

# ECU Faculty Senate

## Post-Tenure Review Updates AY 2024-2025

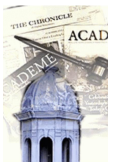
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# Overview

- UNC Policy Manual and *Code* changes
- *ECU Faculty Manual* revisions
- Post Tenure Review
- Unit Guidelines
- Questions



## ECU Faculty Senate

*“Shared governance in an academic setting is a fragile balancing act that takes place between the administration of the university and its faculty. It is the attempt by the administration and the faculty to solve problems and implement policies in a manner that benefits all the constituencies of the university.”*

*(Don Sexauer, Chair of the Faculty, Pieces of Eight, 1998)*



# UNC Policy Manual and Code

UNC policy manual and Code supersedes all campus documents.

## Chapter 100 - The Code and Policies of the University

### 100.1 - The Code

- CHAPTER I - Establishment, Incorporation, and Composition of the University of North Carolina
- CHAPTER II - The Board of Governors
- CHAPTER III - Committees of the Board of Governors
- CHAPTER IV - Boards of Trustees
- CHAPTER V - Officers of the University
- CHAPTER VI - Academic Freedom and Tenure
- CHAPTER VII - Finances, Property, and Obligations
- CHAPTER VIII - Matters Involving Nonpublic Institutions
- CHAPTER IX - Miscellaneous Provisions
- Appendix 1 - The Code Appendix 1
- 100.2 - Adoption of the UNC Policy Manual, Promulgation of Policies, and Use of Reporting Requirements
- 100.3 - Policy on Waivers from University Policies, Regulations, and Guidelines
- 100.4 - Policy on Review of Umstead Act Exceptions

### 101.3 - Appellate Review

- 101.3.1 - Policy on Regulations and Guidelines Implementing Chapter VI of The Code
- 101.3.1.1[R] - Regulation on Disciplinary Discharge, Suspension, or Demotion Under Section 603 of The Code
- 101.3.1.2[R] - Regulation on Non-Reappointment, Denial of Tenure, and Denial of Promotion Under Section 604 of The Code
- 101.3.1.3[R] - Regulation on Grievances Filed Pursuant to Section 607 of The Code

### 300.7 - Retirement

- 300.7.1 - Optional Retirement Program
- 300.7.2 - The University of North Carolina Phased Retirement Program
- 300.7.5[R] - Regulation on Faculty Realignment Incentive Program (FRIP)

### 300.8 - Other Personnel Policies

- 300.8.1 - Selective Service Registration of Applicants for Employment
- 300.8.3[R] - Regulation on Institutional Occupational Safety and Health Programs
- 300.8.4[R] - Regulation on Reporting Misuse of State Property by State Employees
- 300.8.5 - Equality Within the University of North Carolina
- 300.8.6[R] - Regulation on Flexible Work Arrangement and Remote Work
- 300.8.7[R] - Regulation on Pre-Employment Background Checks and Applicant Salary History
- 300.8.8[R] - Regulation on Calculating Work Hours for Adjunct Faculty Health Insurance Eligibility

## Chapter 400 - Academic Programs

- 400.1 - Policy on Academic Program Planning
- 400.1.1[R] - Regulation for Academic Program Planning and Evaluation
- 400.1.2 - Termination of Programs
- 400.1.2.1[R] - Regulation on Terminating Programs
- 400.1.2[R] - Regulation for New Campuses, Branch Campuses, and Other Off-Site Educational Use of Facilities
- 400.1.5 - Policy on Fostering Undergraduate Student Success
- 400.1.5.1[R] - Regulation on the University of North Carolina Common Numbering System
- 400.1.5.2[R] - Fifteen-Hour Average Courseload Requirement for Full-Time Undergraduates
- 400.1.5[R] - Regulation Related to Fostering Undergraduate Student Success
- 400.1.5[G] - Guideline Related to Fostering Undergraduate Student Success
- 400.1.6 - Policy on the University of North Carolina Academic Calendar and Credit Requirements
- 400.1.7 - Nursing Education

### 400.3 - Tenure and Teaching in the University

- 400.3.1 - Teaching Effectiveness in the University of North Carolina
- 400.3.1.1[R] - Regulation on Teaching Effectiveness in the University of North Carolina
- 400.3.2 - The Tenure Regulations of the Constituent Institutions
- 400.3.3 - Performance Review of Tenured Faculty (Post-Tenure Review)
- 400.3.3.1[R] - Regulation on Performance Review of Tenured Faculty (Post-Tenure Review)
- 400.3.4 - Policy on Faculty Workload
- 400.3.4[R] - Regulation on Faculty Workload

## Chapter 700 - Admission, Matriculation, and Other Student Matters

### 700.1 - Undergraduate Admission

- 700.1.1 - Policy on Minimum Eligibility Requirements for Undergraduate Admission for the University of North Carolina System
- 700.1.1.1[R] - Regulation on Minimum Eligibility Requirements for Undergraduate Admission for the University of North Carolina System
- 700.1.1.2[R] - Regulation on Transfer Student Admission



