

July 2, 2009

Mr. Marvin Schiller
Schiller & Schiller, PLLC
Professional Park at Pleasant Valley
5540 Munford Road, Suite 101
Raleigh, North Carolina 27612

Mr. Schiller:

Our office recently received your letter of June 26, 2009. As you are aware, particular programs that Mrs. Easley was hired to administer or in which she was expected to participate are among those that are being eliminated or reduced at NC State due to current and expected economic conditions. Accordingly, the University has terminated her contract.

I understand from your letter that Mrs. Easley intends to initiate the grievance process authorized by UNC and NC State policy. Although we do not know the specific nature of the grievance to be filed, as Mrs. Easley was an EPA Professional, any grievance process will proceed based on NC State's Grievance Procedure for Faculty, Senior Academic Administrative Officers Tier II (SAAO Tier-II), and EPA Professionals, Policy 5.25.1. This policy, as originally crafted, envisioned a separate policy to address termination procedures based on program elimination. However, that separate policy has not been enacted. To ensure that Mrs. Easley is provided with a grievance procedure as required by UNC Policy Manual, section 300.2.1, IV, the procedure provided in Policy 5.25.1 ("the Policy") will be used.

However, due to the nature of Mrs. Easley's position with the University and the fact that Chancellor Woodward made the decision to terminate Mrs. Easley's contract, the University will modify the grievance process established by the Policy to ensure that any grievance filed by Mrs. Easley receives a fair hearing. To this end, the grievance procedure will proceed as follows:

- The initial meeting contemplated by section 3.1 of the Policy should be scheduled with Provost Warwick Arden.
- The decision to terminate Mrs. Easley was made by Chancellor Woodward. Accordingly, Mrs. Easley should name the Chancellor as the respondent in her grievance filing.

- The role designated for the Chancellor by section 3.1 of the Policy shall instead be filled by a committee of one or more members of the NC State Board of Trustees. This committee will be appointed by the Chancellor and will be comprised only of members who did not participate in the Board of Trustees's June 8, 2009 decision to provide the Chancellor with advice concerning Mrs. Easley's employment.
- Pursuant to The Code of the Board of Governors of The University of North Carolina, section 609 C, should Mrs. Easley choose to appeal any decision reached by the committee designated the Chancellor, she may appeal the final decision to the UNC Board of Governors.

In order to help this process move forward in the most efficient manner, let me also address some of the particular questions included in your letter:

- The current Chair of the Faculty is Dr. Margery Overton. Her contact information is available on NC State's website.
- The grievance procedure outlined in NC State Policy 5.25.1 and posted on NC State's website is the current version of the Policy. You indicated in your letter that some of the "links" associated with this Policy may not be functioning properly. Please provide us with additional information concerning which "links" failed as each seems to be currently functioning.
- As stated in the Policy, "[t]he grievance petition must be filed within sixty calendar days of the decision cited in the grievance." This sixty-day period began on the date Mrs. Easley was terminated. Any attempt by Mrs. Easley to informally resolve her grievance according to section 3.1 of this Policy must occur within this sixty-day period.

Thank you for your letter. Please contact me with any additional questions concerning NC State's grievance process.

Sincerely,



Drew Nelson
Assistant General Counsel

Cc: Bob Jordan, Chair, NC State Board of Trustees
Warwick Arden, Provost
Margery Overton, Chair, NC State Faculty
Personnel File (Mary Easley)