

FACULTY COUNCIL
Meeting Minutes
October 23, 2014

Present (ex officio): Gregory Starrett (President); Jeffrey Leak (President-Elect); Peter Schmidt (Secretary); Eddy Souffrant (Past President); E.E. Balcos (Alternate, COAA); Chandra Subramaniam (BCOB); Susan Furr (COED); Beth Rubin (CLAS); Paula Eckard (CLAS); Judy Walker (LIB); Joan Lorden (Provost); Yi Deng (Dean, College of Computing and Informatics); Robert Johnson (Dean, William States Lee College of Engineering); Nancy Fey-Yensan (Dean, College of Health and Human Services); Nancy Gutierrez (Dean, College of Liberal Arts & Sciences); Johnna Watson for Tom Reynolds (Dean, Graduate School); John Smail (Dean, University College)

Absent: Cynthia Gibas (CCI); Mehdi Miri (COE); Meredith Troutman-Jordan (CHHS); Mark Wilson (CLAS); Phil Dubois (Chancellor); Arthur Jackson (Vice Chancellor of Student Affairs); Ken Lambra (Dean, College of Arts + Architecture); Steve Ott (Dean, Belk College of Business); Ellen McIntyre (Dean, College of Education)

Present (unit representatives): Casper Wiggins (ACCT); Jian Zhang (BIOL); Jing Zhou (BISOM); Joanna Krueger (CHEM); Loril Gossett (COMM); James Frazier (ITCS); John Stogner (CJUS); E. E. Balcos (DANC); Alice (Hui-Kuan) Tseng (ECON); Barry Sherlock (ETCM); Alan Rauch (ENGL); John Bender (Alternate, GYES); Jim Hogue (HIST); Erik Wikstrom (KNES); Anastasia Koralova (LACS); Stephanie Otis (LIB); Ed Jernigan (MGMT); Harish Cherukuri (MEGR); Lan Kolano (MDSK); Dylan Savage (MUSC); Yuri Nesmelov (PHYS); Beth Whitaker (POLN); Charlie Reeve (PSYC); Andrew Harver (PHS); John Reeves (RELS); Murray Webster (SOCY); Khai Truong (ITIS); Gloria Campbell-Whatley & Shawnee Wakeman (SPED); Yesim Sireli (SEEM); Tom Burch (THEA)

Absent (unit representatives): Dean Fitzgerald (AERO); Tanure Ojaide (AFRS); Dennis Ogburn (ANTH); David Thaddeus (SOA); Maja Godlewska (ARTS), Susan Sell (BINF); Rajaram Janardhanam (CEGR); Jack Culbreth (CSLG); Lisa Driscoll (EDLD); Sukumar Kamalasan (ECGR); Keener Hughen (FINN); John Cox (GIAS); Charles Bodkin (MKTG); Zhiyi Zhang (MATH); Jared Sloan (MSCI); Mary Smith (SON); Michael Kelly (PHIL); Ian Binns (REEL); Mark Ezell (SOWK)

Also present: Leslie Zenk (Academic Affairs); Matt Wyse (Academic Affairs); Cindy Wolf Johnson (Academic Services); J. Garvey Pike (CTL); Heather McCullough (ITS/CTL); David Broome (Legal Affairs); Jesh Humphrey (Legal Affairs); Christopher Knauer (Registrar); Cathy Blatt (University Center for Academic Excellence); Lee Gray (COA+A); Dawn Floyd (Student Affairs)

The meeting was called to order at 12:32 pm, Dr. Starrett Presiding.

- 1. Approval of meeting minutes from September 25, 2014.**
No corrections proposed.

Approved via acclamation.

2. Discussion of Title IX Issues

Dawn Floyd, Title IX coordinator for the UNC Charlotte campus gave a presentation to the council, incorporated by reference and attached to these minutes. The need for changes in the law was driven, in part, by perceived problems with sexual misconduct on college campuses. Ms. Floyd shared her professional background, which includes higher education administration, a law degree with private practice experience. She described the genesis of the changes presented from an amendment to the Violence Against Women Act, passed in 2013. Her office contends that in order to comply with the law, faculty should be compelled to transmit a package of written material to any student who reports a possible offense, that all employees must be trained, and that institutional policies must be in place. See the attached presentation for detailed definitions and resources available. This information was presented without information on justification or rationale for policy implementation.

The council was then solicited for comments or questions.

