contributions to departmental, school/college, and university goals as well as to the academic programs in which faculty teach. Guidelines mandate that the process shall recognize and reward exemplary faculty performance; provide for a clear plan and timetable for improvement of performance of faculty found deficient; and, for those whose performance remains deficient, provide for the possible imposition of appropriate sanctions or further action, including discharge. Further guidelines direct individual institutions to show the relationship between annual review and cumulative review, examine faculty performance relative to the mission of the unit and the university, include a review no less frequently than every five years, explicitly involve peers in the review process, assure written feedback as well as a mechanism for faculty response to the evaluation, and require individual development plans for all faculty receiving less than satisfactory ratings in the cumulative review.

East Carolina University's Policy for the Cumulative Review of Permanently Tenured Faculty meets the guidelines of the University of North Carolina General Administration and is consistent with East Carolina University's Faculty Manual and the Code of the University. This policy does not create a process for the reevaluation or revalidation of tenured status. The basic standard for appraisal and evaluation is whether the faculty member under review discharges conscientiously and with professional competence the duties associated with his or her position. Furthermore, the policy is created with the widespread presumption of competence on the part of each tenured faculty member. The cumulative review for a faculty member must reflect the nature of the individual's field or work and must conform to fair and reasonable expectations as recognized by faculty peers in each department and discipline. The review must be conducted in a manner free of arbitrary, capricious, or discriminatory elements and must follow these agreed-upon procedures.

II. Description of Policy

[Please refer to interpretation #198-10 located in the Index of ECU Faculty Manual Interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>.]

A. Timing

At five-year intervals, beginning with academic year 1998-1999, each permanently tenured faculty member shall have a review of all aspects of his or her professional performance during the review interval. A review leading to promotion in rank qualifies as a cumulative review. A faculty member granted permanent tenure shall be reviewed within five years of the granting of tenure. Probationary-term faculty members are excluded because other review mechanisms exist to evaluate their performance. Unit* administrators, deans, and administrators at the division or university level shall be excluded from this policy. After returning to full-time teaching/research responsibilities, administrators shall be evaluated in their fifth year and following five-year intervals.

Each academic unit's tenure committee shall decide whether all of its tenured faculty will be reviewed in the same year or whether its tenured faculty will be reviewed according to a serial plan. Those units choosing a serial plan shall also determine the method of serialization.

B. Performance Standards for the Review

For the cumulative review of performance for the five-year period, the unit's Tenure Committee shall draft standards of "exemplary," "satisfactory," and "deficient" performance, taking into account the provisions of Appendix C, Section I, C and D of the ECU Faculty Manual, the unit's code provisions, and the primacy of teaching/advising within the UNC system institutions. These standards should be consistent with changing goals of the unit and the university while also considering varying expectations at the time of the granting of permanent tenure for individual faculty members.

The Tenure Committee shall submit the proposed standards to the unit administrator for concurrence or nonconcurrence. At that point, two possible actions may occur. (1) If the unit administrator concurs, he or she shall forward the standards to the next higher administrator. If the next higher

administrator does not agree with the standards developed by the Tenure Committee and concurred with by the unit administrator, every effort (including discussion and negotiation) shall be made to resolve the disagreement. If the effort fails, the matter shall be referred to the next higher administrator who may accept the standards or return them for revision. (2) When the unit administrator and Tenure Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the matter shall be referred to the next higher administrator who may accept the standards or return them for revision. In either case, any amendment to these standards must be approved by a vote of at least 2/3 of the Tenure Committee and follow the same process for initially proposed standards.

C. Cumulative Review Committee (CRC)

The Tenure Committee will elect a minimum of three faculty members and one alternate from the permanently tenured voting faculty (ECU Faculty Manual, Appendix L, Section A. Voting Faculty Member) not holding administrative status to serve on the Cumulative Review Committee. The alternate shall serve when a member is unable to serve. Members on the Cumulative Review Committee shall serve for one academic year.

When a unit is unable to elect three permanently tenured voting faculty members not holding administrative status, the next higher administrator above the unit level shall appoint permanently tenured voting faculty not holding administrative status from other units to increase the committee's membership to three members and one alternate. These appointments to the committee must be from one list of candidates selected by a vote of the permanently tenured and probationary-term faculty of the unit. The list forwarded to the next higher administrator by the appropriate faculty will contain at least twice the number of faculty members required to complete the membership of the committee. Before voting on the list to be forwarded to the next higher administrator, the voting faculty will ascertain that faculty members nominated to have their names placed on the list are willing and able to serve in this important capacity. The list of faculty names recommended to the next higher administrator may not be returned for revision.

D. Review Process

Cumulative Review of Permanently Tenured Faculty shall cover all aspects of the faculty member's professional performance and be based on the faculty member's most recent annual reports and most recent annual performance evaluations (ECU Faculty Manual, Appendix C, Section III. Evaluations) for the cumulative review period. The review shall take into account the faculty member's contribution for the period to the mission of the unit, the school or college, and the university. Permanently tenured full-time faculty members who have received University approved leaves of absence shall not have such leave time counted as part of the cumulative review period.

Should a subsequent academic unit administrator disagree with the annual reviews and annual reports of an individual faculty member composed before the term of office of the incumbent administrator, the administrator shall not dismiss, alter, or argue against the body and conclusions of the earlier annual reviews and reports.

The initial review shall be conducted by the unit administrator who, using the attached Form A or Form B, shall prepare a summary report which categorizes each faculty member's performance as exemplary, satisfactory, or deficient. The report, together with the annual reports and annual performance evaluations, shall be reviewed by the Cumulative Review Committee. For each faculty member, the Cumulative Review Committee shall either agree or disagree with the findings of the unit administrator.

When the unit administrator and the Cumulative Review Committee agree, the unit administrator shall report the results of the cumulative review in writing to the faculty member and place a copy of the written evaluation in the faculty member's personnel file. Faculty whose cumulative review reflects exemplary performance shall be recognized and rewarded.

When the unit administrator and Cumulative Review Committee disagree, every effort (including discussion and negotiation) will be made to resolve the disagreement within the unit. If the effort to resolve the disagreement fails, the matter will be referred to the next higher administrator for final decision.

E. Reconsideration

A faculty member whose review process determines a deficient performance level shall have the opportunity to respond within 20 calendar days. The faculty member may request that the unit administrator and Cumulative Review Committee reconsider the evaluation based on additional substantive information provided by the faculty member. In reconsidering the evaluation, the unit administrator and Cumulative Review Committee shall have the opportunity to nullify, modify, or reconfirm the original evaluation.

If, upon reconsideration, the unit administrator and Cumulative Review Committee disagree, every effort (including discussion and negotiation) shall be made to resolve the disagreement within the unit. If the effort fails, the matter shall be referred to the next higher administrator for final decision.

The unit administrator shall report the decision in writing to the faculty member and place a copy of the report in the faculty member's personnel file.

