

March 6, 2014

The FESC has examined the proposed tenure documents. In general they seemed true to our present modes of operation. The preservations of basic departmental autonomy took care of the various concerns or problems brought up by our members. We find the document acceptable.

- Tony E. Jackson, Chair of Faculty Employment Status Committee

Enclosures Reviewed:

- 1) Charge to Ad Hoc Committee for the Review of Reappointment, Promotion, and Tenure Policy at UNC Charlotte
- 2) Report of the Ad Hoc Committee for the Review of Reappointment, Promotion, and Tenure Policy at UNC Charlotte
- 3) Redlined versions of:
 - a. University Policy 102.13
 - b. Academic Personnel Procedures Handbook (APPH) section VI.C.
 - c. APPH section V.D.
 - d. Form AA-05
 - e. Checklist for Employment of Full-Time Faculty
 - f. Hearing Procedures in Faculty Discharge, Suspension, or Demotion Cases
 - g. Hearing Procedures in Faculty Nonreappointment or Nonpromotion Cases
- 4) Proposed new documents
 - a. Appendix K to the APPH
 - b. Appendix L to the APPH
 - c. Frequently Asked Questions (FAQs) document



Office of Academic Affairs

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

MEMO

Date: October 7, 2013

To: Eddy Souffrant, President, Faculty Council

From: Joan Lorden, Provost and Vice Chancellor for Academic Affairs

cc: Gregory Starrett, President-Elect, Faculty Council
Sarah Edwards, Assistant General Counsel
Leslie R. Zenk, Assistant Provost
Deans

Re: Recommendations from Tenure Policy Review Committee

During the 2012-2013 academic year, the Ad Hoc Committee for the Review of the Reappointment, Promotion, and Tenure Policy was created to complete a comprehensive review of our policies and procedures related to reappointment, promotion and tenure. The Committee was charged with review of all tenure-related documents for the purpose of seeking greater clarity and consistency in process. The Committee has completed their work, and I am asking for Faculty Council review of their recommendations and proposed changes. I would like to receive the results of a Faculty Council review as early as possible, but ***no later than March 1, 2014***. With the endorsement of the Faculty Council, I would like to make the final versions of these documents available to departments and colleges prior to the 2014-15 academic year reviews.

The majority of the suggestions provided by the Committee involve reorganization of our existing documents. As such, we have taken the Committee's initial recommendations and have provided red-line versions that incorporate their suggested changes for your convenience. The recommendations also include the creation of two new Appendices (Proposed Appendix K and Appendix L) and an FAQ document; draft versions of these are included, as well. A complete list of all enclosures is included, below.

Enclosures:

- 1) Charge to Ad Hoc Committee for the Review of Reappointment, Promotion, and Tenure Policy at UNC Charlotte
- 2) Report of the Ad Hoc Committee for the Review of Reappointment, Promotion, and Tenure Policy at UNC Charlotte

- 3) Redlined versions of:
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Office of Academic Affairs

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November 28, 2012

To: Mary Lynne Calhoun, COED, Chair
Aimee Parkison, FESC
Nancy Fey-Yensan, CHHS
Nancy Gutierrez, CLAS
Yogi Kakad, COEN
Betsy West, CAA
David Woehr, COB
Bill Tolone, CCI
Yvette Huet, AA

From: Joan F. Lorden 

Re: Review of the Reappointment, Tenure and Promotion Policy

Thank you for your willingness to accept an appointment to a committee to review our Reappointment, Tenure, and Promotion (RPT) Policy. Clarity around this policy is essential for all those involved in the decisions that are central to the careers of our faculty. Whether it is the faculty candidate or the committees and administrators who are making the recommendations and decisions, we need a clear and consistent roadmap to follow. From the results of surveys of the faculty and from the questions that arise during the review process each year, it is evident that we have room for improvement. Achieving clarity means having transparency around criteria and standards, but first, we need a process that everyone understands and follows.

To achieve clarity around the processes associated with RPT, I am asking that you review our University policy and address the following questions:

1. Is the sequence and timeline for reviews, meetings, and rebuttals clear and consistent?
2. What constitutes a dossier? In particular, are the external letters of evaluation part of the dossier?
3. In addition to the committees charged with the reviews, who can view the dossier?
4. What are the conditions under which a rebuttal can be made? How many rebuttals should be allowed? Is it possible to rethink this part of the policy to shorten the timeline without losing anything?
5. How should new faculty appointments with tenure be handled?
6. Does the RPT document contain procedural guidance that could be put into a companion procedures document to simplify the policy?



7. What should be the process for a hearing when there are dismissals or the imposition of other serious sanctions?

This list is not meant to be exhaustive, but to illustrate the kinds of questions that have arisen that need clarification. In rereading the policy with an eye toward clarity of process, you may find other areas that need work. If we can start with a clearly written University policy, it will be easier for colleges and departments to ensure that their policies are also clear and well-aligned with the University policy. I am requesting that the committee provide its recommendations on revision around the RPT process by the end of the spring semester.

I am grateful that Dean Mary Lynne Calhoun has agreed to chair the committee and that Sarah Oettinger from the Office of Legal Affairs has offered her assistance. Lyndee Ivey from my office will work with you to develop a meeting schedule so that the work of the committee can be completed by the end of the spring semester.

cc: Sarah Oettinger, Office of Legal Affairs



Office of the Dean
9201 University City Blvd., Charlotte, NC 28223-0001

MEMORANDUM

TO: Provost Joan F. Lorden

FROM: Mary Lynne Calhoun, COED, Committee Chair
Aimee Parkinson, FESC
Nancy Fey-Yensan, CHHS
Nancy Gutierrez, CLAS
Yogi Kakad, COEN
Betsy West, CAA
David Woehr, COB
Bill Tolone, CCI
Yvette Huet, AA
Sarah Edwards, Office of Legal Affairs

DATE: March 6, 2014

RE: Report of the Ad Hoc Committee for the Review of Reappointment, Promotion, and Tenure Policy at UNC Charlotte

Thank you for the opportunity to review UNC Charlotte's Reappointment, Tenure, and Promotion (RPT) Policy and related documents for the purposes of seeking greater clarity and consistency for all involved. The purpose of this memo is to summarize our findings around each of the questions you posed to the committee in your memo of November 28, 2012.

Each of these brief summary statements is supported by a back-up document which lists the question, summarizes the current policy/ language, summarizes the committee's comments and discussion points, summarizes the committee's recommendations and next steps, and suggests the person and/or groups responsible for implementing the recommendations. While some recommendations will require simple editorial changes, others will require more substantive review and approval by appropriate governance groups.



Here follows the summary of findings and recommendations:

1. Is the sequence and timeline for reviews, meetings, and rebuttals clear and consistent?

There is not a clear timeline for these processes. Most notably, rebuttal timelines differ between University Policy 102.13 (14 days) and the APPH (10 days) for the rebuttal to the department chair. In general, neither University Policy nor the APPH provides deadlines for committee or administrator action. The committee sees some value in a university-wide deadline for turning in the dossier. The committee also sees value in a university-wide deadline for candidate's submission of materials to be sent to external reviewers of research. The development of a Timeline for Reviews, Meetings, and Rebuttals as a table to be included in the APPH could be a helpful guide to faculty candidates and reviewers. An example of such a timeline is included in the backup document.

2. What constitutes a dossier? In particular, are the external letters of evaluation part of the dossier?

The terms "dossier" and "review file" should be both differentiated and defined more clearly and should be consistent across the handbook and policy documents. We recommend that the dossier be defined as those materials assembled by the individual faculty member undergoing review, both those required by the university and the faculty member's college/ department that illustrate accomplishments in the assigned areas of responsibility (for tenure-eligible faculty, this is usually some combination of teaching, scholarship, and service.)

The term review file should be defined as all materials used to assess faculty accomplishments as pertain to review for reappointment, promotion, and/or tenure. The review file includes the various components of the dossier (assembled by the candidate) plus external review letters and any other materials provided by individuals or groups participating in the review process. Ultimately, the complete review file at the completion of the college level process would contain the dossier, external letters of review, DRC and CRC recommendations, chair's determination, dean's determination, and required Academic Affairs forms and checklists.

Thus, external letters of evaluation are not part of the dossier but are instead part of the review file. This begs the question, however, of who is eligible to view the external review letters which is addressed below.

3. In addition to the committees charged with the reviews, who can view the dossier?

University Policy 102.13 states that in addition to those designated committees within college structures assigned to produce reports or conduct formal reappointment, promotion, and tenure reviews of candidates, permanently tenured faculty holding the rank sought by the

candidate or ranks above are given the opportunity to review and then provide feedback to the Department Review Committee (or equivalent first level of review such as School Review Committee) about that candidate.

Our committee discussions have revealed that this opportunity is differently presented to faculty across colleges and departmental units. That is, although this is published policy, not all faculty are reminded of this opportunity (and some would say obligation) to provide peer feedback. It would appear that the policy needs to be more explicit so that eligible faculty know the opportunity is open to them. The committee recommends that each department or equivalent unit develop a published process by which peer faculty feedback is solicited and further, about how the review file will be made available to these peers.

An additional and related point has been about the external review letters. In order for peers to establish fully informed opinions about performance, access to the external review letters is recommended.

4. What are the conditions under which a rebuttal can be made? How many rebuttals should be allowed? Is it possible to rethink this part of the policy to shorten the timeline without losing anything?

Current conditions for rebuttal should not change. The committee recommends that two rebuttals, at the department and at the college level, still be permitted, assuming negative recommendations at both the department and college levels. Clarity is needed, however, on a number of issues:

- Consistency in the timeline for the rebuttal between University Policy 102.13 (14 days) and APPH (10 days) and the timeline for the chair and dean.
- Clarity around the purpose of the meeting with the chair/dean for the faculty member to receive the determination and clarity about when the clock starts toward the deadline of submitting the rebuttal
- Guidance around the second rebuttal: it should not be a repeat of the departmental rebuttal but instead address specific issues raised in the college-level review.

5. How should new faculty with tenure be handled?

Because University Policy 102.13 identifies the Department Review Committee as the key faculty body for consultation (while allowing colleges to identify additional levels/ processes for review) university documents should be revised to delineate the DRC role in the initial appointment that involves permanent tenure.

The university documents should clarify the distinction between consultation in the appointment of a new faculty member with senior rank (who is likely to have earned tenure at a previous institution) and the comprehensive tenure review that occurs in the RPT process. The

DRC should be charged to be engaged fully in the interview process when the possibility of a job offer with tenure exists.

Specific edits to APPH, AA-05, and Checklist for Employment of Full-time Faculty are included in the backup document.

6. Does the RPT document contain procedural guidance that could be put into a companion procedures document to simplify the policy?

The committee recommends an FAQ document, in contrast to a Procedural Document since a comprehensive procedural document would duplicate existing documents at college and department levels and fail to capture all the variations at the various units.

A guidance document organized around Frequently Asked Questions could be helpful all categories of participants in the process (e.g., faculty candidates, review committees, administrators) and could be quickly and easily updated as new questions emerge. Such a document might be an Appendix to the APPH and referenced in University Policy 102.13. Such a document should be updated on a regular basis and there should be a mechanism for submitting new questions (to the Provost's Office?).

A specific procedural document has been developed by the committee, however, around the issues of identifying external reviewers of research and securing those reviews. We recommend that this specific document be embedded in the appropriate section of the APPH (see the backup document for Question 8.)

We have attached a first draft of the FAQ document, using questions that emerged from your memo and from our discussions. A polished FAQ document could be a follow-up task for next year.

7. What should be the process for a hearing when there is a dismissal or the imposition of other serious sanctions?

Revise the "Procedures for UNC Charlotte Hearings" document to address the full range of hearing concerns with a new section addressing hearings related to Section 603 issues. Expand the scope of the Faculty Hearings Committee to include Section 603 issues. Thus, the one existing committee would now address discharge/imposition of other serious sanctions as well as nonreappointment/nonpromotion.

Review By-Laws of Faculty Hearings Committee.

Provide identified consistent clerical staff support for the work of the Faculty Hearing Committee.

Develop a required training process for all members/ chairs of the Faculty Hearing Committee. Require impartial procedural oversight to the Hearing Committee through the assignment of a staff member from the Office of Legal Affairs

Legal Affairs and Faculty Executive Committee should guide the implementation of these recommendations.

8. An additional issue explored by this committee is the nature and purpose of the external review letters and the process of acquiring them for promotion/ tenure reviews. A supporting document is enclosed along with recommendations for procedural guidelines to be included as an appendix to the APPH and an addition to the Reappointment Promotion and Tenure Checklist.

We should also note that we discovered differences in word choices between University Policy 102.13 and the Academic Personnel Procedures Handbook when referring to the actions of committees, the department chair, the dean and the provost. In the policy:

- the committees make “recommendations”
- the department chair and dean make “determinations”
- the provost makes either a “decision” or “recommendation” (most likely depending upon whether hers is the final decision or simply a recommendation to the chancellor in the case of permanent tenure)

In the Academic Personnel Procedures Handbook:

- the committees make “reports”
- the department chair and dean make “recommendations”
- no term is given to the provost’s action

Throughout the material presented to you today, we have attempted consistency with the policy and have used recommendations, determinations, and decisions at the various levels. We see some value in using that language consistently to distinguish among the review levels and recommend that the APPH be revised accordingly.

While today’s material includes a plethora of recommendations large and small, it is clear that this is the start rather than the end of the process to increase clarity and shared understanding of tenure policy and practices at UNC Charlotte. In addition to the editorial work recommended here and the faculty governance review, a series of shared professional development sessions for deans, chairs, review committees, and faculty candidates (along with the possibility of some online review materials) will be important to help UNC Charlotte move toward this important goal.

Please let us know what questions you have and how we can be of assistance moving forward.

1 Definitions

1.1 Academic Year

“Academic Year” and its beginning and end means the academic year as shown on the official University academic calendar published by the Office of Academic Affairs.

1.2 College and Dean

For purposes of this document, the term "College" shall include the Library and the term "Dean" shall include the University Librarian.

1.3 Day

Except as otherwise provided herein, any reference to the word “day” or “days” means calendar day or calendar days, respectively. In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted. When the last day of a period falls on a Saturday, Sunday, or an institutional holiday, the next working day is the last day of such period.

1.4 Dossier

A “dossier” is the candidate’s compilation of his or her professional activities that will form the basis for the review. At a minimum, the dossier includes the candidate’s current curriculum vitae and his or her self-assessment as well as any other information or documentation specified by the department or college.