Q: If a student confides in a faculty member, must the faculty member state to the student that they will be required to report what the student is sharing?

A: Yes. Faculty members can stress that the information is kept private and has limited distribution and should steer the student to professional resources available on campus. Calling the police may be suggested as well.

Q: Should information that comes to faculty indirectly (via sources other than the affected student) be reported?

A: Yes. All information should be passed to the Title IX coordinator, even if the potential offense happened off campus.

Q: What kind of “teeth” does the law have with regard to these types of offenses?

A: There are real consequences and actions taken. The Assistant Dean of Students meets with the victim to remediate immediate concerns for safety. The Title IX coordinator discusses the investigation of the offense with the victim, with the victim having the right to have the investigation terminated, unless there are extenuating circumstances, such as the offense being a part of a pattern of behavior by the alleged perpetrator. If an investigation is conducted, a report is drafted and sent to the director of student conduct. Staff is available in the Dean of Students’ office to support any investigations, with procedures in place to protect the right of both victims and the accused.

Q: Should information regarding this issue be included in course syllabi?

A: Yes. Training for this new law is ongoing, and there are resources available on the UNC Charlotte campus website.

Q: Should there be some sort of “Informed Consent” policy be in place to warn students prior to their sharing information that must be reported? The mandatory reporting requirement seems misplaced, and faculty experience indicates that this policy will make students less likely to share information.

A: The intent of the policy is to empower students. Students should know that confidentiality is not guaranteed when speaking with faculty. Faculty, in general, are not equipped to function as trauma counselors, and should steer students to professional services available on campus. Faculty should be honest with students regarding their choices when reporting an incident covered by Title IX law.

Q: This policy will silence students, and will create the perception that faculty are untrustworthy to students. This policy removes a potential resource for students.

A: Faculty should provide empathy and honesty to students. The intent is to avoid placing the University in a position of liability if a student reports an incident to faculty with the expectation that something will be done, but no action is taken.

Q: How was this decision reconciled with the existing “Safe Zone” program? This policy negates the function of that program, where students have the choice of having faculty report a problem.

A: The policy was crafted without knowledge of the “Safe Zone” program. The policy is an attempt to implement federal law at the campus level and to avoid campus liability under that law.

Q: How much detail is necessary to reach the threshold where a report would be required?

A: Vague descriptions of an incident are not reportable.

Q: This policy does not consider the issue of unsolicited reports via email. This situation precludes giving students pre-notification on reporting requirements. What is the procedure for handling this eventuality?

A: Tell the student about reporting requirements as soon as possible.

Q: Are graduate student workers considered “Responsible Employees”?

A: Yes

Faculty members are encouraged to send all comments to Faculty Council President Starrett for consolidation. These issues will be addressed in a special meeting of the FEC.

3. Discussion and introduction of the proposed policy for Tenured Faculty Review

The following documents are incorporated by reference and attached to these minutes:

- 3a. The UNC Policy Manual: Performance Review of Tenured Faculty
- 3b. Guidelines on Performance Review of Tenured Faculty
- 3c. Memo regarding changes to the UNC Policy Manual
- 3d. University Policy 102.14: Tenured Faculty Performance Review

Dr. Starrett gave an overview of the rationale for policy implementation, with the changing of party control of the state legislature highlighted. Turnover in the political appointees has resulted in the perception that the tenure system should be reformed. Dr. Starrett solicited comments from the faculty at large, and those will be forwarded to the FESC for use in their deliberations. Proposed language for UNC Charlotte policy will be discussed at a faculty council meeting in early 2015. Some comments were taken from the membership present.

- 1) The draft policy is duplicative to current practice of creating 5 year plans by each academic unit.
- 2) Annual review of tenured faculty is already in place, which is further duplicated in this policy.
- 3) The policy creates a redundant workload for college deans.
- 4) This policy is susceptible to misuse by administration. Unilaterally imposed development plans could be used to attack faculty perceived as “troublemakers” or those who oppose new administration policies or initiatives. This policy produces a poor balance of power between faculty and administrators.
- 5) There is no mention of timing of implementation of this policy in the documents provided.
- 6) The tone of the policy is punitive, and does nothing to remediate the current demoralization of UNC Charlotte faculty. The whole proposed process undermines any positive spirit currently in place.
- 7) No funding is provided for recognition or reward for excellent performance.
- 8) Requires placing things in writing that can be misconstrued by persons unfamiliar with academia. This will filter feedback and compromise communication with faculty.