F. Faculty Development Plan

A faculty member whose cumulative review reflects deficient performance shall negotiate a formal development plan with the Cumulative Review Committee and the unit administrator. The development plan must identify specific strengths and deficiencies and also define specific goals or outcomes that would help the faculty member overcome the identified deficiencies. It should also outline activities, set guidelines, indicate approved criteria by which the faculty member could monitor his or her progress, and identify the source of any institutional commitments, if required. The development plan shall set reasonable time limits, not to exceed three academic years from the implementation of the plan. The plan shall represent a commitment by the faculty member, the Cumulative Review Committee, and the unit administrator to improve the faculty member's performance and provide adequate resources to support the plan. The plan shall be consistent with the faculty member's academic freedom (as defined by the ECU Faculty Manual, Part III), shall be self-directed by the faculty member, and shall be sufficiently flexible to allow for subsequent amendment, if necessary. Such amendment will follow the same process as the development of the original plan. If the unit administrator, Cumulative Review Committee, and faculty member cannot agree on a formal development plan, each party's draft of a plan will be forwarded to the next higher administrator, who will make the final decision. The faculty member's development progress shall be reviewed annually by the Cumulative Review Committee and the unit administrator, who shall provide a written evaluation of progress to the faculty member.

G. Subsequent Evaluation

If the faculty member's cumulative performance level is satisfactory within the designated period of time, the unit administrator shall report the results of the cumulative review in writing to the faculty member and place a copy of the written evaluation in the faculty member's personnel file. The faculty member will undergo another cumulative review at the beginning of the next cumulative review interval. If the faculty member's cumulative performance level remains deficient after the designated period, the unit administrator may recommend that serious sanctions be imposed as governed by Appendix D, Section VI, "Due Process Before Discharge or Imposition of Serious Sanction," of the ECU Faculty Manual and the Code of the Board of Governors of the University of North Carolina.

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

III. Form A and B

**Approved: Faculty Senate Resolution #98-13
15 April 1998
East Carolina University Chancellor**

**Amended: Faculty Senate Resolution #98-29, November 1998
Interpretation made to Section II. (10-8-98)**

Cumulative Review of Permanently Tenured Faculty
East Carolina University
Form A

Faculty member: _____ School/department: _____

Date: _____

I. Summary of Annual Evaluations:

	Year 1	Year 2	Year 3	Year 4	Year 5
A. Teaching/advising					
B. Research or creative productivity					
C. Professional service					
D. Patient Care					
E. Other duties					
OVERALL					

II. Cumulative Review Evaluation: _____ Exemplary
 _____ Satisfactory
 _____ Deficient*

*A "deficient" evaluation must be accompanied by a written justification for this finding.

Submitted by: _____ Date _____
Unit Administrator Date

Cumulative Review Committee Response: _____ Agree
 _____ Disagree
 _____ Date _____
Committee Chair Date

F

2002 Management Flexibility, Salary Ranges

Position ¹	Doctoral Institutions - \$187-353,000,000					Official ECU Peer Institutions				
	2001-02 Median Salary Doc. \$187-353 M	80th Percentile	60% of 80th Percentile	12% of 80th Percentile	2001-02 Median Salary - Official Peers	80th Percentile	60% of 80th Percentile	12% of 80th Percentile		
Dean, Allied Health Sciences	124,500	135,130	81,078	151,346	140,000	121,568	72,941	136,156		
Dean, Art	125,544	135,000	81,000	151,200	108,485	114,920	68,952	128,710		
Dean, Arts & Sciences	137,980	156,475	93,885	175,252	113,751	131,750	79,050	147,560		
Dean, Business	147,768	200,000	120,000	224,000	125,720	155,000	93,000	173,600		
Dean, Computer Science & Communication	114,706	133,800	80,280	149,856	na	na	na	na		
Dean, Education	125,002	137,240	82,344	153,709	111,769	125,097	75,058	140,109		
Dean, Health & Human Performance	124,500	135,130	81,078	151,346	110,140	121,568	72,941	136,156		
Dean, Human Environmental Sciences	142,433	149,628	89,777	167,583	na	na	na	na		
Dean, Industry & Technology	na	na	na	na	na	na	na	na		
Dean, Medicine	302,810	345,720	207,432	387,206	216,104	304,728	182,837	341,295		
Dean, Music	114,495	129,000	77,400	144,480	na	na	na	na		
Dean, Nursing	117,975	134,176	80,506	150,277	123,008	164,640	98,784	184,397		
Dean, Social Work & Criminal Justice	127,710	135,393	81,236	151,640	na	na	na	na		
Dean, Graduate School	116,357	134,676	80,806	150,837	110,000	118,739	71,243	132,988		
Dean, Undergraduate Studies	100,008	113,812	68,287	127,469	na	na	na	na		
University Attorney	120,553	162,840	97,704	182,381	103,440	120,553	72,332	135,019		
Director, Academic Library Services	108,660	121,751	73,051	136,361	98,018	116,600	69,960	130,592		

G

**ECU PEER INSTITUTIONS
Salary Study Group
2002-2003**

Public Institutions

**East Carolina University
Indiana State University
Miami University
Montana State University – Bozeman
Old Dominion University
University of Central Florida
University of Louisiana at Lafayette
University of Maine
University of New Orleans
University of North Dakota – Main Campus
University of South Alabama
University of South Dakota
Wichita State University
Wright State University – Main Campus**

H

Salary Policies and Procedures

March 6, 2002

For a full-time member of the faculty or EPA professional staff, the salary approved by the Board of Governors (through the BD-119 process) is the full compensation to be expected during the period of employment. No additional payments may be made for university duties that are generally related to the position to which the individual is appointed. The period of appointment includes all formal holidays and interludes during which no classes are scheduled.

Regardless of the salary source, total compensation paid during the period of appointment cannot exceed the salary amount authorized in the current academic salary increase document (BD-119), except for extraordinary situations that must be approved in advance by the appropriate vice chancellor.

- **Total Compensation:** An individual's total annual salary compensation from all university sources may not exceed 133% of the annual nine-month base salary or 100% for a twelve-month employee during the twelve-month contract period without prior authorization from the appropriate vice chancellor.

Bonus amounts awarded to EPA or CSS employees as part of the Clinical Faculty Compensation Plan or Management Flexibility Act are not to be included in the calculation of total annual salary compensation in the determination of the above amounts.

- **Less Than Full-time Employees:** Upon appropriate approvals, individuals with appointments of less than full-time during an academic year or fiscal year can increase their commitment up to full-time with additional compensation. However, in no event may the effort of an individual exceed full-time commitment unless specifically approved in advance; additional compensation must be proportional to the base salary rate and not exceed full-time equivalency unless specifically approved in advance.
- **Research/Creative Activity:** It is expected that such other proposed duties or tasks may require reduction in other planned responsibilities of the faculty or professional staff member. For example, arrangements may be made for reassigned time or research contract "buyouts" if faculty members are to conduct sponsored program activities during the regular academic year. Sponsored program activity does not normally constitute extraordinary or exceptional projects for consideration for supplemental payment.
- **Overloads:** Effective August 1, 2002, overload stipends for any purpose should normally be limited to one per academic year and only after the appropriate dean has granted prior approval and notified their appropriate vice chancellor. Pay rates for non-distance education overloads will be equated to the annual nine-month salary rate; i.e., pay per credit hour for overloads may not exceed the per credit hour nine-month rate based on a twelve credit hour per semester full-time basis.

As per Administrative Memorandum 407, a second overload stipend for distance education purposes may be granted during an academic year, but only after prior approval from the

appropriate vice chancellor. Units must ensure that overloads are necessary and should reduce reassignments for non-instructional purposes if at all possible prior to authorizing an overload stipend. It is preferable that overloads be kept to a minimum and be granted no more than once per academic year. Pay rates for distance education overloads may not exceed the published rates for summer school.

