



**Board of Trustees
December 2, 2021
Nursing Instructional Building, Room 510**

Discussion Item

BOT- 2 Tenure Process at UNCG

Background Information

Provost Storrs will provide a brief overview of the makeup of our faculty and the importance of tenure. Senior Vice Provost Boyette will provide an overview of our rigorous tenure process.

Attachment:

BOT -2.1 Promotion, Tenure, Academic Freedom, and Due Process Regulations

A handwritten signature in dark ink that reads "Debbie Storrs".

Debbie Storrs
Provost & Executive Vice Chancellor

PROMOTION, TENURE, ACADEMIC FREEDOM, AND DUE PROCESS REGULATIONS¹
THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO

(Approved by the Faculty Council, September 16, 1975; Board of Trustees, October 9, 1975; Board of Governors, May 14, 1976;
Section 8 amended by the Board of Governors, March 12, 1982; adopted by Board of Trustees, April 8, 1982)

(Amended by the General Faculty, September 29, 1990; March 2, 1994; November 1, 1995; April 23, 1997; March 14, 2001; April 5,
2006 and approved by the Board of Trustees, February 7, 1991; April 5, 1995; November 9, 1995; August 28, 1997; April 19, 2001;
November 6, 2003; August 31, 2006 and by the Board of Governors, April 12, 1991; June 9, 1995; February 9, 1996; November 14, 1997
and by the President, September 10, 2001)

(Amended by the Faculty Senate, September 3, 2008; the General Faculty, September 10, 2008;
the Board of Trustees, September 18, 2008; and the President, October 5, 2009)

(Amended by the Faculty Senate, April 7, 2010; the General Faculty, April 28, 2010; the Board of Trustees, September 16, 2010; and
UNC General Administration April 4, 2011)

(Amended by the Faculty Senate, April 18, 2012; the General Faculty, April 25, 2012;
Approved by the Board of Trustees, December 6, 2012; and UNC General Administration on May 20, 2013)

(Amended by the Faculty Senate, March 1, 2017; Approved by the Chancellor, March 6, 2017;
Approved by the General Faculty, May 4, 2017)²

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The Regulations

1. Principles of Academic Freedom and Responsibility in the University Community

1.A. Responsibilities of the University of North Carolina at Greensboro

- 1.A.i. The University is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. This institution therefore supports and encourages freedom of inquiry,

¹ The name of this policy was changed from “*Regulations on Academic Freedom, Tenure and Due Process*” in September 2008.

² Non-substantive amendments made by the Provost, October 5, 2017

to the end that the faculty may responsibly pursue these goals free from internal or external restraints that would unreasonably restrict their academic endeavors.

- 1.A.ii. The University shall protect faculty in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.
- 1.A.iii. It is the policy of the University to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staff of this institution. Therefore, The University shall not penalize or discipline members of the faculty because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.
- 1.A.iv. The University recognizes and appreciates the diversity of faculty roles and responsibilities within the University, and will be responsive to the variety of these contributions in the evaluation of faculty for promotions and/or tenure. It endorses diversity in the evaluation models by which faculty are assessed rather than compelling a diverse faculty to conform to a single performance model.

1.B. Responsibilities of Faculty

- 1.B.i. Each faculty member is expected to possess intellectual and professional integrity, and a willingness to consider the welfare of the total institution. Faculty members do not discriminate against or harass colleagues, and respect and defend the free inquiry of their associates. In the exchange of criticism and ideas faculty members show due respect for the opinions of others, and strive to be objective in their professional judgment of colleagues. They accept their share of responsibilities for the governance of the institution.
- 1.B.ii. Those faculty members whose appointments are to include administrative responsibilities should have demonstrated or should show potential for administrative competence.
- 1.B.iii. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with the University and their position as people of learning.
- 1.B.iv. Faculty members work to maintain an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.
- 1.B.v. Faculty members shall not represent themselves, without authorization, as spokespersons for The University of North Carolina at Greensboro.

2. General Policies on Appointment, Reappointment, Promotion, and Tenure

- 2.A. Academic tenure refers to the conditions and guarantees that apply to a faculty member's professional employment. In all instances, academic tenure is held with reference to The University of North Carolina at Greensboro, rather than with reference to The University of North Carolina as a whole. It 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 this authority by the Board of Governors.³

2.B. The purpose of granting tenure is to protect the academic freedom of faculty members. The University recognizes that a tenure policy is a vital aid in attracting and retaining faculty members of high quality. Accordingly, a faculty member who holds tenure or an appointment to a specified term of service (section 6) may be discharged or suspended before that term expires only for incompetence, 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 (section 8). Further, it may become necessary to discontinue the employment of tenured faculty members because of financial exigency or program curtailment (section 7).

2.C. Appointment, reappointment, promotion, and tenure shall be awarded on the basis of demonstrated professional competence, potential for future contribution, and the needs and resources of the University.

2.D. Evaluation of Faculty Members

2.D.i. Section 400.3.1.1[G] of The UNC Policy Manual (*Guidelines on Tenure and Teaching in The University of North Carolina*) mandates that clear and specific statements of criteria for evaluation of faculty performance at every level (institution, unit, department) be provided in writing and discussed with each probationary faculty member before initial employment and at the beginning of the first term of employment and with each candidate being reviewed for reappointment, promotion, or tenure at the beginning of the year in which the review is scheduled to take place. A record of these discussions, prepared by the department head, must be kept in the candidate's personnel file⁴.

2.D.i.a. At the institutional level clear and specific evaluation criteria are included in the *University Wide Evaluation Guidelines for Promotions and Tenure*.

2.D.i.b. At the unit and departmental level clear and specific evaluation criteria are included in the unit and departmental promotion and tenure guidelines.

³ Policy # 600.3.4 of the UNC Board of Governors, "Granting of Management Flexibility to Appoint and Fix Compensation," provides for the delegation to the Boards of Trustees of Special Responsibility Constituent Institutions the authority to administer various personnel actions. On September 13, 2002, the Board of Governors approved UNCG's Institutional Plan for Management Flexibility, which delegated the authority to confer tenure to the UNCG Board of Trustees.

⁴ The requirements for clear and specific criteria specified here must be interpreted in light of The UNC Policy Manual, Section 101.3.1, which states "Within the University, important faculty personnel decisions are based on evaluations of performance rendered by a candidate's immediate colleagues and supervisors, who are in the best position to make such judgments. These assessments are not the product of mechanically applied checklists, criteria or formulas; there is no simple litmus test for outstanding teaching, research or service." In this context, the requirement for clear and specific criteria calls for a reasonable level of detail in the specification of the criteria for promotion and tenure. A specific, detailed list of accomplishments that form the *sine qua non* of any promotion and/or tenure violates Section 101.3.1, quoted above. For instance, an exact specification of the number of publication required to be eligible for promotion and/or tenure would violate this section. On the other hand, the mere statement that the candidate must "achieve excellence" in one or several categories, violates Section 400.3.1.1[G] of The Policy Manual. Statements of clear and specific criteria must avoid these extremes.

- 2.D.i.c. Both the unit and departmental promotion and tenure guidelines are provided to probationary faculty members and candidates for employment as detailed in 2.D.i.
- 2.D.ii. All tenure-track and tenured faculty members below the rank of Professor, shall receive written, clear and considered annual feedback from their department head on their progress toward promotion and/or tenure. This feedback must be informed by input from departmental faculty members senior⁵ to the person being reviewed, and must be consistent with the policies set down here (section 2 of the *Regulations*), the evaluation criteria in the *University Wide Evaluation Guidelines for Promotions and Tenure*, and the clear and specific criteria specified in unit and departmental promotion and tenure documents.
- 2.D.iii. Evaluation⁶ of eligible faculty for promotion and/or tenure must take place no later than the times specified in section 3, and must follow the procedures in section 4.
- 2.E. Faculty members are evaluated in the areas of teaching, research and creative activity, and service. An optional category of evaluation, directed professional activity, may also be used. In evaluating faculty members, explicit recognition must be given to the primary importance of teaching, as required in the *UNC Policy Manual*, section 400.3.1.1[G].
- 2.F. Decisions on appointment, reappointment, promotion and tenure shall be made without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status, as noted in Section 103 of *The Code*, and may not be based on personal malice by decision makers toward the candidate. Personal malice is defined in section 6.B.i.