- 9) There is support for having three levels for evaluation, with ability to recognize faculty for exceeding expectations.
- 10) This system will reduce participation in faculty governance, due to rigid planning required.

4. Report of the Provost

Dr. Lorden stated that she was appreciative of the feedback provided on post tenure review. Her intent is to retain existing policy to the extent possible while complying with the BOG mandate.

UNC Charlotte athletics has had a good relationship with Academic Affairs (AA). The type of fraud reported recently at UNC Chapel Hill has been avoided here. Judy Rose has high expectations for staff. Athletic advising is responsible to AA. The state BOG passed academic integrity policy for athletes in response to allegations at UNC Chapel Hill. Course, student, grade and instructor trends are all examined. UNC Charlotte student athletes are being handled well.

New student convocation plans are going forward. There is a graduation fee in place now, possibly to be replaced by a matriculation fee for both graduation and convocation. This type of event occurs during the semester at other campuses. The inaugural iteration of this event for UNC Charlotte is scheduled for August 24, 2015.

Midterm unsatisfactory grade reporting had been increasing, but has begun to decrease lately. Please consider submitting unsatisfactory midterm grades. UNC Charlotte is in the process of implementing STARFISH early warning and retention software. Students respond well to midterm grade information.

The Chancellor has used campus funds to supply a \$1000 per faculty raise for this year.

A strategic set-aside for EPA staff has been implemented to get them to the midpoint of their salary range. Available data examined to implement increases, with some positions being handled on an *ad hoc* basis due to lack of data on comparable positions.

The Graduate Assistance Support Program (GASP) at UNC Charlotte is in place for doctoral students. Chancellor has agreed to make \$2m available to fund tuition for the graduate school, targeted for Masters candidates who have financial need.

5. Report of the President-Elect

Dr. Leak reported that the committee to nominate a faculty member for the O. Max Gardner Award has completed its work. Pinku Mukherjee from the Department of Biological Sciences has been selected as the UNC Charlotte nominee.

6. Report of the President

Dr. Starrett reported that the FEC has discussed constitutional changes. Minor changes are to be proposed to position titles for *ex-officio* members and addition of electronic ballot. Changes need to be made to the faculty governance structure, both in the constitution and in the standing rules to align with administrative bodies and groups to allow meaningful faculty participation.

Dr. Starrett reminded the faculty that faculty council and general meetings can be called by petition of 10% of the faculty (107 members).

7. New business

None.

The meeting was adjourned at 1:43 pm.

Submitted

A handwritten signature in black ink, appearing to be the name 'Peter Schmidt', written in a cursive style.

Peter Schmidt, Secretary



UNC CHARLOTTE

Title IX and The Violence Against Women Act (also Called Campus SaVE)

**Presentation to Faculty Council
October 23, 2014**

**Dawn Floyd
Title IX Coordinator**



Title IX

- prohibits discrimination on the basis of sex (including sexual harassment, sexual assault, and other forms of sexual misconduct)

VAWA/Campus SaVE Act (amendment to Clery Act)

- provides certain notification and procedural rights to victims of sexual assault, domestic violence, dating violence, and stalking



- **Sexual harassment** = unwelcome, gender-based verbal or physical conduct of a sexual nature that is based on a power differential
- **Sexual assault** = sexual act (intercourse or oral sex) or sexual contact (touching of intimate parts) without consent
- **Sexual exhibitionism** = engaging in sex or exposing one's intimate parts (buttocks, genitalia, groin, breast (unless breastfeeding) in the presence of others.
- **Sexual exploitation** = taking abusive sexual advantage of another without consent (e.g. non-consensual explicit photographs, prostituting someone, voyeurism)
- **Stalking** = two or more acts directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or (b) suffer substantial emotional distress
- **Relationship violence** = dating violence or domestic violence



Responsible Employee = an employee who has the authority to take action to redress sexual violence; who has been given the duty to report; or who a student could reasonably believe has this authority or duty.

