



# The University of North Carolina

GENERAL ADMINISTRATION

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MAY 18 2009

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May 15, 2009

Dr. Joan Lorden  
Provost & Vice Chancellor for Academic Affairs  
University of North Carolina at Charlotte  
Reese Administration Building  
9201 University City Boulevard  
Charlotte, NC 28223

Re: Review of Campus Tenure Related Policies

Dear Dr. Lorden, *Joan*,

We have completed our review of the University of North Carolina Charlotte's tenure-related policies. Generally, these are good policies and we commend the campus for its work on incorporating the revisions.

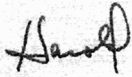
However, we do note a few significant issues in these policies:

1. Section 1.8 misstates the impermissible grounds as to one area. For whatever reason, Code 604B. does not limit the appeal rights under the First Amendment to the U.S. Constitution or Article 1 of the N.C. Constitution to only freedom of speech. Thus, the phrase "freedom of speech" should be deleted from this section.
2. Section 1.14 in the first paragraph should include a reference to loss of tenured employment by termination. The reference only to discharge may create legal problems for your campus in the future.
3. Section 3.6, the second paragraph, provides more potential notice than is required by Code 602(7). If your campus is making a conscious decision to do so, that is acceptable. However, we wanted to be sure that you were aware of this point.
4. Section 9.3.2 requires two revisions; the notice must be sent by a method that requires a signature for delivery and the 30 days should be related to an "attempted delivery," not "after receipt." If for some reason the former faculty member refuses to accept delivery, your campus could be barred from filling the position.
5. Section 10.2 appears to require a change to a September 1, 2009 effective date.
6. In a Post Tenure Review hearing, Section 7 should state that the committee may only consider evidence from the hearing and arguments by the parties.

Once we receive an electronic version of the revised policy showing the above changes, we will submit them to the President for approval.

Please do not hesitate to contact me or Charles Waldrup if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold", written in a cursive style.

Harold L. Martin, Sr.

HLM/la

copy: Charles Waldrup