3. Policies on Appointments, Timing of Reviews, Resignations and Retirement

3.A. Terms and Conditions of Appointments

- 3.A.i. The terms and conditions of each initial appointment and each reappointment shall be set out in writing. A copy of the terms, signed by the Provost, shall be delivered to the faculty member, and a copy shall be retained by the Provost. The general terms and conditions of such appointments, including those provided herein, shall either be set out in the document of appointment or incorporated therein by clear reference to specified documents that shall be readily available to the faculty member.
- 3.A.ii. The university tenure regulations, including Chapter six of *The Code of The Board of Governors of The University of North Carolina*, shall be published by the institution and made available to all faculty members.
- 3.A.iii. Upon request, each faculty member shall have ready access to information about his or her employment status, including access to all evaluations, whether internal or external, and other documents related to his or her performance as a

⁵ Associate Professors and Professors are senior to Assistant Professors. Professors are senior to Associate Professors. Consequently, only Professors may evaluate, or vote on the promotion of Associate Professors to the rank of Professor.

⁶ Discussion between a candidate and his or her department head, or any other administrator including his or her dean, regarding promotion and/or tenure shall not be considered evaluation for promotion and/or tenure.

faculty member, from the relevant university administrator (NC General Statute 126-24(1) LCIII).

3.B. Types of faculty appointments

- 3.B.i. Faculty appointments may be for fixed terms of employment, automatically terminable when they expire (fixed term appointments); they may be for probationary terms, leading to reappointment/tenure reviews (probationary term appointments); or they may be continuous until resignation, retirement, or death (appointments with tenure).
- 3.B.ii. Faculty members in the following ranks are eligible for probationary term appointments and tenure: Assistant Professor, Associate Professor, and Professor (see sections 3.D. – 3.F.).
- 3.B.iii. Professional Librarians who are members of the faculty hold positions without rank and are eligible for probationary term appointments and tenure.

3.C. Maximum Probationary Period

The total period of full-time probationary employment before tenure is granted shall not exceed seven years, including all previous full-time service at the rank of Assistant Professor or higher in this institution, unless the faculty member has been granted an extension of the probationary term for any of the reasons listed below (3.C.i. – 3.C.iii.). In all cases, the faculty member shall explain in writing his or her reasons for requesting an extension, and deliver his or her request to his or her department head. Extensions of the probationary term must be approved by the department head, the dean, and the provost, and stated in appointment or reappointment documents or added by a written memorandum of amendment during the term of an appointment. The probationary term may be extended in increments of one or more academic years: for example, one year for leaves of one or two semesters, two years for leaves of three or four semesters, etc. Extensions of the probationary term shall be limited to a total of no more than two years.

3.C.i. Leave of Absence

Leaves of absence that are granted to probationary-term faculty may justify an extension of the length of the probationary term. At the time a request for leave is granted, the faculty member, the department head, the dean, and the provost will agree in writing whether time spent on a leave of absence will count as probationary service. In the absence of an agreement, or if the parties fail to reach agreement, time spent on a leave of absence shall count as probationary service. Leaves of absence normally should not be for more than two academic years or occur more often than once in three years.

3.C.ii. Personal Exigency

Extensions of the probationary term may be granted in cases in which a probationary-term faculty member does not take a leave of absence, but seeks to extend the probationary period for reasons of personal exigency. Examples of personal exigency may include, but are not limited to, extended illness,

disability, adoption, childbirth, or serious problems concerning the health or welfare of a child or other immediate family member.⁷

3.C.iii. Administrative Assignment

Extensions of the probationary term may be granted in cases in which a probationary-term faculty member assumes a full-time administrative position for one or more semesters.

3.C.iv. Continued Availability of Special Funding

3.C.iv.a. The appointment, reappointment, or promotion of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or trust funds shall specify in writing that the continuance of the faculty member's services, whether for a specified term or for tenure, shall be contingent upon the continuing availability of such funds. Pursuant to section 602(7) of *The Code of The Board of Governors of The University of North Carolina*, the following exceptions shall apply to either of the foregoing contingency requirements:

3.C.iv.a.(1) That such a contingency shall not be included in a promotion to a higher rank if, before the effective date of that promotion, the faculty member had tenure and no such condition was attached to the tenure.

3.C.iv.a.(2) That such a contingency shall not be attached to the faculty member's contract if the faculty member held tenure in that institution on July 1, 1975 and the contract was not contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

3.D. Appointment and Review of Assistant Professors and Professional Librarians

3.D.i. Initial appointment: In all cases Assistant Professors and Professional Librarians shall be appointed to initial probationary terms of four years.

3.D.ii. Review at the end of the first probationary term appointment

3.D.ii.a. At least twelve months before the initial four-year term of appointment as an Assistant Professor or Professional Librarian expires, the candidate shall be reviewed for reappointment to an additional three-year term (if not prohibited by the term limits specified in section 3.C., above), and a decision rendered. A decision by the chancellor (see section 4.D) not to reappoint terminates the candidate's employment at the end of his or her four-year term. In

⁷ When a non-tenured, tenure-track faculty member is granted a leave with continuation pay under the provisions of the *UNCG Policy on Extended Illness, Disability, and Family Leave for Faculty (Other than Twelve Month)*, an automatic one-year extension of the tenure clock will be granted. The tenure clock extension will be discussed and verified in the Provost's approval letter. A maximum of two (2) one-year extensions of the tenure clock will be granted to an individual.

rendering this decision, the process in section 4 shall be followed, with the following exceptions:

- 3.D.ii.a.(1) External review is not required.
- 3.D.ii.a.(2) When the department recommends not to reappoint (as defined in 4.B.i.b), all provisions of sections 4.B.ii. and 4.B.iii. (unit and university reviews) shall be followed, except that the documentation forwarded from the department need only consist of the recommendation of the departmental faculty, including a record of their vote, the independent recommendation of the department head, and a copy of the candidate's current CV. The candidate may submit additional documents that support his or her reappointment. These documents are submitted to the dean, and are for consideration by the unit and university committees on promotion and tenure, the dean, and the provost.
- 3.D.ii.a.(3) When the department's recommended action is to reappoint to a further term of three years, review by the unit and university promotion and tenure committees is not required. Instead, the recommendation of the departmental faculty, including a record of their vote, and the independent recommendation of the department head shall be conveyed, along with a copy of the faculty member's current CV, to the dean for review. The dean shall send his or her recommendation, along with a copy of the departmental reviews and a copy of the faculty member's CV, to the provost. The provost shall send his or her recommendation, along with copies of all lower-level reviews, and a copy of the faculty member's CV, to the chancellor for a final decision on reappointment. The role of the chancellor is laid out in section 4.D.

3.D.iii. Review for Promotion and/or Tenure

- 3.D.iii.a. At least twelve months before an Assistant Professor has completed seven years of full-time service at that rank in this institution, the candidate shall be reviewed for promotion and tenure, and a decision rendered. The procedures in section 4 shall be followed.
- 3.D.iii.b. At least twelve months before a Professional Librarian has completed seven years of full-time service in this institution, the candidate shall be reviewed for tenure, and a decision rendered. The procedures in section 4 shall be followed.

3.E. Appointment and Review of Associate Professors

- 3.E.i. An Associate Professor promoted to that rank within this institution shall have tenure.

