

FACULTY SENATE MINUTES

January 21, 1975

The Faculty Senate met on Tuesday, January 21, 1975, at 2:00 p.m. in Room 101, Nursing Building. The following members were absent: Bruton, Moeller, Rees, Ross, Robbins. The following alternate was present: William C. Smith.

Mr. C. Adler remarked that he did not make the statement on page 5 starting at the end of the ninth line under C. Inquiry Addressed to the Faculty Chairman of the minutes from December 17, 1974. The Secretary replied that it was meant as part of the general discussion. The minutes were approved as written.

SPECIAL ORDER OF THE DAY

The Chairman passed out copies of the proposed draft of Chapter Six of the University of North Carolina Code. (See attachment). He stated that he felt it was important for the faculty to be aware of the document. Fred Ragan, Provost Howell, Dean Holt, and the Chairman had met with officials Friday, January 17, in Chapel Hill to discuss the document. Mr. Ferrell had met with them on Thursday. The Chairman declared a five-minute recess for the Senators to read it. He asked Mr. Ragan to discuss some of the main points. Mr. Ragan stated that the reason given for the revision evolved from various tenure statements from the sixteen constituents. The main overall reaction was to (1) the general lack of faculty involvement in the decision-making process and (2) the use of vague language. Examples of vague language consist of lack of definitions for adequate cause, incompetence, neglect of duty, misconduct. The number of days allowed for making an appeal do not specify whether they are working days or calendar days. There is no time limit on the Board of Governors. Mr. Ragan called attention to Sections 602-1, 603 A-5, 603 B-1, 604 A-1, 602-6, 603 A-9, and 603 B. Mr. C. Adler commented that it allows for positions that do not lead to tenure. Mr. Ragan stated that the subcommittee of the Board of Governors was still working on the wording so that such statements as "Faculty terminated" would probably read "Faculty appointments terminated." He stated that the group which had gone to Chapel Hill had suggested that sentences be included stating that the procedures be developed by faculty. Mr. Brown asked if the Faculty Assembly would get a chance to consider the document and make suggestions. Mr. Ferrell, Chairman of the Faculty Assembly, stated that there was a called meeting of the Faculty Assembly Faculty Welfare Committee. The Faculty Assembly will meet in February and the deadline for suggestions is March 1, 1975. It was noted that areas for termination were financial exigency (not defined), enrollment decline, and change or redirection of academic program. It was pointed out, for example, that if you were hired primarily to teach History 50 and if History 50 is no longer required, you can be dismissed. Also, under these conditions, programs could be frozen because everyone would be reluctant to make any changes. Provost Howell stated that the persons they had talked to had been fairly receptive; however on some major points, it appeared they had made up their mind not to be receptive. Change in or redirection of academic program appeared to be a nonnegotiable area. The ECU group urged faculty involvement. Someone pointed out that the document made adversaries of management and labor. Mr. T. Williams moved that a member of the Faculty Affairs Committee be included in future discussions. Mr. Keusch seconded. Mr. Ferrell pointed out that any future discussions must be within thirty days. Mr. Caspar moved that the Faculty Senate charge the Faculty Affairs Committee with meeting with Senior Vice-President Dawson and Mr. Robert Phay to discuss Chapter Six within thirty days. Mr. Keusch seconded. Mr. T. Williams withdrew his motion in favor of Mr. Caspar's motion. Mr. Reep asked when input would be wanted and to whom should it be addressed. Mr. Campion stated that if the motion was approved the Faculty Affairs Committee would hold open hearings soon. The motion passed unanimously. Mr. C. Adler moved that Chapter Six be included with

the minutes. The motion was seconded and passed. Mr. P. Adler asked about the inquiry about the Medical School committee. Mr. Woodside replied that he had not yet followed it through.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS OF COMMITTEES

