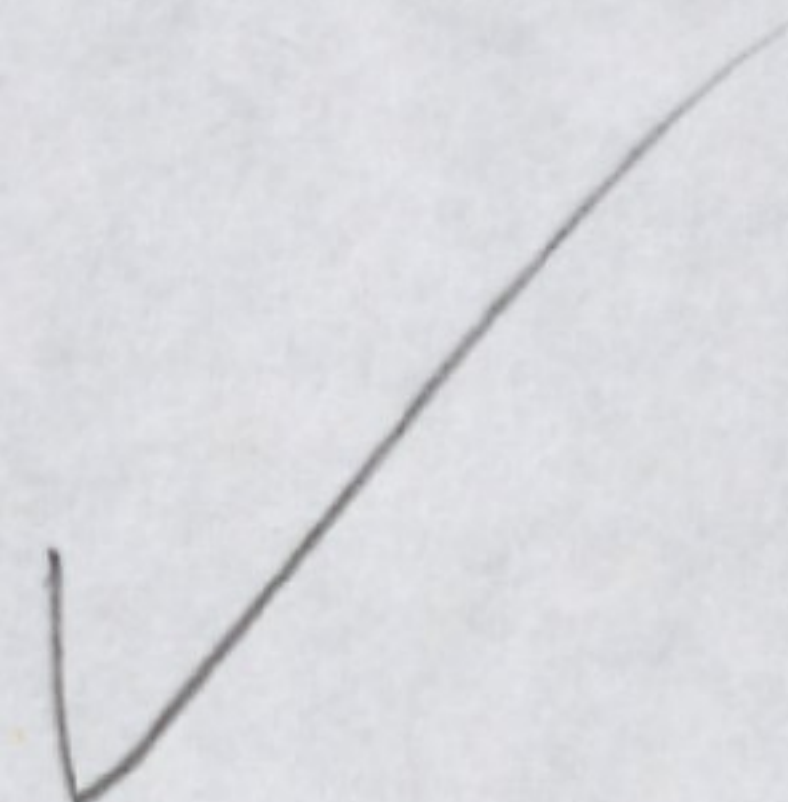


7-22-10  
revised online

Lee, Lori

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From: Martinez, Purificacion  
Sent: Wednesday, July 21, 2010 11:43 AM  
To: Lee, Lori  
Cc: Walker, Marianna  
Subject: RE: footnote in appendix D



Lori:

Since page 28 has the entire text of the Code, I am assuming that they refer to page 24. Because of the controversial nature of the topic, I think it would be prudent to include the text of the code instead of eliminating the reference. That means that Appendix D in page 24 should read:

Section 604B of The Code of The University of North Carolina states: "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 I of the North Carolina Constitution, or (b) the faculty member's race, color, sex, religion, creed, national origin, age, disability, veteran's status, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. ~~For purpose of this section, t.~~ The term "personal malice" means dislike, animosity, ill-will or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid University decision making. **For example, personnel decisions based on negative reactions to an employee's anatomical features, marital status or social acquaintances are intrinsically suspect. If reappointment is withheld because of personal characteristics that cannot be shown to impinge on job performance, a wrong likely has been committed. On the other hand, if personal characteristics can be shown to impede a faculty member's capacity to relate constructively to his or her peers, in a necessarily collegial environment, withholding advancement may be warranted. For example, the undisputed record evidence might establish that the responsible department chair declined to recommend a probationary faculty member for reappointment with tenure because of the faculty member's "unpleasant personality and negative attitude." Disposition of such a case requires a determination of whether the personality and attitude impeded the faculty member's job performance. While the terms "ill-will," "dislike," "hatred" and "malevolence" may connote different degrees of antipathy, such distinctions make no difference in applying the fundamental rationale of the prohibition. Any significant degree of negative feeling toward a candidate based on irrelevant personal factors, regardless of the intensity of that feeling, is an improper basis for making decisions. (UNC Policy Manual 101.3.1.II.B)**

Notice that in page 28, line 8 there is a footnote mark that should disappear, since there is no footnote to accompany it.

As you I think this is merely editorial and does not need another approval etc by anybody, just to inform people.

Thank you for all your work. Puri

Purificacion Martinez, Ph.D.  
Associate Professor of Hispanic Studies  
Department of Foreign Languages and Literatures  
East Carolina University  
Greenville, NC 27858  
U.S.A.  
(252) 328-6522  
[martinezp@ecu.edu](mailto:martinezp@ecu.edu)

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**From:** Lee, Lori  
**Sent:** Tuesday, July 20, 2010 5:38 PM  
**To:** Martinez, Purificacion  
**Cc:** Walker, Marianna  
**Subject:** footnote in appendix D

Puri – Attached is the revised Appendix D. In reference to the below request to delete the footnote, please let me know **which** footnote should be editorially deleted. I couldn't figure it out. I don't think that this will then need to go back through the committee, senate, chancellor, etc. Once that is done, I will be happy to forward the approved appendix to members of the Faculty Governance Committee. So everyone will have the newest version when beginning work this Fall. We can also announce it to the Senate in September. Thanks. - Lori

Page 24 – section V.B.2  
or  
Page 28 – section V.D.

----- Original Message ----- Alan:

As we discussed, I have reviewed the Tenure and Promotion Policy and find that ECU responded to the concerns addressed by Dr. Martin in May, 2009. I do note, however, that the modification to section V(E) includes a direct quote from BOG Policy 604(D)(2) and the quoted text includes the footnote referring to 101.3.1. The footnote should either be removed or the footnote text should be added to the policy.

I have also reviewed the revised Post-Tenure Review Policy and I find that sections D through G incorporate the requirements of BOG Policy 400.3.3.1[G](7), (9).

David

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David Lombard Harrison  
Associate Vice President For Legal Affairs University of North Carolina P.O. Box 2688 Chapel Hill,  
NC 27515-2688  
Phone: 919.962.0330  
Fax: 919.962.0477  
[harrison@northcarolina.edu](mailto:harrison@northcarolina.edu)