3.E.ii. An Associate Professor hired at that rank from outside the institution normally shall have tenure. With justification, approved by the Provost, an Associate Professor hired from outside the institution may be appointed to a probationary term of up to three years.

3.E.ii.a. When an Associate Professor is being considered for hire with tenure, the tenured faculty of all ranks, including the department head, of the hiring department will deliberate and vote on whether to recommend the granting of tenure to the candidate for the position in question. The departmental recommendation will be forwarded to the dean, who will forward it to the Provost and Chancellor for action.

In cases where an Associate Professor is being considered for hire without tenure, the department head must submit justification to substantiate the recommendation for the tenure-track appointment. The departmental recommendation will be forwarded to the dean, who will forward it to the Provost and the Chancellor for action.

3.E.ii.b. If hired for a probationary term, before the end of the penultimate year of that term, the Associate Professor shall be reviewed for tenure and/or promotion, and a decision rendered. The procedures in section 4 shall be followed. If tenure is not awarded, the Associate Professor's employment shall end at the conclusion of his or her probationary term contract.

3.E.iii. Review for Promotion to Professor

3.E.iii.a. The department head, or a majority of the Professors among the department faculty, may recommend a tenured Associate Professor for promotion to Professor at any time.

3.E.iii.b. If review is requested by the candidate, the department may not delay the beginning of formal review for promotion beyond August 1 of the seventh year following conferral of tenure. The candidate shall write to the department head requesting review for promotion no later than the preceding March 1, and the department shall follow the procedures described in section 4. The department head shall acknowledge the candidate's request in writing, with a copy to the dean and provost. This is not a mandatory review in that a candidate may choose not to request review. A decision not to request review does not preclude a candidate from choosing to be reviewed in any subsequent year.

3.E.iii.c. If a review of an Associate Professor for promotion to Professor at the candidate's request under Section 3.E.iii.b. is unsuccessful, or if the candidate withdraws his or her portfolio after a negative recommendation at the unit or university levels, the candidate may next request a review during the third year of service following notice of their unsuccessful bid, by writing to his or her department head as described in 3.E.iii.b. The review will begin no later than August 1st of the following year (the fourth year following notice of his or her unsuccessful bid or withdrawal). This is not a mandatory review in that

a candidate may choose not to request review. A decision not to request review does not preclude a candidate from choosing to be reviewed in any subsequent year. The department may, of course, recommend the candidate for promotion earlier, as specified in 3.E.iii.a.

3.F. Appointment of Professors

- 3.F.i. A Professor promoted to that rank within this institution shall have tenure.
- 3.F.ii. A Professor hired at that rank from outside the institution will be appointed with tenure.
 - 3.F.ii.a. When a Professor is being considered for hire, the tenured faculty of all ranks, including the department head, of the hiring department will deliberate and vote on whether to recommend the granting of tenure to the candidate for the position in question. The departmental recommendation will be forwarded to the dean, who will forward it to the Provost and Chancellor for action.

3.G. Resignation and Retirement

- 3.G.i. A faculty member shall give prompt written notice of resignation, with its effective date, to his or her department head with a copy to the dean, who will inform the provost.
- 3.G.ii. Consistent with *section 606 of The Code of The Board of Governors of the University of North Carolina*, each member of the faculty may retire in accordance with the provisions of *Chapter 135 of the North Carolina General Statutes* or in accordance with the provisions of UNCG's *Phased Retirement Program*.

4. Procedures with Regard to Promotion and Tenure

4.A. Sequence of review

- 4.A.i. Except as provided in section 4.A.ii., below, all recommendations will move through all stages of review to the chancellor, regardless of negative reviews or recommendations against approval the portfolio may have received at various stages in the process.
- 4.A.ii. Nominations that fail to receive all positive or all negative reviews (those receiving split votes) across all relevant entities by the department faculty, the department head, the unit's Committee on Promotions and Tenure, and the dean will normally be reviewed by the University Committee on Promotions and Tenure. No other nominations are routinely reviewed by the University Committee; however, the Provost may, at his or her discretion, require that any nomination be reviewed by this committee.
- 4.A.iii. The candidate may, at his or her discretion, withdraw his or her portfolio from consideration at any stage of review before it is submitted to the chancellor for a final decision.⁸

⁸ No decision has been rendered when a portfolio is withdrawn before it is submitted to the chancellor. The actions of the department, unit and university committees are merely recommendations. All decisions are made by the chancellor. In this sense,

4.B. Procedures

4.B.i. Departmental review

4.B.i.a. In all instances where a candidate is reviewed for reappointment, promotion and/or tenure, the candidate's department head, after assembling⁹ and consulting with the tenured members of the department faculty senior^{4,10} to the candidate in rank and receiving a summary of their independent deliberation and vote, shall notify the candidate of the department's recommendation (see 4.B.i.b.).

4.B.i.a.(1) The meeting of the faculty members must be preceded by the preparation of the descriptive section of the candidate's portfolio, and by an appropriate analysis of this information by the department so that the assembled faculty members can make an informed decision on the qualifications of the candidate. External review (see section 4.B.i.c.) of the candidate must be part of this analysis.¹¹

4.B.i.a.(2) The meeting of the faculty members shall be presided over by a chair, who is not the head, whose duties include assuring that the meeting is divided into evidence-gathering and deliberative phases, conducting a secret ballot, counting the votes, preparing a written summary of both majority and dissenting opinions, forwarding the summary and the results of the vote to the Head, and ensuring that all present sign the appropriate page of the Promotion and Tenure Form. The department head may not be present during the deliberative phase and vote of the faculty members, but may participate in the evidence-gathering phase.

4.B.i.b. Departmental recommendations not to reappoint, promote and/or grant tenure only occur when the majority of the voting faculty and the head concur in this decision based on their independent reviews. In all other cases the recommendation of the department must be to reappoint, promote and/or grant tenure.

4.B.i.c. Except as specified in 3.D.ii.a.(1), external review, usually in the form of a minimum of three letters, is required prior to the vote of the departmental faculty (see 4.B.i.a.). The candidate may submit the names of up to four potential reviewers to the department head for

this provision might be interpreted as allowing a candidate more than one attempt at tenure. However, if a candidate withdraws his or her portfolio during the penultimate year of his or her probationary term, his or her employment will end at the conclusion of that term. Withdrawal of a candidate's portfolio during a review for promotion that does not involve tenure, has no adverse consequences for the candidate, except as provided in Section 3.E.iii.c..

⁹ "Assembling" refers to the actual physical presence of the tenured faculty. However, if there are extenuating circumstances that prevent a particular tenured faculty member from being physically present, then that faculty member may participate by real-time electronic means, such as speaker phone or video conference, with prior approval of the Dean. Such use of electronic means for participation during the deliberation process does not modify any other requirements for the vote.

¹⁰ In the case of Professors appointed to probationary terms, the faculty members eligible to vote are tenured Professors.

¹¹ This section does not apply to review of Assistant Professors for reappointment at the end of their first probationary term.

consideration. Potential reviewers may not include individuals with conflicts of interest in objectively evaluating the candidate's portfolio (e.g., dissertation mentors, close collaborators, post-doc supervisors, etc.). The department head shall consult with the faculty senior^{4,8} to the candidate in rank, assemble a list of no fewer than four additional potential reviewers, and select no fewer than three reviewers from the combined list. The list of selected reviewers shall contain no less than one name submitted by the candidate.

- 4.B.i.d. Review of the candidate must be consistent with the clear and specific unit and departmental criteria for promotion and tenure, and reflect the feedback that the candidate has received in his or her annual reviews (2.D.ii.) and, in the case of tenured faculty in their post-tenure reviews, regarding promotion and tenure.¹²
- 4.B.i.e. The department head forwards the department's recommended action, a summary of faculty deliberations, including the number of faculty votes for and against a nomination, his or her independent evaluation of the candidate, and the candidate's complete portfolio, to the next, unit level of review.