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# ECU Faculty Manual Updates

**Part II:** East Carolina University Organization and Shared Governance

Section II: Faculty Constitution & By-Laws\*

Section III. Academic Policy, Administrative Policy, and Vetting of Administrative PRRs in Matters Relating to Faculty\*

**Part IV:** Academic Units, Codes, and Seven Year Program Evaluation

Section I: Academic Code Units\*

**Section II: Unit Faculty Workload Guidelines\***

**Part V:** Academic Freedom, Professional Ethics, Diversity, Equity and Inclusion

Section II: Statement on Professional Ethics\*

**Part VI:** Teaching and Curriculum Regulations, Procedures, and Academic Program Development

Section II: Academic Integrity\*

**Part VIII:** Personnel Policies and Procedures for Faculty

**Section I: Personnel Policies & Procedures for the Faculty of East Carolina University\***

**Part IX:** Appointment, Tenure, Promotion, and Advancement Policies and Procedures and Performance Review of Tenured Faculty

**Section I: Appointment, Tenure, Promotion, & Advancement Policies and Procedures\***

**Section II: Performance Review of Tenured Faculty\***

**Part X:** Personnel Action Dossier and Tenure and Promotion Schedule

Section I: Personnel Action Dossier\*

Section I: Personnel Action Dossier--Revised to add Advancement in Title\*

**Section II: Documentation and Schedule for Personnel Actions\***

**Part XI:** General Faculty Employment Guidelines and Benefits

Section IV: Equal Employment Opportunity/Affirmative Action Policy\*

**Part XII: Faculty Appellate Provisions**

**Section I: General Appellate Procedures\***

**Sections II-VII: Grievance Procedures\***



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# Performance Review of Tenured Faculty (Post-Tenure Review)

I. Purpose. To support and encourage excellence among tenured faculty, there shall be a post-tenure review process. The post-tenure review process at constituent institutions<sup>1</sup> of the University of North Carolina is a cumulative, holistic, and comprehensive periodic evaluation of tenured faculty performance designed to:

- A. Assist faculty members in meeting university performance expectations;
- B. Recognize and reward exemplary performance when faculty members exceed expectations;
- C. Provide for a clear plan and timetable for improvement of performance when faculty do not meet expectations; and
- D. Provide for the imposition of appropriate sanctions, consistent with Chapter VI of *The Code* of the University, when faculty members do not meet the goals established in a faculty success plan.

II. Definitions. The following terms, as defined, shall be utilized by constituent institutions in post-tenure reviews of tenured faculty:

- A. Exceeds Expectations: The faculty member consistently and considerably surpasses established goals in the faculty member's annual and long-term work plans.
- B. Meets Expectations: The faculty member consistently achieves and may occasionally surpass established goals in the faculty member's annual and long-term work plans.
- C. Does Not Meet Expectations: The faculty member does not consistently achieve established goals in the faculty member's annual and long-term work plans.
- D. Faculty Success Plan: A formative strategy that includes specific steps designed to lead to a faculty member's improved performance in achieving established goals in the faculty member's annual and long-term work plans. This plan shall include a specified timeline in which improvement is expected to occur and a clear statement of consequences should improvement not occur within the designated timeline.

B. For each tenured faculty member, a post-tenure review shall take place at least every five years. A review undertaken as part of the process for conferring tenure or recommending a faculty member for promotion qualifies as a cumulative performance review; the next post-tenure review shall occur five years after the date of the conferral of tenure or promotion regardless of the date of any preceding review.

C. All participants in the post-tenure review shall consider the faculty member's annual evaluations and any faculty success plans that were required in the time period under review.

D. Each institution shall publish and make accessible to faculty members any refinement to the definitions of the evaluation categories (exceeds expectations, meets expectations, does not meet expectations). Such refinements shall be consistent with this policy and any regulations adopted by the president.

E. Faculty members shall conduct a self-evaluation to be used in the post-tenure review.

F. Faculty peers shall be included in the post-tenure review process.

G. The post-tenure review process shall include written feedback to the faculty member being reviewed as well as a mechanism for faculty response to the evaluation.

H. Both the department chair/unit head and the dean shall conduct an evaluative review in the post-tenure review process.

I. Each constituent institution shall develop appropriate recognition of faculty who receive a post-tenure review evaluation of Exceeds Expectations.

J. Each constituent institution shall require a faculty success plan for each faculty member who does not meet expectations in the post-tenure review. These faculty success plans shall include specific steps designed to lead to improvement, a specified timeline consistent with UNC Policy 400.3.3.1[R], *Regulation on Performance Review of Tenured Faculty (Post-Tenure Review)*, in which improvement is expected to occur, and a clear statement of consequences should improvement not occur within the designated timeline.