~~1.4~~5 Faculty

For purposes of this document, the term "Faculty" means all persons who hold Professorial Rank pursuant to [Section 3.2](#) below, or a Special Faculty Appointment pursuant to [Section 3.4](#) below.

~~1.5~~6 Faculty Member

For purposes of this document, the term "Faculty Member" means any person who is a member of the Faculty as that term is defined in [Section 1.4](#) above.

~~1.6~~7 Financial Exigency

For purposes of this document, the term “Financial Exigency” is defined as a significant decline in the financial resources of the University that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the University’s current operations budget.

~~1.7~~8 Formal Notice

For the purposes of this document, giving “Formal Notice” means notifying or attempting to notify an individual of an action or decision following the notice standards set forth in The University of North Carolina Board of Governors [Policy 101.3.3](#).

~~1.8~~—9 Impermissible Grounds

For the purposes of this document, basing a decision on “Impermissible Grounds” means basing a decision on (1) exercise by the Faculty Member of rights guaranteed by the First Amendment to the Constitution of the United States or by Article I of the Constitution of North Carolina; (2) discrimination based upon the Faculty Member’s race, color, creed, sex, disability, sexual orientation, religion, age, national origin, veteran status, or other forms of discrimination prohibited under policies adopted by the Board of Trustees; or (3) [Personal Malice](#).

~~1.9~~—10 Instructor

For purposes of this document, the term “Instructor” is an individual who begins employment at The University of North Carolina at Charlotte in a fixed-term appointment bearing that title before having been awarded the appropriate terminal degree or who presents evidence of comparable professional distinction in his or her field.

~~1.10~~—11 Mandatory Review

For purposes of this document, the term “Mandatory Review” means a review that is required to be made in a specified year of a Faculty Member's career pursuant to this document.

~~1.11~~—12 Material Procedural Irregularities

For purposes of this document, “Material Procedural Irregularities” means departures from prescribed procedures governing reappointment, promotion, or the conferral of Permanent Tenure that cast reasonable doubt upon the validity of the decision not to reappoint, not to promote, or not to confer Permanent Tenure.

~~1.12~~—13 Personal Malice

A decision not to reappoint, not to promote, or not to confer Permanent Tenure on a Faculty Member is based on "Personal Malice" if the decision maker permits that decision to be made because of dislike, animosity, ill-will, or hatred based on the Faculty Member's personal characteristics, traits, or circumstances not relevant to valid University decision making. See The University of North Carolina Board of Governors [Policy 101.3.1 II.B](#), for details.

~~1.13~~—14 Professorial Rank

For purposes of this document, the term “Professorial Rank” is the rank of Assistant Professor, Associate Professor, or Professor.

1.15 Review File

The “review file” contains a candidate’s dossier and the submitted external review letters. Throughout the process, additional documents will be added to the candidate’s review file, such as the analyses, recommendations, and determinations of the various review levels.

1.14—16 Tenure; Permanent Tenure

For purposes of this document, the term “Tenure” refers to the duration of a Faculty appointment. “Permanent Tenure” is an employment status awarded by the Board of Trustees of the University of North Carolina at Charlotte (formerly by the Board of Governors of the University of North Carolina), and is a recognition of an individual’s academic achievements. To attain the award of Permanent Tenure, an individual must demonstrate teaching, research, and service accomplishments meeting criteria established by the University. An appointment with Permanent Tenure creates an expectation of continued employment for an indefinite period of time, unless the Faculty Member is removed from such employment by the University for any of the reasons, and only in accordance with the procedures, established in [Sections 8](#) and [9](#) of this document. Only those individuals holding the rank of Associate Professor or Professor are eligible for the award of Permanent Tenure.

Faculty appointments with Permanent Tenure may be contrasted with all other Faculty appointments, which entitle the Faculty Member to employment only for the fixed term of service set forth in the document of appointment.

Although Faculty appointments with Permanent Tenure and fixed-term Faculty appointments differ in duration, both carry important rights as a matter of UNC Charlotte and University of North Carolina policy. These rights include academic freedom and freedom of inquiry, and the right to protection against the unjust or arbitrary application of disciplinary penalties, as described in [Section 2](#).

1.15—17 Tenure Track

A Faculty Member is “on the Tenure Track” if he or she holds a fixed-term appointment at a Professorial Rank and must be reviewed for the conferral of Permanent Tenure not later than the end of a specified term of service.

1.16—18 Unfavorable RPT Decision

For purposes of this document, the term “Unfavorable RPT Decision” means a decision not to reappoint, not to promote, or not to confer Permanent Tenure on a Faculty Member.

2 Academic Freedom and Responsibility of Faculty

The University of North Carolina at Charlotte endorses and supports the principles of academic freedom and responsibility of Faculty, as set forth in [Sections 601 and 602 of The Code](#) of the University of North Carolina. UNC Charlotte will support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of its Faculty, to the end that they may responsibly pursue the transmission and advancement of knowledge and understanding free from internal or external restraints that would unreasonably restrict academic endeavors. The University will protect Faculty Members in the responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth, and will not penalize or discipline members because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

Faculty Members will share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected. They are expected to recognize that accuracy, forthrightness and dignity befit their association with the University, and should not represent themselves, without authorization, as spokespersons for the University of North Carolina or any of its constituent institutions.

3 Faculty Appointments

3.1 General Considerations in Faculty Appointments

Recommendations, determinations, and decisions on initial appointment, reappointment, promotion, or the conferral of Permanent Tenure shall be based upon an assessment of at least the following: (1) the Faculty Member's demonstrated professional competence; (2) potential for future contribution to The University of North Carolina at Charlotte; and (3) institutional needs and resources.

3.2 Professorial Ranks and Their Characteristics

To be qualified for Professorial Rank (Assistant Professor, Associate Professor, and Professor), a person shall hold the appropriate terminal degree or present evidence of comparable professional distinction in his or her field.

Prior professional experience shall be taken into account in determining initial rank and salary.

Appointment in a given department or unit shall not continue beyond seven years of experience in the Professorial Ranks at The University of North Carolina at Charlotte unless a decision to award Permanent Tenure has been made during or before year six. However, in rare cases, an individual who has not been granted Permanent Tenure may subsequently be offered a Special Faculty Appointment in accordance with [Section 3.4](#).

Notice of reappointment or nonreappointment shall be in writing from the Provost and shall be given not later than the end of the penultimate year of the current appointment. If the decision is not to reappoint, failure to provide written notice shall oblige the

Chancellor thereafter to offer a terminal appointment of one academic year beyond the termination of the current appointment.

A Faculty Member may be considered for the conferral of Permanent Tenure or promotion with conferral of Permanent Tenure at times earlier than those specified in this [Section 3](#).

3.2.1 Assistant Professor

The initial appointment of a Faculty Member at the rank of Assistant Professor shall be for a term of four years.

Before the end of the third year of the initial appointment as Assistant Professor, the Faculty Member shall be reviewed for reappointment and shall receive written notice of reappointment at the same or higher rank or of nonreappointment.

An Assistant Professor who is reappointed at the same rank shall receive an appointment of three years. During and before the end of the second year of the second appointment as Assistant Professor, he or she shall be reviewed and given written notice of promotion to Associate Professor with conferral of Permanent Tenure or of nonreappointment. Permanent Tenure may not be awarded to a Faculty Member at the rank of Assistant Professor.

3.2.2 Associate Professor

With the written approval of the dean of the College and the concurrence of the Provost obtained in advance of the initiation of formal appointment procedures, an initial appointment to the rank of Associate Professor with Permanent Tenure may be recommended, to become effective upon the subsequent approval of the appointment through the procedures of [Section 4](#).

When a Faculty Member's initial appointment by the institution is to the rank of Associate Professor without Permanent Tenure, the appointment is to a term of three to five years. During and before the end of the penultimate year of the appointment as Associate Professor, the Faculty Member shall be reviewed for Permanent Tenure and given written notice from the Provost that he or she will be reappointed with Permanent Tenure at the same or higher rank or of nonreappointment.

A Faculty Member promoted to the rank of Associate Professor must also be awarded Permanent Tenure.

An Associate Professor with Permanent Tenure is required to undergo a comprehensive review every five years pursuant to the "Tenured Faculty Performance Review Policy." If a review of a tenured Faculty Member for promotion to full professor is conducted at the time at which a Tenured Faculty Performance Review is mandated, review for promotion fulfills the requirement. An

Associate Professor with Permanent Tenure may not elect to postpone periodic reviews as required under the “Tenured Faculty Performance Review Policy.”

3.2.3 Professor

The initial appointment of a Faculty Member to the rank of Professor shall be either with Permanent Tenure or for a term of three to five years. If the initial appointment is without Permanent Tenure, the Faculty Member shall be reviewed for reappointment with Permanent Tenure and given written notice from the Provost, during and before the end of the penultimate year of the appointment, of reappointment with Permanent Tenure or of nonreappointment.

A Faculty Member who is promoted to the rank of Professor shall have Permanent Tenure.

All Professors will be subject periodic reviews as required under the “Tenured Faculty Performance Review Policy.”

3.3 Annual Performance Review for Tenure Track Faculty

The chair will provide each tenure track Faculty Member in the department’s Professorial Ranks a letter each year that provides an evaluation of the Faculty Member’s accomplishments during the previous year and that discusses the Faculty Member’s progress toward achieving reappointment, promotion, or the conferral of Permanent Tenure, as appropriate. The letter should clearly and specifically address strengths and weaknesses in the performance of the Faculty Member, providing for a clear plan and timetable for improvement of any deficiencies in performance. While ultimate decisions on reappointment, promotion, and the conferral of Permanent Tenure take into account many factors, not all of which are related to the Faculty Member’s performance, effective annual evaluations are intended to help to eliminate unexpected results in the comprehensive reviews supporting decisions on reappointment, promotion, and the conferral of Permanent Tenure. Guidelines for the annual performance review are detailed in the [UNC Charlotte Academic Personnel Procedures Handbook](#).

3.4 Special Faculty Appointments

If a Faculty appointment is not an appointment to the Professorial Ranks, it is a Special Faculty Appointment. A Special Faculty Appointment shall carry a title appropriate to the responsibilities of the position, such as Visiting Professor, Adjunct Professor, Instructor, Assistant Professor (Library), Assistant Professor (Military), Lecturer, Assistant Research Professor (see [University Policy 101.16, Research Appointments](#)), or Artist-in-Residence. All Special Faculty Appointments are for a specified term of service. The letter of appointment shall specify the length of the term of service. Special Faculty Appointments may be paid or unpaid. Unpaid faculty members may be appointed for a specific term or at will; their pay and appointment status should also be set out in the letter of appointment.

The specification of the length of the appointment shall be deemed to constitute full and timely notice of nonreappointment when that term expires. Except as provided in [Section 3.4.2](#), the University has no obligation to consider future appointments for persons with such Special Faculty Appointments. The “Principles of Employment for Non-Tenure-Track Faculty” shall be considered in the development of policies and procedures related to persons holding Special Faculty Appointments.

Faculty Members in Special Faculty Appointments shall not be eligible for Permanent Tenure and are not entitled to participate in the Process for Review of Unfavorable RPT Decisions described in [Section 7](#) of this document. During the term of their employment, Faculty Members in Special Faculty Appointments are entitled to seek recourse for employment related problems and concerns under the UNC Charlotte [“Procedures for Resolving Faculty Grievances Arising from Section 607\(3\) of The Code of The University of North Carolina.”](#)

3.4.1 Instructor

To be qualified for the rank of Instructor, a person shall be a candidate for the appropriate terminal degree or present evidence of comparable professional distinction in his or her field. An Instructor shall be appointed for a term of one year. Ordinarily, service as an Instructor should not exceed one year, and in no case shall an Instructor serve in this rank for more than two years. It is expected that an Instructor will complete the work necessary to be qualified for the rank of Assistant Professor in two years or less. An Instructor who completes the requirements for the rank of Assistant Professor will be eligible to be considered for appointment to an initial four-year term as Assistant Professor at the beginning of the next academic year. Service as an Instructor shall not be included when computing the maximum seven-year period noted in [Section 3.2](#) above.

3.4.2 Library Faculty Members in Certain Special Faculty Appointments

Library Faculty Members covered by the “Procedures for Initial Appointment, Reappointment, and Promotion for Covered Library Faculty at The University of North Carolina at Charlotte” (“Covered Library Faculty”) hold Special Faculty Appointments. Covered Library Faculty shall be considered for appointment, reappointment, promotion, and annual review as provided in those Procedures. Covered Library Faculty Members may seek review of a decision not to reappoint or not to promote in accord with [Section 7](#) below.

3.5 Joint Appointments

A Faculty Member, either in a Professorial Rank or in a Special Faculty Appointment, may at one time hold only one full-time appointment at The University of North Carolina at Charlotte. This appointment may be held, by joint appointment, between or among two or more departments, between or among a department and one or more programs or centers, or by holding an appointment to an administrative position

concurrently with a Faculty appointment. In all joint appointments, the base unit of appointment shall be an academic unit.

A Faculty Member with Permanent Tenure who accepts an administrative position within The University of North Carolina at Charlotte shall retain Permanent Tenure, and shall be judged for promotion according to the same criteria and on the same schedule as apply to other Permanently Tenured Faculty Members in the Faculty Member's base unit. A Faculty Member without Permanent Tenure who holds an administrative position shall be considered for reappointment, promotion, and conferral of Permanent Tenure according to the same criteria, and on the same schedule, as apply to Faculty Members of the same rank and Tenure status in the Faculty Member's base unit. Procedures for renewal of the joint administrative appointment shall be specified in the original appointment recommendation.

When a joint appointment is to be made as part of an initial appointment to the Faculty, the regular procedures prescribed herein for initial appointment to the rank proposed shall be followed simultaneously by the units involved in making a joint recommendation for appointment. The joint recommendation shall designate one of the units as the unit of base appointment and set forth, at a minimum, the terms and conditions specified in the "[University Policy on Joint Appointments for Faculty](#)" included in the [UNC Charlotte Academic Personnel Procedures Handbook](#). If the joint appointment is approved by the Provost, thereafter the base unit is responsible for processing personnel actions that affect the joint appointee; but with respect to each such action, the recommendation put forward shall be one jointly concurred in by the units concerned as required by their agreed procedures for joint consultation and decision. An agreement signed by the Faculty Member, the Provost, and the heads of the affected units will describe the process for evaluating the Faculty Member holding such joint appointment. The Faculty Member shall be judged for promotion according to the same criteria and on the same schedule as apply to Faculty Members in the Faculty Member's base unit.