4.B.i.f. Too few faculty of the appropriate rank

In cases where the dean believes there are so few faculty of the appropriate rank in the candidate's department that an adequate departmental review cannot be conducted, the dean will consult with the department head and the candidate in the selection of the review committee. A minimum of three faculty senior^{4,8} to the candidate are normally necessary to assure adequate review. If agreement between these parties is reached, a memorandum of agreement signed by all parties will specify the composition of the review committee. If, following the consultation specified above, the dean determines that agreement cannot be reached, the dean, with the approval of the Provost, will specify the composition of the committee.

4.B.i.g. Addition of material to a portfolio during departmental review

- 4.B.i.g.(1) Descriptive material may be added to a candidate's portfolio, either by the candidate or the department, at any time prior to the departmental vote.
- 4.B.i.g.(2) Following the departmental vote, the only types of descriptive information that may normally be added by the candidate or the department are:
 - 4.B.i.g.(2)(a) status updates on works (publications, grants, exhibitions, awards, and etc.) that are already cited in the portfolio; for instance, the status of works

¹² For assistant professors being reviewed for promotion and tenure, the review should also reflect any feedback they received at the end of their first probationary term.

submitted for review but not yet reviewed at the time of the departmental vote;

4.B.i.g.(2)(b) recognitions or awards that were not anticipated when the portfolio was initially assembled;

4.B.i.g.(2)(c) a document written by the candidate in reaction to the departmental review and evaluation. This document may be inserted at the candidate's discretion in response, for instance, to the presence of a dissenting opinion (see 4.B.i.h.) or a poorly prepared evaluative section. This document is not a mandatory component of the portfolio.¹³

4.B.i.g.(3) Evaluative material may be added to the candidate's portfolio at any time before it is submitted to the dean for review by the unit committee on promotion and tenure.

4.B.i.h. Right of faculty members to express dissenting opinions

In cases where the majority vote of the department faculty senior⁴ to the candidate is not unanimous, the assembled¹⁴ faculty member(s) who did not vote in accordance with the majority may collectively prepare a single signed statement explaining their vote, which shall be placed in the candidate's portfolio.

4.B.ii. Unit review

4.B.ii.a. The dean shall consult with a unit committee on promotions and tenure, which will review the recommendation and documents submitted by the department.

4.B.ii.a.(1) The meeting of the unit committee shall be presided over by a chair, who is not the dean, whose duties include assuring that the meeting is divided into evidence-gathering and deliberative phases, concluding the evidence-gathering phase by a vote of the committee to close this phase, conducting a secret ballot on the suitability of the candidate, counting the

¹³ The intent of this section is to allow the candidate to respond to the evaluative section of the dossier submitted by the department. This response is not intended to be a place where the candidate can put forward additional material that is not already cited in the descriptive section of his or her portfolio. All relevant aspects of the candidate's work should have been included in the materials submitted to the department for review. However, he or she may choose to draw attention to certain aspects of the portfolio that were overlooked in the departmental review. The candidate's department head is responsible for assuring that the candidate has access to the departmental evaluative sections of his or her portfolio, and has a minimum of three days to prepare his or her response.

¹⁴ "Assembling/Assembled" refers to the actual physical presence of the tenured faculty. However, if there are extenuating circumstances that prevent a particular tenured faculty member from being physically present, then that faculty member may participate by real-time electronic means, such as speaker phone or video conference, with prior approval of the Dean. Such use of electronic means for participation during the deliberation process does not modify any other requirements for the vote.

votes¹⁵, preparing a written summary of both majority and dissenting opinions, and forwarding the summary and the results of the vote to the dean. The dean may not be present during the deliberative phase and vote of the faculty members, but may participate in the evidence-gathering phase.

4.B.ii.b. The dean will forward his or her recommendation, the independent summary of the committee's recommendation provided by the chair of the unit committee, including the number of faculty votes for and against a nomination, and the candidate's portfolio, to the Provost.

4.B.ii.c. Addition of material to a portfolio during unit review

4.B.ii.c.(1) Descriptive material of the following types (4.B.ii.c.(1)(a) - 4.B.ii.c.(1)(c) may be added to a candidate's portfolio, either by the candidate or his or her department, during the unit review. Other types of descriptive material may not normally be added.

4.B.ii.c.(1)(a) status updates on works (publications, grants, exhibitions, awards, and etc.) that are already cited in the portfolio; for instance, the status of works submitted for review but not yet reviewed at the time of the unit vote;

4.B.ii.c.(1)(b) recognitions or awards that were not anticipated when the portfolio was initially assembled;

4.B.ii.c.(1)(c) a document written by the candidate in reaction to the unit evaluation. This document may be inserted at the candidate's discretion in response, for instance, to the presence of a unit review that the candidate considers factually inaccurate. This document is not a mandatory component of the portfolio.¹⁶

4.B.ii.d. Following his or her review, the dean shall make the text of his or her evaluation available in a secure location for the perusal of the candidate and members of the unit Promotion and Tenure Committee.

4.B.iii. University review

¹⁵ If the unit committee consists of both Associate Professors and Professors, the units may (but need not), at their discretion, restrict the unit committee members who can vote on the promotion of Associate Professors to Professor, to the Professors who serve on the unit committee. Assistant Professors are not permitted to serve on unit promotion and tenure committees.

¹⁶ The intent of this section is to allow the candidate to respond to the evaluative materials added to his or her dossier by the unit. The response is not intended to be a place where the candidate can put forward additional material that is not already cited in the descriptive section of his or her portfolio. All relevant aspects of the candidate's work should have been included in the materials submitted to his or her department for consideration. The dean is responsible for assuring that the candidate has access to the unit evaluative documents with a minimum of three days to prepare his or her response.

4.B.iii.a. The Provost shall identify and make available those portfolios, if any, which the Provost elects to have the University Committee review. The Provost shall attend the University Committee's initial meeting to review procedures and criteria, and shall consult with the University Committee on its review of recommendations and documents forwarded from the unit(s).

4.B.iii.a.(1) As specified in section 4.A.ii., nominations failing to receive all positive or all negative recommendations by the department faculty, the department head, the unit's Committee on Promotions and Tenure, and the dean will normally be reviewed by the University Committee.

4.B.iii.b. Evaluation by the University Promotion and Tenure Committee and the Provost

4.B.iii.b.(1) The Provost will review all portfolios forwarded by the unit.

4.B.iii.b.(2) The University Committee on Promotions and Tenure will review only those portfolios submitted to it by the Provost.

4.B.iii.b.(3) When the Provost elects to have portfolios reviewed by the University Committee, the Provost and the committee will prepare independent recommendations on each portfolio, for submission to the Chancellor. The committee's recommendations must include tallies of the votes for and against a nomination.

4.B.iii.b.(4) The Provost may request review and comment on any portfolio by the Dean of The Graduate School and the Vice Chancellor for Research and Economic Development.

4.B.iii.b.(5) All meetings of the University Committee shall be in executive session.

4.B.iii.b.(6) No member of the University Committee may be present during the discussion of or vote on a tenure or promotion decision involving a candidate from the committee member's department.

4.B.iii.b.(7) After the University Committee has reported to the Chancellor, the Chancellor shall call a meeting of the committee to obtain its counsel.

4.B.iii.b.(8) The Chancellor's decision on candidates reviewed by the University Committee shall be shared with the committee, and the committee shall have an opportunity to comment on the decisions before they become final.

4.C. Restriction on voting more than once: A faculty member eligible to vote in a promotion and/or tenure decision may vote only once on the candidate's promotion and/or tenure. If any member of the unit or university promotion and tenure committees has voted on

the case at a lower level, he or she must be recused from voting at the higher level. No faculty member may recuse him or herself from voting at a lower level in order to vote at a higher level.