A. Committee on Committees

Mr. P. Adler presented the proposal to change the charge of the Instructional Survey Committee (see attachment to Faculty Senate Agenda for January 21, 1975). He stated that the SGA has the money and the desire to run a survey and publish a course guide. They would like faculty cooperation, and they do not want to develop the questionnaire but would like to use an instrument developed by the faculty. Mr. Thornton, Chairman of the Instructional Survey Committee, and the committee came to the conclusion that the students should have access to the information; therefore, the maximum confidentiality clause should be removed. Mr. Martinez asked if all faculty would have to participate. Mr. P. Adler stated that it would still be voluntary. Ms. J. Jones commented that the SGA will not be satisfied without naming teachers. Mr. Grossnickle spoke against the proposed change stating that it is a very difficult area to measure. Also, the new Chapter Six makes a difference since nothing prohibits the information from being used, for example, to designate that those with rankings above the fiftieth percentile would get the raises. Mr. C. Adler stated that occasionally it might be used to a professor's advantage since there is now nothing he can defend himself with against rumor. He noted that surveys of this type must be taken with a grain of salt. Mr. Woodside read the following statement from the SGA signed by Bob Lucas, SGA President and Christopher Hay, Speaker:

STUDENT SUPPORT FOR A JOINT TEACHER EVALUATION TO BE MADE AVAILABLE TO THE PUBLIC

WHEREAS: A student evaluation of the faculty provides documented, precise, numerical evaluation of instructors, and

WHEREAS: Such an evaluation could certainly contribute to the instructional effectiveness of the faculty by providing feedback to the faculty, and

WHEREAS: Dr. Richard L. Mauger, Chairman of the 1973-74 Instructional Survey Committee in his annual report recommended that the evaluation results be made public to the students, and

WHEREAS: The 1974-75 Instructional Survey Committee recommended to the Committee on Committees essentially the same thing, and

WHEREAS: The Committee on Committees recently decided to request that the Faculty Senate approve a joint effort between the student and faculty to administer and publish the results of a teacher evaluation

BE IT THEREFORE RESOLVED: That the SGA Legislature who are duly elected representatives of the entire student body encourage the Faculty Senate to approve an evaluation to be administered by both faculty and students to be made public.

Ms. Wilder stated that sometimes the students do not take the questionnaires seriously. They should be aware of the seriousness and the importance of the results. Mr. Grossnickle stated that the professor needs feedback but that it should come to the professor, not to someone else. He is opposed to unspecified use. The faculty should know what is going to be used and how it is to be used. Mr. Caspar moved to postpone until after the concept has been examined by the Faculty Welfare Committee. Mr. Martinez seconded. Mr. C. Adler commented that it should be sent to the Faculty Affairs Committee and also, why send it to a third committee. Mr. P. Adler stated that to postpone would mean no evaluation this year. Mr. Mauger stated that the change gives the Instructional Survey Committee a chance to explore ways of using the information. Mr. Woodside stated that if an evaluation was done, the money for teaching awards would go to teaching rather than research. Ms. Lao suggested the senators poll their departments and come back to the next meeting with the results. Ms. P. Daugherty moved to postpone action for one month and have the senators poll their constituents. The motion was seconded. Mr. Caspar and Mr. Martinez accepted the motion. Mr. P. Adler pointed out that the following should be kept in mind: the survey would remain voluntary, the mode of giving information to the SGA was not fixed, and the mode of publication was not fixed. Ms. P. Daugherty's motion passed. Mr. Martinez commented about a study made on the information from the last completed survey done in the spring of 1972 concerning biases that are inevitably in such a survey such as the time of day, whether the course is required, class size, etc. Mr. Ferrell moved that the study be incorporated into the minutes. The motion was seconded and passed. A subcommittee of the 1972-73 Instructional Survey Committee consisting of Stella Daugherty, Tilton Willcox, and Lala Steelman collected the data and performed the statistical analysis in the report. The level of significance though not stated on the report was 0.01. The report is attached. Mr. Distefano asked if the Faculty Senate will get to look at the questionnaire before it goes out. The answer was no.

B. Faculty Welfare Committee

Mr. Brown presented the report of the Faculty Welfare Committee concerning deductions for annuities (see attachment to the Faculty Senate Agenda for January 21, 1975). Mr. Brown moved that the Senate approve the report. The motion was seconded and passed. Mr. Ferrell asked if any study had been made on term insurance. Mr. C. Adler pointed out that there was presently a court case which might result in a ruling that the State retirement deduction can be treated as a tax-sheltered annuity.

C. Ad Hoc Screening Committee

Mr. Campion presented the Code for Library Services and stated that on page 4, section 1-b-1 line 5 put "permanent" before the word "tenure." The question was asked if the department code committee gave consideration to requiring that the Associate Director be approved by the Library Faculty. The Library Faculty Code was approved.

