

The University of North Carolina GENERAL ADMINISTRATION

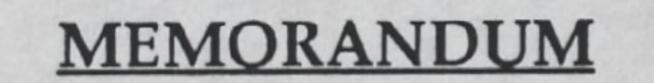
POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688

ROY CARROLL, Senior Vice President and Vice President for Academic Affairs

Telephone: 919 962-4614 (FAX: 919 962-7139)

E-mail: rcl@ga.unc.edu

Appalachian State University



East Carolina

TO:

FROM:

DATE:

RE:

Chairman Cameron and Members of the Board of Governors

Academic Freedom & Sener Non Sexaner

University

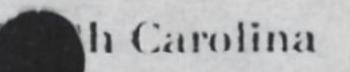
Elizabeth City State University

Fayetteville State University

North Carolina Agricultural and Technical State University

North Carolina Central University

North Carolina School of the Arts



Roy Carroll RC

April 2, 1998

Proposed revision of the Tenure Policies of The University of North Carolina at Chapel Hill

Mr. Irvin Aldridge, Chair of the Committee on Personnel and Tenure, has asked that I transmit to you the attached proposed revision of the Tenure Policies of the University of North Carolina at Chapel Hill which was approved by the committee at its meeting on March 12, 1998.

As noted in the attached memorandum and accompanying background information, the change would modify a portion of Section 3 of the policies that prescribes procedures to be followed in discharging or otherwise seriously sanctioning faculty members.

at Raleigh

University of North Carolina at Asheville

University of North Carolina at Chapel Hill

University of North Carolina at Charlotte

University of North Carolina at Greensboro

University of North Carolina at Pembroke On behalf of the committee, Mr. Aldridge will place the proposed revisions before you for consideration at the April meeting.

Attachments

University of North Carolina at Wilmington

Western Carolina University

State University

An Equal Opportunity/ Affirmative Action Employer



# The University of North Carolina GENERAL ADMINISTRATION POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688 ROY CARROLL, Senior Vice President and Vice President for Academic Affairs

Telephone: 919 962-4614 (FAX: 919 962-7139) E-

E-mail: rcl@ga.unc.edu

Appalachian State University

East Carolina University



TO:

FROM:

DATE:

RE:

The Committee on Personnel and Tenure

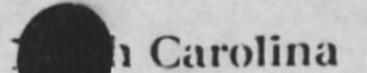
Elizabeth City State University

Fayetteville State University

North Carolina Agricultural and Technical State University

North Carolina Central University

North Carolina School of the Arts



Roy Carroll RC

March 6, 1998

Proposed revision of UNC-CH Tenure Policies

Chancellor Hooker has transmitted to President Broad a proposed amendment (see attachment) to the *Trustee Policies and Regulations Governing Academic Tenure* that received trustee endorsement as recommended by the chancellor. The president recommends approval of the requested change.

If approved by the Board of Governors upon your favorable recommendation, the change would modify a portion of Section 3 of the policies, that prescribes procedures to be followed in discharging or otherwise seriously sanctioning faculty members. In the attachment, the revised text is presented with new material underlined and deleted material struck through. To assist your analysis, the full text of Section 3 also is enclosed.

State University at Raleigh

University of North Carolina at Asheville

University of North Carolina at Chapel Hill

University of North Carolina at Charlotte

University of North Carolina at Greensboro

University of North Carolina The purpose of the change is to permit the responsible faculty hearing committee and the chancellor an opportunity to reconsider their respective findings and conclusions when the chancellor disagrees with the recommendation initially conveyed by the committee. For example, if the committee were to recommend that the faculty member not be discharged, based upon its conclusion that the record evidence was not sufficient to establish the charge of "neglect of duty": (1) If the chancellor intends to reject the committee recommendation, the chancellor so notifies the committee, with a statement of reasons; (2) the committee reconsiders, with or without receipt of additional evidence; (3) the committee then conveys its response to the chancellor, either concurring in the chancellor's position, reiterating its initial recommendation or offering a modified recommendation; and (4) the chancellor makes a final administrative decision in the case after receiving the additional advice from the committee.

al Pembroke

University of North Carolina at Wilmington

Western Carolina University

Winston-Salem State University Enclosures

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RE - REEVED 1/30/98



### The University of North Carolina at Chapel Hill Office of the Chancellor

Michael Hooker Chancellor

January 27, 1998

103 South Building Campus Box 9100

Chapel Hill, NC 27599-9100 (919) 962-1365 FAX: (919) 962-1647

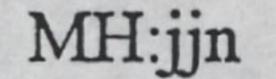
President Molly C. Broad The University of North Carolina General Administration CB# 9000, 910 Raleigh Road Carolina Campus

Dear President Broad:

In accordance with Section 602(8) of <u>The Code of The University of North</u> <u>Carolina</u>, I am transmitting with this letter a proposed amendment to the <u>Trustee</u> <u>Policies and Regulations Governing Academic Tenure in The University of North</u> <u>Carolina at Chapel Hill</u>, which proposed amendment was approved by our Board of Trustees on January 22, 1998. I am submitting the proposal to you for your review and approval, and I am asking that, if you approve it, you transmit it to the Board of Governors for its consideration and approval.