K. Institutional policies for post-tenure review shall not abrogate, in any way, the criteria and procedures for disciplinary action or faculty employment rights established in Chapter VI of *The Code* of the University.

IV. Compliance, Reviews, and Updates of Policies and Procedures

A. The chief academic officer, however titled, shall certify via annual report that all aspects of the post-tenure review process are in compliance with this policy and any associated regulations adopted by the president of the University.



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# Regulation on Performance Review of Tenured Faculty (Post-Tenure Review)

## II. Post-Tenure Scope and Review Categories:

A. Post-tenure reviews shall evaluate all aspects of the professional performance of tenured faculty members, whose primary responsibilities are teaching, research/creative activity, and service. These evaluations shall be based on the faculty member's long-term work plan.

1. Post-tenure review and resulting recommendations shall take the allocation of a faculty member's responsibilities into account.

2. If a faculty member is reassigned to other duties (e.g., department chair or academic unit head) for .50 FTE or more, or is occupying a leave-earning position (e.g., SAAO Tier I or Tier II), that faculty member shall not be required to undergo post-tenure review until having completed a five-year cycle following the reassignment.

B. Institutional post-tenure review policies and procedures shall utilize the three assessment categories defined in UNC Policy 400.3.3: exceeds expectations, meets expectations, and does not meet expectations. Per UNC Policy 400.3.3, *Performance of Tenured Faculty (Post-Tenure Review)*, Section III. D., if a constituent institution has developed and published refinements to the

B. At the beginning of the post-tenure review cycle, the faculty member and the department chair/academic unit head shall develop a long-term work plan. That plan shall be coordinated with the annual work plans and evaluations required by UNC Policy 400.3.4, *Policy on Faculty Workload*, although annual evaluations are not a substitute for the comprehensive, periodic, cumulative performance (post-tenure) review required by the Board of Governors. The plan shall be approved by the college/school Dean (or appropriate next-level supervisor).

1. Institutional policies and procedures shall allow faculty members, in consultation with the department chair/academic unit head, to modify the long-term workplan annually, if deemed appropriate by changes in institutional, departmental, or personal circumstances. Plan modifications must be approved by the college/school Dean (or appropriate next-level supervisor).

2. Institutional policies and procedures shall address how any faculty success plans resulting from an annual evaluation shall be considered in the post-tenure review process.

C. A post-tenure evaluation committee, consisting of tenured faculty, for a department/academic unit shall be selected by a process agreed upon by the tenured faculty in that unit, in accordance with the following guidelines.

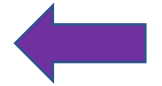
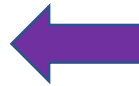
1. The faculty member being reviewed shall not have the option of selecting members of the post-tenure evaluation committee.

2. The post-tenure evaluation committee shall consist of no less than three (3) tenured faculty members from the department/unit.

3. If the institution's department includes no other expert in the specific field of research/creative activity of the faculty member under review, institutions may establish a process for requesting external faculty experts to provide a review of the candidate's work (e.g., research and publications). The external expert shall be a tenured faculty member and, if available, from a UNC constituent institution.

D. A self-assessment component shall be part of the post-tenure review processes. This component shall provide faculty members the opportunity to offer the post-tenure evaluation committee an important perspective. Each institution shall design and define the specifics on length, format, and required information for these self-assessments.

E. The post-tenure evaluation committee shall provide a brief, written rationale for each assessment in each relevant category (teaching, research/creative activity, service), in





# Regulation on Performance Review of Tenured Faculty (Post-Tenure Review)

accordance with the faculty member's long-term work plan and allocation of duties. The peer review committee shall provide an overall ranking of exceeds expectations, meets expectations, or does not meet expectations.

1. Any performance review that includes a recommendation for recognition of performance that exceeds expectations shall include a statement of the faculty member's primary responsibilities and specific descriptions of how the faculty member exceeded assigned duties and the directional goals established.
2. Any performance review that indicates the faculty member does not meet expectations shall include a statement of the faculty member's primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member's assigned duties and the directional goals established.

F. The department chair/academic unit head shall provide a separate, written evaluation of the faculty member. That evaluation shall explicitly state points of concurrence or points of variation from the post-tenure evaluation committee. Any recommendation for a faculty success plan or for recognition of performance that exceeds expectations shall be accompanied by a specific rationale for that recommendation.

G. Before the reviews of the post-tenure evaluation committee and the department chair/academic unit head proceed to the dean, the faculty member shall have no less than fourteen (14) calendar days from receiving these documents to provide a written response. If the faculty member under review disagrees with the evaluation, the response shall offer evidence in support of a different assessment. The response shall become part of the permanent record of the post-tenure review moving forward.

H. The appropriate dean shall provide a written evaluative review based on the faculty member's materials and the reports of the post-tenure evaluation committee, the department chair/academic unit head, and any written response from the faculty member. Other than relief available through an institutional grievance process, the dean's rating is the final rating (and one reported to the UNC System Office).