Mr. Campion then presented the Code of the Department of Library Science. Mr. C. Adler pointed out that the Enabling Clause was defective. Mr. Campion stated that a majority of the tenured members have approved the Code. Mr. Caspar moved that "permanently tenured" be added appropriately to the Enabling Clause. The motion was seconded and passed. Mr. Campion pointed out that on page 3, section III A. 7 no statement had been made to the effect that the unit head can make his personal recommendation. Ms. P. Daugherty moved that in the Amendment section on page 10 it be changed to read "three-fifths majority vote of the permanently tenured faculty." Mr. Howell seconded and pointed out that the Code could be approved and then undone

next week by a different majority. The motion failed to pass. The Library Science Code as amended was approved.

Mr. Campion presented the Counseling Center Code. Mr. C. Adler moved to amend the Enabling Clause to include the words "permanently tenured." Mr. Castellow seconded. The motion passed. The Counseling Center Code as amended was approved.

NEW BUSINESS

Mr. Ferrell brought up the topic of the ECU Faculty and prospects for salary increments. President Friday had assured the Faculty Assembly that the first priority would be salary. The Faculty Assembly has voted to extend to the faculty of the constituent universities the names and addresses of representatives so that individual faculty members could write to express their concern. Perhaps this would at least result in a 5% raise for the second year rather than the 0% proposed by the Advisory Budget Commission. Mr. Ferrell moved to include the list of representatives with the minutes. The motion was seconded and passed.

The meeting adjourned at 4:35 p.m.

Respectfully submitted,

Stella Daugherty
Secretary

NORTH CAROLINA GENERAL ASSEMBLY MEMBERS

East Carolina University - Pitt County

Senate District - 6 (2 members)

Julian R. Allsbrook (D) 423 Washington St., Roanoke Rapids, NC 27870

Vernon E. White (D) Box 41, Winterville, NC 28590

House District - 8 (2 members)

Sam D. Bundy (D) 110 Grimmersburg St., Farmville, NC 27828

H. Horton Rountree (D) 1209 Drexel Lane, Greenville, NC 27834

REPORT OF THE COMMITTEE TO EVALUATE THE RESULTS OF THE SURVEY

The Committee to Evaluate the Results of the Survey met three times in April and May. Our charge was to evaluate the results and to make recommendations to improve the system.

Our main approach in evaluating the results of the survey was to attempt to determine if there were built-in biases in the evaluation conducted in the spring of 1972. At the first meeting we reviewed three recent papers on teacher evaluations which suggest that most teacher evaluation systems involving student votings generally contained certain biases. The following correlations were suggested for consideration but were not considered:

1. Influence on voting of teaching outside of teacher's primary field - Insufficient information available.
2. Influence of superficial popularity on voting - criteria for measuring popularity and data were not available.
3. Sex of teacher - Do women tend to vote higher than men or vice versa - Data is available.
4. Female teacher teaching female students tend to obtain higher ratings - Limited data available in nursing, home economics. Post studies show there is a high correlation between female teaching females and a high student evaluation. We did not attempt correlation.
5. Influence of time of day of class on voting - Data would have to be collected from old schedules. Did not consider it worth the effort.

The following factors that might influence the evaluation were considered:

1. Suggested positive correlation between good grades (easy grades) and overall evaluation received.

The quality point average for the section was computed from the registrar's records in the area of history, mathematics, business, economics, accounting, and physical education. The quality point average for the class was matched against the overall evaluation of the instructor for the particular section being compared.

A sample size of 149 was used. A positive correlation factor of $+0.3277$ was obtained. On a correlation scale of $+1.0$ for absolute positive correlation to -1.0 for absolute negative correlation we had hoped to come up with a 0 correlation. The correlation was highly reliable and significant. In other words, we can say that instructors who give high grades tend to receive high evaluations.

2. An eyeball evaluation was made of the significance of teaching a survey course vs. an advance course on the evaluation received. There appeared to be a positive correlation between advanced courses and high evaluations.
3. Influence of class size on evaluation received. One hundred and sixty-seven pairings were compared. The samples consisted of a random selection of classes which contained less than twelve students or more than forty students. Again we were hoping for a 0 correlation coefficient. Instead we obtained a negative -0.3268 correlation which indicates that the larger classes tended to give lower evaluations. Again the correlation was considered to be highly reliable and significant.