When a joint appointment is made for a person who is already a member of the Faculty, the heads of the affected units shall jointly put forward through the regular channels for review of initial appointments a recommendation that the existing appointment be converted into a joint appointment. The joint recommendation shall include the same elements required with respect to a recommendation for initial joint appointment. Upon approval of such a recommendation, the joint appointee retains the same Faculty rank and Tenure status as previously held, and shall enjoy the rights associated with the Faculty position. Thereafter, all personnel actions affecting his or her Faculty appointment shall be processed as provided in the case of an initial joint appointment.

The provisions of this section do not apply to the creation of adjunct appointments for persons who are currently members of the Faculty of The University of North Carolina at Charlotte.

3.6 Continued Availability of Special Funding

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 permanent trust funds shall specify in writing that the continuance of his or her services, whether for a specified term or for Permanent Tenure, shall be contingent upon the continuing availability of such funds. This contingency shall not be included in a Faculty Member's appointment following promotion if, before the effective date of that promotion, the Faculty Member had Permanent Tenure and no such contingency was attached to the conferral of Permanent Tenure.

If a Faculty Member's appointment is terminated because these funds are not available, The University of North Carolina at Charlotte shall make every reasonable effort to give the same notice as set forth in [Section 3.2](#). Furthermore, the University shall make every reasonable effort to give at least twelve months notice to Faculty Members with Permanent Tenure.

3.7 Leaves of Absence

A Faculty Member may receive full or partial Leave of Absence providing relief from full-time employment responsibilities for a fixed period, upon recommendation of the department chair and dean, and by written agreement signed by the Provost or designee and Faculty Member. The agreement shall specify the effect of the leave on the timetable for consideration of Tenure. (See The University of North Carolina at Charlotte [University Policy 102.6](#), "Leaves of Absence for Members of the Faculty.")

Any provisions for less than full-time employment in an initial appointment to the Faculty must be specified in the initial appointment document signed by the appropriate University official.

3.8 Faculty Resignations and Retirements

A Faculty Member who decides to resign or to retire from The University of North Carolina at Charlotte has the obligation to give timely written notice of the decision, with its effective date, to his or her immediate supervisor.

4 Procedures for Initial Appointment

4.1 Procedures for Initial Appointment

Each College shall establish procedures for the initial appointment of all Faculty Members, including how search committees are formed and how they operate to provide recommendations to the dean concerning the appointment of full-time Faculty. Such procedures shall be consistent with the [UNC Charlotte Academic Personnel Procedures Handbook](#), this document, and, for Special Faculty Appointments, procedures developed by the applicable College that are consistent with the "Principles of Employment for Non-Tenure-Track Faculty."

College procedures shall provide that the department chair shall consider the recommendation of the Department Review Committee (DRC; see [Section 5.3](#) below) before forwarding to the dean any recommendation that will confer Permanent Tenure in an initial appointment. The department chair shall forward to the dean the recommendation and rationale of the DRC along with his or her recommendation and rationale. College procedures may also provide additional requirements for review and consultation in the initial appointment process.

For Assistant Professor and Special Faculty Appointments, the dean of the College, after consulting with the department chair, shall forward his or her decision to appoint along with the necessary documentation to the Provost. The dean shall forward to the Provost a recommendation to appoint any Associate Professor or Professor, or any recommendation for an appointment that will carry Permanent Tenure.

The Provost shall have final authority to make decisions to appoint Associate Professors and Professors without Permanent Tenure. For an appointment that would confer Permanent Tenure, the Provost shall make a recommendation to the Chancellor.

If the Chancellor decides not to recommend an appointment that would confer Permanent Tenure, that decision is final. If the Chancellor concurs with a recommendation from the Provost to make an appointment that would confer Permanent Tenure, the Chancellor shall forward his or her recommendation to the Board of Trustees for final approval.

4.2 Closed Sessions

Any deliberations by a search committee concerning appointment for a particular Faculty Member shall be held in closed session, with only those present whom the committee deems necessary to its deliberations.

4.3 Confidentiality

All documents submitted or created in connection with the process of review for initial appointment and the information contained therein, as well as information derived from any discussions that are part of the formal review, are considered confidential personnel information. All persons participating in the process of review for initial appointment shall treat such information as confidential. Such confidential records and information shall not be disclosed to or discussed with any person except: (1) search committee members (2) those persons required or permitted to be consulted in accord with the requirements of department, College, or University policies; or (3) those persons permitted access to such documents by law. Violation of this section may expose any Faculty Member, including an administrator, to the imposition of serious sanctions pursuant to [Section 8](#) below.

4.4 Terms and Conditions of Appointment

The general terms and conditions and any specific terms and conditions of each initial appointment and of each reappointment to the Faculty shall either be set forth in the document of

appointment or reappointment or shall be incorporated therein by clear reference to specified documents that shall be readily available to the Faculty Member. A copy of the terms, signed by the Chancellor or a delegated officer, shall be delivered to and signed by the Faculty Member.

5 Review Committees for Faculty Members in Professorial Ranks

5.1 Closed Sessions

Any deliberations by a department or College review committee concerning reappointment, promotion, or the conferral of Permanent Tenure for a particular Faculty Member shall be held in closed session, with only those present whom the committee deems necessary to its deliberations.

5.2 Confidentiality

All documents submitted or created in connection with the process of review for reappointment, promotion, or the conferral of Permanent Tenure, and the information contained therein, as well as information derived from any discussions that are part of the formal review, are considered confidential personnel information. All persons participating in the process of review for initial appointment, reappointment, promotion, or the conferral of Permanent Tenure shall treat such information as confidential. Such confidential records and information shall not be disclosed to or discussed with any person except: (1) review committee members; (2) those persons required or permitted to be consulted in accord with the requirements of department, College, or University policies; or (3) those persons permitted access to such documents by law. Violation of this section may expose any Faculty Member, including an administrator, to the imposition of serious sanctions pursuant to [Section 8](#) below.

5.3 Department Review Committee (DRC) on Reappointment, Promotion, and the Conferral of Permanent Tenure

In Colleges with formal departmental structure, each department shall have a Department Review Committee (DRC) that provides the department chair with recommendations on reappointment, promotion, and the conferral of Permanent Tenure. The DRC shall be elected by the department Faculty from the department Faculty who have full-time appointments holding Professorial Rank. Election shall be according to procedures established by the department Faculty. At least three Permanently Tenured Faculty Members shall serve as the voting members of the committee, and the Permanently Tenured members shall have a majority. Permanently Tenured Faculty Members from other departments may be selected, according to a procedure approved by the department Faculty, as voting members only if necessary to constitute the committee. Faculty Members without Permanent Tenure who hold Professorial Rank may serve only as nonvoting participants, as determined by the department. The committee shall elect its chair from its Permanently Tenured members.

No dean, department chair, associate dean, or assistant dean may serve on the DRC.

A department may permit, pursuant to its own policies, Tenure Track Faculty Members who are not members of the DRC to observe the DRC as it conducts its deliberations; provided that the chair of the DRC informs such observers that they are bound by the confidentiality requirements set forth in [Section 5.2](#).

In Colleges without formal departmental structure or in Colleges with Schools, the Faculty will create procedures for review for reappointment, promotion, and the conferral of Permanent Tenure for Tenure Track Faculty that provide the opportunity for two separate and independent reviews within the College. A document that describes these procedures will be reviewed by the College Faculty and approved by the Provost.

5.4 College Review Committee (CRC) on Reappointment, Promotion, and the Conferral of Permanent Tenure

Each College shall have a College Review Committee (CRC) that provides the dean with recommendations on reappointment, promotion, and the conferral of Permanent Tenure. The committee shall be elected by the College Faculty from the Permanently Tenured Faculty of the College who hold full-time appointments. Election shall be according to procedures established by the College Faculty that provides for the election of at least three members. The CRC shall elect its chair from its members.

Colleges shall have procedures ensuring that no Faculty Member participates in the same case as a member of both the DRC and the CRC in reviewing or providing recommendations about reappointment, promotion, or the conferral of Permanent Tenure.

No dean, department chair, associate dean, or assistant dean may serve on the CRC.

It is the responsibility of members of the CRC to act in the interest of the College in general. Members of the CRC do not serve on that body to represent the interests of their home departments in supporting or opposing the case of any Faculty Member under consideration by the CRC.

6 Procedures for Review for Reappointment, Promotion, and the Conferral of Permanent Tenure for Faculty Members in Professorial Ranks

6.1 Notifications

Each positive or negative determination and the rationale for such determination on reappointment, promotion, or conferral of Permanent Tenure made by a chair or a dean shall be provided in writing to the Faculty Member to whom it pertains simultaneously with its transmittal to the next administrative level. Each positive or negative decision of the Provost or the Chancellor and the rationale for any negative decision on reappointment, promotion, or conferral of Permanent Tenure shall be provided in writing to the Faculty Member to whom it pertains simultaneously with its transmittal to the next administrative level. That Faculty Member shall have access to all documents that are part of the decision-making process.

6.2 Permissible and Impermissible Grounds for Decisions

Except as herein provided, determinations and decisions pertaining to reappointment, promotion, and conferral of Permanent Tenure are, without further recourse, the responsibility of the officers of administration authorized to make them, acting in accordance with procedures prescribed herein. In exercise of their judgment, whether in the first instance or in review of recommendations, such officers may take into account and use as the basis of decision, in whole or in part, any factors deemed relevant to total institutional interests, except that in no event shall an Unfavorable RPT Decision be based upon Impermissible Grounds or Material Procedural Irregularities as defined in [Section 1](#) of this document.

6.3 Channels of Review

6.3.1 Faculty Member's Right to Terminate Review

A Faculty Member may terminate a review for reappointment, promotion, or the conferral of Permanent Tenure at any time prior to notification of the Provost's final decision under [Section 6.3.4](#) below by delivering a signed written request for termination of review to the department chair, with copies to the dean and Provost. The department chair, dean, or Provost shall respond in writing to the request. If the request is granted, the termination of the review is irrevocable.

If the review terminated by the Faculty Member included the question of reappointment, employment in the Professorial Rank will not extend beyond the end of the current term of employment.

If the review terminated by the Faculty Member included the question of promotion or of the conferral of Permanent Tenure when such review is not mandated by [Section 3.2](#), then the review shall be terminated. The termination of a review under these circumstances shall have no effect on voluntary or Mandatory Reviews in subsequent academic years.

6.3.2 Departmental Review

In all review cases, the deadline for submission of ~~full~~-dossiers may not be earlier than the first day of the academic year during which the review will take place. Notwithstanding the immediately preceding sentence, departments may set earlier deadlines with regard to the submission of any materials or information needed to obtain external review letters.

The Permanently Tenured Faculty Members in the department, other than those who will participate in the review process at another level, who are at or above the rank for which a candidate is under consideration, shall be provided an opportunity to review the candidate's ~~dossier-review file~~ and provide advice to the DRC. Evaluations of the candidate's ~~dossier-review file~~ by the DRC and by the chair are

intended to be separate and independent. However, the DRC may invite the department chair into its discussions if the DRC unanimously determines that doing so will assist in its deliberations. The DRC shall submit its recommendation(s) and rationale(s) whether or not to reappoint, to promote, or to confer Permanent Tenure to the department chair after considering the advice provided by such Permanently Tenured Faculty. If the department chair's determination is positive on each action under review, he or she shall, after consulting with the assembled DRC, submit his or her determination and rationale, together with the recommendation(s) and rationale(s) of the DRC, to the dean of the College.

If, after consulting with the assembled DRC, the department chair determines not to reappoint, promote, or confer Permanent Tenure for a Faculty Member under review, he or she shall meet with the Faculty Member to provide the Faculty Member with a copy of that determination and its rationale, and to explain the Faculty Member's right of rebuttal. Within fourteen days after ~~this meeting~~ receiving a copy of the department chair's determination, the Faculty Member may submit to the dean and the chair his or her written rebuttal to the chair's determination. Upon receipt of the Faculty Member's rebuttal, or at the end of fourteen days after the chair meets with the Faculty Member if the Faculty Member does not submit a rebuttal, the chair shall submit his or her determinations and rationales, together with the recommendations and rationales of the DRC, to the dean of the College.

6.3.3 College Review

After receipt of the determinations and rationales of the department chair and the recommendations and rationales of the DRC, and the Faculty Member's rebuttal to the chair's determination, if any, the dean shall deliver such documents to the CRC. The CRC shall submit its recommendations and rationales to the dean. If the dean's determination is positive on each action under review for a Faculty Member, he or she shall, after consulting with the assembled CRC, submit his or her determinations and rationales, together with the recommendations and rationales of the CRC and the DRC, the determinations and rationales of the department chair, and the Faculty Member's rebuttal(s), if any, to the Provost.

If, after consulting with the assembled CRC, the dean determines not to reappoint, promote, or confer Permanent Tenure for a Faculty Member under review, he or she, or his or her designee, shall meet with the Faculty Member to provide the Faculty Member with a copy of that determination and its rationale, and to explain the Faculty Member's right of rebuttal. Within ~~ten-fourteen Days-days~~ after ~~this meeting~~ receiving a copy of the dean's determination, the Faculty Member may submit to the Provost and the dean his or her written rebuttal to the dean's determination. Upon receipt of the Faculty Member's rebuttal, or at the end of ~~ten~~ fourteen Days-days after the dean or dean's designee meets with the Faculty Member if the Faculty Member does not submit a rebuttal, the dean shall submit his or her determinations and rationales, together with the recommendations and

rationales of the CRC and the DRC, the determinations and rationales of the department chair, and the Faculty Member's rebuttal(s), if any, to the Provost.

6.3.4 Provost's Review

In each case regarding reappointment, promotion, or the conferral of Permanent Tenure, the Provost shall consider the recommendations and rationales from the DRC and the CRC, determinations and rationales from the chair and the dean, and the Faculty Member's rebuttal(s), if any, before making his or her decision or recommendation.

If the Provost decides not to reappoint, promote, or confer Permanent Tenure on a Faculty Member, he or she shall, by written statement, notify the Faculty Member under consideration of that decision and its rationale. Such notice, when concerning reappointment, or when concerning conferral of Permanent Tenure in connection with a Mandatory Review for reappointment, constitutes full and timely notice of nonreappointment as required in [Section 3.2](#).

If the Provost makes a positive recommendation to confer Permanent Tenure, he or she shall submit such recommendation to the Chancellor together with the recommendations and rationales from the DRC and the CRC, determinations and rationales from the chair and the dean, and the Faculty Member's rebuttal(s), if any.

All decisions of the Provost regarding reappointment and promotion, as well as negative decisions regarding the conferral of Permanent Tenure, are final and cannot be appealed on the merits. A Faculty Member who contends that the decision was based on Impermissible Grounds or Material Procedural Irregularities at any point in the review process may seek a hearing on that contention in accordance with the procedures in Section 7.