Sincerely,

Michael Hooker



### Enclosure

cc: Chairman Richard Y. Stevens Professor Richard N. Andrews

> The University of North Carolina at Chapel Hill is a constituent institution of The University of North Carolina

# Proposed Amendment

<u>Trustee Policies and Regulations Governing Academic Tenure in</u> <u>The University of North Carolina at Chapel Hill</u>

# Section 3(b)(8) of the Trustee Policies and Regulations Governing

Academic Tenure in The University of North Carolina at Chapel Hill is proposed

to be rewritten as follows:

"(8) In reaching a decision, the Chancellor shall consider only the

written transcript of the hearing and the report of the hearing committee.

The Chancellor's decision shall be conveyed in writing to the affected

faculty member and to the hearing committee. If the Chancellor rejects a

finding, conclusion, orintends to reject the recommendation of the hearing

committee, the Chancellor shall state the reasons for doing so in the written

decision.communicate that intention to the affected faculty member and to

the committee along with his or her reasons and provide an opportunity for

committee response before taking final action. In such a case the

committee shall reconsider its recommendation, taking account of the

Chancellor's stated objections and receiving new evidence if the committee

deems it necessary. The committee shall transmit its response to the

# Chancellor within ten days of the committee's receipt of the Chancellor's

#### communication. After considering the committee response, the Chancellor

## shall issue a decision either concurring in or declining to accept the

# committee's recommendation. The Chancellor's decision shall be

# conveyed in writing to the affected faculty member and to the hearing

committee. If the Chancellor concurs in a recommendation of the hearing

committee that is favorable to the faculty member, his or her decision shall

be final. If the Chancellor either declines to accept a hearing committee

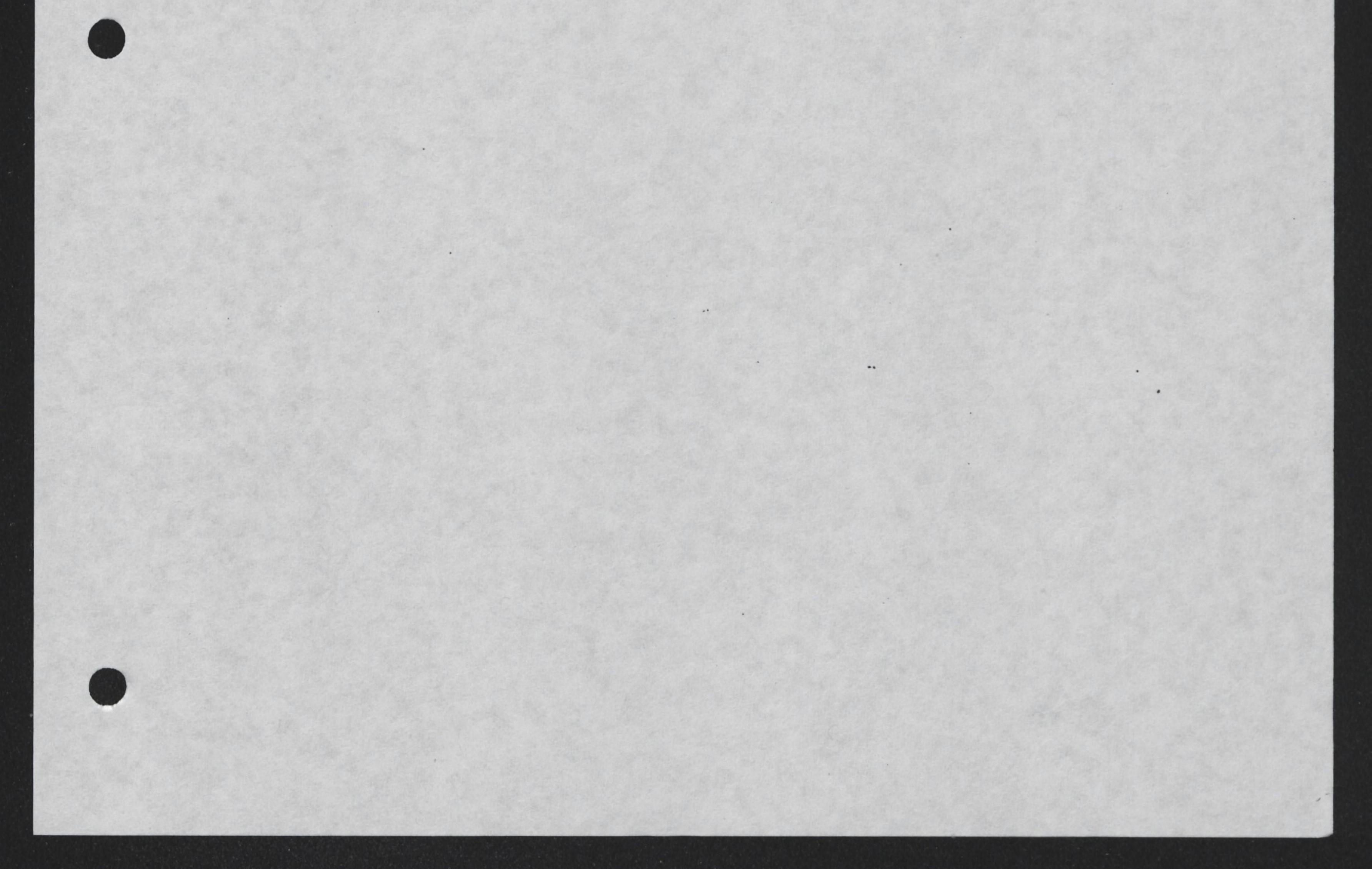
recommendation that is favorable to the faculty member or concurs in a