- required to report sexual misconduct involving a student regardless of where it occurred (including identifying information)

Faculty members are Responsible Employees at UNC Charlotte

Confidential Resource = Includes the staff of the Student Health Center, Center for Wellness Promotion and Counseling Center at UNC Charlotte

- can keep reports from students confidential and the report won't initiate an investigation by the Title IX Office or Police and Public Safety



Complete incident report form at [Incident Report](#)



- Title IX Coordinator, **Dawn Floyd** – 704-687-6130
- Title IX Deputy Coordinator for Academic Affairs, **Katherine Hall-Hertel** – 704-687-5661
- Title IX Deputy Coordinator for Human Resources, **Jeanne Madorin** – 704-687-0659
- Title IX Deputy Coordinator for Students, **Christine Reed Davis** – 704-687-0345
- Title IX Deputy Coordinator for Athletics, **Kim Whitestone** – 704-687-4955



[Interpersonal Violence Resource Guide](#)

[Code of Student Responsibility](#)

[Center for Wellness Promotion &
Interpersonal Violence Prevention Specialist](#)

[Employee Assistance Program](#)

Performance Review of Tenured Faculty

The Board of Governors adopts the following policy concerning performance reviews of tenured faculty.¹

1. The system of post-tenure review in the University of North Carolina shall incorporate the following principles:
 - a. The purpose of the review shall be to support and encourage excellence among tenured faculty by:
 - (1) Recognizing and rewarding exemplary faculty performance (performance that exceeds expectations);
 - (2) Providing for a clear plan and timetable for improvement of performance of faculty found to not meet expectations; and
 - (3) For those whose performance continues to not meet expectations, providing for the imposition of appropriate sanctions which may, in the most serious cases, include a recommendation for discharge consistent with Chapter VI of *The Code* of the University.
 - b. The system of review will encompass and acknowledge the importance and significance of annual performance reviews while providing for comprehensive, periodic, cumulative review of the performance of all faculty, whose primary professional responsibilities are teaching, research, and/or service.
 - c. The review procedure must provide for the evaluation over an appropriate period of time of all aspects of professional performance of faculty relative to the mission of the institution, college, and program. For each tenured faculty member, a cumulative review shall take place no less frequently than every five years. A review undertaken to grant tenure or to decide on promotion qualifies as such a cumulative review.
 - d. There must be peer involvement in the review.
 - e. Both the department chair/unit head and the dean must conduct an evaluative review in the cumulative review process.
 - f. The provost must annually certify that all aspects of the post-tenure review process are in compliance with this policy and any associated guidelines adopted by the president of the University.
 - g. The review process must include written feedback to the faculty member being reviewed as well as a mechanism for faculty response to the evaluation.
 - h. Institutional policies for post-tenure review must not abrogate, in any way, the criteria and procedures for due process and for discharge or other disciplinary action established in Chapter VI of *The Code* of the University.
 - i. While constituent institutions may wish to consider individual development or career plans for all faculty as a part of the review system, each performance review system must require such a plan for each faculty member who does not meet expectations in the cumulative review. These individual development or career plans must include specific steps designed to lead to improvement, a specified timeline in which improvement is expected to occur, and a clear statement of consequences should improvement not occur within the designated timeline.

¹This policy was initially adopted based on the recommendations contained in the report of the University of North Carolina Committee to Study Post-Tenure Review entitled, "Post-Tenure Review in The University of North Carolina." The full text of the report is available at UNC General Administration.

- j. In proposing its policies, each constituent institution must consider the resources necessary to support and facilitate a meaningful review system and its outcomes.
2. That within the broad principles approved in 1., above, each constituent institution will develop policies and procedures for review that will reflect the mission of the institution. Development a system of post-tenure review will require re-examination of the effectiveness of current faculty personnel policies as well as planning and program review policies.
3. That the president of the University will adopt guidelines that include training and process requirements and provide for periodic reviews to ensure compliance with this policy and the guidelines.
4. Each institution shall adopt and maintain policies for the performance review of tenured faculty that are consistent with this policy.
5. That the policies and procedures developed by each constituent institution will be effective upon review and approval by the president of the University, or his or her designee, in accordance with any regulations or guidelines adopted.

Note: “Because of the unique character and mission of the University of North Carolina School of the Arts,² the requirement that the institution adopt tenure policies will be satisfied at that institution based on renewable contracts. . .” (*The Code*). Therefore, the recommendations contained herein are not applicable to the North Carolina School of the Arts.

²Name changed from North Carolina School of the Arts to University of North Carolina School of the Arts effective August 1, 2008.

Guidelines on Performance Review of Tenured Faculty

Background

At its meeting on May 16, 1997, the Board of Governors adopted the recommendations in the report of the University of North Carolina Committee to Study Post-Tenure Review. A copy of that report is available at General Administration. Post-tenure review is defined in the report as “a comprehensive, formal, periodic evaluation of cumulative faculty performance, the prime purpose of which is to ensure faculty development and to promote faculty vitality” (p. 8).