- **Summer Overloads:** No overloads will be permitted during summer school sessions except in extraordinary circumstances and with prior approval. Compensation from any and all salary sources for summer employment may be arranged not to exceed three-ninths of the previous year's nine-month annual salary base rate. The pay rate from summer school funds and distance education summer school courses remains at 15.2% of the nine-month rate up to the published annual maximum per session. This rate was \$9,000 for summer 2001.
- **Work for ECU Outside the Home Unit:** Prior approval to teach or perform other duties outside the faculty member's home unit is required from all involved administrative levels.
- **One Forms:** It is expected that a One Form will be completed in a timely manner for all changes in overload stipends, summer school appointments or other salary changes. Such forms must be signed not only by the originating unit and dean, but also by the employee's dean if the change originates outside the individual's home unit. For example, if unit "X" seeks to employ a faculty member from unit "Y" to teach a summer school course, the deans of both units "X" and "Y" must sign the One Form. This is intended to ensure that deans are aware of the extra activities of their faculty. Deans are responsible for ensuring that faculty are appropriately paid according to university policy.
- **One Form Timetable:** Academic Affairs will develop a timeline template for the submission of One Forms. In general, One Forms should be submitted as soon as practical. In no case should One Forms be submitted less than two weeks prior to the first payroll deadline of the employee's employment period. Prior approvals for overload compensation must be submitted at least one week prior to submission of the One Form.

In some cases, One Forms must be submitted in a timely manner earlier than that specified above. For example, appointments that require Board of Governors and Board of Trustees approval must be submitted at least a month prior to the board's meeting dates immediately preceding the employee's appointment date.

- **Salary Conversion Rate for Faculty Holding Twelve-month Appointments:** The salary of a faculty member holding a twelve-month appointment will be converted back to a nine-month faculty salary at the rate of 9/11ths of his/her twelve-month base salary. Exceptions to this pattern may occur based on individual based negotiations depending on the level of the position, experience, and other factors. The approval of the Chancellor is required for such conversions to occur.
- **External Activities for Pay:** The policies covering Faculty and Professional Staff income derived from external activities for pay are governed by Part VI-13 of the Faculty Manual. Individuals are expected to comply with these policies that include seeking prior

administrative permission to the commencement of the activity and the filing of annual conflict of interest statements at the end of the academic year. Moreover, such activities should not exceed the equivalent of 8 hours/week during their duration. The External Activities for Pay forms and the Conflict of Interest Forms are available at <http://www.aa.ecu.edu/forms/>.

I

**Clinical Faculty Compensation Plan
East Carolina University
School of Medicine**

I. Introduction

Clinical medical education requires the maintenance of a strong and diverse clinical practice to support the educational objectives of the school. Clinical faculty must be skilled practitioners of the art and science of medicine as well as educators. The financial support for this requisite clinical activity is largely derived from income earned by the faculty in the provision of medical care and scholarly activity. In order to recruit and retain skilled clinicians and mentors, the institution must provide a system of faculty compensation, which is competitive with physician incomes in the non-academic environment and, therefore, linked to the earning potential of the faculty. In this changing environment, the academic medical center must be fiscally nimble and responsive if it is to retain faculty and maintain its requisite clinical base. It is therefore essential that a system for clinical faculty compensation exists which permits earned income, in excess of that required to maintain and ensure growth of the essential infrastructure for clinical practice, to be directed to compensation of clinical faculty.

II. OVERVIEW

Through the annual process of establishing realistic budget targets for individual Units, the Dean and Chair (and Chief of Division if applicable) shall provide for maintenance and development of the Unit and establish and maintain Unit fiscal reserves. Budget targets shall take into account the individual Unit's needs and goals and may reflect a positive, neutral, or negative end of year net income. Inherent in this process is the preservation and growth of faculty salaries. Realistic budgeting should result in stable faculty compensation throughout the fiscal year. Budget Unit financial performance during an entire fiscal year that meets or exceeds targets will allow a subsequent annual bonus to individual faculty members within the Department. Unit financial performance during the fiscal year, which exceeds budgetary targets, will allow a semi-annual bonus to members of that Unit. Unit financial performance during the fiscal year, which falls short of realistic budget targets, will initially prompt efforts to increase net income by expense reduction and increased revenue generation. In the third and fourth quarters of the fiscal year, a limited decrease in faculty compensation could occur when all other adjustments are not projected to ensure that the Unit would complete the fiscal year on budget targets. At the beginning of the fourth quarter and at the end of the fiscal year, a portion of all or any decrease in faculty compensation shall be refunded to the faculty if restoration of these monies can be accomplished within the Unit's budget targets.

The practice plan is composed of mutually dependent Units, and the integrity of each must be maintained. It is the responsibility of the Dean, in consultation with the clinical chairs, to ensure the integrity of each Department. Similarly, if multiple Units exist within a Department, it is the Chair's and the Dean's responsibility to ensure the integrity of each Unit in keeping with the mission of the School.

The opportunity exists annually for individual faculty to develop increases or decreases in their individual annual compensation based upon financial, teaching, research, and administrative productivity. A base salary is guaranteed to all faculty, which is independent of financial productivity.

II. Definitions and Concepts

A. Faculty Compensation: Monies provided to faculty by virtue of their employment responsibilities within the institution. Compensation for faculty responsibilities is separate and distinct from the evaluation of faculty performance in consideration for reappointment, promotion, and conferral of permanent tenure. Faculty compensation is projected annually and is expected to remain stable throughout the fiscal year. Compensation is composed of a fixed component (base salary), a variable component (supplement), and an incentive component (bonus). Base salary and supplement are paid twice monthly. Bonuses may be paid in the first and third quarters of each fiscal year.

B. Base Salary: That salary paid to the faculty member, which compensates the faculty member for the formal and informal teaching activities and customary administrative and scholarly activity. It is the responsibility of the Chair, in consultation with the faculty member to define for individual faculty what constitutes customary teaching, scholarly, and administrative activity. The Chair may consult with Unit Budget Officers as appropriate. The base salary, by faculty rank or title, shall be equivalent to the respective base salary defined for clinical faculty at the School of Medicine at The University of North Carolina at Chapel Hill. See Appendix A for current year data. The base salary shall be determined annually prior to determination of faculty compensation.

C. Supplement: Monies provided to the faculty member as supplement shall compensate the efforts of the faculty member in all areas of activity regardless of income generated by the activity. The amount of the supplement to be recommended is negotiated annually between the Chair, alone or in consultation with the Unit budget officers, and the individual faculty member. Budget targets, which dictate the supplement, shall be established so that the entire supplement is expected to be provided throughout the fiscal year. Consistent with University and School policies, the Chair, alone or in consultation with the Unit budget officers, and the faculty member negotiate the distribution of the faculty member's efforts in the future year among clinical activities which may or may not be revenue generating, research and scholarly activity which may or may not be revenue generating, teaching which may or may not be revenue generating, and administrative activity which is unlikely to be revenue generating. A portion of the income generated by Budget Units shall be dedicated to compensating faculty member's activity in non-income generating areas.