1. A faculty member whose review results in an overall rating of exceeding expectations shall be considered to have completed the post-tenure review process. Institutions shall create a process to forward recommendations regarding a faculty member exceeding expectations to the chief academic officer, however titled, for recognition and/or reward. Institutional policies shall indicate how the names of faculty who exceeded expectations are advanced for such recognition and/or award, what types of recognition and/or reward are available, and how such recognition and/or award are/is bestowed.
2. A faculty member whose review results in an overall rating of meets expectations shall be considered to have completed the post-tenure review process.
3. A faculty member whose review results in an overall rating of does not meet expectations shall be subject to a faculty success plan.

I. Faculty success plans shall be formative, developed in cooperation with the faculty member, and include specific steps designed to lead to improvement. Institutions shall specify

timelines of at least one year from the date of the implementation of the success plan, or longer, depending on the area in which improvement is required. The faculty success plan must include a clear statement of consequences, in accordance with Chapter VI of *The Code* should improvement not occur within the designated timeline.

1. Peer mentoring is encouraged as part of the faculty success plans.
2. Progress meetings with the department chair/academic unit head shall occur on at least a semi-annual basis during the specified timeline.
3. The department chair/academic unit head, in consultation with the dean, may redefine faculty workloads and distribution of teaching, research/creative activity, and service in cases where a faculty member receives a does not meet expectations post-tenure review assessment.
  - a. The chair/head and dean shall ensure any changes to these duties are not punitive responses to the faculty member and instead address ways to support the department, school/college, and institution to better leverage the faculty member's expertise and abilities and improve their performance.
  - b. The faculty success plan shall detail the changes in duties and responsibilities the faculty member's annual work plan shall also change accordingly to ensure the faculty member is evaluated appropriately, based on the relevant allocation of workload.

J. The department chairs/academic unit heads, through their deans, shall certify compliance with all aspects of the post-tenure review process and with UNC policy and guidelines to the chief academic officer, however titled. The chief academic officers, in turn, shall note the institution's compliance in an annual report on post-tenure review to the UNC System Office.



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# Key Definitions

**Faculty self-assessment:** Required for teaching part of annual evaluation and in post-tenure review. Self-assessment must include a summative review of the faculty member's teaching (for annual evaluation)/responsibilities (for post-tenure review) during the period under review and shall identify future formative strategies to continue growth (see *East Carolina University Faculty Manual*, Part VIII, Section I).

**Faculty success plan:** Required after annual evaluation and post-tenure review for each faculty member who does not meet expectations (see *East Carolina University Faculty Manual*, Part VIII, Section I).

**Peer assessment:** Required for teaching part of annual evaluation. Ways to conduct peer assessment: formal peer observation, documented review of teaching portfolios, documented discussions regarding pedagogical goals and methods, other peer assessment enabled by the unit code (see *East Carolina University Faculty Manual*, Part VIII, Section I).

**Peer Review Committee:** The Tenure Committee to elect the Peer Review Committee of a minimum of three faculty members and one alternate from the permanently tenured voting faculty not holding administrative status. The alternate shall serve when a member is unable to serve. The faculty member being reviewed shall not have the option of selecting members of the Peer Review Committee. Members of the Peer Review Committee shall serve for one academic year.

**External Review Expert:** If the unit 's tenured faculty includes no other expert in the specific field of research/creative activity of the faculty member under review, at the candidate's request, the tenured faculty may establish a process for selecting external faculty experts to provide a review of the candidate's research/creative activity work. The external expert shall be a tenured faculty member and, if available, from a UNC constituent institution.





# Post-Tenure Review Key Changes for AY 24-25

1. No Block Schedule. Units will keep individual timelines for their tenured faculty.
2. Process begins with the Peer Review Committee.
  - Sub-set of Tenure Committee with at least 3 members & 1 alternate.
  - Faculty should hold no administrative duties.
3. Faculty Member under review may not select Peer Review Committee members.
4. Candidate may request an external reviewer if no expert in their area is in the unit.
5. Review is focused on annual reports, annual evaluations, annual, long-term work plans, and any faculty success plans during review period.
6. Self-assessment of 5-year work plan included in review.
7. Peer assessment should occur, at the latest, between the second and third year after granting of tenure or the previous post-tenure review.
8. Forms A-C used for the review are housed in the *ECU Faculty Manual* Part IX.
9. Dean prepares their own performance review of the faculty member under review after the unit administrators completes their review.
10. Post Tenure Review Timeline is updated and in Part X.
11. A faculty member whose review results in an overall rating of does not meet expectations shall be subject to a faculty success plan.
  - Written in conjunction with Peer Review Committee, the unit administrator, in consultation with the dean.
  - Faculty progress shall be reviewed in a meeting that occurs at least twice each academic year with the Peer Review Committee and the unit administrator.
12. A review undertaken as part of the process for conferring tenure or recommending a faculty member for promotion qualifies as a cumulative performance review.