The report asserts that review of the performance of tenured faculty in the University shall be “to support and encourage excellence among tenured faculty by:

1. Recognizing and rewarding exemplary faculty performance;
2. Providing for a clear plan and timetable for improvement of performance of faculty found deficient; and
3. For those whose performance remains deficient, providing for the imposition of appropriate sanctions, which may, in the most serious cases, include a recommendation for discharge” (p. 12).

The report also provides broad principles for carrying out such reviews but leaves room for each institution to develop the details of its own process following the release of guidelines by General Administration. In keeping with Section 602 of *The Code*, the board of trustees of each constituent institution shall adopt the policies and regulations governing performance reviews of tenured faculty. Institutional policies and procedures will also be approved pursuant to Policy 400.3.3 and should be included in all appropriate documents of the constituent institutions.

The report further specifies that “developing a system of post-tenure review will require reexamination of the effectiveness of current faculty personnel policies as well as planning and program review policies” (p. 13). Initiation of these performance reviews in the University of North Carolina provides constituent institutions with an opportunity to create a policy that examines individual faculty contributions to departmental, school/college, and university goals as well as to the academic programs in which faculty teach. Thoughtful attention to the ways in which post-tenure review can promote faculty vitality across their careers will assure that such reviews lead to increased effectiveness within the university.

Guidelines to assist in formulating institutional policy concerning performance reviews of tenured faculty are set out below. These guidelines have been promulgated and are periodically reviewed to assure the continuing rigorous application of post-tenure review as intended by the Board of Governors as described in Policy 400.3.3.

Guidelines

Each constituent institution shall observe the following guidelines in developing or revising institutional policies and procedures for post-tenure review:

1. Proposed revised policies must be submitted to General Administration for approval in accordance with any timeframe established and communicated by the president of the University, or his or her designee.
2. Institutional policies shall assure that each tenured faculty member undergoes a cumulative review no less frequently than every five years. (Note: a review undertaken to grant tenure or to decide on promotion qualifies as such a cumulative review.)
3. Institutional policies shall assure that faculty performance will be examined relative to the mission of the institution, college, and program.

4. Institutional policies shall be in compliance with the criteria and procedures for due process and for discharge or other disciplinary action established in Chapter VI of *The Code* of the University.
5. Post-tenure reviews shall evaluate all aspects of the professional performance of faculty, whose primary responsibilities are teaching, and/or research, and/or service. If faculty responsibilities are primarily only in one or two of these areas, the post-tenure review and resulting recommendations should take this allocation of responsibilities into account.
6. At the beginning of the post-tenure review cycle, the faculty member shall develop with his/her department chair a five-year goal or plan. This plan can be modified annually by the faculty member, in consultation with the department chair, as deemed appropriate by changes in institutional, departmental, or personal circumstances. This plan should indicate milestones aligned with annual performance evaluations.
7. Institutional policies shall show the relationship between the annual performance review of tenured faculty and the post-tenure review criteria. Annual performance reviews, however, are not a substitute for the “comprehensive, periodic, cumulative review” required by the Board of Governors. The post-tenure review process can be informed by annual reviews but must involve an additional assessment as described in these guidelines.
8. Institutional policies shall explicitly involve peers in the post-tenure review process. A peer review committee for a department or academic unit will be selected by a process agreed upon by the tenured faculty in that unit. The faculty member being reviewed will not have the option of selecting members of the peer review committee. The department chair or academic unit head must consult with the peer review committee in rendering his or her evaluation. Deans must provide an evaluative review in addition to the review conducted by the peer review committee and the department chair. The provost must certify that all aspects of the post-tenure review process for that year are in compliance with policy and guidelines.
9. Institutions shall provide ongoing support and training for all post-tenure review evaluators, including peer review committee members, department chairs or academic unit heads, and deans. UNC General Administration will prepare digital training modules that focus on the basics of state personnel policy and UNC policies, regulations, and guidelines related to personnel and tenure; the essential elements of a useful and thoughtful review; how to prepare, conduct and manage a meaningful review process; and how to provide constructive criticism in a positive manner. Campuses shall ensure that all post-tenure review evaluators benefit from these modules and receive training in campus-specific policies and procedures. In submitting required annual post-tenure review reports, the provost will also certify that required training has been conducted.
10. UNC General Administration will evaluate the training and post-tenure review processes of all campuses during the 2015-2016 fiscal year. In subsequent years, UNC General Administration shall review the post-tenure review processes of all campuses on a three-year rotating cycle unless irregularities at a particular campus are identified. If such irregularities are identified, then UNC General Administration shall conduct more frequent reviews of that institution as deemed appropriate by the president or his or her designee. As part of this review, the president or his or her designee will certify that the constituent institution is in compliance with all aspects of the policy and guidelines.
11. Institutional policies shall establish at least three assessment categories. These categories must reflect whether a faculty member exceeds expectations, meets expectations, or does not meet expectations. Institutional policies also shall assure that there is written feedback to the faculty member being reviewed as well as a mechanism for the faculty member to respond to the evaluation. As intended by the Board of Governors, this feedback should include recognition for performance that exceeds expectations. Because performance rewards are often part of the annual review process, the post-tenure review may provide additional support for this