We did not check the validity of individual questions with the overall evaluation since the questionnaire would not be used again.

Other findings:

Some large schools or departments had no teachers who ranked in the top 10%.

Recommendations:

1. That a similar evaluation be done of next year's results before the results are released. If significant biases do exist then these be taken into consideration where the selection of outstanding teachers is made.

Also, if the evaluation information is released to administrators for use in promotions, salary increases, reductions in force, etc. the administrators be appraised of the biases found in the program. For example: it is possible that an average teacher teaching out of his field, teaching a large survey class at the wrong time of day, and giving low grades could be unduly penalized by the administrator's use of student evaluations.

2. We recommend that an evaluation of the validity of each question be built into the program and if a question is found to be invalid, the program be rerun with that question not used in the tabulation of the average voting.

3. We recommend that a class size - evaluation rank correlation be built into the program. Also, that the program be compatible with the programs used by the registrar to record grades so often. Grade evaluation could be made easily on the effect of grades on evaluation rank.

CHAPTER SIX

ACADEMIC FREEDOM, RIGHTS AND RESPONSIBILITIES

SECTION 600. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY

(1) The University of North Carolina 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 which 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 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 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 men and women of learning. They should not represent themselves, without authorization, as spokesmen for The University of North Carolina or any of its constituent institutions.

(2) The University and its constituent institutions shall not penalize or discipline members of their faculty 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

(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.

(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 Carolina.

(3) Upon recommendation of the appropriate chancellors and of the President, the Board of Governors may approve the concurrent appointment of a person to the faculties of two or more constituent institutions when it thinks this arrangement will strengthen the instructional, research, or public service programs of the institutions. In a concurrent appointment, permanent tenure may be obtained or conferred in only one institution. The terms of the appointment shall be specified in writing and a copy given to the faculty member. The appointment document shall designate one of the institutions as the institution of base appointment and shall set forth as special terms and conditions: the basis of initial funding of the

appointment; the procedures agreed to be followed by the institutions in making joint decisions respecting promotion, reappointment, and tenure of the concurrent appointee; and the procedures to be followed by the institutions in respect to salary adjustments for the concurrent appointee.

(4) The tenure policies and regulations of each constituent institution shall include the complete text of this Chapter Six of The Code of The University of North Carolina and shall be published by the institution and shall be made available to its faculty members. These institutional policies and regulations shall, in addition, prescribe the procedures by which decisions concerning appointment, reappointment, promotion, and the conferral of permanent tenure shall be made. The length of terms of appointment to positions that do not carry permanent tenure shall be prescribed. The intervals at which the review of candidates for reappointment and promotion, including the conferral of permanent tenure, shall also be prescribed.

(5) The tenure policies and regulations of each institution shall specify the considerations upon which permanent tenure is to be recommended. The institutional regulations shall provide that these considerations shall include at least the following: an assessment of the faculty member's demonstrated professional competence, potential for future contribution, and institutional needs and resources. The institutional policies and regulations shall further specify that permanent tenure may be conferred only by action of the President and the Board of Governors, or by such other agencies or officers as may be delegated such authority by the Board of Governors.

(6) Institutional tenure policies and regulations shall distinguish among the following:

- (a) the nonreappointment (or nonrenewal) of a faculty member at the expiration of a specified term of service;
- (b) the discharge or suspension of a faculty member having permanent tenure or of a faculty member appointed to a specified term of service before the expiration of that term for reasons based on the unfitness or dereliction of the faculty member;
- (c) the termination for reasons of institutional financial exigency, enrollment decline, or change in or redirection of the academic program, of a faculty member who has permanent tenure, or of a faculty member who has been appointed to a specified term of service prior to the expiration of that term, and has not reached retirement age; and
- (d) retirement for age.

(7) Institutional tenure policies and regulations shall provide that the appointment, renewal, or promotion of a faculty member to a position funded in whole or in substantial part from nonstate funds (except for endowed professorships) shall specify in writing that the continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon the continuing availability of those nonstate funds. If a faculty member is terminated because of the nonavailability of the funds from the nonstate source or sources, every reasonable effort shall be made to provide early written notice of the termination, which notice shall include the pertinent data upon which the termination action is based.