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# Faculty Self-Assessment (Form B)

Name: \_\_\_\_\_

College/School: \_\_\_\_\_

Department/School: \_\_\_\_\_

Date: \_\_\_\_\_

*In no more than two pages, the faculty member shall develop a summative review of their responsibilities during the period under review and shall identify future strategies to meet or strive to exceed the performance standards contained for the Department of XYZ in the unit code.*



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# Part X: Post Tenure Review

## Timeline (DRAFT)

### Post-Tenure Review

The timelines designated in these schedules are the normal review cycles for the stated personnel actions. The Chancellor (or designee) may approve an adjustment to these timelines when compelling circumstances, as determined by the Chancellor (or designee), justify a temporary revision.

Action	9 and 12 Month Faculty	Time Allotted for Decision
Unit Administrator informs faculty of post-tenure review deadline and Tenure Committee of need to form Peer Review Committee	3 <sup>rd</sup> Monday in August	
Faculty submit drafts of post tenure review documentation to unit administrator	2 <sup>nd</sup> Monday in September	3 weeks
Faculty and unit administrator meet to discuss post-tenure review documentation	1 <sup>st</sup> Monday in October	3 weeks
Faculty member submits post-tenure review documentation to Peer Review Committee	3 <sup>rd</sup> Monday in October	2 weeks
Committee review to unit administrator	3 <sup>rd</sup> Monday in November	4 weeks
Unit Administrator review to Dean	2 <sup>nd</sup> Monday in December	3 weeks
Dean review to Provost	February 1 <sup>st</sup>	6 weeks



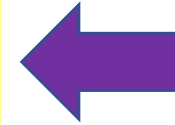


# Academic Unit Codes of Operations

- [Guidelines for Writing and Revising a Unit Code of Operation \(PDF\)](#)
- [Guidelines for Organizing into Code Units \(PDF\)](#)
- [Academic Unit Standards for Performance Review of Tenured Faculty \(PDF\)](#)

**NOTICE:**

The UNC Board of Governors and UNC System President have recently promulgated a variety of updates to UNC System policies, regulations, and guidelines ("UNC policies"). In the event of a conflict between an ECU academic unit code of operation (or associated guidelines) and UNC policies, UNC policies shall control. Unit codes should stay on the same cycle of 5-year reviews. For questions or inquiries, please contact [Dr. Anne Ticknor](#), Chair of the Faculty.



Search:

Colleges/Schools/Units	Code	PTR Standards
Academic Library Services	<a href="#">Academic Library Services Unit Code 03-15-2021 (PDF)</a>	<a href="#">Academic Library Services PTR Standards 01-23-2018 (PDF)</a>
Allied Health Sciences	<a href="#">Allied Health Sciences Unit Code 06-14-2022 (provisional) (PDF)</a>	
Addictions and Rehabilitation Studies		<a href="#">Addictions and Rehabilitation Studies PTR Standards 01-22-2018 (PDF)</a>
Clinical Laboratory Science		<a href="#">Clinical Laboratory Science PTR Standards 05-02-2013 (PDF)</a>
Communication Sciences and Disorders		<a href="#">Communication Sciences and Disorders PTR Standards 05-02-2013 (PDF)</a>
Health Services and Information Management		<a href="#">Health Services and Information Management PTR Standards 07-26-2013 (PDF)</a>
Nutrition Science		<a href="#">Nutrition Science PTR Standards 09-30-2015 (PDF)</a>
Occupational Therapy		<a href="#">Occupational Therapy PTR Standards 05-02-2013 (PDF)</a>
Physical Therapy		<a href="#">Physical Therapy PTR Standards 05-02-2013 (PDF)</a>
Physician Assistant Studies		
<b>Arts and Sciences</b>		
Anthropology	<a href="#">Anthropology Unit Code 12-13-2018 (PDF)</a>	<a href="#">Anthropology PTR Standards 01-23-2018 (PDF)</a>
Biology	<a href="#">Biology Unit Code 06-21-2017 (PDF)</a>	<a href="#">Biology PTR Standards 01-23-2018 (PDF)</a>



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# UNC Code Chapter VI Revisions

The UNC Policy Manual

*The Code*

100.1

Technical Corrections 09/22/21

Amended 05/25/23

## CHAPTER VI- ACADEMIC FREEDOM AND TENURE

### SECTION 600. FREEDOM OF INQUIRY AND RESPONSIBILITY WITHIN THE UNIVERSITY COMMUNITY.

(1) The University of North Carolina System is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

(2) The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.

(3) Faculty and students of the University of North Carolina System shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

### SECTION 601. ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY.

(1) It is the policy of the University of North Carolina System to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of the constituent institutions. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with the University and their position as faculty members. They should not represent themselves, without authorization, as spokespersons for the University of North Carolina System or any of its constituent institutions.