form of recognition. Any review that results in an evaluation that the faculty member does not meet expectations must include a statement of the faculty member's primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member's assigned duties and the directional goals established. A faculty member's response to a review that the faculty member does not meet expectations will also be shared at the next highest administrative level.

12. Institutional policies shall require individual development or career plans for all faculty members who do not meet expectations in the cumulative review. These plans must include specific steps designed to lead to improvement, a specified timeline in which improvement is expected to occur, and a clear statement of consequences should improvement not occur within the designated timeline. The use of mentoring peers is encouraged, and progress meetings with the department chair or academic unit head must occur on at least a semi-annual basis during the specified timeline. If duties are modified as a result of an assessment that the faculty member does not meet expectations, then the development or career plan should so indicate and take into account the new allocation of responsibilities.

As policies are developed and revised, institutions shall consider resource implications of a meaningful performance review system, identifying in advance the sources of support for the process and its outcomes.

Implementation of revised institutional policies will be effective upon approval as provided in Policy 400.3.3.



Office of Academic Affairs

9201 University City Boulevard, Charlotte, NC 28223-0001
t/ 704.687.5717 www.uncc.edu

MEMO

Date: October 1, 2014

To: Gregory Starrett
President, Faculty Council

From: Joan F. Lorden
Provost and Vice Chancellor for Academic Affairs

Cc: Jeffrey Leak, President-Elect, Faculty Council
Tony Jackson, Chair, Faculty Employment Status Committee

Re: University Policy 102.14: Tenured Faculty Performance Review Policy

Attached for review by the Faculty Council are initial suggested changes to UNC Charlotte's current Tenured Faculty Performance Review Policy to align with recent system-wide changes made to the University of North Carolina Policy Manual 400.3.3: Performance Review of Tenured Faculty.

As a University-level policy, any proposed changes must eventually be reviewed and approved by the Chancellor's Cabinet. Following review by Faculty Council, my office will proceed with the necessary communications to the Office of Legal Affairs and the Chancellor's Cabinet. In order to proceed with the additional consultation necessary and to have the new policy in place by Fall 2015 as required by the University of North Carolina General Administration, I ask that the Faculty Council complete their review and recommendations no later than April 1, 2015.

Thank you.

Enclosure

University Policy 102.14: Tenured Faculty Performance Review Policy

Policy

The Tenured Faculty Performance Review provides for the periodic and comprehensive review of the performance of all faculty members who have tenure and whose primary duties are teaching, research, and service. The purpose of such a review is to promote faculty development, productivity, and excellence by:

- 1) Recognizing and rewarding faculty performance that exceeds expectations;
- 2) Providing for a clear plan and timetable for improvement of faculty performance for those faculty who do not meet expectations; and
- 3) Providing the imposition of appropriate sanctions for faculty who continue to not meet expectations.

Faculty performance is examined relative to the mission of UNC Charlotte and that of the college and department of the faculty member.

Applicability of Review Process

The Tenured Faculty Performance Review process is applicable to all tenured members of the faculty who have been on a continuous contract for a period of five years or more since their last cumulative review. A faculty member shall undergo a cumulative review no less frequently than once every five years. Department Chairs, Deans, and other administrators whose primary responsibilities are not teaching and research are exempt from a Tenured Faculty Performance Review while they are serving in their administrative posts. Upon returning to full-time faculty duties, they are subject to a Tenured Faculty Performance Review. A faculty member may request postponement of a scheduled Tenured Faculty Performance Review for extenuating personal circumstances, such as health problems. The request for a postponement must be in writing and submitted for approval by the faculty member's Chair and Dean.