(3) The tenure policies and regulations of each institution shall be subject to approval by the President and the Board of Governors. Because of their importance, the President periodically shall review and re-evaluate these policies and regulations and report his findings and recommendations, if any, to the Committee on Personnel and Tenure and through the Committee to the Board of Governors.

SECTION 603. DUE PROCESS IN THE SUSPENSION OR DISCHARGE OF FACULTY AND IN OTHER SANCTIONS

603 A. Discharge or Suspension of Faculty

(1) The tenure policies and regulations of the institutions shall prescribe the permissible grounds for the discharge or suspension of a faculty member having permanent tenure, or of a faculty member appointed to a specified term prior to the expiration of that term. Those reasons based on personal unfitness or dereliction of the faculty member shall be incompetence (including mental or physical disability), 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. They shall further prescribe that such discharge or suspension shall be only in accordance with the procedures prescribed herein.

(2) The Chancellor or his delegate shall issue a written statement of intention to discharge to the faculty member. The statement shall include notice of the faculty member's right, upon request, to both written specification of the reasons for the intended discharge and/by a standing faculty committee on hearings, a hearing,

(3) If, within ten days after he receives the notice referred to in paragraph (2) above, the faculty member makes no written request for either a specification of reasons or a hearing, he may be discharged without recourse to any institutional grievance or appellate procedure.

(4) If, within ten days after he receives the notice referred to in paragraph (2) above, the faculty member makes written request for a specification of reasons, the Chancellor or his delegate shall comply in writing within ten days after receiving the request. If he makes no written request for a hearing within ten days after he receives the specification, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.

(5) If the faculty member makes timely written request for a hearing, the hearing shall be accorded before a standing committee of the institution's faculty. The hearing shall be upon the written specification of reasons for the intended discharge. The hearing committee shall accord the faculty member twenty days from the time it receives his written request for a hearing to prepare his defense. The hearing committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member.

(6) The hearing shall be closed to the public unless the faculty member and the hearing committee agree that it may be open. The faculty member shall have the right to counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, and to examine all documents and other adverse demonstrative evidence. A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the faculty member at the expense of the institution.

(7) The Chancellor, or his delegate or counsel, may participate in the hearing to present evidence, cross-examine witnesses, and make argument.

(8) In reaching decisions on which its written recommendations to the Chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written and oral arguments as the committee, in its discretion, may allow. The recommendations of the committee shall be based on a determination of whether the expressed intention to discharge the faculty member is consistent with the existing policies and regulations concerning academic tenure and the grounds for terminating a faculty member's employment. The committee shall make its written recommendations to the Chancellor within ten days after its hearing concludes.

(9) If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, his decision shall be final. If the Chancellor either declines to accept a committee recommendation that is favorable to the faculty member or concurs in a committee recommendation that is unfavorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees. This appeal shall be transmitted through the Chancellor and be addressed to the Chairman of the Board. Notice of appeal shall be filed within ten days after the faculty member receives the Chancellor's decision. The appeal to the Board of Trustees shall be decided by the 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 hearings held by the faculty hearings committee, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees's decision shall be final except that the faculty member may file a written petition for review with the Board of Governors if he alleges that one or more specified provisions of The Code of The University of North Carolina have been violated. All such petitions to the Board of Governors shall be transmitted through the President, and the Board shall accept or reject the petition or take such other action as it deems advisable.

(10) When a faculty member has been notified of the institution's intention to discharge him and the Chancellor judges that the charges against him are of such a nature that, if true, they demonstrate incompetence, neglect of duty, or misconduct of such a nature as to indicate that the faculty member is unfit to continue as a member of the faculty, the Chancellor may suspend him at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall always be with full pay.

[(10) The charges against are of such a nature that, if true, they demonstrate incompetence, neglect of duty or misconduct of that the faculty member is unfit to continue. Suspension shall always be with full pay.]