D. Bonus: Monies that may be paid to the faculty member when budget targets are exceeded.

- E. Department: A discrete group of faculty employed within a recognized academic Unit, e.g., Department of Surgery, Medicine, etc. Faculty within a Department have a shared infrastructure and teaching responsibilities.
- F. Budget Unit: A discrete group of faculty with a shared infrastructure and teaching responsibilities. A Budget Unit may be identical to a Department or may be one of several discrete groups, which collectively constitute a Department.
- G. Gross Income: All monies received by a Budget Unit from professional activity including patient receipts, contract income, grant income, and other miscellaneous income.
- H. Operating Expenses: All expenses and transfers incurred by a Budget Unit.
- I. Net Income: The arithmetic difference between gross income and operating expenses.
- J. Budget Targets: Expectations of financial performance in expense management and income generation by Budget Units and Departments. Annual budget targets may reflect a positive, neutral, or negative net income. Unit budget officers establish them. Failure to achieve budget targets in the first two quarters will prompt efforts to increase net income, and in the third and fourth quarters, continued failure to achieve budget targets may result in faculty compensation supplement decrease(s).
- K. Unit Budget Officers: They include the Dean, the Department Chair, and, if the Budget Unit is a sub Unit of a Department, the Chief of the Budget Unit. The Chair and the Chief of the Budget Unit are advisory to the Dean.
- L. Quarterly/Semi-Annual Productivity Increase/Decrease: The income generated by a Budget Unit, which is in excess or in arrears of the quarterly or semi-annual budget target.
- M. Productivity Funds: Monies which become available at 6 month intervals when a Budget Unit experiences a productivity increase over the preceding 6 months. These monies shall be returned to the Budget Unit and may, at the discretion of the Unit Budget Officers, be directed to Unit program development and/or individual faculty bonuses. In Budget Units receiving productivity funds, a bonus shall be paid to individual faculty within that Unit who have developed a personal productivity increase.
- N. Personal Productivity Increase: Performance by an individual faculty member in clinical practice, extraordinary teaching, scholarly or administrative activities that exceed expectations established at the onset of the fiscal year.
- O. Supplement Decrease: A reduction in the salary supplements of members of a Budget Unit which may occur in one or both of the third and fourth quarters in Budget Units that experience a productivity decrease over the preceding six (6) or nine (9) months respectively. All recommendations related to a supplement decrease are made by the Unit Budget Officers (i.e., Department Chair, Section Chief). Any proposed reduction must be reviewed and approved by

the Dean. Under no circumstances can the reduction in the supplement during either of the third or fourth quarters exceed twenty-five percent (25%) of the prorated supplement for that quarter.

P. Restoration: A return of a portion or all of the decrease in the supplement, which shall be returned to the individual faculty in the third and fourth quarters. The amount of the restoration is limited only by the requirement that the Unit must achieve budget targets at the end of the third and/or fourth quarters.

Q. Transfer Rebate Funds: A return to a Department of a portion of the monies transferred from the Department to the Dean's reserve during the previous fiscal year. This return is set by a formula established by the Dean. In a department with financial reserves equivalent to less than three months operating expenses, fifty percent (50%) of any rebate shall be retained by the Chair of the Department and shall be committed to the development of departmental reserves and an additional twenty-five percent (25%) of this rebate shall be retained by the Chair for program development. In Departments with financial reserves equivalent to, or in excess of, three months operating expenses, the Chair shall retain fifty percent (50%) of the rebate for program development. In all Departments, the remaining portion of any transfer rebate funds shall be allocated to Budget Units within the Department who met or exceeded their budget targets, and at the discretion of the Unit Budget Officers, may be directed to Unit development and/or individual faculty bonuses.

R. Salary Cap: A maximum annual faculty compensation level (including base salary, supplement, and bonus) that cannot be exceeded. The University of North Carolina Board of Governors establishes it annually.

S. Salary Dispute Resolution: If there is disagreement between a faculty member and Chair regarding the compensation package established for that faculty member at the beginning of the fiscal year, the faculty member can appeal to the Dean. At the Dean's discretion, appeals will be evaluated either personally by the Dean or by a committee established by, and advisory to, the Dean. Nothing herein in any way deprives any faculty member of any grievance or appeal rights otherwise available to all faculty members under the *East Carolina University Faculty Manual*.

T. Institutional Commitment: The understanding that individual faculty members, Budget Units, and Departments shall commit a portion of their income to meet institutional needs. These needs are met by the various taxes, which may be imposed by the Dean, Practice Plan Administration, and Chairs and, on an annual basis, by the setting of budget targets.

U. Financial Reserves: Uncommitted monies residing in Unit's, Department's, and Dean's accounts. The Dean shall ensure that these funds, in the aggregate, equal six months of the annual School of Medicine operating expenses.

Each Department shall develop and maintain reserves to ensure that the funds held in the Department's reserve account and its constituent Budget Unit's reserve accounts equals six months of the Department's operating expenses. Each Budget Unit shall develop and maintain reserves equal to three months of the Unit's operating expenses. The expenditure of reserve funds which would reduce the Budget Unit's, Department's, or the Dean's School reserves

below these levels shall require approval of the Chair, Dean, Vice Chancellor, or Chancellor respectively.

V. Methods of Faculty Compensation: Faculty members in clinical Departments whose professional activities warrant the payment of supplement and bonus components participate in this clinical faculty compensation plan. Other faculty in clinical Departments do not participate in this faculty compensation plan and are compensated similarly to faculty in non-clinical Departments in the School of Medicine. Annually, with the approval of the Dean, the Chair may designate a faculty member as participating or non-participating in this faculty compensation plan.

Persons holding administrative appointments (exempt from the State Personnel Act) in the School of Medicine, who are not appointed to positions in clinical departments but whose professional activities warrant the payment of supplement and bonus components, may participate in this compensation plan. Annually, the Dean may designate such individuals as participating or non-participating in this compensation plan.

W. Compensation of Chairs: On an annual basis, the Dean shall negotiate the supplement for each Chair. The Chair is subject to supplemental reductions if the department, as a whole, experiences a productivity decrease. The Chair may be provided a bonus if the department, as a whole, experiences a productivity increase. Both bonus awards and supplemental salary reductions are at the discretion of the Dean.

III. OPERATIONS

A. Prior to the budget year

1. Faculty base salaries are determined.
2. A supplement to each faculty member shall be negotiated and salary disputes resolved. The supplements for individual faculty members shall reflect the prior year's productivity of the individual faculty member. Faculty compensation is limited by salary caps established by the UNC Board of Governors and must support the charge given to the Budget Unit to develop budget targets approved by the Dean.
3. Budget Unit and Department budget targets shall be developed.
4. Any proposed reduction in supplement must be reviewed and approved by the Dean.

B. During the First Quarter

1. One-fourth of the base salary and supplement shall be paid.
2. Transfer rebate will be determined and allocated to Departments (see III.Q).

3. Semi-annual productivity, over the last six (6) months of the previous fiscal year will be analyzed and, in Budget Units experiencing a productivity increase, productivity funds shall be distributed to the Unit for Unit development or a faculty bonus (see III.M).

C. During the Second Quarter

1. One fourth of the base salary and supplement will be paid.
2. Analysis of each Budget Unit's first quarter financial performance will occur.