6.3.5 Chancellor's Review

The Chancellor shall consider recommendations from the Provost to confer Permanent Tenure. If the Chancellor concurs in a recommendation from the Provost to confer Permanent Tenure, the Chancellor shall forward his or her recommendation to the Board of Trustees for final approval.\

The Chancellor's decision not to confer Permanent Tenure is a final decision. If the Chancellor decides not to recommend conferral of Permanent Tenure, he or she shall, by written statement, notify the Faculty Member under consideration of that decision and its rationale. If the Chancellor's decision not to confer Permanent Tenure occurs in connection with a Mandatory Review for reappointment, such notice constitutes full and timely notice of nonreappointment as required in [Section 3.2](#). A Faculty Member who contends that the Chancellor's decision was based on Impermissible Grounds or Material Procedural Irregularities may seek a hearing on that contention in accordance with the procedures in [Section 7](#).

7 Process for Review of Unfavorable RPT Decisions

7.1 Applicability and Purpose

The hearing process provided in this [Section 7](#) is applicable to all Faculty Members in Professorial Ranks and Library Faculty Members holding appointments described in [Section 3.4.2](#).

The purpose of the review process is to determine whether, by a preponderance of the evidence, a Faculty Member has established that an Unfavorable RPT Decision was based on Impermissible Grounds or Material Procedural Irregularities. Once a Faculty Member has initiated the review process pursuant to [Section 7.3](#) below, the Hearing Committee shall make one of the following decisions: (1) that a hearing will not be granted, (2) that the hearing should be concluded after the presentation of the Faculty Member's evidence, because the Faculty Member's evidence was insufficient to require a rebuttal, (3) that, after a full hearing, the Faculty Member has not established by a preponderance of the evidence that the Unfavorable RPT Decision was based on Impermissible Grounds or Material Procedural Irregularities, ((1) through (3) hereinafter collectively "unfavorable Hearing Committee decision"); or (4) that the Unfavorable RPT Decision was based on Impermissible Grounds or Material Procedural Irregularities.

The process for review of decisions to discharge or to impose other serious sanctions is set forth in [Section 8](#) below. The process for review of decisions to terminate is set forth in [Section 9](#) below.

7.2 Hearing Committee

7.2.1 Powers and Duties

The Hearing Committee shall hear cases of decisions not to reappoint, not to promote, not to confer permanent tenure, discharge, the imposition of serious sanctions, or termination in accordance with the procedures described in Sections [7](#), [8](#), and [9](#) herein.

7.2.2 Composition, Terms of Office, and Election

7.2.2.1 Composition and Eligibility

The Hearing Committee shall consist of sixteen members. The Committee members shall be Permanently Tenured Faculty Members who are elected by the Faculty. No department chair or senior administrative officer shall serve on the Committee. The Committee shall elect its chair each year.

7.2.2.2 Terms of Office

Committee members shall serve four-year terms and may serve no more than two consecutive terms. The term of office shall begin and end on the last day of the Academic Year. Committee members may be recalled by a two-thirds vote of the Faculty present at a general Faculty meeting.

7.2.2.3 Election

The Faculty shall elect the Hearing Committee members in accordance with the procedures set forth in the [Constitution of the Faculty](#) and the [Standing Rules of the Faculty Council](#) of The University of North Carolina at Charlotte.

7.2.3 Conflicts of Interest, Bias, Incapacity, or Temporary Vacancy

A Committee member is disqualified and shall not participate as a Committee member in the proceedings described in Sections [7](#), [8](#), and [9](#) herein if he or she: (1) holds an appointment in the department of a person directly involved in a hearing, (2) served on a committee that previously considered the case, (3) will testify as a witness at the hearing, (4) has any other conflict of interest, bias, or is unable for any reason to assess the evidence fairly, impartially, and without prejudice.

If such Committee member does not recuse himself or herself from the proceedings, the Faculty Member or the administrator involved in a hearing may challenge the participation of any member of the Hearing Committee on grounds of bias or a personal relationship that might affect impartial consideration of the case. The Committee, excluding the member challenged, shall consider the charge of bias and, if it determines possible bias, shall disqualify the member challenged. If the disqualified member is the Committee chair, the remaining Committee members shall elect one of the members to fill the vacancy while these conditions exist. The Committee shall also select one of its members to replace the chair if he or she is incapacitated or absent.

If the Committee should have an insufficient number of qualified members to carry out its obligations because of conflicts of interest, bias, incapacity, or temporary vacancy, elections shall be held promptly in accordance with the [Standing Rules of the Faculty Council](#) of The University of North Carolina at Charlotte to staff the Committee while these conditions exist. If the need arises during the summer terms, the Faculty President in consultation with the Faculty Executive Committee may make temporary appointments to fill vacancies on the Committee. If a permanent vacancy occurs, elections shall also be held promptly in accordance with the [Standing Rules of the Faculty Council](#) of The University of North Carolina at Charlotte to fill the vacancy for the unexpired term.

7.2.4 Closed Sessions

Any deliberations by the Hearing Committee concerning an Unfavorable RPT Decision shall be held in closed session, with only those present whom the Committee deems necessary to its deliberations.

7.2.5 Confidentiality

Documents submitted or created in connection with all matters that come before the Hearing Committee, and the information contained therein, shall be treated as confidential personnel information. Such confidential records and information derived from any discussions that are part of the formal hearing process shall not be disclosed to or discussed with any person except: (1) those participating in the hearing as provided in these policies; (2) those persons required or permitted to be consulted in accord with the requirements of department, College, or University or Board of Governors policies; or (3) those persons permitted access to such documents by law. Violation of this section may expose a Faculty Member, including an administrator, to the imposition of serious sanctions pursuant to [Section 8](#) below.

7.3 Request for Hearing; Avoiding Improper Communications

A Faculty Member who has received an Unfavorable RPT Decision and who has exhausted the review procedures of [Section 6](#), or who is a Library Faculty Member holding an appointment described in [Section 3.4.2](#) and who has received an unfavorable decision on reappointment or promotion from the University Librarian, and who believes the Unfavorable RPT Decision was based on Impermissible Grounds or on Material Procedural Irregularities can take that contention to the Hearing Committee. Whether Material Procedural Irregularities occurred shall be determined by reference to those procedures that were in effect when the initial Unfavorable RPT Decision was made and communicated. The Hearing Committee shall ask the Chancellor (Board of Trustees if the Chancellor is an administrator who will be involved in the hearing) to certify what procedures were then in effect if that is a matter of dispute.

The Faculty Member is responsible for activating the hearing process. Within fourteen days after receiving written notice from the Provost (University Librarian if the Faculty Member is a Library Faculty Member holding an appointment described in [Section 3.4.2](#); Chancellor if the Chancellor is an administrator who would be involved in the hearing) of an Unfavorable RPT Decision, the Faculty Member seeking to initiate the process shall file a written statement with the Hearing Committee. The statement shall be addressed to the chair of the Hearing Committee with a copy to the Provost (University Librarian if the Faculty Member is a Library Faculty Member holding an appointment described in [Section 3.4.2](#); Chancellor if the Chancellor is an administrator who would be involved in the hearing). It shall specify the contention(s), identify the administrator(s) and/or other party(ies) whose recommendation, determination, or decision was based on Impermissible Grounds or Material Procedural Irregularities, and outline the facts that the Faculty Member can provide to support the contention(s). The Hearing Committee shall reject any statement that does not include these required specifications.

Once a Faculty Member has initiated the hearing process, no Hearing Committee member may engage in an ex parte communication (written, oral, email, or otherwise) concerning the case with the Faculty Member or with the administrator(s) alleged to be responsible.

If the Faculty Member does not file a written statement meeting the required specifications with the Hearing Committee within fourteen days of an Unfavorable RPT Decision, the Unfavorable RPT Decision is final without recourse to any further review by the Hearing Committee, the University or the Board of Governors.

7.4 Decision to Grant a Hearing

Within fourteen days of receiving the written statement from the Faculty Member, the Hearing Committee shall consider it and decide whether to grant a hearing. The Hearing Committee shall grant a hearing if it determines that the Faculty Member's statement contends that the Unfavorable RPT Decision was based on Impermissible Grounds or Material Procedural Irregularities and the facts outlined, if established, might support the contention.

If the Hearing Committee decides not to grant a hearing, it shall immediately provide written notice of that decision and its rationale to the Faculty Member and the Provost (University Librarian if the Faculty Member is a Library Faculty Member holding an appointment described in [Section 3.4.2](#); Chancellor if the Chancellor is an administrator who would be involved in the hearing). Such a ruling confirms the Unfavorable RPT Decision. The Faculty Member may request that the Chancellor (Board of Trustees if the Chancellor is an administrator who would be involved in the hearing) review the Hearing Committee's decision.

If the Hearing Committee decides to grant a hearing, the chair of the Hearing Committee shall select from its members a hearing panel of five who will hear and decide the case on behalf of the Hearing Committee. All of its members shall be free of any bias or conflict of interest (see [Section 7.2.3](#)). The panel shall elect its chair. The chair of the hearing panel shall then notify the Faculty Member and the Provost of the intent to conduct a hearing. Such notification shall identify the membership of the panel.

Within seven days after receiving this notification, the Faculty Member or the Provost (Chancellor if the Chancellor is an administrator who would be involved in the hearing) may request that the chair of the hearing panel consider substitution of another member of the Hearing Committee for any member of the panel believed to have a conflict of interest or bias, and the remaining members of the panel shall decide the issue. If the request is for substitution for the chair of the panel, the chair of the Hearing Committee shall review the request for substitution with the parties involved and shall decide the issue. After the final panel is established by the chair of the hearing panel or the chair of the Hearing Committee, the chair of the panel shall consult with the parties to schedule a hearing. The hearing shall begin from seven to twenty-one days after notification from the chair of the Hearing Committee that it will conduct a hearing.

7.5 Conduct and Rules of the Hearing

The Hearing Committee is authorized to establish [rules and procedures for conducting hearings](#), which shall be available on the Academic Affairs website. Such rules and procedures shall be consistent with this document and Section 604D of The Code and are subject to approval by the Chancellor or the Chancellor's designee.

7.6 Procedure After Hearing

7.6.1 Hearing Committee Actions After Hearing

If the Hearing Committee makes an unfavorable Hearing Committee decision as set forth in [Section 7.1](#) above, or if the Hearing Committee concludes that the Faculty Member has established that an Unfavorable RPT Decision was based on Impermissible Grounds or Material Procedural Irregularities, it shall provide the Faculty Member and the Chancellor (Board of Trustees if the Chancellor is an administrator involved in the hearing) written notice of the decision and the rationale for that decision, with a copy to the Provost (University Librarian if the Faculty Member is a Library Faculty Member holding an appointment described in [Section 3.4.2](#); Chancellor if the Chancellor is an administrator involved in the hearing). An unfavorable Hearing Committee decision confirms the original Unfavorable RPT Decision. The Faculty Member may request that the Chancellor (Board of Trustees if the Chancellor is an administrator involved in the hearing) review the Hearing Committee's decision.

7.6.2 Chancellor's Actions After Hearing

Upon receiving a Faculty Member's request for review of an unfavorable Hearing Committee decision, as set forth in [Section 7.1](#) above; or upon receiving the Committee's decision that one or more contentions has been established by a preponderance of evidence, the Chancellor (Board of Trustees if the Chancellor is an administrator involved in the hearing) shall thoroughly review the record of evidence from the hearing, if a hearing was held, and the decision and rationale of the Hearing Committee.

If the Chancellor (Board of Trustees if the Chancellor is an administrator involved in the hearing) is considering taking an action that is inconsistent with a decision or recommendation of the Hearing Committee, the Chancellor (Board of Trustees if the Chancellor is an administrator involved in the hearing) may first consult with the Hearing Committee in person or in writing, to discuss any concerns he or she (it) may have.

The Chancellor (or Board of Trustees if the Chancellor is an administrator involved in the hearing) shall provide written notice of his or her (its) decision. If the hearing process results in a determination that the decision was based on Impermissible Grounds or on Material Procedural Irregularities, and if the Chancellor (or Board of

Trustees if the Chancellor is an administrator involved in the hearing) agrees with this determination, the Chancellor (or Board of Trustees if the Chancellor is an administrator involved in the hearing) will decide on appropriate remedial action, typically reconsideration through a review process conducted by an individual or group who did not participate in the original Unfavorable RPT Decision.

7.6.3 Actions Subsequent to Chancellor's Decision

The Chancellor's written notice of decision in the case of a nonpromotion or nonreappointment decision for a Library Faculty Member holding an appointment described in [Section 3.4.2](#), or for a nonpromotion decision not involving a question of reappointment for a Faculty Member in the Professorial Ranks, may be appealed to the Board of Trustees under procedures described in [Section XI](#) of the UNC Charlotte "[Procedures for Resolving Faculty Grievances Arising from Section 607\(3\) of The Code of The University of North Carolina](#)." If the decision is made by the Board of Trustees, it is a final decision and may not be further appealed.

In a nonreappointment case involving a Faculty Member in the Professorial Ranks, the Chancellor (or Board of Trustees if the Chancellor is an administrator involved in the hearing) shall notify the Faculty Member, the relevant administrators, and the Hearing Committee of his or her (its) decision in writing, by a method that produces adequate evidence of delivery.

If the Chancellor's decision (or Board of Trustees' decision if the Chancellor is an administrator involved in the hearing) does not modify the decision not to reappoint a Faculty Member in the Professorial Ranks, the notice of decision shall (1) state that the Faculty Member has the right to appeal to the Board of Governors from the Chancellor's decision (or Board of Trustees' decision if the Chancellor is an administrator involved in the hearing') not to reappoint the Faculty Member; (2) state that the Faculty Member's written notice of appeal must contain a brief statement of the basis for the appeal; (3) state that to be effective, such notice of appeal must be filed with the Office of the President, by certified mail, return receipt requested, or some other means that provides proof of delivery, within fourteen days after the Faculty Member's receipt of the Chancellor's decision (or Board of Trustees' decision if the Chancellor is an administrator involved in the hearing); and (4) that the Office of the President will subsequently inform the Faculty Member of the schedule for submission of the relevant documents.