4.D. Role of the Chancellor in Appointments, Reappointments, Promotions, and the Granting of Tenure

- 4.D.i. The Chancellor may delegate any or all of her or his responsibilities enumerated in these Regulations to an appropriate administrator of her or his choice. Consequently, all references to the chancellor in this document are to be understood to mean “the chancellor, or designee.”
- 4.D.ii. The Chancellor’s decision in all cases of appointment, reappointment, promotion, and the denial of tenure is a final decision except to the extent that this decision is subject to the due process provisions of section 6 of this document. Section 6 provides specific rights of appeal.
- 4.D.iii. The Chancellor’s decision in the granting of tenure is subject to the approval of the UNCG Board of Trustees (*The Code of the UNCG Board of Trustees, section 203B(1)a.i.*).
- 4.D.iv. Notice of the Chancellor’s decision in all cases concerning appointment, reappointment, and/or promotion (with or without the conferral of tenure) shall be in writing from the Chancellor.
- 4.D.v. Failure to give timely notice of non-reappointment shall oblige the Chancellor to offer a terminal appointment of one academic year.
- 4.D.vi. The Chancellor may recommend that a faculty member be promoted or granted tenure at any time.

5. Rights of Special Faculty Members and Fixed-Term Faculty Appointments

- 5.A. Faculty members who are appointed as visiting faculty members, adjunct faculty, instructors, lecturers, artists-in-residence, writers-in-residence, research faculty, clinical faculty, academic professionals, or other special categories are regarded as “special faculty members” for purposes of these *Regulations* and the *UNCG Code of the Board of Trustees*. Special faculty members may be paid or unpaid.
- 5.B. Special faculty members who are paid shall be appointed for a specified term of service as set out in writing in the letter of appointment. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term may not be granted when that term expires.
- 5.C. Special faculty members who are not paid may be appointed for a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.

- 5.D. During the term of their employment, special faculty members are entitled to seek recourse to grievances through the Faculty Grievance Committee, as provided in *section 607 of The Code*.
 - 5.E. Special faculty members, whether paid or unpaid, are not covered by *section 604 of The Code*, and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed term.
 - 5.F. The Instructor rank is reserved for Assistant Professor candidates who are completing terminal degree requirements. An Instructor shall be appointed for a period of one year and may be reappointed successively in the same rank for a maximum of two further one-year terms. Upon the recommendation of the dean, an Instructor's rank may be changed to Assistant Professor at the beginning of the academic year following the completion of the terminal degree requirements. If an Instructor is appointed to the rank of Assistant Professor, the time served as Instructor shall not be counted as part of the probationary service toward the attainment of tenure.
 - 5.G. Individuals may be appointed or reappointed to research faculty, clinical faculty, or academic professional non-tenure-track ranks based upon the fulfillment of academic unit- or departmental-based criteria for each rank. Recommendations regarding the conferral of rank among research faculty, clinical faculty, and academic professionals are made by their dean, with the concurrence of the provost, and with the advice of their department head and a unit, or departmental committee of faculty.
- 6. Reappointment, Non-reappointment, and Requirements of Notice and Review for Tenure Track Faculty (The provisions of this section are based on, and must conform to, *section 604 of The Code of the University of North Carolina*.)**
- 6.A. The decision not to reappoint a faculty member at the expiration of a fixed term of service shall be made by the appropriate institutional faculty and administrative officers early enough to permit timely notice to be given. For full-time faculty at the rank of assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:
 - 6.A.i. During the first year of service at the institution, the faculty member shall be given not less than 90 calendar days¹⁷ notice before the employment contract expires.
 - 6.A.ii. During the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days¹⁶ notice before the employment contract expires.
 - 6.A.iii. After two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months notice before the employment contract expires.

¹⁷ Wherever it is used, except where a 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 counted.

6.A.iv. Notice of reappointment or non-reappointment shall be written. If the decision is not to reappoint, then failure to give timely notice of non-reappointment will oblige the Chancellor thereafter to offer a terminal appointment of one academic year.

6.B. Permissible and Impermissible Grounds for Non-reappointment

6.B.i. The decision whether to reappoint a faculty member when a fixed term of appointment expires may be based on any factor considered relevant to the total institutional interests, but it must consider the faculty member's demonstrated professional competence, potential for future contributions, and institutional needs and resources. These considerations may form, in whole or in part, the basis of the ultimate decision. However, a decision not to reappoint may not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) the faculty member's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, or other forms of discrimination prohibited under policies adopted by the Board of Trustees; or (3) personal malice. For purposes of this section, the term "personal malice" is as defined in *The Code of the Board of Governors section 101.3.1 II.B.* and, 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.

6.B.ii. The review for or against reappointment may not be used as a forum for consideration of unproven allegations of personal or professional misconduct. Discussion or consideration of personal or professional misconduct is considered an improper basis for decision making unless the candidate does not contest the charge or was previously found guilty of that misconduct by an appropriate hearing body (e.g., the Faculty Committee on Due Process) or by a court. Personal or professional misconduct may include, but is not limited to, criminal offenses, drug or alcohol abuse that renders the employee unable fully to execute work-related responsibilities, actions which violate various University conduct policies such as sexual harassment, undue favoritism, ethics in research, or other actions which may be deemed as inappropriate.

6.C. Procedure for Review in Cases of Non-reappointment

In cases of non-reappointment, the faculty member may request review by the Faculty Committee on Due Process as set out in section 6.D., below. Following review by the Faculty Committee on Due Process, the faculty member may request additional review as outlined in section 6.E.

6.D. Review by Faculty Committee on Due Process

6.D.i. Request for Review

6.D.i.a. Within 14 days¹⁶ after the faculty member receives notice of non-reappointment from the Chancellor, the faculty member may request that the Faculty Committee on Due Process review the decision. If the faculty member does not request review of the notice of non-

reappointment within 14 days,¹⁶ the non-reappointment is final without recourse to any further review by faculty committees, the institution, or the Board of Governors.

- 6.D.i.b. The request for review shall be written and addressed to the chair of the Faculty Committee on Due Process, with a copy to the Chancellor. It shall specify the grounds upon which the faculty member contends that the decision was impermissibly based or arrived at improperly through procedural irregularities, with a short, plain statement of facts that the faculty member believes support the contention

6.D.ii. Scope of Review

- 6.D.ii.a. The review is limited to determining whether the decision not to reappoint was based upon any of the grounds stated to be impermissible in *section 604 of The Code of the University of North Carolina*, or whether the procedures followed to reach the decision materially deviated from prescribed procedures such that doubt is cast on the integrity of the decision not to reappoint.

- 6.D.ii.b. A request for review by the Faculty Committee on Due Process constitutes on the faculty member's part: (1) a representation that the faculty member can support the contention and (2) an agreement that the institution may offer in rebuttal of the contention any relevant data within its possession.

- 6.D.ii.c. The Faculty Committee on Due Process shall consider the request and grant a hearing within 30 days.^{16,18,19} The faculty member shall be given at least 14 days¹⁶ notice of the hearing.

6.D.iii. Conduct of Hearing

- 6.D.iii.a. The hearing shall be closed to the public.

- 6.D.iii.b. Only the members of the Faculty Committee on Due Process, the faculty member, the chancellor and such witnesses as may be called may attend except that the faculty member and the Chancellor may each be accompanied by a person of their choosing. If either party chooses to be accompanied by an attorney, the attorney may not actively participate in the hearing. A quorum for the hearing is a simple majority of the total committee membership. Committee members who hold an appointment in the faculty member's academic unit, who will testify as witnesses, or who have any other conflict of interest are disqualified from participating in the hearing. If disqualification of committee members for these reasons results in the inability to form a quorum, the chair of the Faculty Senate shall, in

¹⁸ The hearing may be delayed due to unusual circumstances, such as when a hearing request is received during official university breaks and holidays and where despite reasonable efforts the hearing committee cannot be assembled.