(2) The University and its constituent institutions shall not penalize or discipline members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

### SECTION 602. ACADEMIC TENURE; NON-DISCIPLINARY SEPARATION.<sup>1</sup>

(1) To promote and protect the academic freedom of its faculty, the board of trustees of each constituent institution shall adopt policies and regulations governing academic tenure. Policies adopted by a board of trustees regarding academic tenure and promotion shall be effective upon review by the senior vice president for academic affairs and the vice president and general counsel and approved by the president. The chancellor, or their designee, shall review the constituent institution's tenure policies periodically, but at least every five years, and shall report to the president whether or not amendments or revisions are appropriate. The chancellor shall involve the faculty in this review; however, the chancellor shall make the final decision regarding any proposed amendments or revisions.

(2) In all instances, the tenure conferred on a faculty member is held with reference to employment by a constituent institution, rather than to employment by the University of North

### SECTION 603. DISCIPLINARY DISCHARGE, SUSPENSION OR DEMOTION<sup>4</sup>.

(1) A faculty member who is the beneficiary of institutional guarantees of academic tenure shall enjoy protection against unjust and arbitrary application of formal discharge, suspension, or demotion. During the period of such guarantees the faculty member may be discharged from employment, suspended without pay, or demoted in rank for reasons of:

(a) Incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time;

(b) Neglect of duty, including but not limited to, the sustained failure to: meet assigned classes, respond to communications from individuals within the faculty member's supervisory chain, report to their employment assignment and by continuing to be absent for fourteen (14) consecutive calendar days without being excused by their supervisor, or to perform other essential duties of their position or

(c) Misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics or engaging in other unethical conduct; violation of university policy or law; mistreatment of students or employees; research misconduct; financial or other fraud; or criminal, or other illegal or inappropriate conduct. To justify formal discharge, suspension, or demotion, such misconduct should be either (i) sufficiently related to a faculty member's responsibilities as to disqualify the individual from effective performance of job duties, or (ii) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

Formal discharge, suspension, or demotion may be imposed only in accordance with the procedures prescribed in this section. For impositions of formal discharge, suspension, or demotion under this section of *The Code*, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. These procedures shall not apply to Non-Reappointment, Denial of Tenure, and Denial of Promotion as provided in Section 604, Separation Due to Financial Exigency or Program Curtailment as provided in Section 605, a grievance as provided in Section 607, or any other lesser employment action that is not a formal discharge, suspension, or demotion.

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## ECU Faculty Senate

# Compelled Speech & Equality Guidance from OUC

Office of University Counsel

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Guidance Regarding Equality Policy

University PRRs

## Policy Against Compelled Speech

In 2023, the UNC Board of Governors passed revisions to the [UNC Policy 300.5.1, Political Activities of Employees](#) ("Policy"), which applies to exempt employees and also protects applicants for employment or admission. The UNC System Division of Legal Affairs posted [Guidance Regarding Implementation of Policy Against Compelled Speech on March 17, 2023](#). Also in 2023, the North Carolina General Assembly passed new [N.C. Gen. Stat. § 126-14.5](#) and [§ 126-14.6](#), which applies to non-exempt employees, Clinical Support Staff of the Brody School of Medicine, Dental Clinical Operations Support Staff, and employed physicians and dentists.

The effect of the Policy and laws is to protect employees and applicants from being solicited or required to ascribe to or opine about beliefs, affiliations, ideas, or principles regarding matters of contemporary political debate or social action as a condition of admission, employment, or professional advancement, including faculty promotion and tenure processes.

For more information on this topic, please see these [Frequently Asked Questions](#).

### Compelled Speech Prohibition

At its February 2023 meeting, the UNC Board of Governors passed revisions to the UNC Policy [300.5.1, Political Activities of Employees](#) (policy). The North Carolina General Assembly also passed [N.C. Gen. Stat. § 126-14.5](#) (forthcoming). Both the policy and law include prohibitions on compelling speech in academic admissions, employment, and professional advancement, including faculty promotion and tenure processes. The following guidance is provided to assist HR campus partners, hiring officials, and search committees in understanding how to comply with and apply the policy and state law in recruitment, selection, and professional advancement.

As stated in Chancellor Rogers' message of March 27, 2023, in "no way does compliance with the policy diminish our ability to actively engage potential candidates on how they support students; how they create campus environments where all individuals can thrive; and how we shape a university climate that is built around the vigorous exploration and debate of ideas." As evidenced by our new strategic plan, [Future-focused. Innovation driven](#), we remain committed to sustaining an inclusive environment and cultivating a culture of care, belonging and opportunity for all faculty, staff, and learners.