The purpose of the appeal to the Board of Governors is to assure (1) that the University process for reviewing the decision in a nonreappointment case was not materially flawed, so as to raise questions about whether the Faculty Member's contentions were fairly and reliably considered, (2) that the result reached by the Chancellor (or Board of Trustees if the Chancellor is an administrator involved in the hearing) was not clearly erroneous, and (3) that the decision was not contrary to controlling law or policy. Faculty Members considering appeal to the Board of

Governors from the Chancellor's decision in a nonreappointment case are encouraged to review Board of Governors' [Policy 101.3.1](#), Part III.

8 Due Process Before Discharge or the Imposition of Other Serious Sanctions

8.1 Faculty Rights

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:

(a) 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;

(b) neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or

(c) misconduct of such a 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 (i) sufficiently related to a Faculty Member's academic responsibilities as to disqualify the individual from effective performance of University duties, or (ii) sufficiently serious as to adversely reflect upon the individual's honesty, trustworthiness or fitness to be a Faculty Member.

These serious sanctions may be imposed only in accordance with the procedures prescribed in this [Section 8](#). For purposes of this document, 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 nonreappointment (Sections [5](#) and [6](#)) or termination of employment ([Section 9](#)).

8.2 Notice of Intent to Discharge or Impose Other Serious Sanctions

The Provost shall send the Faculty Member by Formal Notice (see [Section 1.7](#)) a written notice of intention to discharge 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. The statement shall include notice of the Faculty Member's right, upon request, to a hearing by the Hearing Committee described in [Section 7.1](#).

8.3 Failure to Respond to Notice of Intent to Discharge or Impose Other Serious Sanctions

If, within fourteen days after receipt of the notice and written specifications referred to in [Section 8.2](#) above, the Faculty Member makes no written request for a hearing, he or she may be discharged or sanctioned without recourse to any institutional grievance or appeal procedure.

8.4 Hearing Committee; Commencement of Hearing

If the Faculty Member makes a timely written request for a hearing, the Chancellor shall ensure [a process is in place](#) that the hearing is timely accorded before the Hearing Committee. Decisions and recommendations of the Hearing Committee shall be made by the full Committee. However, the Hearing Committee may delegate the duty of conducting a hearing and providing the Chancellor with recommendations on behalf of the Hearing Committee to a panel of at least three members of the Hearing Committee. The panel shall elect its chair. The hearing shall be on the written specification of reasons for the intention to discharge or to impose serious sanctions. The Hearing Committee or its panel shall accord the Faculty Member thirty days from the time it receives his or her written request for a hearing to prepare a defense. The Hearing Committee or its panel may, upon the Faculty Member's written request and for good cause, extend this time by written notice to the Faculty Member. The Hearing Committee will ordinarily endeavor to complete the hearing within ninety days except under unusual circumstances, such as when a hearing request is received during official University breaks and holidays or when, despite reasonable efforts, the Committee cannot be assembled. (To meet this deadline, Faculty are encouraged to consider scheduling hearings during the evening, weekend or other non-class time. 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.)

8.5 [Procedures Required for Hearing](#)

The hearing shall be closed to the public unless the Faculty Member and the panel agree that it may be open. The Faculty Member shall have the right to counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, to examine all documents and other adverse demonstrative evidence, and to make argument. A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the Faculty Member at the University's expense.

8.6 Provost's Role

The Provost, Provost's 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.

8.7 Evidence and Recommendations

In reaching decisions on which its written recommendations to the Chancellor shall be based, the Hearing Committee shall consider only the evidence presented at the hearing

and such written and oral arguments as the Committee or its panel 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 University has met its burden of showing that permissible grounds for serious sanction exist and are the basis of the recommended action. The Hearing Committee shall make its written recommendations to the Chancellor within fourteen days after its hearing concludes or fourteen days after the full transcript is received, whichever is later.

8.8 Procedure After Hearing

If the Chancellor concurs in a recommendation of the Hearing Committee that is favorable to the Faculty Member, the Chancellor's decision shall be final. 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. This appeal shall be transmitted through the Chancellor and be addressed to the chair of the Board. Notice of appeal shall be filed within fourteen days after the Faculty Member receives the Chancellor's decision. 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. The Board of Trustees, or its committee, shall consider the appeal on the written transcript of hearings held by the Faculty hearing committee, but it may, in its discretion, hear such other evidence as it deems necessary.

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 Board of Trustees. This decision shall be final except that the Faculty Member may, within fourteen days after receiving the Board of Trustees' decision, file a written notice of appeal by certified mail, return receipt requested, or by another means that provides proof of delivery, with the Board of Governors 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 petition to the Board of Governors shall be transmitted through the President.

8.9 Suspension Pending Final Decision

When a Faculty Member has been notified of the University's intention to discharge or impose other serious sanctions, the Chancellor may reassign the individual to other duties or suspend the individual at any time to conduct an investigation and/or until a final decision concerning discharge or other serious sanctions has been reached by the procedures prescribed herein. Suspension for such purposes as are set out in the preceding sentence shall be exceptional, shall be with full pay, and is not a sanction.

9 Termination of Faculty Employment

9.1 Reasons Justifying Termination and Consultation Required

9.1.1 Reasons for Terminating Employment

The employment of any member of the Faculty (see [Section 1.4](#)) may be terminated by The University of North Carolina at Charlotte because of (1) demonstrable, bona fide institutional Financial Exigency (as defined in [Section 1.6](#)); or (2) major curtailment or elimination of a teaching, research, or public service program. 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 9.1.2](#), subject to concurrence by the President and then approval by the Board of Governors. If the Financial Exigency or curtailment or elimination of program is such that the University's contractual obligation to a Faculty Member cannot be met, the employment of the Faculty Member may be terminated in accordance with the institutional procedures set forth in [Section 9.2](#).

9.1.2 Consultation with Faculty and Administrative Officers

When it appears that The University of North Carolina at Charlotte will experience an institutional Financial Exigency or when it is considering a major curtailment in or elimination of a teaching, research, or public service program, the Chancellor or Chancellor's delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

9.2 Termination Procedures

9.2.1 Consideration in Determining Whose Employment Is to Be Terminated

When it has been determined that Faculty positions are to be terminated for the reasons set forth in [Section 9.1.1](#), the Chancellor or Chancellor's delegate shall seek the advice and recommendations of the academic administrative officers and representatives of the faculties of the departments or other units that might be affected to determine which Faculty Member's employment is to be terminated.

In determining which Faculty Member's employment is to be terminated for the reasons set forth in [Section 9.1.1](#), consideration shall be given to Tenure status, to years of service to the University, 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 University.

9.2.2 Timely Notice of Termination

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 program is not founded upon Financial Exigency, the Faculty Member shall be given timely notice. A Faculty Member who has Permanent Tenure shall be given not less than twelve months notice. A Faculty Member who was appointed to a fixed term and does not have Permanent Tenure shall be given notice in accordance with the requirements specified in [Section 604A\(1\)\(a\)-604A\(1\)\(c\) of The Code](#).

When a Faculty Member's employment is to be terminated because of Financial Exigency, the University 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 in the preceding paragraph.

9.2.3 Type of Notice to Be Given

The Chancellor or Chancellor's delegate shall send the Faculty Member whose employment is to be terminated a written statement of this fact by Formal Notice. This notice shall include: (1) a statement of the conditions requiring termination of employment; (2) a general description of the procedures followed in making the decision; (3) a disclosure of financial or other data upon which the decision was based; (4) a statement of the Faculty Member's right, upon request, to a reconsideration of the decision by the Hearing Committee if he or she alleges that the decision to terminate him or her rather than another Faculty Member was arbitrary or capricious; and (5) a copy of this procedure on termination of employment.

9.2.4 Termination If Reconsideration Is Not Requested

If, within fourteen days after receipt of the notice required by the previous paragraph, the Faculty Member makes no written request by Formal Notice for a reconsideration hearing, employment will be terminated at the date specified in that notice without recourse to any institutional grievance or appeal procedure.

9.2.5 Request for Reconsideration Hearing

Within fourteen days after receiving the notice specified above, the Faculty Member may request by Formal Notice a reconsideration of the decision to terminate employment if he or she alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor and shall specify the grounds upon which it is contended that the decision to terminate his or her employment was arbitrary or capricious and shall include a short, plain statement of facts that the Faculty Member believes support the contention.

Submission of such a request constitutes on the part of the Faculty Member: (1) a representation that he or she can prove the contention, and (2) an agreement that the University may offer in rebuttal of the contention any relevant data within its possession.

9.2.6 Jurisdiction of the Hearing Committee

If the Faculty Member makes a timely written request for a reconsideration of the decision, the Chancellor or Chancellor's delegate shall ensure that a reconsideration hearing is accorded before the Hearing Committee established as provided in [Section 7.2](#), or a panel of that Committee. This reconsideration is limited solely to a determination of the contentions made in the Faculty Member's request for reconsideration. The reconsideration hearing shall be held promptly, but the Committee shall accord the Faculty Member seven days from the time it receives the written request for a hearing to prepare for it.

9.2.7 Conduct and Rules of Hearing; Procedure After Hearing

The Hearing Committee is authorized to establish rules and procedures for conducting reconsideration hearings and for treatment of cases after hearings consistent with this document and approved by the Chancellor. Such procedures shall provide that if the decision of the Chancellor after considering the report and recommendation of the Hearing Committee or its panel is unfavorable to the Faculty Member, the Faculty Member may appeal that decision to the Board of Trustees, which shall make the final decision.

9.3 Assistance for Faculty Members and Rights to New Positions

9.3.1 Assistance After Termination of Employment

The University, when requested in writing by a Faculty Member whose employment has been terminated, shall provide reasonable assistance in finding other employment.

9.3.2 First Right of Refusal of New Positions

For two years after the effective date of termination of a Faculty Member's employment for any of the reasons specified in [Section 9.1](#), The University of North Carolina at Charlotte shall not replace the Faculty Member without first offering the position to the person whose employment was terminated. The offer shall be made by Formal Notice to the address last furnished by the Faculty Member; the Faculty Member will be given thirty days after receipt of the notice to accept or reject the offer.

10 Implementation

10.1 Interpretation and Conflict with Other Policies

The Provost and Vice Chancellor for Academic Affairs ("the Provost") makes the authoritative interpretations of the Tenure Policies, Regulations, and Procedures of The University of North Carolina at Charlotte. In interpreting this document, the Provost will

consult with the Faculty Executive Committee and University administrators familiar with the documents and the practices at The University of North Carolina at Charlotte. Objections to these interpretations can be appealed to the Chancellor. Such objections will not suspend requirements for Faculty Members or administrators to comply with time limits related to personnel action unless those time limits are extended in writing by the Chancellor.

This document is in conformity with [Chapter VI of The Code](#) and Policies of the Board of Governors of The University of North Carolina. If any part of this document is found to conflict with [Chapter VI of The Code](#) or the Policies of the Board of Governors, The Code and Policies shall prevail.

10.2 Effective Date

10.2.1 Date

These Tenure Policies, Regulations, and Procedures of The University of North Carolina at Charlotte shall be effective on October 5, 2009, as adopted by the Board of Trustees of the University of North Carolina at Charlotte and approved by the President of the University of North Carolina.

10.2.2 Effect on Certain Appointments

A Faculty Member who was appointed to a Professorial Rank before the implementation of these policies and regulations and who does not meet the qualifications described in [Section 3.2](#) shall retain the most recently conferred title for the duration of the current appointment.

10.3 Review of Document

The University of North Carolina at Charlotte [Office of Legal Affairs](#) shall review this document during the spring semester of each even-numbered year and shall recommend for approval by the Board of Trustees amendments necessary to respond to changes in law that affect this document. At intervals of not more than five years, the Chancellor shall review this document and shall report to the President of the University of North Carolina whether or not amendments or revisions are appropriate. The Chancellor shall involve the Faculty in this review.

C. Review for Reappointment, Promotion, and Conferral of Permanent Tenure

Standards for Review for Reappointment, Promotion and Conferral of Permanent Tenure

The initial appointment of a Faculty Member at the rank of Assistant Professor shall be for a term of four years. Before the end of the third year of the initial appointment as Assistant Professor, the Faculty Member shall be reviewed for reappointment. This reappointment review is mandatory. The faculty member shall receive written notice of reappointment at the same rank or of non-reappointment.

An Assistant Professor who is reappointed at the same rank shall receive an appointment of three years. During and before the end of the second year of the second appointment as Assistant Professor, he or she shall be reviewed for promotion to Associate Professor with conferral of Permanent Tenure. This tenure and promotion review is mandatory. The faculty member shall receive written notice of promotion to Associate Professor with conferral of Permanent Tenure or of non-reappointment. Permanent Tenure may not be awarded to a Faculty Member at the rank of Assistant Professor.

The initial appointment of a Faculty Member at the rank of Associate Professor without Permanent Tenure shall be for a term of three to five years. During and before the end of the penultimate year of the appointment as Associate Professor, the Faculty Member shall be reviewed for Permanent Tenure. This tenure review is mandatory. The faculty member shall receive written notice that he or she will be reappointed with Permanent Tenure at the same rank or of non-reappointment.

An Associate Professor with Permanent Tenure shall be reviewed for promotion at least once every five years, unless the Faculty Member postpones this review for promotion in writing for a specified period not to exceed five additional years. This right to postpone the review for promotion shall not modify the requirement that all Tenured Faculty Members undergo a comprehensive review every five years pursuant to the “Tenured Faculty Performance Review Policy.” An Associate Professor with Permanent Tenure may not elect to postpone periodic reviews as required under the “Tenured Faculty Performance Review Policy.”

Policies, Regulations, and Procedures

Reviews for reappointment, promotion, and/or conferral of permanent tenure involve a peer review process conducted according to [Section 6 of University Policy 102.13, Tenure Policies, Regulations, and Procedures of the University of North Carolina at Charlotte \(Tenure Document\)](#), the college and departmental policies, procedures, and criteria that implement them, and the University’s Affirmative Action Plan. Each faculty member receives copies of the [Tenure Document](#), college criteria and procedures, and departmental criteria and procedures at the time of initial appointment, and updates and revisions to them as they are made. The Provost establishes a schedule for receiving and acting on recommendations [and determinations](#) resulting from the department and college peer review processes.

Areas of Performance to be Reviewed

The areas of performance in which a faculty member is reviewed for reappointment, promotion, and conferral of permanent tenure are: 1) teaching, advising, curriculum and instructional development; 2) scholarly research, creative, and other professional activities; and 3) service to the University, the profession, the public and/or the community. As required by [Section 3.1 of the Tenure Document](#), the assessment of the candidate's performance in each of these areas addresses at least the following: (a) the faculty member's demonstrated professional competence; (b) potential for future contribution to UNC Charlotte; and (c) institutional needs and resources. Community engagement refers to research/creative activities, teaching, and service activities that are collaboratively undertaken by faculty members with community partners, staff, and/or students through processes that exemplify reciprocity in partnerships and public purposes. Following are guidelines for reviewing each of the areas of performance:

1. Teaching, Advising, Curriculum and Instructional Development

Effective teaching is the primary mission of the University and, therefore, is an essential criterion for appointment or advancement. Clear documentation of effectiveness in this area is required for approval of any recommendation for reappointment, promotion, or conferral of permanent tenure.