¹⁹ To meet its hearing deadline, the Faculty Committee on Due Process is encouraged to schedule hearings during the evening, weekend, or other non-class times. It is strongly recommended that several days and times be established for the hearing when scheduling the first day, for the eventuality that the hearing may take two or more sessions.

consultation with the chair of the Faculty Committee on Due Process, appoint temporary ad-hoc committee members from among eligible prior members of the committee. The terms of these ad-hoc committee members shall be limited to the case(s) that they are appointed to hear.

6.D.iii.c. The committee may consider only such evidence and arguments by the parties as are presented at the hearing and need consider only the evidence offered that it considers fair and reliable. All witnesses may be questioned by the committee members, the faculty member, the Chancellor, and the representatives of the faculty member and Chancellor (except as restricted in section 6.D.iii.b). Except as herein provided, the conduct of the hearing is under the committee chair's control.

6.D.iv. Hearing Procedure

6.D.iv.a. The hearing shall begin with the faculty member's presentation of contentions, which shall be limited to those grounds specified in the request for a hearing and supported by such evidence as the faculty member desires to offer. When the faculty member has concluded his or her presentation of evidence, the Chancellor may present evidence in rebuttal of the faculty member's contentions or in general support of the decision not to renew.

6.D.iv.b. At the end of this presentation, the committee shall consider the matter in executive session. The burden is upon the aggrieved faculty member to satisfy the committee that the preponderance of evidence (which is the same as the greater weight of the evidence) supports his or her contention.

6.D.iv.c. A transcript of the proceedings shall be kept by a professional court reporter, at the institutions expense, and shall be provided to the faculty member upon his or her request.

6.D.v. Procedure after Hearing

6.D.v.a. When the Committee Finds Against the Faculty Member

If the Faculty Committee on Due Process determines that the faculty member's contention has not been established by a preponderance of the evidence (which is the same as the greater weight of the evidence), it shall so notify the parties by a written notice. Such a determination confirms the decision not to reappoint. Further review may be had only in accordance with the procedures set out in section 6.E.

6.D.v.b. When the Committee Finds in Favor of the Faculty Member

6.D.v.b.(1) If the committee determines that the faculty member's contention has been satisfactorily established, it shall so notify the parties by a written notice that includes a recommendation for corrective action.

6.D.v.b.(2) When the Chancellor Accepts the Committee's Recommendation(s)

Within 14 days¹⁶ after receiving such a recommendation the Chancellor shall notify the faculty member, the faculty member's immediate supervisor, the faculty member's dean, and the chair of the Faculty Committee on Due Process what modification, if any, will be made with respect to the original decision not to reappoint. The notice is to be conveyed to the faculty member by a method of delivery²⁰ that requires a signature for delivery.

6.D.v.b.(3) When the Chancellor Does Not Accept the Committee's Recommendation(s)

6.D.v.b.(3)(a) If the Chancellor is considering taking action that is inconsistent with the recommendation of the committee, the Chancellor should communicate or consult with the committee regarding his or her concerns before making a decision, as specified in *II.E. of section 101.3.1 of the UNC Policy Manual*.

6.D.v.b.(3)(b) If the Chancellor decides not to accept the committee's recommendation it is a final decision, except to the extent that the decision may be appealed as detailed in section 6.E. The Chancellor shall notify the faculty member, within fourteen (14) days¹⁶ of receiving the committee's recommendation, in a written statement that must include a notice of their rights of appeal as laid out in *section 604D of The Code* and *section 101.3.1 of the UNC Policy Manual*. The notice of the decision is to be conveyed to the faculty member by a method of delivery that requires a signature for delivery.¹⁹

6.E. Further Appeals of the Chancellor's Decision

6.E.i. Appeal to the UNC System Board of Governors is possible if the faculty member believes that the Chancellor's decision was made in violation of *section 604 of The Code of The Board of Governors of The University of North Carolina*, or *section 101.3 the Board of Governors Policy Manual (Appeals of Non-reappointment Decisions Under section 604 of The Code of The Board of Governors of The University of North Carolina)*. Such appeals are based on the record of the committee hearing and are limited to three issues: (1) whether the procedures followed in reviewing the faculty member's contentions materially failed to comport with the procedures set out in *section 101.3 the Board of Governors Policy Manual* and those of *The Code of the University of North Carolina*; (2) whether the decision that the faculty

²⁰ Wherever delivery of a document to a faculty member is required in this document, attempted delivery that is refused by the faculty member shall count as a delivery.

member failed to prove his or her contentions was clearly erroneous based on the available evidence; and (3) whether the decision contravened controlling law or university policy.

- 6.E.ii. Appeal to the Board of Governors is initiated by filing a written notice of appeal to the president, by a method of delivery that requires a signature for delivery,¹⁹ within 14 days¹⁶ after the faculty member's receipt of the Chancellor's decision. A simple written notice of appeal with a brief statement of its basis is all that is required to initiate the appeal.
- 6.E.iii. Additional information on the conduct of this appeal is laid out in *section 101.3 of the Board of Governors Policy Manual* and *section 604D of The Code of the University of North Carolina*.

7. Termination of Employment for Reasons of Financial Exigency or Program Curtailment (The provisions of this section are based on, and must conform to, *section 605 of The Code of the University of North Carolina*)

7.A. Reasons Justifying Termination, and Consultation Required

7.A.i. Reasons for Terminating Employment

The employment of a faculty member with tenure or of a faculty member appointed to a fixed or probationary term may be terminated because of (1) demonstrable, bona fide, institutional financial exigency or (2) major curtailment or elimination of a teaching, research, or public-service program. Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public-service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by section 7.A.ii, below. This determination is subject to concurrence by the president and approval by the Board of Governors of The University of North Carolina. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member can be terminated in accordance with the institutional procedures set out in subsection 7.B., below.

7.A.ii. Consultation with Faculty and Administrative Officers (see *section 605C(1) of The Code*)

When it appears that the institution will experience an institutional financial exigency or when the institution is considering a major curtailment in or elimination of a teaching, research, or public-service program, the Chancellor shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments, academic programs, or academic units that might be affected, and of the Faculty Senate.

7.B. Termination Procedure

7.B.i. Considerations in Determining Whose Employment Is to Be Terminated

In determining which faculty member's employment is to be terminated for the reasons set forth in section 7.A.i, above, consideration shall be given to tenure status, rank, 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.

7.B.ii. Timely Notice of Termination (see section 605B of The Code)

7.B.ii.a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public-service program and such curtailment or elimination of a program is not founded upon financial exigency, the faculty member shall be given timely notice as follows:

7.B.ii.a.(1) A faculty member who has tenure shall be given not less than twelve months notice.

7.B.ii.a.(2) A faculty member who was appointed to a fixed term and does not have tenure shall be given notice as follows:

7.B.ii.a.(2)(a) During the first year of service at the institution, the faculty member shall be given not less than 90 calendar days¹⁶ notice before the employment contract expires.

7.B.ii.a.(2)(b) During the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days¹⁶ notice before the employment contract expires.

7.B.ii.a.(2)(c) After two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months notice before the employment contract expires.

7.B.ii.b. When a faculty member's employment is to be terminated because of financial exigency, the institution shall 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 immediately above in section 7.B.ii.a.

7.B.iii. Type of Notice to Be Given

The Chancellor shall send the faculty member whose employment is to be terminated a written statement of this fact by a method of delivery that requires a signature for delivery.¹⁹ This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of

pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by the Faculty Committee on Due Process, if the faculty member alleges that the decision to terminate his or her appointment was arbitrary or capricious; and a copy of this procedure on termination of employment.

7.B.iv. Termination if Reconsideration is not Requested

If, within 14 days¹⁶ after delivery of the notice required by section 7.B.iii, above, the faculty member makes no written request for a reconsideration hearing, the faculty member's employment shall be terminated at the date specified in the notice given pursuant to section 7.B.iii without recourse to any institutional grievance or appellate procedure.