603 B. Other Sanctions

(1) In the event a Chancellor determines that a faculty member having permanent tenure or holding an appointment for a specified period of time is guilty of neglect of duty or of misconduct which is not of sufficient gravity in his judgment to warrant discharge, the Chancellor or his delegate shall transmit to the faculty member written notice of an intention to impose other sanctions. Such sanctions may include the demotion of the faculty member to a lower rank, the indefinite suspension of the faculty member's eligibility for permanent tenure, the reduction of the salary of the faculty member, or a combination of any such sanctions.

(2) In the event a faculty member is sanctioned pursuant to this section, he shall be accorded the rights of notice, hearing, and review set forth in Section 603 A.

SECTION 604. NONREAPPOINTMENT AND REQUIREMENTS OF NOTICE AND REVIEW

604 A. Notice of Reappointment or Nonreappointment

(1) The decision not to reappoint a faculty member at the expiration of a fixed term of service shall be made in a timely manner by the appropriate institutional faculty and administrative officers, so that timely notice may be given. For full-time faculty at the rank of instructor, assistant professor, associate professor, or professor, timely notice shall be defined as:

- (a) not later than 75 calendar days before the expiration of the first year of service at the institution, if the appointment expires at the end of that year;
- (b) not later than 150 calendar days before the expiration of the second year of continuous service at the institution, if the appointment expires at the end of that year; and
- (c) one year (12 months) before the expiration of the appointment after the faculty member has been in two or more years of continuous service at the institution.

(2) Notice of reappointment or nonreappointment shall be written. In the event that timely notice of nonreappointment is not given, the faculty member shall call this to the attention of the department head or other appropriate academic officer. Failure to give timely notice will oblige the Chancellor thereafter to offer a terminal appointment of one academic year. Permanent tenure shall never be conferred because timely notice was not given.

604 B. Criteria and Standards

In determining whether to appoint a faculty member for a fixed term or to a rank carrying permanent tenure, or to reappoint a faculty member for a fixed term or to a rank carrying permanent tenure at the expiration of a specified term of service, the provisions set forth in Section 602 (4) shall be used. In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article One of the North Carolina Constitution, or (b) discrimination based upon the race, sex, religion, or national origin of the faculty member, or (c) personal malice.

604 C. Special Faculty Appointments

All appointments of visiting faculty, part-time faculty, adjunct faculty or other special categories of faculty such as lecturers, artists-in-residence, or writers-in-residence, shall be only for a specified term of service. That term shall be set forth in writing at the time of appointment, and the specification of the length of the appointment shall be deemed to constitute full and timely notice of nonreappointment at the expiration of that term. The provisions of Sections 604 A. and 604 B. shall not be applicable in these instances.

SECTION 605. TERMINATION OF FACULTY

605 A. Definition

The tenure policies and regulations of each institution shall provide that the employment of faculty members having permanent tenure or of faculty members appointed

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to a fixed term may be terminated by the institution for reasons of institutional financial exigency, enrollment change, or change in or redirection of the academic programs of the institution. If terminations are necessary, the following standards and procedures shall be followed.

605 B. Timely Notice of Termination

(1) In the event of termination of a faculty member because of change in or redirection of the academic program, including the abolition of degree programs and departments, and where such change or redirection is not directly related to or founded upon financial exigency arising from institution-wide enrollment decline or other similar type cause, the faculty member who is to be terminated shall be given timely notice as follows:

- (a) one having permanent tenure shall be given notice of at least twelve months; and
- (b) one appointed to a fixed term and not having permanent tenure shall be given notice in accordance with the requirements specified in Section 604 A. (1).

(2) In the event of termination of a faculty member for reasons arising out of financial exigency, enrollment change, or change in or redirection of the academic programs, 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 605 B. (1).

(3) For a period of two years after termination, the institution shall not appoint a faculty member having substantially the same teaching and research specialties and substantially the same assignments of teaching and other responsibilities as a faculty member who has been terminated, without first offering the position to the terminated faculty member. The offer shall be made by registered mail, with return receipt requested, and the terminated faculty member will be given 30 calendar days after receipt thereof to accept or reject the offer.

605 C. Institutional Procedures

(1) When the Chancellor determines that a faculty member should be terminated for any of the reasons cited above, he shall consult with the academic administrative officers of the departments or other units that will be directly affected and shall seek their advice and recommendations.