Relationship between Tenured Faculty Performance Review and Review for Promotion

Tenured Faculty Performance Review will be coordinated with the review of a faculty member for promotion in the following ways:

A departmental consideration for promotion five years after a faculty member receives tenure satisfies the requirements for the faculty member's Tenured Faculty Performance Review. One outcome of the promotion review could be a requirement that the faculty member prepare a developmental plan as described below.

If a faculty member postpones the application for promotion five years after receiving tenure, he or she will undergo a Tenured Faculty Performance Review. The Tenured Faculty Performance Review, in this case, would satisfy the requirement of a promotion review five years after the award of tenure.

Review of Policy

This policy and accompanying procedures will be certified annually by the Provost to ensure all aspects of the post-tenure review process are in compliance with this policy and any associated guidelines adopted by the President of the University of North Carolina. In addition, UNC General Administration will conduct a review of the post-tenure review process every three years in compliance with UNC Policy Manual 400.3.3.1.

Procedures

Training and Support of Institutional Decision Makers

All post-tenure review evaluators, including Department Review Committee, Department Chairs, and Deans, are required to complete the UNC training module prior to review of a Tenured Faculty Performance Review file.

Initiating the Review Process

Whenever a Tenured Faculty Performance Review is initiated, the Chair shall first consult with the faculty member and then shall establish a schedule for the conduct of the review by the Review Committee (see definition below). Ordinarily, a faculty member should be given at least four months' notice that one is to be reviewed. The faculty member should discuss with his/her department chair a five-year plan consistent with the expectations of post-tenure review. This plan can be modified annually by the faculty member, in consultation with the department chair, as deemed appropriate by changes in institutional, departmental, or personal circumstances. This plan should indicate milestones aligned with annual performance evaluations.

Review File

To initiate the review process, the Department Chair, in cooperation with the faculty member, shall construct a Tenured Faculty Performance Review file containing only: (a) copies of the faculty member's last five annual review letters from the Department Chair; (b) a current curriculum vitae; (c) a current five-year plan and set of goals with related milestones; and (d) an optional statement describing his or her professional accomplishments in teaching, research and service. If necessary for clarification, the Chair or Review Committee may request further information.

The Review Committee

The Department Review Committee or a special committee elected by the tenured members of the department shall conduct the review of the faculty member's performance. The Committee shall be elected according to the department, college and University procedures. The faculty member being reviewed will not have the option of selecting members of the Review Committee. The Review Committee shall review the file and may meet with the Chair and the faculty member, either together or separately. The Committee may consult other sources of information not included in the file, if deemed appropriate, with the approval of the Chair. In accordance with the schedule for the review established by the Chair, the Review Committee

shall make a written assessment of the faculty member's performance, including, where appropriate, recommendations to the Chair intended to enhance the faculty member's contributions to the unit and the University. The Review Committee Report is advisory to the Chair. The Report shall include an assessment of the strengths and weaknesses of the faculty member's performance. This written assessment shall conclude with one of the following findings:

“Exceeds Expectations:” The faculty member exceeds expectations.

“Meets Expectations:” The faculty member has no substantial and chronic performance deficiencies.

“Does Not Meet Expectations:” The faculty member has substantial and chronic performance deficiencies. The Review Committee shall state the faculty member's primary responsibilities and describe the performance deficiencies in its Report as they relate to the faculty member's assigned duties and the goals established.

The standards for determining "Does Not Meet Expectations" shall be determined by the faculty in each unit, and, when approved by the appropriate Chair and Dean, and by the Provost, shall become part of its Tenured Faculty Performance Review procedures.

The Chair shall provide the faculty member being reviewed a copy of both the Review Committee report and the Chair's recommendation. The report and any response from the faculty member shall be made a part of the faculty member's permanent personnel record.

Review by Chair and Dean

Review by the Chair

The Review Committee submits its written evaluation to the Chair and the Chair conducts an evaluative review. In the event that the Chair's evaluation outcome differs from that of the Review Committee, the Chair will communicate in writing to the faculty member, the Dean and the department Review Committee. A recommendation for sanctions to be imposed on the faculty member related to his or her lack of performance under the terms and expectations of a previously agreed upon performance improvement plan will be described in the Chair's written statement.