7.B.v. Request for Reconsideration Hearing

Within 14 days¹⁶ after delivery of the notice required by section 7.B.iii., above, to the faculty member, the faculty member may request in writing a reconsideration of the decision to terminate his or her employment if the faculty member alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor, shall specify the grounds upon which the faculty member contends that the decision to terminate employment was arbitrary or capricious, and shall include a short, plain statement of facts that the faculty member believes support the contention.

7.B.vi. Jurisdiction of Reconsideration Committee

If the faculty member makes a timely written request for a reconsideration of the decision, the Chancellor shall insure that a hearing is accorded before the Faculty Committee on Due Process. This reconsideration shall be limited solely to a determination of the contention that the decision was arbitrary or capricious. The reconsideration hearing shall be held within 30 days.^{16,17,18} The faculty member shall be given at least 14 days¹⁶ notice of the hearing.

7.B.vii. Conduct of Hearing

7.B.vii.a. The hearing shall be closed to the public.

7.B.vii.b. The faculty member and the Chancellor have the right to legal counsel, to present the testimony of witnesses and other evidence, to cross-examine adverse witnesses, and to examine all documents and other demonstrative evidence. The faculty member and the committee shall have access, upon request, to documents of The University of North Carolina at Greensboro that were used in making the decision to terminate the faculty member's appointment after the decision was made that some faculty member's appointment must be terminated. The committee may consider only such evidence as is presented at the hearing and need consider only the evidence offered that it considers fair and reliable. All witnesses may be questioned by the committee members. Except as herein provided, the conduct of the hearing shall be under the control of the committee chair.

- 7.B.vii.c. A quorum for purposes of the hearing is a simple majority of the total membership. No one shall serve on the committee for this hearing who holds appointment in the faculty member's academic unit, who participated directly in the decision to terminate this faculty member's appointment, or who has any other substantial conflict of interest.

7.B.viii. Hearing Procedure

- 7.B.viii.a. The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for hearing and supported by such evidence as the faculty member desires to offer. The Chancellor may then present, in rebuttal of the faculty member's contentions or in general support of the decision to terminate employment, such testimonial or documentary evidence as he or she desires to offer, including his or her own testimony.
- 7.B.viii.b. A transcript of the proceedings shall be kept by a professional court reporter, at the institutions expense, and shall be provided to the faculty member upon his or her request.
- 7.B.viii.c. At the end of the presentations, the Faculty Committee on Due Process shall consider the matter in executive session and shall make its written recommendation to the chancellor within 14 days¹⁶ after the hearing concludes. The burden is on the faculty member to satisfy the committee a preponderance of the evidence (which is the same as the greater weight of the evidence), that the decision to terminate was arbitrary or capricious.

7.B.ix. Procedure After Hearing

- 7.B.ix.a. If the Faculty Committee on Due Process determines that the faculty member's contention has not been established, it shall so notify the faculty member, and the Chancellor, in writing, by a method that requires a signature for delivery.¹⁹ The faculty member may then appeal the decision to terminate his or her employment to the Board of Trustees as provided in *section 605C(6) of The Code of The Board of Governors of The University of North Carolina*. The request to the Board of Trustees must be made to the Chairman of the Board within 14 days¹⁶ of delivery of the notice described above. Failure to request review within 14 days¹⁶ confirms the decision to terminate.
- 7.B.ix.b. If the Faculty Committee on Due Process determines that the faculty member's contention has been satisfactorily established, it shall notify the faculty member and the chancellor by a written notice that may also include a recommendation for corrective action by the chancellor.

7.B.ix.b.(1) Within 14 days¹⁶ after receiving this recommendation, the Chancellor shall send written notice, by a method of that requires a signature for delivery,¹⁹ to the faculty member and the chair of the Faculty Committee on Due Process what modification, if any, will be made with respect to the original decision to terminate the faculty member's employment.

7.B.ix.b.(2) If the Chancellor fails to reverse the original decision, the faculty member may appeal the termination to the Board of Trustees as provided in *section 605C(6) of The Code of The Board of Governors of The University of North Carolina*. The request to the Board of Trustees must be made in writing to the Chairman of the Board within 14 days¹⁶ of delivery of the notice described in 7.B.ix.b.(1), above. Failure to request review within 14 days¹⁶ confirms the Chancellor's decision.

7.B.ix.b.(3) If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the decision and corrective action of the Chancellor are final.

7.C. Assistance for Faculty Members and Rights to New Positions

7.C.i. Institutional Assistance to Employees Who Are Terminated

The institution, when requested in writing by one whose employment has been terminated, shall give the faculty member reasonable assistance in finding other employment.

7.C.ii. First Right of Refusal of New Positions

For two years after the effective termination date of a faculty member's contract for any reason specified in section 7.A.i., above, the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer, sent to the faculty member's last known address, shall be made by a method of delivery that requires a signature for delivery.¹⁹ The faculty member shall have 30 calendar days¹⁶ after delivery of the notice to accept the offer.

8. Discharge or the Imposition of Serious Sanctions (The provisions of this section are based on, and must conform to, section 603 of *The Code of the University of North Carolina*)

8.A. A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees the faculty member may be discharged from employment, suspended, or demoted in rank only for reasons of:

8.A.i. 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

- 8.A.ii. neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations
 - 8.A.iii. misconduct of such nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify serious disciplinary action, such misconduct should be either (a) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (b) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.
- 8.B. These sanctions may be imposed only in accordance with the procedures prescribed in this section. For purposes of this section, 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 (section 6) or termination of employment (section 7).
- 8.C. The Provost shall send the faculty member a written notice of intention to discharge the faculty member or impose a serious sanction together with a written specification of the reasons. The notice and specification of reasons shall be sent by a method of mail or delivery that requires a signature for delivery.¹⁹ The statement shall include notice of the faculty member's right, upon request to a hearing by the Faculty Committee on Due Process.
- 8.D. If, within 14 days¹⁶ after receiving the notice and written specifications referred to in section 8.C., above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.
- 8.E. If the faculty member makes a timely written request for a hearing, the chancellor shall ensure that the hearing is timely accorded before the Faculty Committee on Due Process. The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction. The Faculty Committee on Due Process shall accord the faculty member 30 days¹⁶ from the time it receives the faculty member's written request for a hearing to prepare a 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. The committee will ordinarily endeavor to complete the hearing within 90 calendar days¹⁶ from the Committee's receipt of the faculty member's request for a hearing, except under unusual circumstance such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.⁸
- 8.F. Conduct of the Hearing**
- 8.F.i. The hearing shall be closed to the public unless the faculty member and the committee agree that it may be open.
 - 8.F.ii. 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,

to examine all documents and other adverse demonstrative evidence, and to make argument.

- 8.F.iii. A written transcript of all proceedings shall be kept by a professional court reporter and, upon request, a copy thereof shall be furnished to the faculty member at the institution's expense.
- 8.F.iv. The Provost, or designee, and/or counsel, may participate in the hearing to present testimony of witnesses and other evidence, to cross-examine witnesses, to examine all documents and other evidence, and to make argument.

8.G. 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 or oral arguments as the committee, at its discretion, may allow. The university has the burden of proof. In evaluating the evidence, the committee shall use the standard of clear and convincing evidence, in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for recommended action.

- 8.G.i. The committee shall make its written recommendations to the Chancellor within 14 calendar days¹⁶ after its hearing concludes or 14 calendar days¹⁶ after the full transcript is received, whichever is later.

8.H. Procedure after Hearing

- 8.H.i. The Chancellor shall notify the faculty member of his or her decision in writing, by a method that requires a signature for delivery.¹⁹
- 8.H.ii. If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the Chancellor's decision shall be final.
- 8.H.iii. 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.