3. Adjustments, other than supplement decreases, will be implemented in Budget Units not meeting its first quarter budget targets.
- D. Immediately before the Third Quarter
 1. Analysis of each Budget Unit's year-to-date financial performance will be made.
 2. In Budget Units not projected to meet budget targets in the first two quarters, the Unit Budget Officers will determine the extent of supplement reduction (if any) to be implemented.
 - E. During the Third Quarter
 1. One-fourth (1/4) of the base salary and one-fourth (1/4) of the adjusted or unadjusted supplement will be paid.
 2. Semi-annual productivity will be analyzed and, in Budget Units experiencing a productivity increase over the previous six (6) months, productivity funds shall be distributed to the Unit for program development and/or faculty bonuses (see III.M).
 - F. Immediately before the Fourth Quarter
 1. An analysis of each Budget Unit's year-to-date financial performance will be made.
 2. In Budget Units not projected to meet budget targets for the first three (3) quarters, the Unit Budget Officers shall determine the extent of supplement reduction (if any) to be implemented.
 - G. During the Fourth Quarter
 1. One-fourth (1/4) of the base salary and one-fourth (1/4) of the adjusted or unadjusted supplement will be paid.
 2. Restoration of supplement decrease during the third quarter may occur (see III.P).
 - H. Immediately before the First Quarter of the next fiscal year
 1. Restoration of supplement decrease during the fourth quarter may occur (see III.P).
 2. Actions 1-3 in section IV.A shall be accomplished.

IV. IMPLEMENTATION

Implementation is anticipated to occur July 1, 1996 provided that the administrative infrastructure to support this compensation plan is appropriately in place or at the earliest subsequent date.

Implementation of the plan will be fully consistent with the UNC Board of Governors Salary Policy with the following provisions:

1. All salary recommendations for affected faculty members will be made through the normal salary-setting procedures. Each salary recommendation will be the combination of base salary and supplement. Performance bonuses will be treated as one-time payments, not affecting the base plus supplement, and will be reported only if required by the Board of Governors Salary Policy; however, the sum of the base, supplement, and bonus will be subject to salary ceilings prescribed in the Board's Salary Policy.

2. Mid-Year increases in base salary or supplement will be treated as other recommended mid-year salary increases under the Board of Governors Salary Policy; however, decreases in base plus supplement salary will be reported to the President of the University in summary form annually.

Base Salary Rates
The Brody School of Medicine
East Carolina University
2001-02

Professor \$86,000

Associate Professor \$61,800

Assistant Professor \$50,400

Instructor \$47,300

Lecturer \$40,200

J

EAST CAROLINA UNIVERSITY

NON-SALARY COMPENSATION POLICY

General:

Within the boundaries set by the financial policies of the State and of East Carolina University, as outlined in the policy manuals of the Office of State Budget and Management and East Carolina University, the Board of Trustees has the authority to approve any non-salary compensation from all sources of funds for all Vice Chancellors and Senior Academic and Administrative Officers for which the Board of Governors establishes salary ranges. The Chancellor has the authority to approve any non-salary compensation from all sources of funds for deans and other similarly situated administrators that are not included in the Board of Governors' study establishing salary ranges. The Board of Trustees has the authority to approve non-salary compensation for the Chancellor.

More specifically, the granting of non-salary compensation will be governed as follows for the noted Senior Academic and Administrative Officers:

Chancellor:

The President of the University of North Carolina may establish certain reasonable and customary non-salary compensation for the Chancellor. In addition to the Chancellor's residence (and related support costs) such non-salary compensation may take the form of vehicles, club memberships, insurance supplements, and similar benefits as may be permitted under UNC and State of North Carolina policies and procedures and IRS regulations. Non-salary compensation will be reported to the IRS on the Chancellor's W-2 form for income tax purposes. Generally, the funding source for such non-salary compensation must be from non-State funds.

Senior Academic and Administrative Officers:

Upon the recommendation of the Chancellor, the Board of Trustees may grant certain non-salary compensation to Senior Academic and Administrative Officers "for which the Board of Governors establishes salary ranges" (e.g. Vice Chancellors). Such non-salary compensation would be above the routine fringe benefits offered to all EPA employees and may take the form of vehicles, club memberships, insurance supplements, reimbursed health care costs and similar benefits as may be permitted under UNC and State of North Carolina policies and procedures and IRS regulations. Non-salary compensation will be reported to the IRS on the employee's W-2 form for income tax purposes. Generally, the funding source for such non-salary compensation must be from non-State funds. The Chancellor will recommend to the Board of Trustees the approval of such non-salary compensation for this group of Senior Academic and Administrative Officers either explicitly on a case-by-case basis or by approval of applicable policies.

Deans and other Similarly-Situated Administrators:

The Chancellor is delegated authority from the Board of Trustees to grant certain non-salary compensation to deans and other similarly-situated administrators consistent with established policies and practices. Such non-salary compensation would be above the routine fringe benefits offered to all EPA employees and may take the form of vehicles, club memberships, insurance supplements, reimbursed health care costs and similar benefits as may be permitted under UNC and State of North Carolina policies and procedures and IRS regulations. Non-salary compensation will be reported to the IRS on the employee's W-2 form for income tax purposes. Generally, the funding source for such non-salary compensation must be from non-State funds. Once fixed, the Chancellor will annually report to the Board of Trustees any non-salary compensation set for deans and other similarly situated officers.

Faculty:

The Chancellor is delegated authority from the Board of Trustees to grant certain non-salary compensation to faculty consistent with established policies and practices. Such non-salary compensation would be above the routine fringe benefits offered to all EPA employees and may take the form of vehicles, club memberships, insurance supplements, reimbursed health care costs and similar benefits as may be permitted under UNC and State of North Carolina policies and procedures and IRS regulations. Non-salary compensation will be reported to the IRS on the employee's W-2 form for income tax purposes. Generally, the funding source for such non-salary compensation must be from non-State funds. Once fixed, the Chancellor will annually report to the Board of Trustees any non-salary compensation set for faculty either explicitly on a case-by-case basis or by approval of applicable policies.

K



Office of the Internal Auditor

Greenville, NC 27858-4354

252-328-6044 office

252-328-4340 fax

February 6, 2002

Mr. Stuart Mixon
Associate Vice Chancellor for Human Resources

Dear Mr. Mixon:

This is notification to you that the Office of the State Auditor has cited no findings relative to personnel practices, salary or payroll out of compliance instances for Fiscal Years Ending June 30, 1999, 2000 & 2001 that would have jeopardized East Carolina University's Special Responsibility Constituent Institution status.

Sincerely,

A handwritten signature in cursive script that reads "Brenda R. Mills".

Brenda R. Mills

L

**East Carolina University
Faculty Manual**

**APPENDIX L
EAST CAROLINA UNIVERSITY CODE**

**APPENDIX L
EAST CAROLINA UNIVERSITY CODE**

CONTENTS

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- A. Voting Faculty Member
- B. Appointment of Administrative Officials
- C. Development, Screening, and Implementation of Unit Codes
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- F. Quadrennial Unit Administrator Evaluation
- G. Annual Evaluation of University Administrators

Preamble

In order to establish a mutual understanding which produces an essential joint effort in the government of East Carolina University, the faculty, administration, and trustees adopt the following code of regulations of university government.

A. Voting Faculty Member

[Please refer to interpretations #00-13, #198-9, #196-6, and #194-3 located in the Index of ECU Faculty Manual interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>.]