Review by the Dean

The Chair submits a written appraisal to the Dean. The Dean conducts an evaluative review in addition to the review conducted by the committee and the Chair. The Dean's response and written evaluation shall be provided to the faculty member, the Chair, and the Provost, and shall include the plan for improvement or sanction imposed, if applicable.

Faculty Appeals

A faculty member dissatisfied with the results of the Tenured Faculty Performance Review may pursue any appeal or remedy otherwise available to faculty members relating to matters that

affect their employment status. If discharge or other serious sanctions are imposed as a result of a seriously deficient post-tenure performance review, University regulations are the appeal procedures outlined in Section 8 of the Tenure Policies, Regulations and Procedures of The University of North Carolina at Charlotte will apply. For lesser actions, a faculty member may pursue an appeal through the UNC Charlotte "[Procedures for Resolving Faculty Grievances Arising from Section 607\(3\) of The Code of The University of North Carolina.](#)"

Developmental Plan

When the Chair and the Dean agree that the faculty member's performance **does not meet expectations**, the Chair will require that the faculty member have a written developmental plan designed to improve the faculty member's performance in clearly identified areas over a specified time period. The developmental plan will be prepared jointly by the Chair and faculty member and will include at a minimum: (a) the expectations of the Chair as to how the faculty member can remedy the deficiency or deficiencies in performance or enhance the faculty member's professional accomplishments and contributions to the unit; (b) specific performance goals and objectives, timetables for achieving such goals over a two-to-three year period, and the criteria to be used in measuring progress toward the performance goals; (c) the resources or developmental support, if any, the Chair is willing and able to provide the faculty member to assist in implementing the plan; (d) any adjustment in workload, assignments or responsibilities of the faculty member in order to enhance his or her performance and contribution to the mission of the unit; and (e) **clear statement of consequences should deficiencies not be corrected within the designated timeline.** [Progress meetings with the department chair or academic unit head must occur on at least a semi-annual basis during the specified timeframe.](#)

The developmental plan will be reviewed by the Dean, who may make suggestions for improving the plan. When the plan has received the final approval of the faculty member, the Chair, and the Dean, it will be implemented by the faculty member.

Monitoring and Re-evaluation of Performance

Progress towards achieving the goals and timetables set out in the development plan will be reviewed in subsequent annual reviews by the Chair, who will provide detailed feedback to the faculty member and a copy to the Dean. At the end of the time period specified in the developmental plan, the Chair, in consultation with the Department Review Committee, will review the faculty member's performance and make one of the following recommendations:

The faculty member has improved his or her performance, and no further action is necessary pending the next regularly scheduled Tenured Faculty Performance Review;

The faculty member's performance has improved but not at the expected level. The Chair may require an adjustment in the developmental plan or in the faculty member's workload in order to improve further the faculty member's performance; or

The faculty member's performance **continues to not meet expectations**. The Chairperson may recommend the imposition of appropriate sanctions. Any decision to recommend imposition of serious sanctions should occur only after the widest consultation with the tenured faculty in the

department; whether this involves a poll or other mechanism is left up to the department. However, the department is expected to transmit the outcome of such consultation with the senior faculty to the Dean. The Chair's recommendation is forwarded to the faculty member and the Dean.

Dean's Review and the Possible Imposition of Sanctions

The Dean reviews the recommended action:

- If the Dean agrees with a departmental recommendation that no further action is necessary, the review process stops pending the next regularly scheduled Tenured Faculty Performance Review.
- If the Dean agrees with a recommendation for a workload adjustment, the adjustment is implemented and the review stops pending the next regularly scheduled Tenured Faculty Performance Review.
- If the Dean agrees with a departmental recommendation for the imposition of serious sanctions, the Dean forwards this recommendation to the Provost. Serious sanctions may be imposed only in accord with Section VI, of the Tenure Policies, Regulations and Procedures of The University of North Carolina at Charlotte. Serious sanctions that may be imposed include demotion, salary reduction and, in the most serious cases, may include a recommendation for discharge. A faculty member retains full rights to seek a hearing if the decision is made to impose serious sanctions. Neither a negative review nor an insufficient improvement from a development plan will necessarily result in the imposition of sanctions; such sanctions may be imposed only upon grounds specified in Section VI of the Tenure Policies. In the imposition of serious sanctions, the burden of proof is on the University to prove that the serious deficiencies on the developmental plan constitute incompetence or neglect of duty.
- If the Dean disagrees with the departmental decision, the departmental and Dean's recommendation are forwarded to the Provost for review.

History:

XXXX: Revised