8.H.iii.a. Appeal to the Board of Trustees

- 8.H.iii.a.(1) The appeal shall be transmitted through the chancellor and be addressed to the chair of the Board of Trustees. Notice of appeal shall be filed within 14 calendar days¹⁶ after the faculty member receives the Chancellor's decision, by a method of delivery that requires a signature for delivery.
- 8.H.iii.a.(2) The appeal to the Board of Trustees shall be decided by the full 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.
- 8.H.iii.a.(3) The Board of Trustees, or its committee, shall consider the appeal on the written transcript of the hearing held by the Faculty Committee on Due Process, but it may, in its discretion, hear such other evidence as it deems necessary.

8.H.iii.a.(4) The Board of Trustees' decision shall be made as soon as reasonably possible after the Chancellor has received the faculty member's request for an appeal to the Trustees. This decision shall be final except that the faculty member may, within 14 calendar days¹⁶ after receiving the Trustees' decision, appeal to the Board of Governors, by filing a written notice of appeal by a means of delivery that requires a signature for delivery, if the faculty member alleges that one or more specified provisions of *The Code of The University of North Carolina* have been violated. Any such appeal to the Board of Governors shall be transmitted through the president.

8.I. When a faculty member has been notified of the institution's intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the individual at any time until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional, and shall be with full pay until the campus proceedings are concluded.

9. Implementation of these Regulations

9.A. These policies and regulations supersede all other institutional documents, including all Senate resolutions, governing the matters covered herein.

9.B. Except as otherwise provided below, all provisions of these policies and regulations shall become operative (with respect to all existing and all future faculty appointments, including for faculty who will be reviewed for promotion and/or tenure at the university level during the academic year that begins on the effective date) on the effective date, which shall be the first day of August after the day on which these policies and regulations are approved by the president of The University of North Carolina, which shall be no earlier than August 1, 2011.

9.C. The provisions of section 6 shall apply with respect not only to those who receive notices of non-reappointment after the effective date but also to those who are given such notices during the ninety calendar days¹⁶ next preceding the effective date. Assistant Professors, Associate Professors, and Professors hired on probationary appointments to whom notices of non-reappointment are given during the 90 calendar days¹⁶ next preceding the effective date shall have 30 days¹⁶ after the effective date within which to initiate the review procedures provided in section 6.

10. Amendments

The University Committee on Promotions and Tenure will review these *Regulations* and other university promotion and tenure policies on an annual basis, and will recommend modifications and changes to the Faculty Senate. Amendments to these *Regulations* must be reviewed by, and may be initiated upon the recommendation of, the Faculty Government Committee in the same manner as prescribed in *The Constitution of the Faculty* for amendments to that document. If the recommended amendments are approved by the Senate and by two-thirds of the General Faculty members present and voting, they shall be sent to the Chancellor for approval. If the Chancellor approves them, the chancellor shall send them to the Board of Trustees, which, if it approves them, shall send them to the President for final approval.

Appendix

Documents Governing the Promotion and Tenure Process at the University of North Carolina at Greensboro

I. MAJOR DOCUMENTS

A. UNC System Documents

All UNCG documents must conform to the provisions of *The UNC Policy Manual* and *The Code of the UNC Board of Governors*. Resolutions passed by the Faculty Senate and General Faculty are binding only to the extent that they do not contradict provisions of *The Code*.

1. [Freedom and Responsibility in the University Community. The Code of the UNC Board of Governors, Chapter VI: Sections 600-611.](#)
2. [Appeals of Non-reappointment Decisions under Section 604 of The Code Effective for Personnel Actions Taken On or After September 1, 2009. The UNC Policy Manual, Section 101.3.1.](#)
3. [Guidelines on Tenure and Teaching in the University of North Carolina. The UNC Policy Manual, Section 400.3.1.1\[G\]](#)

B. University-wide documents

1. **Promotion, Tenure, Academic Freedom, and Due Process Regulations (*this document*)**

This is the primary document governing promotion and tenure decisions at the University of North Carolina at Greensboro. All other UNCG documents are subservient to the provisions in this document. Changes to this document must be approved by the president of the UNC system.
2. [University Wide Evaluation Guidelines for Promotions and Tenure](#)

The *Evaluation Guidelines* lay out general principles for promotion and tenure deliberations at UNCG, and give examples of the types of activities that fit into each category. The *Evaluation Guidelines* provide a context in which each unit develops specific evaluation plans appropriate to its mission.
3. [Procedures for UNCG Hearings in "Serious Sanction" Cases](#)

The provisions of the *Procedures for UNCG Hearings in "Serious Sanction" Cases* are subservient to the policies laid out in these *Regulations*. The *Procedures* lay out the procedures of operation of the Faculty Committee on Due Process. The Faculty Committee on Due Process hears all cases concerning non-reappointment, denial of promotion when that denial accompanies non-reappointment, and cases of "serious sanctions," and only these cases. Other grievances, including cases of denial of promotion where that denial is not accompanied by non-reappointment, are heard by the Faculty Grievance Committee.
4. [Non-reappointment Hearing Procedures, The University of North Carolina at Greensboro](#)

These procedures are drawn from UNCG's *Regulations on Academic Freedom, Tenure and Due Process*, and reflect the experiences of UNCG faculty who have served on the Faculty Due Process Committee.

C. Unit and Departmental Documents

1. Unit Promotion and Tenure Documents

The provisions of the unit promotions and tenure documents must be consistent with all UNC System, and UNCG university-wide documents.

2. **Departmental Promotion and Tenure Documents**

The provisions of departmental promotion and tenure documents must be consistent with UNC System, UNCG university-wide and UNCG unit documents.

II. **OTHER DOCUMENTS RELATED TO PROMOTION AND TENURE**

A. **[Faculty Grievance Committee Policies and Procedures](#)**

The Faculty Grievance Committee hears grievances on any faculty concern, except those specifically directed to the Faculty Committee on Due Process. With respect to promotion and tenure, it hears grievances related to the denial of promotion where that denial is not accompanied by non-reappointment.

B. **[The Bylaws of the General Faculty and Faculty Senate, Article II, Section 1: University Promotion and Tenure Committee](#)**

The UNCG Constitution of the General Faculty specifies the charge and composition of the UNCG Promotion and Tenure Committee.

C. **[Bylaws of the Constitution of the Faculty, Article II, Section 2, Item 2.](#)**

The UNCG Bylaws of the constitution contain a minor amendment to the operation of the UNCG University Committee on Promotions and Tenure. The amendment allows the Chair-elect of the Senate to attend the meetings as a non-voting, ex-officio member of the committee for observation and learning purposes.

D. **[The Code of the UNCG Board of Trustees](#)**

1. **Section 204B - Standing Committees:** The whole of the relevant text is reproduced here: "Grievance Appeals Committee: The Grievance Appeals Committee will hear disciplinary appeals in student conduct cases, will consider appeals from the Chancellor's decision on discharge or imposition of serious sanctions against a faculty member, and will consider appeals by faculty, staff, or students from decisions of the Chancellor if the grievance is based on a policy, rule, or regulation of the Board of Trustees."

2. **Section 203B.I.A.i.a. –Conferral of Tenure:** The Board of Trustees of UNCG, on the recommendation of the Chancellor, shall approve the conferral of tenure.

E. **[Annual and Post-Tenure Review Policy for Faculty](#)**

The procedures for post-tenure review are laid out in the document titled *Annual and Post-Tenure Review Policy for Faculty*.

F. **[Promotion and Tenure Form](#)**

The *Promotion and Tenure Form* is the means by which the policies in UNC System and UNCG promotion and tenure documents are implemented. This form is maintained by the UNCG University Promotion and Tenure Committee.

G. **[Personal Exigency: Guidelines and Procedures](#)**

This document describes the guidelines for applying and the procedures for administering the University's provisions on extending the probationary term for reasons of personal exigency. Its provisions of this document are subservient to those of section 605 of The Code, and those laid out these *Regulations*.