As pertains to faculty voting for the unit's nominating committee for appointment of administrative officials, for making recommendations on code content to the permanently tenured unit faculty members, in quadrennial evaluations of the effectiveness of unit programs, and in quadrennial evaluations of the effectiveness of unit administrators, a voting faculty member is someone who is appointed to a full-time faculty position; who is a permanently tenured or probationary term faculty person; who has been employed in any faculty position for at least 12 consecutive months at East Carolina University; who has regular academic faculty rank (*ECU Faculty Manual, Appendix D, Tenure and Promotion Policies and Procedures of ECU*); and who must, except as noted below for faculty on leaves of absence, be carrying at East Carolina University, at the time of the voting, not less than half the normal teaching/research program as practiced in the unit of appointment. (Faculty Senate Resolution #00-20)

The teaching/research requirement does not apply to unit administrators, librarians, or other university officers who may hold tenured positions in home units. Voting rights within individual units on matters addressed in their codes, other than those referred to in this document, should be a topic addressed in individual unit code development. The School of Medicine may define voting faculty for the purpose of this code in accordance with their unique structures, subject to the approval of the Faculty Senate.

A faculty member on leave of absence who satisfies the aforementioned criteria for a voting faculty member shall be eligible to participate in the election of the unit's nominating committee for appointment of administrative officials, in making recommendations on code content to the unit's permanently tenured faculty, and in quadrennial evaluations of the effectiveness of unit programs and/or administrators, provided that the absence of the member on leave shall not have exceeded twelve months duration at the time of the voting and provided that the member on leave returns to East Carolina University to participate.

In the event that return to the East Carolina University campus is impractical, the member on leave shall be eligible to participate only in quadrennial evaluations of the effectiveness of unit programs and/or administrators. In either case, the member on leave shall be informed of the nature of the pending issue by the unit administrator, who shall forward by registered mail to the member on leave appropriate reports, information, date and time of the vote, and, whenever the pending issue is a quadrennial evaluation, ballot(s). In the event that the member on leave is unable to return to the campus to participate, then the ballot(s) must be returned by the member within a thirty-day period from the time that the ballot(s) had been posted in Greenville, NC. If the member chooses to return to the campus to participate, then the member shall destroy the posted ballot(s).

B. Appointment of Administrative Officials

Each administrative official (exclusive of the Chancellor, the Vice Chancellor for Academic Affairs, the Vice Chancellor for Health Sciences, the Vice Chancellor for Research, the Vice Chancellor for Business Affairs, the Vice Chancellor for Student Life, the Vice Chancellor for Institutional Advancement, the Director of Athletics, and their assistants) whose direct concern is with academic matters will be appointed according to the following procedure:

1. The immediately superior administrative official will convene a nominating committee which will be formed in the following way:
 - a. The officer will designate a committee of at least five persons.
 - b. At least three-fifths of this committee will be faculty members belonging to the entire constituency of the office to be filled, elected by secret ballot by a majority of the members of that constituency present and voting at a meeting called for that purpose by the convening officer.
 - c. The remainder of the committee will be chosen from permanently tenured faculty members or administrators in a manner designated by the appointing officer.
2. This nominating committee shall:
 - a. establish criteria that the new official must meet,
 - b. solicit and screen applicants for the position, and
 - c. submit to the appointing officer one or more nominees. The committee shall determine by secret ballot that the nominees are acceptable to a majority of the permanently tenured faculty of the school, department, or college.
3. The appointing officer may accept one of the committee's nominees or may reject all of them. If the appointing officer should reject them, the committee must produce an additional nominee or nominees.

C. Development, Screening, and Implementation of Unit Codes

1. Each autonomous, self-governing unit (the various professional schools, Academic Library Services, Health Sciences Library, and the departments of the College of Arts and Sciences) shall, democratically develop a code of operations.

This code must be approved by a majority of the permanently tenured faculty members of the unit. The code will provide for the conduct of unit affairs according to *Robert's Rules of Order, Newly Revised*. Each code will be submitted to the Faculty Senate and the chancellor for review and ratification. In the College of Arts and Sciences and in those professional schools electing to organize into self-governing, autonomous units at the department level, codes shall be submitted to the appropriate dean for advice prior to submission to the Faculty Senate. After consultation with the appropriate vice chancellor, the chancellor shall ratify a code or shall return the code document to the code unit for revision and appropriate approval.

2. The faculty of a professional school may democratically decide to organize into self-governing, autonomous units at the departmental level in accordance with guidelines established by the Faculty Senate. A professional school's proposal to organize into self-governing, autonomous units will be reviewed by the Faculty Governance Committee. If the Faculty Governance Committee finds the proposal conforms to the guidelines, the proposal will be forwarded to the Faculty Senate for their consideration. If the Faculty Senate acts favorably, the proposal will be forwarded to the Chancellor. With the Chancellor's approval, codes of operation for the individual units shall be democratically developed. Upon approval of the codes, the code of the school will become null-and-void. Said school may democratically develop a constitution as a governance document. However, this constitution may not conflict with the authorities, responsibilities, and characteristics of the constituent units. If faculty members of professional schools do not choose to organize into self-governing, autonomous units at the departmental level, faculty in individual departments may democratically develop rules for the internal organization and operation of their departments.
3. To provide consistency unit codes should be developed following an approved outline that includes at least:
 - a. a preamble
 - b. definitions of the unit's faculty, its voting faculty, its graduate faculty
 - c. the administrative organization of the unit
 - d. the membership, terms, and duties of standing committees
 - e. a section that states regulations, criteria, and weights governing the evaluation of faculty members annually and otherwise for all personnel actions, including recommendations for merit awards, reappointment, promotion, and the award of permanent tenure (*ECU Faculty Manual, Appendices C and D*).
 - f. procedures for meetings within the unit
 - g. procedures for the unit's faculty members to indicate in a timely fashion and by vote their approval or disapproval of the unit's SACS report, major planning documents, and other assessments of unit operations prior to their submission to person(s) outside the unit
 - h. procedures for discussing with its unit administrator the unit's annual budget request and annual report
 - i. amendment procedures.
4. Each faculty member within a unit should have the most recent version of the unit's code.
5. With each quadrennial evaluation the unit administrator and the appropriate committee reviewing the unit's code should report to the Faculty Senate that the unit's code meets the current Faculty Senate guidelines for codes.
6. Unit codes that have been reviewed and approved by the Unit Code Screening Committee, the Faculty Senate, and the Chancellor should be deposited in the Faculty Senate office. The original should include a page containing the signatures of the chair of each reviewing body and the Chancellor or the Chancellor's delegate. If the Chancellor upon reviewing the unit's code requires changes in the code, the document should be returned to the unit for the required revisions and should continue through the review cycle until no further changes are required.
7. Immediately prior to the unit's quadrennial evaluation of its unit administrator, the Chancellor shall remind the unit's faculty and administrator that they must follow the unit's code.
8. The Chair of the Faculty and the Chancellor, or the Chancellor's delegate, shall arrange and schedule an orientation program for newly appointed administrators, to be conducted during the fall semester of each academic year.