Effective teaching encompasses a broad range of activities in addition to performance in the classroom, and the weighting of each may differ from case to case. The total performance of the candidate in this area must be evaluated according to established department and college criteria and standards, taking into consideration the types and levels of instructional activities assigned to and expected of the candidate.

Evaluation of the candidate's teaching should consider at least the following:

- a. Subject Competence. What subject areas and level of courses normally are taught by the candidate and what is their relevance to the department's curriculum? Does the candidate have full command of the subject and an understanding of its relationship to other areas of knowledge? Is course content current and appropriate for the level of the course and curriculum?
- b. Course Design. Are the courses taught by the candidate organized appropriately for their subject matter and placed within the curriculum? Are instructional strategies and course materials appropriate for the level of the course, size of the class, nature and preparation of the students, contact hours, and schedule of class meetings?
- c. Course Presentation. Are course materials presented clearly and coherently? Does the candidate present the course with enthusiasm that supports the learning process? Is the course presented in a manner that stimulates the interest and involvement of students and challenges their abilities? What is the candidate's impact on the quality of student performance?
- d. Advising. What is the type and the extent of advising responsibilities of the candidate? What measures does the department use to evaluate advising effectiveness, and what are

the results of these evaluations? To what extent has the candidate attempted to improve the effectiveness of advising? Have these efforts been successful?

- e. Directing Student Research. What types and levels of student research have been directed by the candidate? How does the department evaluate effectiveness in guiding student research, and what are the results of these evaluations for the candidate?
- f. Supervision of Graduate Teaching Assistants. What responsibilities has the candidate had, if any, for training, supervising, and evaluating graduate teaching assistants? How does the department evaluate effectiveness in fulfilling such responsibilities, and what are the results of these evaluations for the candidate?
- g. Curriculum and Instructional Development. What has the candidate contributed to development of the curriculum, and how has this contribution been evaluated? How effective, innovative, and significant have the instructional strategies and materials developed and disseminated by the candidate been? What are the significance and results of curriculum and instructional development projects for which the candidate has been awarded grant funding? What are the quality and significance of other contributions to pedagogy by the candidate?

2. Scholarly Research, Creative, and Other Professional Activities

The University's mission in the discovery, dissemination, synthesis, and application of knowledge requires that all members of the faculty are productively engaged in research, scholarship, creative, and other professional activities appropriate to their discipline or profession. Clear documentation for productivity in this area is required for approval of any recommendation for reappointment, promotion, or conferral of permanent tenure.

Engagement in research, scholarship, creative, and other professional activities takes many different forms depending upon the disciplinary or professional affiliation of the faculty member. Likewise, evidence of the productivity of this engagement varies widely from refereed publications to artistic productions to original designs to unique applications of existing knowledge to solve a problem. It is the responsibility of the department to ensure that the candidate and review participants at all levels understand what constitutes appropriate evidence and documentation of productive engagement within the discipline or profession, and the quality and significance of the work.

Evaluation of the candidate's performance in this area should consider at least the following:

- a. **Publications.** Publications, and the work they represent, must be evaluated and not merely enumerated. Work in progress should be assessed whenever possible and its status clearly identified, e.g., in press, accepted for publication, submitted for publication, or manuscript in preparation. A piece of work that has been disseminated through multiple outlets should be identified as such; e.g., it should be clear to the reviewers when a book chapter presents a piece of work previously published in a journal and/or a conference proceeding after originally being presented as a paper at a professional meeting. The department should assist reviewers to understand the status within the discipline or profession of the journal or type of publication, the rigor of the review process for acceptance, and any other special distinctions that should be considered. Appraisals of

publications or other works in scholarly and critical literature would be useful in this process. Each author of a co-authored piece of work must be identified and the department must establish as clearly as possible the role of the candidate in the joint effort, e.g., the candidate's role in the conception, planning and performance of the research work; the candidate's role in the synthesis of the research results and in writing the manuscript; assessment of the importance of the candidate's contributions relative to those of the other authors, and, when feasible, percentage of total effort on the project attributable to the candidate.

- b. **Presentations at Professional Meetings.** Unless documentation to the contrary is provided, a paper or presentation at a professional meeting is not considered to have been critically refereed. If the contribution was peer reviewed or if it was specially invited, it is the candidate's responsibility to provide appropriate documentation. It is the responsibility of the department to assist reviewers at all levels to understand the distinction of presenting at the meeting in question, the rigor of the review process for acceptance, and the significance to be attributed to an invitation to make a presentation.
- c. **Other Creative Scholarly Works.** Artistic productions, designs, performances, exhibitions, and other creative works, like publications, must be evaluated and not merely enumerated. It is the responsibility of the candidate to provide any published reviews of the creative work by outside critics and appropriate documentation that a performance or exhibition has been juried. It is the responsibility of the department to assist reviewers at all levels to understand the significance the discipline attributes to the type of performance or exhibition and the credibility of the reviewers. Each collaborator in a collaborative production or performance must be identified and the department must establish as clearly as possible the role of the candidate in the joint effort and provide an assessment of the importance of the contribution relative to the contributions of the other collaborators.
- d. **On-going Agenda for Research, Scholarly and Creative Activities.** Consideration should be given to other work in progress in terms of its place in the candidate's on-going agenda for research, scholarly and creative activities. How does this work relate to that reported above; e.g., does it replicate or extend that work, or does it represent a new line of investigation? Identify work supported by grants or contracts and indicate the funding agency and the amount and duration of funding.

3. Service to the University, the Public, and the Profession

As a public university, the mission of UNC Charlotte is to provide for the educational, economic, social, and cultural advancement of the people of North Carolina. To fulfill this mission requires participation of members of the faculty in service activities that are distinct from but related to their roles as teachers and scholars. Contributions in these areas should be carefully documented, evaluated, and considered as positive factors in the reappointment, promotion, and tenure review process.

Such service includes participation in the administration and governance of the University and activities that involve the professional expertise of members of the faculty in the community or region outside the University. It also may include contributions of faculty members to their discipline or profession through service to professional societies and associations.

Evaluation of the candidate's performance in this area should consider at least the following:

- a. **Contributions to the Administration and Governance of the University.** Consideration should be given to administrative responsibilities and terms of service and their effectiveness. Recognition should be given to special contributions to the governance of the institution through service on committees at department, college, and University levels. It is the responsibility of the department to document the quality and effectiveness of a candidate's service to the institution, not merely to enumerate administrative or committee assignments.
- b. **Public Service.** Consideration should be given to activities external to the University that are based on the professional expertise of the candidate and related to the public service objectives of the institution. Such activities might include service on boards, committees, and task forces and through consulting arrangements. Delivery of continuing education workshops and non-credit courses might be included here or in the teaching area depending upon guidelines established by the candidate's department and college. It is the responsibility of the candidate to provide accurate information about the nature and extent of these services; it is the responsibility of the department to obtain an assessment of their significance and effectiveness.
- c. **Service to the Profession.** Faculty members often provide service to their profession through involvement in professional associations appropriate to their specialization. Contributions might take the form of editorial work or service as a referee for a professional journal; membership on committees; or holding an elective or appointed office. It is the responsibility of the candidate to identify these activities and provide appropriate documentation. It is the responsibility of the department to assess the quality and significance of the contributions and to assist reviewers at all levels to understand the status of these contributions within the professions.

Role of Departmental Faculty

Section 6.3.2 of the Tenure Document requires that the permanently tenured faculty members in the department, other than those who will participate in the review process at another level, who are at or above the rank for which a candidate is under consideration, shall be provided an opportunity to review the candidate's review file and provide advice to the DRC. Every department is encouraged to develop a published process by which peer faculty may independently view a candidate's review file and contribute feedback to the DRC. All persons who have access to a candidate's review file shall treat the information as confidential personnel information as provided in section 5.2 of the Tenure Document.

Comment [SOE1]: With link.

Comment [SOE2]: With link.

The Review File

Compilation of the materials that will constitute the review file is a shared responsibility of the candidate, the Department Review Committee, the Department Chair, the College Review Committee, and the Dean. The completed file should consist of the following:

Dossier. A dossier is the candidate's compilation of his or her professional activities that will form the basis for the review. At a minimum, the dossier includes the candidate's current

curriculum vitae and his or her self-assessment. The candidate for review has the major responsibility for compiling the dossier ~~of his or her professional activities that will form the basis for the review.~~ The department chair may advise and counsel, but it is the candidate's responsibility to provide a full and accurate accounting of the activities to be evaluated in the format specified by the department or college. An up-to-date curriculum vitae must be included and the candidate is encouraged to include a teaching portfolio. The vitae must clearly identify co-authored or collaborative works, those undertaken since the last comprehensive review, and those representing a piece of work that has been disseminated through multiple outlets. As they review the candidate's dossier, it is the responsibility of the department and college review committees, department chair, and dean to make a written request for any missing or additional information or clarification needed for the review. The candidate's self-assessment is also part of the dossier.

Self-Assessment. ~~The candidate is expected to prepare a self-assessment of his or her performance in each of the major areas for review. This assessment should be written in the first person and organized according to guidelines provided by the department or college.~~

External Reviews. For cases involving consideration for promotion or conferral of permanent tenure, letters from three or more external reviewers are required. It is the responsibility of the department chair, Department Review Committee, or dean--depending upon established procedures of the department and college--to consult with the candidate to identify a pool of qualified external reviewers to assist with assessment of the quality and significance of the scholarly activity of the candidate. ~~External reviewers also may be asked to comment upon a candidate's teaching or professional service where they have been able to make direct and meaningful observations of the candidate's performance in these areas.~~ Departments may develop processes for soliciting additional letters of review related to teaching and/or professional service, but external review of scholarly activity is required of all faculty candidates for promotion and/or tenure. It is the responsibility of the candidate only to assist with the identification of a pool of persons appropriately qualified to serve as reviewers. The Department Chair, Department Review Committee, or Dean must select and contact the reviewers, provide representative well-organized materials to be reviewed, give them specific guidelines for the assessment they are asked to provide, and inform them that their review will be available to the candidate. The review file should include a description of the process for selecting the external reviewers, a brief explanation of why each was selected and the nature and extent of any prior personal or professional relationship between the candidate and the reviewer, and the guidelines provided to them. Upon request, these external review letters should be made available to the candidate.

Analysis of the Candidate's Performance in Teaching. The Department Review Committee and/or Department Chair is responsible for preparing an analysis of the candidate's performance in teaching that (1) summarizes responses on student evaluations of instruction, including items assessing the overall quality of the course and compares them to the responses to these questions for all faculty in the department or other relevant faculty groups; (2) assesses course materials and other documentation that might be provided in a teaching portfolio; and (3) indicates specific strengths and weaknesses of the instructor identified by student, peer, and external evaluations

and describes any actions being taken to correct deficiencies. This analysis becomes part of the review file (either as part of the DRC's [report-recommendation](#) or as a separate document).

Analysis of the Quality and Significance of the Candidate's Scholarly or Creative Activity.

The Department Review Committee and/or Department Chair is responsible for examining documentation of the candidate's scholarly research, creative, and other professional activities, including the assessments solicited from external reviewers, and preparing an analysis of their quality and significance that is added to the review file (either as part of the DRC's [report recommendation](#) or as a separate document).

Analysis of the Quality and Significance of the Candidate's Service Activity. It is the responsibility of the Department Review Committee and/or the Department Chair to examine documentation of the candidate's service activities, including any assessments solicited from external reviewers, and prepare an analysis of their quality and significance to be added to the review file (either as part of the DRC's [report-recommendation](#) or as a separate document).

Report Recommendation of the Department Review Committee. The analysis of strengths and weaknesses and the resulting recommendation prepared by the Department Review Committee should be addressed to the Department Chair. It should indicate the vote of the committee on the recommendation and be signed by all members to indicate that they have reviewed the [reportfull recommendation document](#). Significant minority opinions should be identified but need not be attributed to individual members of the committee. Separate minority [reports-recommendations](#) may be written and submitted as an attachment to the [report recommendation](#) of the committee.

Recommendation-Determination of the Department Chair. The analysis of strengths and weaknesses and the resulting [recommendation-determination](#) prepared by the Department Chair should be addressed to the Dean. (If the [recommendation-determination](#) is positive, a copy is given to the candidate when it is forwarded to the dean. If it is negative, he or she shall meet with the Faculty Member to provide the Faculty Member with a copy of the determination and its rationale, and to explain the Faculty Member's right of rebuttal. Within [ten-fourteen](#) Days after [this meetingreceiving a copy of the Department Chair's determination](#), the Faculty Member may submit to the dean and the chair his or her written rebuttal to the chair's determination. Upon receipt of the Faculty Member's rebuttal, or at the end of [ten-fourteen](#) Days after the chair meets with the Faculty Member if the Faculty Member does not submit a rebuttal, the chair shall submit his or her determinations and rationales, together with the recommendations and rationales of the DRC, to the dean of the College). See [section 6.3.2 of the Tenure Document](#).

Report Recommendation of the College Review Committee. The analysis of strengths and weaknesses and the resulting recommendation prepared by the College Review Committee should be addressed to the Dean. It should indicate the vote of the committee on the recommendation and be signed by all members to indicate that they have reviewed the [reportfull recommendation document](#). Significant minority opinions should be identified but need not be attributed to individual members of the committee. Separate minority [reports-recommendations](#) may be written and submitted as an attachment to the [report-recommendation](#) of the committee.

Recommendation-Determination of the Dean. The analysis of strengths and weaknesses and the resulting ~~recommendation-determination~~ prepared by the Dean should be addressed to the Provost. (If the ~~recommendation-determination~~ is positive, a copy is given to the candidate when it is forwarded to the Provost. If the ~~recommendation-determination~~ is negative, he or she shall meet with the Faculty Member to provide the Faculty Member with a copy of that determination and its rationale, and to explain the Faculty Member's right of rebuttal. Within ~~ten-fourteen~~ Days after ~~this meeting receiving a copy of the Dean's determination~~, the Faculty Member may submit to the Provost and the dean his or her written rebuttal to the dean's determination. If this rebuttal is the Faculty Member's second rebuttal (following a prior rebuttal to the Department Chair's negative determination), it should consist of (1) a copy of the first rebuttal with the original date and (2) a short addendum clarifying prior arguments and/or advancing new arguments. The addendum should not be a reiteration of arguments included in the first rebuttal. Upon receipt of the Faculty Member's rebuttal, or at the end of ~~ten-fourteen~~ Days after the dean meets with the Faculty Member if the Faculty Member does not submit a rebuttal, the dean shall submit his or her determinations and rationales, together with the recommendations and rationales of the CRC and the DRC, the determinations and rationales of the department chair, and the Faculty Member's rebuttal(s), if any, to the Provost.) See [section 6.3.3 of the Tenure Document](#).