hearing committee recommendation that is unfavorable to the faculty

member, the faculty member may seek review of the Chancellor's decision

by the Board of Trustees as provided in Section 8."

7.747.14



#### SUSPENSION, DIMINISHMENT IN RANK, AND DISCHARGE OF FACULTY **SECTION 3.** MEMBERS

During any fixed or probationary term appointment and while on permanent tenure, a faculty member may be suspended, diminished in rank, or discharged from employment only on the grounds and in accordance with the procedures herein provided.

Grounds for suspension, diminishment in rank, or discharge a.

> The permissible grounds for suspension, diminishment in rank, or discharge are misconduct of such a nature as to indicate that the faculty member is unfit to continue as a member of the faculty, incompetence, and neglect of duty.\*

#### Procedures for discharge b.

- The Chancellor or his or her delegate shall send the faculty member by (1)registered mail, return receipt requested, a written statement of intention to discharge him or her. 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 a hearing by an elected standing faculty committee on hearings.
- If, within ten days\* after he or she receives the notice referred to in paragraph (2)(1) above, the faculty member makes no written request for either a specification of reasons or a hearing, he or she may be discharged without

recourse to any further institutional procedure by a written letter of discharge from the Chancellor.

- If, within ten days after he or she receives the notice referred to in paragraph (3) (1) above, the faculty member makes written request, by registered mail, return receipt requested, for a specification of reasons, the Chancellor or his or her delegate shall supply such specification in writing by registered mail, return receipt requested, within ten days after receiving the request. If the faculty member makes no written request for a hearing within ten days after he or she receives the specification, the faculty member may be discharged without recourse to any further institutional procedure by a written letter of discharge from the Chancellor.
- If the faculty member makes a timely request for a hearing, the Chancellor or (4) his or her delegate shall insure that the hearing is accorded before a standing committee of the faculty composed of at least five faculty members with permanent tenure elected by the voting members of the general faculty. The

\* Retirement for reason of disability shall be in accordance with North Carolina statutes and regulations governing retirement for faculty who are members of the state retirement system. A faculty member who is not a member of the state retirement system and who is mentally or physically disabled, but refuses to retire, may be discharged because of that disability only in accordance with the procedures of this Section 3.

\* As used in Sections 3, 4, and 6, except when calendar day is specified, the word "day" shall mean any day except Saturday, Sunday, or an institutional holiday. In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted.

hearing shall be on 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 or her written request for a hearing to prepare his or her 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. [Amended 6/20/80]

(5) 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 University's expense.

- (6) The Chancellor, or his or her delegate or counsel, may participate in the hearing to present evidence, cross-examine witnesses, and make argument.
- (7) 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 committee shall make its written recommendations to the Chancellor within ten days after its hearing concludes.

(8) In reaching a decision, the Chancellor shall consider only the written

transcript of the hearing and the report of the hearing committee. The Chancellor's decision shall be conveyed in writing to the affected faculty member and to the hearing committee. If the Chancellor rejects a finding, conclusion, or recommendation of the hearing committee, the Chancellor shall state the reasons for doing so in the written decision. If the Chancellor concurs in a recommendation of the hearing committee that is favorable to the faculty member, his or her decision shall be final. If the Chancellor either declines to accept a hearing committee recommendation that is favorable to the faculty member or concurs in a hearing committee recommendation that is favorable to the faculty member or concurs in a hearing committee recommendation that is favorable to the faculty member or concurs in a hearing committee recommendation that is favorable to the faculty member, the faculty member may seek review of the Chancellor's decision by the Board of Trustees as provided in Section 8. [Amended 6/20/80; 1/9/87]

(9) When a faculty member has been notified of the University's intention to discharge him or her, the Chancellor may suspend him or her at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional

and shall be with full pay.