### What is compelled speech?

The UNC System policy prohibits compelled speech in hiring, admission, or promotion/tenure. University representatives will not solicit or require an applicant, candidate, or faculty member to make statements that require attesting to or affirming beliefs about matters of contemporary political debate or social action as part of these processes.

It is important to note that this policy does not prohibit value statements or expressions made by schools, units or departments regarding our commitment to providing a welcoming and inclusive environment to the diverse populations we serve as long as they do not compel. These statements can remain on websites and other materials as long as they do not compel employees or applicants to attest to or affirm any statements of political belief or social action.

### How do I identify compelled speech?

When reviewing the application for a search, avoid any required or supplemental questions that solicit or require the applicant to attest to viewpoints or beliefs, such as a DEI statement or political perspective, or general questions that point the applicant toward attesting to beliefs or a specific point of view in their answer.

Additionally, avoid any questions that could signal to the interviewee or candidate that the questioner prefers a particular answer.

## Equality Within the University of North Carolina

On May 23, 2024, the Board of Governors repealed and replaced [Section 300.8.5 of the UNC Policy Manual](#) to reaffirm the University's commitment to nondiscrimination, equality of opportunity, institutional neutrality, academic freedom, and student success.

On June 28, 2024, the UNC System Division of Legal Affairs issued [Guidance Regarding Equality Policy](#).

For more information on this topic, please see these [Frequently Asked Questions](#).

### Understanding the UNC System's Equality Policy

#### What does the new policy do overall?

The revised policy calls for a sustained look at diversity, equity and inclusion initiatives on UNC System campuses, ensuring that university efforts do not detract from academic freedom, equal opportunity or institutional neutrality.

#### What is the new policy approved by the Board of Governors?

The new policy, Section 300.8.5 of the UNC Policy Manual, is titled "Equality Within the University of North Carolina." It replaces the former diversity and inclusion policy. The new policy requires all University offices and positions to:

- Comply with nondiscrimination laws
- Comply with institutional neutrality
- Refrain from compelling others' speech,
- Refrain from promoting political or social concepts through training or required beliefs

The policy specifically protects faculty members' academic freedom, including research and curriculum decisions, and University work that focuses on the academic performance, retention or graduation of students.

#### Why was the former policy on diversity and inclusion replaced?

According to the UNC System, the policy on diversity and inclusion was replaced by the UNC System Board of Governors to reaffirm the System's commitment to nondiscrimination, equality of opportunity, institutional neutrality, academic freedom and student success.

The new policy aims to ensure that the practices of System institutions do not endorse specific political or social viewpoints, maintaining a neutral stance to foster an inclusive and supportive environment for all students and staff.

#### What are the three main requirements of the new System policy?

The new System policy takes three current legal and policy requirements and applies them to offices and roles. Those three requirements are:

- Institutional Neutrality: No office or role within System institutions may be organized or operated on matters of contemporary political debate or social action.
- Prohibition of Compelled Speech: No office or role may endorse or express opinions about beliefs, affiliations, ideals or principles regarding contemporary political debate or social action.
- Prohibition of Promoting Certain Concepts: No office or role within System institutions may be organized or operated to promote a [list of concepts](#).

Additionally, individuals are not permitted to speak on behalf of the University or contract with third parties to provide training or consulting services, in a manner that violates any of these three requirements.

#### How will the change affect programs and offices that support underserved groups of students?

The policy does not call for the elimination of programs or personnel devoted to supporting students of different backgrounds. Targeted initiatives that welcome and support underserved students are within the scope of the university's mission, provided they abide by nondiscrimination laws and do not require students, staff or faculty to adopt a political viewpoint as a condition of participation.

### Academics, Research, Committees and Volunteerism

#### How does the new policy affirm academic freedom in curriculum development and research?

The new policy affirms academic freedom by allowing faculty members to design and teach courses according to their academic expertise and educational needs of students. Faculty are free to select course materials, direct classroom discussions, and incorporate diverse perspectives relevant to their disciplines.

In research, faculty can freely pursue lines of inquiry, apply for grants, and form research groups. In all of these endeavors, faculty members should make clear that they are speaking for themselves and not for the university. Additionally, faculty must not unlawfully confer material benefits or condition the receipt of services on any other benefit of DEI's programs to individuals or groups based on a protected class (e.g. giving preference for grants or mentorship programs to individuals based on race, ethnicity, or gender) and must at all times comply with East Carolina University's Notice of Non-Discrimination Policy.

#### Are centers and institutes still permitted under the new policy?

Administratively directed centers must ensure compliance with content neutrality requirements, while faculty-directed academic centers that serve as extensions of the faculty's pursuit of teaching, research, and service remain protected by academic freedom.

#### How does the policy affect faculty research and the pursuit of grant funding?

The policy allows faculty to pursue research and apply for grants freely, maintaining academic freedom. Faculty members can affirm their personal beliefs in support of grant applications, but institutional commitments must comply with the neutrality mandate and the [Notice of Non-Discrimination and Affirmative Action Policy](#). Faculty should ensure their research activities and grant applications do not imply that the university endorses any specific political or social viewpoints.