Recommendations-Determinations and Documentation Reviewed by the Provost

Positive Recommendation-Determination. The file submitted to the Provost for a positive ~~recommendation-determination~~ should include only the ~~recommendation-determination~~ of the dean (to which the ~~report-recommendation~~ of the College Review Committee, the ~~recommendation-determination~~ of the chair, and the ~~report-recommendation~~ of the Department Review Committee are attached) and the required documentation listed below presented in one manila file folder labeled with the name of the candidate and the action ~~recommended~~ determined by the dean. The remainder of the review file should be kept intact in the Dean's Office until notified otherwise by the Provost's Office.

Supporting documentation accompanying each positive ~~recommendation-determination~~ to be reviewed by the Provost must include:

1. AA Form-20: Reappointment, Promotion, and/or Conferral of Permanent Tenure;
2. The required Affirmative Action Memorandum ([Form AA-27](#)) signed by the department chair in the capacity as Unit Affirmative Action Officer;
3. An up-to-date curriculum vitae prepared by the candidate;
4. The candidate's self-assessment;
5. The ~~analysis-recommendation~~ of the Department Review Committee addressing teaching, research and service;
6. The ~~recommendation-determination~~ of the Department Chair addressing teaching, research and service;
7. The ~~analysis-recommendation~~ of College Review Committee addressing teaching, research and service;
8. The ~~recommendation-determination~~ of the Dean addressing teaching, research and service;

9. Any rebuttals by the faculty member if there was a negative ~~decision~~determination by the Chair and/or Dean.
10. Copies of annual evaluation letters to the candidate for the period since the last appointment, reappointment or promotion decision for the candidate;
11. External evaluations for cases involving promotion and/or tenure.

Negative ~~Decisions~~Determinations

The full review file should be submitted to the Provost in cases where the ~~recommendation~~determination of the Dean is negative. This should include any rebuttal letters by the faculty member to the Chair or the Dean.

D. Appointment of Instructors, Tenured and Tenure-Track Faculty

Appointments of instructors, tenured and tenure-track faculty members are made in accordance with Sections 3.2, 4 and 4.4 of the Tenure Document. In addition, Section 3.5 applies to dual appointments and joint appointments. The general procedures for these appointments, followed by the procedures for appointment specific to each rank, are described below. For more information on joint appointments, please see Appendix F.

Joint Appointments. Every faculty member holding a joint appointment must have a "home" or "primary" unit which is her/his primary appointment. This home unit must be a college or academic department. In any given year the percent of his/her time committed to the primary department may be less than 50%; however, the home unit once designated does not change unless the joint appointment is renegotiated.

Recommendations for Initial Appointment

The recommendations for these appointments are prepared by the department chair and submitted to the dean on a [Recommendation for Initial Appointment: Tenured and Tenure-Track Faculty \(Form AA-05\)](#) with attachments: vitae, letters of recommendation, graduate transcript(s)(must be mailed directly to the University), [PD-7](#) (and Visa Documentation, if required), and other pertinent documentation.

If conferral of permanent tenure is recommended at the time of initial appointment, prior consultation with the Department Review Committee shall be documented by the department chair. The DRC shall review the candidate's curriculum vitae, available letters of recommendation, and available examples of scholarly/creative work. Other materials may be requested by the DRC as appropriate. The DRC will provide the department chair with a written consultative statement regarding the conferral of permanent tenure. This consultative statement is not expected to be as extensive as a comprehensive tenure review but rather a judgment of the appropriateness of making an initial offer that includes the conferral of permanent tenure. Because of the consultative responsibility of the DRC, members of the DRC are encouraged to participate in the on-campus interviews of candidates for senior level faculty positions which hold the possibility of the conferral of permanent tenure. It is appropriate for department chairs to establish consultation deadlines in order for offers to be extended in a timely manner.

Offers of Appointment/Appointment Agreements

The Dean/Provost is responsible for issuing offers of appointment to candidates by executing an Appointment Agreement containing the terms and conditions of employment, including rank/title, salary, term of appointment, and other terms and conditions of appointment (if any).

Agreements for Joint Appointments. When a joint appointment is made, the salary of the faculty member is apportioned to the primary and secondary units according to an agreement worked out on an individual basis. Once this appointment is made, it is not subject to change

unless the joint appointment is renegotiated with the Provost. This appointment continues in effect for as long as the person is employed by the University unless otherwise specified in the letter of agreement. The primary unit designation is not altered by subsequent changes in the distribution of salary.

At the time of the joint appointment, a letter of agreement must be entered into by the faculty member and the University that specifies faculty duties and responsibilities to the primary and secondary units (including voting privileges and committee service expectations) in faculty evaluations and other unit or faculty governance matters.

Support and Services. The letter of agreement signed by the faculty member and the University should specify how support such as computer hardware and software, travel funds, and office space will be supplied.

Accepted Appointments

When an appointment agreement is signed indicating that an offer of appointment is accepted, the Dean is responsible for certifying that the appointment file is complete, forwarding the completed file to the Office of Academic Affairs, and providing a written record of the verification of the appointee's credentials. The completed file includes:

1. Recruitment plan (with attachments)
2. Authorization to interview candidates and report of recruitment results (with attachments)
3. Recommendation for initial appointment (with attachments)
4. Waiver of search requirement (if any)
5. Offer of appointment and appointment agreement
6. Vitae
7. Original criminal background check disclosure form
8. The written record of the verification of credentials is added to the file with the original transcript

Official transcript must be mailed directly to the University.

Procedures for Appointment Specific to Each Rank

In addition to the general procedures described above, there are procedures for appointment specific to each rank.

Instructors

The Deans have complete administrative authority to make appointments at the rank of Instructor according to the general procedures described above.

Assistant Professor

The Deans have complete administrative authority to make appointments at the rank of assistant professor according to the general procedures described above.

Associate Professor

The Deans have complete administrative authority to approve recruitments and interviews and to make recommendations to the Provost for appointments to the rank of associate professor, with or without conferral of permanent tenure. The Provost, in consultation with the Chancellor, is responsible for issuing offers of appointment that specify an appointment to the rank of associate professor without tenure. If the appointment of associate professor is with tenure, that appointment is contingent upon approval by the Board of Trustees. The Office of Academic Affairs is responsible for preparing the materials to submit the recommendations to the Board of Trustees.

Professor

The Deans have complete administrative authority to approve recruitments and interviews and to make recommendations to the Provost for appointments to the rank of professor, with or without conferral of permanent tenure. The Provost, in consultation with the Chancellor, is responsible for issuing offers of appointment that specify an appointment to the rank of professor without tenure. If the appointment of professor is with tenure, that appointment is contingent upon approval by the Board of Trustees. The Office of Academic Affairs is responsible for preparing the materials to submit the recommendations to the Board of Trustees.



**Recommendation for Initial Appointment
TENURED and TENURE-TRACK Faculty**

NOTE: This recommendation must be approved by the appropriate academic administrator before any offer of employment, either oral or in writing, is extended.

College: _____ **Department:** _____
Position #: _____

CANDIDATE RECOMMENDED

| | | | |
|--|-------|-----------|-----------|
| | First | Middle I. | Last Name |
|--|-------|-----------|-----------|

Gender: _____ **Ethnicity:** _____

NATURE OF APPOINTMENT

Basis of Appointment: 9 mos. 12 mos.
 Annual Salary: \$ _____ Contract Period Beginning: _____ extending through: .
Rank/Title: Professor Associate Professor Assistant Professor
 Special Terms: Tenured Contingent
 Details: _____

UNC CHARLOTTE FACULTY AND ADMINISTRATORS PARTICIPATING IN INTERVIEW

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

SELECTION SUMMARY AND JUSTIFICATION

A. In comparison to other candidates, comment on the nominee's outstanding qualifications in terms of information received through the interview and selection process. Include in your justification why other interviewed candidates were not selected.

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Approved:

Approved with modifications:



Checklist For Employment of Full-Time Faculty

Preparation for the Recruitment

| | | |
|----------|--|---|
| __/__/__ | Review the UNC Charlotte Academic Personnel Procedures Handbook. http://www.provost.uncc.edu/epa/handbook.htm | Hiring Authority (Dean, Chair, Director, etc) |
|----------|--|---|

Recruitment Process

| | | |
|--|--|---------------------------------|
| __/__/__ | 1. Authorize recruitment | Dean |
| __/__/__ | 2. Appoint and charge Search and Screening Committee | Department Chair or Dean |
| __/__/__ | 3. Give "Instructions from Chair to the Search Committee" http://www.provost.uncc.edu/epa/handbook/chapter_II.htm | Department Chair |
| __/__/__ | 4. Create a checklist of observable / quantifiable characteristics and the source of information for each characteristic. | Search Committee |
| __/__/__ | 5. Recommend the Recruitment Plan (AA-02) to the Dean and provide ready-to-mail advertisements <i>** Advertisement must require on-line application process, reference https://jobs.uncc.edu and list documents to be included electronically with the on-line profile. Advertisements must also include the AA/EOE statement and the criminal background check statement</i> | Department Chair |
| __/__/__ | 6. Approve the Recruitment Plan (AA-02) and informs the department. | Dean |
| __/__/__ | 7. Forward an information copy of the Recruitment Plan (AA-02) to the University's Affirmative Action Officer. | Dean |
| __/__/__ | 8. Inform department to send advertisement electronically to Human Resources (EPARecruitment@uncc.edu) | Dean |
| __/__/__ | 9. Mail advertisements and processes direct pays for payment. | College or Department office |
| As applicants apply for position, an automated e-mail is sent to them provided they included their e-mail address. | | |

Screening Process

| | | |
|----------|--|------------------|
| __/__/__ | 1. Guest user account for our on-line application website is assigned | Human Resources |
| __/__/__ | 2. Conduct initial screening of applications to identify applicants who do not meet the minimum criteria advertised for the position and who will not be considered further. | Search Committee |

| | | |
|----------|--|------------------|
| __/__/__ | 3. Conduct second screening to identify a smaller pool of candidates that meet all the criteria of the job description. Complete checklist of observable / quantifiable characteristics for each candidate. If a candidate's electronic file is incomplete, the department will need to request additional information to complete the file. | Search Committee |
| __/__/__ | 4. Screen completed electronic files to compile short list of top candidates and identify those to be invited to campus for interviews. | Search Committee |
| __/__/__ | 5. Update the list of applicants for submission as part of the Report of Recruitment Results and Request to Interview Faculty Candidates (Form AA-04). | Search Committee |

Interview Process

| | | |
|----------|--|------------------------------|
| | <i>For travel procedures (travel authorizations, travel reimbursements, etc) pertaining to candidate interviews please refer to the Travel Manual.</i> | |
| __/__/__ | 1. Consult with appropriate offices to determine possible dates for interview. If any top candidates are non-residents, it is advisable that the department chair or hiring authority contact the Director of the International Student/Scholar Office (x77746) as soon as possible to discuss potential employment status and eligibility matters. | Department |
| __/__/__ | 2. Complete Foreign Visitor Information Form for each non-resident alien to be interviewed. | Unit Head |
| __/__/__ | 3. Prepare Section 1 of the Report of Recruitment Results and Request to Interview (Form AA-04) and forward a copy, with a copy of the justification for each candidate to be interviewed, electronically (EPARecruitment@uncc.edu) to the HR Affirmative Action Office to request completion of Sections 1, 2, and 3 as appropriate. | Department Chair |
| __/__/__ | 4. Complete Sections 1, 2 and 3 of the Report of Recruitment Results and Request to Interview Faculty Candidates (AA-04) and return to Department. | HR Affirmative Action Office |
| __/__/__ | 5. Review the completed AA-04 received from the HR – Affirmative Action Office and complete Section 4. | Department Chair |
| __/__/__ | 6. Forward the completed AA-04 form (with the completed files for the candidates recommended for interview, which includes the checklist for observable / quantifiable characteristics) to the Dean for approval. | Department Chair |
| __/__/__ | 7. Provide information to the Office of Academic Affairs about candidates to be interviewed who are employed at another UNC institution. | Dean |
| __/__/__ | 8. Approve the Report of Recruitment Results and Request to Interview (Form AA-04) and informs the Department Chair. | Dean |
| __/__/__ | 9. Make arrangements as appropriate for interviews by the Chancellor, Provost, and/or Dean of the Graduate School and provides copies of the candidate's materials to the interviewers. | Dean's Office |
| __/__/__ | 10. Make final arrangements for interviews and distributes interview schedule and itinerary to participants in the interview. | Department |
| __/__/__ | 11. During the Interview, candidate completes the Criminal Background Check Disclosure Form (Form AA-38) and Taxpayer Information Form . | Candidate |