Code Unit Changes

1. The policies and procedures set forth in this section apply to the following code unit changes:
 - a. dissolving a code unit without terminating faculty members' employment,
 - b. dividing a code unit into two or more code units,
 - c. merging a code unit with one or more code units,
 - d. moving a code unit,
 - e. changing a code unit's status from a department in the College of Arts and Sciences to a professional school, or from a professional school to one or more departments in the college,
 - f. renaming a code unit, in addition, changes in unit nomenclature shall be approved by UNC General Administration before such changes become effective.
 - g. any combination of the above.Changes will not occur until the faculty members in the units affected and the Faculty Senate have the opportunity to recommend to the Chancellor approval or disapproval of the proposed changes as originally presented or as amended by the affected units or the Faculty Senate.
(Faculty Senate Resolution #98-28, November 1998)
2. Proposals recommending code unit changes of the sort listed above may be initiated by:
 - a. at least one-fourth of a code unit's faculty members or
 - b. by administrators holding faculty status.Proposals must include at least a vestigial code of operations reflecting the changes and

Rev. 6-00/6-01

detailed plans for any faculty who might be displaced by the change.
[Please refer to interpretation #01-17 located in the Index of ECU Faculty Manual Interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>.]

3. Procedures for making code unit changes are as follows:
 - a. The person(s) initiating a proposal will provide copies of the proposal to the faculty members and unit administrators of all code units to be altered by the proposed changes.
 - b. Within 15 working days after the proposal has been distributed the initiator(s) will meet to discuss the proposal with the faculty members of the unit(s) or with representatives elected by each affected unit, the unit administrators, and the appropriate deans and vice chancellors (or their representatives).
 - c. Within 10 working days after this meeting, the permanently tenured faculty members of each affected unit will meet and vote their approval or disapproval of the proposal in its original form or as amended and then will communicate in writing the results of their action to their unit administrator. (Faculty Senate Resolution #00-20)
 - d. Within 10 working days the unit administrator will forward to the next higher administrator the results of the unit's action and his or her concurrence or non-concurrence with the unit's action.
 - e. Within 10 working days the next higher administrator will communicate in writing to the initiator(s) and to the appropriate vice-chancellor(s) the following: the unit faculty's action, the unit administrator's concurrence or non-concurrence with that action, and his or her concurrence or non-concurrence with that action.
 - f. The initiator(s) shall present copies of the proposal, the affected units' faculty recommendations, and the relevant administrators' concurrence or non-concurrence to the chair of the Educational Policies and Planning Committee. The committee shall consult with appropriate deans and vice-chancellors, and, if it deems necessary, with other faculty members and administrators. Within 40 working days (during the regular academic year), the committee will report its recommendations to the Faculty Senate.
 - g. The Faculty Senate will vote in a timely manner to recommend to the Chancellor the approval or disapproval of the proposal as originally received by the Educational Policies and Planning Committee or as amended by the Faculty Senate.
 - h. If the changes are approved by the Chancellor (and higher authority if necessary), implementation of these changes will be overseen by a committee including a faculty member appointed by the Chancellor, a faculty member appointed by the Chair of the Faculty, and a faculty member appointed by the Educational Policies and Planning Committee. The committee will provide timely reports on progress to the Educational Policies and Planning Committee.

E. Five-Year Unit Program Evaluation

1. Every fifth year, beginning with the 1998-1999 academic year, each unit shall complete a self-evaluation of its operation. The appropriate vice chancellor shall give notice to the voting faculty members of the unit that they shall meet and elect by secret ballot an evaluation committee. The committee shall supervise the unit evaluation ensuring full participation by all unit faculty members. The evaluation shall include, but not be limited to, all academic programs, budgets, teaching, research, creative activity, and service activities. Expressions of student opinion concerning academic programs and teaching shall be included.
2. The dean or unit administrator shall be ineligible to serve on the evaluation committee.
3. The unit faculty members shall meet to consider the report and recommendations of the evaluation committee not later than the end of January. The report and recommendations shall be distributed to the unit faculty members not later than one week prior to the meeting. The voting faculty members of the unit shall vote by secret ballot whether or not to accept the evaluation committee's report and recommendations. Acceptance shall require three-fifths of the voting faculty members of the unit. The report and recommendations, whether accepted or not, and the vote of the unit shall be submitted to the next higher administrative official not later than thirty calendar days prior to the completion of the spring semester. The next higher administrative official shall review the report and the vote, and then forward the report through higher administrative offices to the Chancellor for review and comment. If any administrator above the unit level fails to concur with the unit's recommendation that administrator shall inform the faculty of the unit in writing of the reasons for his or her decision.
4. The unit program evaluation shall be used in the development of the unit operational plan.
(Faculty Senate Resolution #98-28, November 1998)

F. Quadrennial Unit-Administrator Evaluation

[Please refer to interpretation #00-13 located in the Index of ECU Faculty Manual Interpretations at <http://www.ecu.edu/fsonline/interpretations.htm>.]

1. The voting faculty of each unit shall vote on the effectiveness of the unit administrator. During September of the unit administrator's fourth year of appointment and every fourth year thereafter¹, the voting faculty shall discuss and vote by secret ballot on the effectiveness of the unit administrator.

¹Unit administrators, scheduled to be evaluated in 1996, 1997, or 1998 under the current system, will be evaluated in that year and every fourth year thereafter.

2. Each unit will elect a Faculty Leader for the Quadrennial Unit Administrator Evaluation. For units with only one Personnel Committee, the elected chair of the Personnel Committee will serve as the Faculty Leader for the Quadrennial Unit Administrator Evaluation. For units with more than one Personnel Committee, the unit administrator will call a meeting of the chairs of the Personnel Committees during the spring semester preceding the Quadrennial

Unit Administrator Evaluation. At that meeting, a voting faculty member of the unit will be nominated and elected by the chairs of the Personnel Committees within the unit to serve as the Faculty Leader for the Quadrennial Unit Evaluation.

3. The Faculty Leader of the Quadrennial Unit Administrator Evaluation will call a meeting of the voting faculty during September of the following academic year. At that meeting, with the unit administrator absent, the faculty will discuss and vote by secret ballot on the effectiveness of the unit administrator. Absentee ballots must be made available for voting faculty members in advance of this meeting; ballots must be deposited with the Faculty Leader for the Quadrennial Unit Administrator Evaluation prior to the meeting so that those ballots may be intermingled with and then counted along with ballots of faculty members present for the meeting. It is the responsibility of the Faculty Leader for the Quadrennial Unit Administrator Evaluation to ensure that absentee ballots and all other ballots are kept secret and confidential.

4. The balloting will be conducted by the Faculty Leader for the Quadrennial Unit Administrator Evaluation, assisted by members of the Personnel Committee(s) from the unit. They shall distribute, collect, and count the ballots after adding any absentee ballots cast prior to the meeting. The unit administrator shall not vote in this procedure.

5. Before adjourning the meeting, the Faculty Leader for the Quadrennial Unit Administrator Evaluation shall announce the results of the balloting to the voting faculty members. Immediately following the meeting, the Faculty Leader for the Quadrennial Unit Administrator Evaluation shall convey to the unit administrator the results of the balloting. A copy of this correspondence shall also be submitted to the next higher administrative official by the Faculty Leader for the Quadrennial Unit Administrator Evaluation.

6. A negative vote by a majority of the voting faculty, excluding the unit administrator, shall constitute a recommendation that the unit administrator be removed. A decision to terminate an administrative officer's appointment shall be made by the Chancellor.