#### How is staff-conducted research affected by the new policy?

Staff-conducted research should be reviewed to ensure it aligns with the new policy's guidelines since it is not afforded the same protections as faculty research in the new policy and guidelines. Contact the [Office of University Counsel](#) with any questions.

#### How should units adjust equity or DEI committees under the new policy?

Equity or DEI committees within the units of the university, considered subdivisions of the university, must shift their focus to broader student, staff, and faculty success and wellbeing, rather than matters of contemporary political debate or social action. The committees must be renamed to reflect this new focus.

#### Are identity-based faculty/staff caucuses or affinity groups allowed?

Yes, identity-based faculty/staff caucuses or affinity groups are allowed. However, participation must be voluntary, must be non-discriminatory, and participants cannot speak on behalf of the university. There are not subdivisions or employment positions of the University, and therefore, they are not prohibited by the new policy. Any support of such groups will be nominal.

#### Can faculty and staff participate in self-governing groups or caucuses? What are the conditions?

Yes, faculty and staff can participate in self-governing groups or caucuses if they are independent and do not represent the university. Activities must be non-discriminatory, not include individuals based on protected status, and avoid university-sponsored political or social advocacy. The university can provide space and nominal resources on a non-discriminatory basis.

#### How should faculty and staff approach service and volunteer roles under the new policy?

University committees or task forces, including department and college-level committees, must adhere to the policy's neutrality requirements. However, faculty and staff can participate in outside service roles, such as professional organization service and community outreach, without these same restrictions, provided they do not speak on behalf of the University in violation of [Chapter 33, Section 4903 of the Code](#). University committees focused on particular identities should aim to improve student success metrics like graduation rates and mental health and well-being.

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# ECU Faculty Senate



# ECU Faculty Senate

Faculty Senate

[Academic Calendars](#)

[Officers](#)

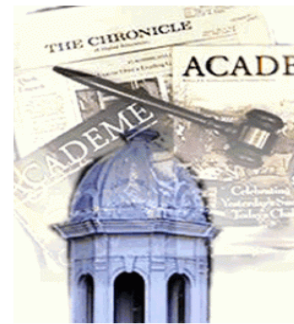
[Meetings](#)

[Committees](#)

[UNC Faculty Assembly](#)

## ECU Faculty Senate

Please join us for Faculty Convocation on Friday, August 16, 2024 at 9:00 AM in Hendrix Theatre. See [agenda](#) for details.



ECU maintains a strong, long-standing shared governance structure. The Faculty Senate has been the legislative, advisory and primary faculty governance body for faculty representation at ECU for over 50 years. This body provides the means by which faculty are able to fulfill their responsibilities with respect to academic and educational policies of ECU.

Please feel free to stop by the Faculty Senate office, located at 140 Rawl Annex anytime and/or contact an elected [Faculty Officer](#) with any questions or concerns that you may have.

The Faculty Senate represents all faculty of East Carolina University. It is comprised of faculty members elected by the general faculty and UNC Faculty Assembly Delegates and senior administrators who serve as ex-officio members with vote. The functions, duties, and privileges of the faculty and the Faculty Senate are detailed in the [ECU Faculty Constitution \(PDF\)](#), which is contained in the [Faculty Manual \(PDF\)](#), and exercised under the authority of the University Chancellor.

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### Faculty Senate Resources

- [Faculty Manual \(PDF\)](#)
- [Academic Unit Codes of Operation](#)
- [Frequently Asked Questions](#)
- [Faculty Senate roster](#)
- [Faculty Marshals](#)
- [Parliamentarian links](#)
- [Faculty Counselors](#)
- [University Ombuds](#)

### Index of Resolutions

- [1977-2010 Index of Resolutions \(PDF\)](#)
- [2011-2017 Index of Resolutions \(PDF\)](#)
- [2018-2021 Index of Resolutions \(PDF\)](#)
- [2022-present Index of Resolutions \(PDF\)](#)

### Full Text of Resolutions

- [1990-2010 Full Text of Resolutions \(PDF\)](#)
- [2011-2017 Full Text of Resolutions \(PDF\)](#)
- [2018-2021 Full Text of Resolutions \(PDF\)](#)
- [2022-present Full Text of Resolutions \(PDF\)](#)

We acknowledge the Tuscarora people, who are the traditional custodians of the land on which we work and live, and recognize their continuing connection to the land, water, and air that Greenville consumes. We pay respect to the eight state-recognized tribes of North Carolina; Coharie, Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin, Occaneechi Band of Saponi, Sappony, and Waccamaw-Siouan, all Nations, and their elders past, present, and emerging.



Rachel Baker  
[bakerr@ecu.edu](mailto:bakerr@ecu.edu)



# ECU Faculty Senate

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Questions?