(2) In determining which faculty member is to be terminated for reasons set forth in 605 A., the Chancellor shall give consideration to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

(3) An individual faculty member who is to be terminated shall be given notice in writing. This notice shall include a statement of the conditions requiring termination, a general description of the procedures followed in making the decision and a disclosure of pertinent financial, enrollment, or other data upon which the decision was based.

(4) Notice of termination shall be sent by registered mail, with return receipt requested, and the faculty member to be terminated shall have 10 days after receipt of this notice to request a reconsideration of the decision. The reconsideration proceeding shall be held promptly before a representative faculty committee. No person shall serve on the reconsideration committee who directly participated in

the decision to terminate the individual faculty member.

(5) The reconsideration proceeding shall be informal but a transcript of the proceeding shall be made. The faculty member may be accompanied and represented by any person of his choosing, he may invite witnesses whose testimony would be pertinent to the proceeding, and he and the committee shall be given access, upon request, to University documents that were used in making the termination decision. Before the committee closes its proceedings, it shall provide to the Chancellor or his designee the opportunity to respond to or comment on any information placed before the committee.

(6) The reconsideration committee shall submit a written recommendation on the termination to the Chancellor. A copy shall be sent to the faculty member. Within 10 days after receipt of the committee's recommendation, the Chancellor shall notify the faculty member, in writing, of his decision, and he shall provide a copy of that decision to the chairman of the reconsideration committee.

SECTION 606. REAPPOINTMENT OF FACULTY BEYOND NORMAL DATE OF RETIREMENT

(1) Consistent with H.C.G.S. 135-5(a) (2), each member of the faculty shall automatically be retired on July 1 coincident with or next following his sixty-fifth birthday, without notice, except as herein provided.

(2) A faculty member may be continued in employment past the retirement date specified in subsection (1) upon approval of the Chancellor and of the Board of Trustees. Continuation in employment may be authorized only in increments not exceeding one year. Continuation in full-time employment shall not extend beyond July 1 coincident with or next following the faculty member's seventieth birthday. Continuation in employment not exceeding half-time service shall not extend beyond July 1 coincident with or next following the employee's seventy-second birthday.

SECTION 607. FACULTY GRIEVANCE COMMITTEE FOR CONSTITUENT INSTITUTIONS

(1) The Board of Trustees of each constituent institution shall adopt regulations providing for the establishment of a faculty grievance committee. The faculty grievance committee shall be elected by the faculty with members elected from all professorial ranks. No officer of administration shall serve on the committee.

(2) The committee is authorized to hear, mediate, and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee is solely to hear representations by the persons directly involved in a grievance, to mediate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the dean, department head, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.

(3) "Grievances" within the province of the committee's power include only those directly related to a faculty member's employment status and institutional relationships within the constituent institution. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge, or termination of a faculty member may be considered by the committee.

(4) If any faculty member feels that he has a grievance, he may petition the faculty grievance committee for redress. The petition shall be written and shall set

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forth in detail the nature of the grievance and against whom the grievance is directed. It shall contain any factual or other data that the petitioner considers pertinent to his case. The committee shall decide whether the facts merit a detailed investigation. Submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

(5) If, before the establishment of this section, the faculty of an institution has adopted a faculty grievance procedure that in its judgment is adequate to its needs, it may retain that procedure in place of the one specified above.

SECTION 608. STUDENTS' RIGHTS AND RESPONSIBILITIES

(1) The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which The University and its constituent institutions are dedicated. Each constituent institution shall provide, within allotted functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

(2) All students shall be responsible for conducting themselves in a manner that helps to maintain an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

(3) In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process as set forth in Section 502 D. (3) of this Code.

SECTION 609. APPELLATE JURISDICTION OF THE BOARD OF GOVERNORS

609 A. Discretionary Review

Nothing contained in Chapter Six, or any other chapter of The Code, shall be construed to limit the right of the Board of Governors in its discretion and upon the motion of the President, or of the Chancellor, Board of Trustees, aggrieved employee, or student of any constituent institution to make such inquiry and review into personnel actions as it may from time to time deem appropriate.

609 B. Hearings

The Board of Governors may in its sole discretion conduct hearings. Any such hearing, whether before the full Board or a designated standing or special committee of the Board, shall be limited to such matters as the Board of Governors shall deem appropriate.