G. Annual Evaluation of University Administrators

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

Approved: Faculty Senate Resolution #93-41
10 December 1993
East Carolina University Board of Trustees

Amended: Faculty Senate Resolution #96-5, March 1996
Faculty Senate Resolution #96-15, May 1996
Faculty Senate Resolution #98-28, November 1998
Faculty Senate Resolution #00-20, April 2000
Interpretations made to Section A. (2-11-98, 9-6-96, and 2-23-94)
Interpretations made to Section A. and F. (2-1-00)
Interpretation made to Section D.2. (Faculty Senate Resolution #01-12, February 2001)

M

G. Policies governing non-salary compensation

The non-salary compensation policy provides the chancellor with discretion to determine who is eligible and what they may receive. The policy does not provide for guidance in making these decisions and, therefore, can lead to allegations of arbitrary and capricious administration. (p. 5 and Attachment J)

Suggested revisions: "Upon the recommendation of the Chancellor, the Board of Trustees may grant, ..." Later – "The Chancellor will recommend approval..."

Revised. See pages 68 & 69.

H. Documentation on any audit findings related to personnel -recommended for approval

No action needed.

I. Accountability procedures if authority is delegated

This section on delegation needs to be changed to comply with the amended policy. (p. 6)

Revised. See page 5.

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- II. The comments in this section are considered important in regard to approval of management flexibility for personnel appointments, pursuant to Policy 600.3.4. We need a response as to how you plan to address these matters.

ECU's Faculty Senate is considering the suggested revisions to the ECU Faculty outlined in Parts II and III of Dr. Bataille's letter.

Since ECU is a federal contractor, Guidelines, p. 14, 1, needs to address non-discrimination due to veteran status. (See also Appx. D, II.A.3., p. 28)

Revised. See page 14, item 1.

The federal government, and now the state, all prohibit disability discrimination. "Handicapped discrimination" is a dated term, suggesting that a policy containing it has not been reviewed in some time. We believe this policy needs to be made current, given the somewhat lesser legal requirements for handicapped discrimination and the somewhat greater requirements for disability discrimination. (Appx. D, II.3., p. 28)

Referred to the ECU Faculty Senate for consideration.

“Age” and “sexual orientation” are omitted. (p. 14) You may not have a policy on sexual orientation; however, age must be included to comply with federal and state law. (p. 14)

Revised. See page 14, item 1. Sexual orientation was not required to be addressed in this revision.

We recommend, if not already being done, that any departmental guidelines for appointing search committees (p. 15, bottom) be in written form, and reviewed on a regularly established basis.

Revised. See middle of page 16, item 1. Information in Appendix L of the Faculty Manual (Section B) outlines the guidelines for appointing search committees. See page 72, item B.

III. The following comments are not critical to the approval process for management flexibility. However, because the materials submitted were reviewed, and observations made regarding those policies, it seemed worthwhile to provide you with the following comments, questions, and suggestions. You are not obligated to respond back on the items listed below. If you find any of them useful and want to incorporate any of them into policies, now or upon the next review, that is your decision. They are simply offered in the spirit of collegial assistance.

A. Observations about “Guidelines for Recruitment”

1. SAAO Positions do not need approval by the Board of Governors. (p. 13)

Revised. Page 13.

2. The terms “Tier I” and “Tier II,” while used frequently to discuss administrative levels, are not in the policy. (p. 12)

No revision required.

3. The policy indicates that the EEO officer reviews complaints about discrimination, but does not indicate who investigates such complaints. (p. 14, bottom) We believe, if it is not already being done, that best

practice would be specially trained individuals investigating such complaints, especially in the area of sexual harassment.

Revised. Page 15, item 10.

4. The EEO officer's list of duties does not indicate if complaints are investigated when made at the campus level, or if this occurs only when a formal complaint is filed with EEOC. (p. 14, bottom) We believe, if it is not already being done, that best practice would be to investigate complaints as soon as they come to administration's attention, and not wait until EEOC becomes involved.

Revised. Page 15, item 10.

5. A policy recommendation (p. 16, top) calls for the hiring authority not to be a member of the search committee. As long as you realize that this position is not required by law, but is simply a policy decision, then that is fine.

No action needed.

6. We believe that the position qualifications and responsibilities may sometimes significantly affect the viability of applicants in protected classes. You might consider addressing the importance of the preparation of position vacancy notice and making clear how important this part of the search process is. (p. 16, middle)

Revised. Page 17.

7. We wonder if e-mailing is now permitted by magazines for receiving advertisements. If so, you should consider making that change in your policy. (p. 17, middle)

Revised. Page 18

8. Can a candidate really be excluded for not having sent back the applicant data form? (p. 17)

Revised. Page 18

9. We believe that for the best practice in recruitment and hiring, the rating sheet should be prepared at the time the position vacancy notice is

prepared. If it is not prepared then, by all means it should be prepared prior to receiving any applications, so as to avoid an assertion that the rating sheet was designed to assure the selection of a particular applicant. (p. 17, bottom)

Revised. Page 19

10. We wonder if e-mailing the Screening Report to the EEO officer might be listed as an option in the policy. (p. 18, middle) We assume from the way the Data Form is handled, that the search committee does not have access to race/gender and other protected group identification as they make their selections (though some assumptions may be able to be made, particularly names often identifying gender).

Revised. Page 19

B. Observation about Appendices C and D

Since significant numbers of faculty lawsuits involve “promissory estoppel” based upon promises made to applicants/recruits by people without the authority to make such commitments, we recommend that by policy and communication with applicants and recruits, each department makes clear who speaks for the University, and if there are multiple people, in what areas they have authority to make binding commitments. (Appx. C, I.E.)

Referred to the ECU Faculty Senate for consideration.

The use of “character traits” in making hiring decisions has, in the past, been a code for making decisions based upon discriminatory grounds. While we are certain you do not meant the phrase be used in that way, given its historical use, a hiring policy containing this would receive greater scrutiny and could be subjected to public criticism. (Appx. C, I.D.)

Referred to the ECU Faculty Senate for consideration.

It needs to be made clear that while there can be a primary personnel file; all materials are considered part of the personnel files. (VI)

Referred to the ECU Faculty Senate for consideration.

While we recognize that financial exigency and program curtailment/closure are described as a basis for termination in Section VII and that section is referenced in Section I, given the introduction to Section I lists reasons for a tenured professor being discharged, we recommend expanding the statement about termination in Section I to include the list of reasons there. (p. 27)

Referred to the ECU Faculty Senate for consideration.

Form experiences, we strongly recommend that for any hearing from which an appeal may be taken (not mediation), that a court reporter record and transcribe the hearing, since untrained individuals are not capable of correctly transcribing periods when multiple people are talking at once. (Appx. D, V.D.2., p. 37; VI.F.2., p. 39; VI.B.7., p. 43)

Referred to the ECU Faculty Senate for consideration.

“Political affiliation” is added here and nowhere else. We are not sure we understand why. (A.3, p. 28)

Referred to the ECU Faculty Senate for consideration.

This document should clarify the level of confidentiality of external letters. Can the candidate see them as a part of the tenure and promotion file? Are they available only with a court order? (E. p. 32)

Referred to the ECU Faculty Senate for consideration.

How is a “secret ballot” defined? Is it the same as “anonymous”? (9G.3, p.33)

Referred to the ECU Faculty Senate for consideration.

We did not find any mention that a consideration in awarding tenure was institutional needs and resources. If that is not stated in considerations for awarding tenure, we recommend it be included.

Referred to the ECU Faculty Senate for consideration.