Appointment Process

| | | |
|----------|--|------------------|
| __/__/__ | 1. Identify the finalist(s) to be recommended for appointment. | Search Committee |
| __/__/__ | 2. Fax completed Criminal Background Check Disclosure Form (AA-38) to Academic Affairs for the selected candidate. | Department |
| __/__/__ | 3. Complete Verification of Credentials For Faculty (AA-34 Fac) form for the selected candidate. | Department |

| | | | |
|-----------------|--------------|---|---------------------------------------|
| __/__/__ | 4. | Negotiate terms and conditions of appointment with the candidate. | Chair/Dean |
| <u> / / </u> | <u>5.</u> | <u>Consult with Department Review Committee (only required if permanent tenure is considered at initial appointment)</u> | <u>Department Chair</u> |
| __/__/__ | <u>56.</u> | Prepare the Recommendation for Initial Appointment (AA-05) or (AA-06) | Department Chair |
| __/__/__ | <u>67.</u> | Submit PD-7 and candidate's complete file to the Dean. Complete file includes: | Department Chair |
| | | <ul style="list-style-type: none"> • Recruitment Plan (AA-02) • Report of Recruitment Results and Request to Interview (AA-04) • Recommendation for Initial Appointment (AA-05) or (AA-06) • Verification of Credentials for Faculty (AA-34 Fac) • Vita • Official Transcript – Must be sent directly to the University • EPA Profile Form • Criminal Background Check Disclosure Form (AA-38) • Foreign Visitor Information Form for non-residential aliens | |
| __/__/__ | <u>78.</u> | Prepare and mail Appointment Agreement and cover letter to candidate offered a Special Faculty appointment or appointment as an Instructor or Assistant Professor. | Dean |
| __/__/__ | <u>89.</u> | Prepare Appointment Agreement and forward Recommendation for Initial Appointment for Associate Professor or Professor with candidate's file to the Provost. | Dean |
| __/__/__ | <u>910.</u> | Issue Appointment Agreement with cover letter to candidates offered appointment as Associate Professor or Professor. | Provost |
| __/__/__ | <u>4011.</u> | Forward accepted appointments with complete file to the Office of Academic Affairs. | Dean |
| __/__/__ | <u>4412.</u> | Change status on the remaining candidates in pool to applicants "not selected as finalist" or "finalist" which completes the on-line process. | Hiring Manager |
| __/__/__ | <u>4213.</u> | Email HR or Academic Affairs and request to close the posting. | Hiring Manager |
| __/__/__ | <u>4214.</u> | Prepare letters for Chancellor's signature to notify candidates of action taken by Board of Trustees. | Academic Affairs |
| __/__/__ | <u>4315.</u> | Submit PD-7 to the Budget Office and establishes official personnel file for the faculty member. | Academic Affairs |
| __/__/__ | <u>4416.</u> | Send a copy of the Recommendation for Initial Appointment to the University Affirmative Action Officer for evaluation of the effectiveness of affirmative action recruitment efforts. | Academic Affairs |
| __/__/__ | <u>4517.</u> | Prepare a written evaluation of the effectiveness of affirmative action recruitment efforts that is provided to the Provost at the conclusion of recruitment each year. | University Affirmative Action Officer |

DRAFT

**UNC CHARLOTTE HEARING PROCEDURES IN FACULTY
DISCHARGE, SUSPENSION OR DEMOTION IN RANK CASES**

Revised July of 2013

Pursuant to Section 8 of University Policy 102.13, a faculty member may request a hearing if the University intends to discharge or to impose other serious sanctions (e.g., to suspend or to demote in rank) against that faculty member. The following procedures establish expectations for participants in such a hearing.

1. The hearing shall be on the written specification of reasons for the University's intention to discharge, suspend or demote in rank.
2. At least three members of the Faculty Hearing Committee will make up a panel that will hear the matter. The Hearing Committee Panel (or "Panel") will elect a member to serve as Chair and preside at the hearing.
3. The hearing will be scheduled for, at a minimum, a full day, from 8 a.m. to 5 p.m. The participants will be provided a one-hour lunch break, as well as other breaks the Chair deems appropriate. If necessary, the hearing will continue on a future date that is agreeable to all parties and Panel members.
- ~~3.4.~~ The Chair shall contact the Faculty Governance Assistant in the Office of the Provost as soon as is practicable. The Faculty Governance Assistant will provide clerical support for the Hearing Committee (including room reservation, scheduling of meetings, etc.).
- ~~4.5.~~ At least one week prior to a scheduled hearing, each party—both the Provost and faculty member requesting the hearing—is required to provide the Hearing Committee Panel Chair with copies of its witness list and exhibits. In addition, each party must provide its witness list and exhibits to the other party at least one week prior to a scheduled hearing.
- ~~5.6.~~ The hearing shall be closed to the public, unless the faculty member requesting the hearing and the Panel agree that it may be open.
7. An attorney from the University's Office of Legal Affairs shall provide impartial policy and legal guidance to the Hearing Committee with respect to procedural aspects of the case. If the University (Provost or Provost's designee) desires to be represented by counsel, the attorney who represents the University will be a different attorney than the attorney advising the Hearing Committee.

~~6.8.~~ The Provost, Provost's designee, and/or counsel, may participate in the hearing to present the testimony of witnesses and other evidence, confront and cross-examine adverse witnesses, examine all documents and other evidence, and make argument.

~~7.9.~~ The faculty member requesting the hearing shall have the right to counsel, and may personally or through counsel present the testimony of witnesses and other evidence, confront and cross-examine adverse witnesses, examine all documents and other evidence, and make argument.

~~8.10.~~ The University has the burden of proof.

~~9.11.~~ In evaluating the evidence, the Hearing Committee Panel shall use the standard of clear and convincing evidence¹ in determining whether the University has met its burden of showing that permissible grounds for discharge or other serious sanction exist and are the basis of the recommended action.

~~10.12.~~ A written transcript of all proceedings shall be created. The UNC Charlotte Office of Legal Affairs will arrange for a court reporter to be present at the hearing. The court reporter will produce a verbatim record of the hearing testimony and will preserve all documents accepted as evidence at the hearing. The Panel Chair should contact the Paralegal in the Office of Legal Affairs as soon as possible after being selected as Chair to be certain that arrangements are made for a court reporter.

~~11.13.~~ Upon request, a copy of the transcript will be provided to the faculty member requesting the hearing at the University's expense.

~~12.14.~~ At the hearing, the following process and procedures will be observed:

Call to order. The Chair will call the hearing to order in open session, introduce the members of the hearing panel, introduce the parties and their representative/counsel (if any), and review the hearing procedures. Witnesses must be sequestered outside the hearing room until they are called to testify. The Chair will proceed to

¹ **Clear and Convincing Evidence** – Clear and convincing proof means that the evidence presented must be highly and substantially more probable to be true than not and the Hearing Committee Panel must have a firm belief or conviction in its factuality. To prove something by “clear and convincing evidence,” the party with the burden of proof must convince the Hearing Committee Panel that it is substantially more likely than not that the thing is in fact true. (This is a lesser requirement than “proof beyond a reasonable doubt,” which requires that the trier of fact be close to certain of the truth of the matter asserted, but a stricter requirement than proof by a “preponderance of the evidence,” which merely requires that the matter asserted pass the 50% threshold of being more likely true than not.)

closed session by making the following motion: "In accordance with the North Carolina Open Meetings Law, we will now go into closed session to hear this personnel matter."

Opening remarks. Each party has up to five (5) minutes to make uninterrupted opening remarks. The University will be the first party to open, followed by the faculty member. The purpose of opening remarks is to orient the Panel to the nature of the party's case and to the facts the party intends to establish. Opening remarks are not considered evidence. There will be no opportunity for follow up questioning by the opposing party or members of the Panel at the conclusion of opening remarks.

Presentation of University's case. At the conclusion of both parties' opening remarks, the University representative will present the university's case in the following manner:

- Presentation of evidence (witness testimony and documents) in support of the University's position.
- University witnesses shall be questioned first by the University.
- Though formal rules of evidence do not apply, the faculty member may object to any questions and generally any such objections should be based on the relevancy of the question to the issue at hand. The Chair will rule on all objections and the Chair's determination is final.
- University witnesses will next be questioned by the faculty member, and questions must be limited to questions within the scope of the evidence presented during questioning by the University representative; the purpose of this round of questioning is not for the purpose of presenting the faculty member's rebuttal position.
- Finally, the University witness is questioned by members of the Panel.

After all University witnesses have been questioned and the University concludes its presentation of evidence, the Chair will call for a short break, after which the faculty member will present his case.

Presentation of Faculty Member's case. The faculty member or his/her representative will present evidence (witness testimony and

documents) in support of the faculty member's position in the following manner.

- The faculty member's witnesses (and, of course, the faculty member may testify on his or her own behalf) will be questioned first by the faculty member.
- Though formal rules of evidence do not apply, the University may object to any questions and generally any such objections should be based on the relevancy of the question to the issue at hand. The Chair will rule on all objections and the Chair's determination is final.
- The faculty member's witnesses will next be questioned by the University, and questions must be limited to questions within the scope of the evidence presented during questioning by the faculty member; the purpose of this round of questioning is not for the purpose of ~~presenting-reiterating the faculty member's~~ ~~rebuttal~~ ~~position.~~ University's position.
- Finally, the faculty member's witness is questioned by members of the Panel.

Comment [SOE1]: This was not a recommendation of the Tenure Policy Review Committee. In reviewing this document, I simply noticed that this phrase did not seem pertinent to this paragraph.

After the faculty member concludes his/her presentation of evidence, the Chair will call for a short break prior to the parties' closing remarks.

Closing remarks. The University representative may make closing remarks, followed by closing remarks of the faculty member. Closing remarks may not exceed 15 minutes per side. Because the University has the burden of proof, the University representative may also make final remarks in response to the faculty member's closing. Such final remarks may not exceed five minutes.

Hearing Committee Panel deliberations. After the parties conclude their closing remarks, the Chair will excuse all persons present who are not Panel members² and the Panel will remain in closed session to deliberate. Deliberations are not to be recorded by the court reporter. If the Panel wants to review the transcript, the Chair will move to return to open session, adjourn the hearing, and reconvene the Panel in closed session after the transcript is available. The Panel's decision will be by majority vote. The Chair must make a motion to return to open session prior to adjourning the hearing.

² If the Panel is receiving legal advice from an attorney from the University's Office of Legal Affairs, the Panel may choose to have the attorney present during deliberations.

| ~~13.15.~~ 13.15. General guidance to Panel Members and parties.

- All information and material received in this matter must be treated as confidential personnel information.
- No Panel Member may engage in *ex parte* communications³ with anyone about the subject matter of this case.
- The parties must refrain from engaging in *ex parte* communications with members of the Hearing Committee or Panel. All communications concerning this matter should be directed to the Panel Chair with copies to the other party.

| ~~14.16.~~ 14.16. The Panel will submit its written recommendations to the Chancellor within 14 calendar days after the hearing concludes or 14 calendar days after a full transcript is received, whichever is later. A minority report may be filed if the Panel members not in the majority so choose, and such minority report must also be filed within 14 calendar days after the hearing concludes or 14 calendar days after a full transcript is received, whichever is later.

³ **Ex parte communications** – A communication between a party (and/or their legal counsel) and a Panel member when the other party (and/or their legal counsel) is not present. Ex parte communications are prohibited during the pendency of a hearing.

PROCEDURES FOR UNC CHARLOTTE HEARINGS IN NONREAPPOINTMENT AND NONPROMOTION CASES

Revised June 13, 2011

The Hearing Committee is a public body under North Carolina law, and its meetings must therefore be open to the public, as set forth in UNC Charlotte Policy Statement #53, "Open Meetings." However, any meeting of the Hearing Committee or a Hearing Committee panel that is a nonreappointment or nonpromotion hearing is by definition related to personnel matters, and must be conducted in closed session. Hearings shall be called to order in open session, and a proper motion to go into closed session must be made prior to any discussion of any confidential or privileged information (see Section 5(a) below). The panel must make a motion to go back into open session prior to adjourning a hearing.

1. Purposes of the Hearing

Hearings in nonreappointment and nonpromotion cases serve several important purposes. The primary purpose of the hearing is to give the faculty member (hereinafter "Petitioner") the opportunity to prove his or her contention that the decision not to reappoint or not to promote was improperly made. Conversely, the hearing provides an opportunity for the decisionmaker or decisionmakers (hereinafter "Respondent") to answer the Petitioner's allegations. Another important purpose of the hearing is to create a record of testimony and documentary evidence for review by the parties, the Board of Trustees and the Board of Governors, should the Petitioner seek further review of the nonreappointment or nonpromotion decision.¹

2. The Scope of Review

The scope of review by the Hearing Committee (hereinafter the "Committee") in nonreappointment and nonpromotion matters is limited as provided in [Section 7.2. of UNC Charlotte's *Tenure Policies, Regulations, and Procedures*](#) (hereinafter the "Tenure Policies"). Review is limited to determining whether the decision not to reappoint or not to promote was based upon any of the grounds stated to be impermissible or upon "material procedural irregularities," as specified in [Section 1.11 of the *Tenure Policies*](#). [Section 1.8](#) defines the "impermissible grounds" for nonreappointment or nonpromotion decisions as follows: The decision not to reappoint or not to promote 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 (protecting freedom of speech, religion and association),
- (2) Discrimination based upon the faculty member's race, sex, disability, sexual orientation, religion, age or national origin; or
- (3) Personal malice.²

[Section 1.11](#) defines the term "material procedural irregularities" and provides a method for determining those procedures that were applicable to a particular nonreappointment or nonpromotion decision. "Material

¹The preservation of evidence in a form that will permit later review is mandated by the Board of Governors in Policy 100.3.1 (repealed effective January 1, 2004) and Policy 101.3.1 of the UNC Policy Manual (effective January 1, 2004).

²The UNC Charlotte [Tenure Policies](#) define personal malice as follows: "A decision not to reappoint or not to promote a faculty member is based on 'personal malice' if the decision maker permits that decision to be made because of dislike, animosity, ill-will, or hatred based on the faculty member's personal characteristics, traits, or circumstances not relevant to valid university decision making."

procedural irregularities” means departures from prescribed procedures governing reappointment or promotion that cast reasonable doubt upon the validity of the original decision not to reappoint or not to promote.

The Committee's role is not to “second-guess” the professional judgment of administrators and colleagues responsible for making the nonreappointment or nonpromotion decision. In other words, the Committee does not reexamine the merits of the Petitioner's candidacy for reappointment or promotion. Its sole function is to determine if the decision was based on one of the three impermissible reasons, or resulted from a failure to comply with required procedures.³

3. The Burden and Standard of Proof

A faculty member bringing a nonreappointment or nonpromotion case has no constitutionally protected expectation of reappointment, promotion, or tenure.⁴ Thus, in contrast to cases involving dismissal or the imposition of serious sanctions, in a nonreappointment or nonpromotion case the *burden of proof* rests with the Petitioner and not with the Respondent. The hearing begins with the presumption that the nonreappointment or nonpromotion decision was properly made. That presumption continues unless and until the Committee is satisfied that the Petitioner has proven otherwise.

The *standard of proof*, i.e., the degree of proof required, is characterized in the *Tenure Policies* by providing that the faculty member must “clearly establish” his or her allegations of impropriety. Because that standard is not further defined in the *Tenure Policies*, the Committee will interpret it as requiring that the degree of proof required is proof by a preponderance of the evidence. This means that the Petitioner must prove that his or her allegations of impropriety are more likely true than not true. The Committee determines whether this burden of proof has been met by weighing all of the evidence and the demeanor and credibility of the witnesses, in the light of experience and common sense judgments.

4. Pre-Hearing Procedures

a. Initial evaluation of written request from Petitioner

Upon receiving a written request for a hearing from the Petitioner, the Committee chair will determine if the written request meets the requirements specified in [Section 7.3 of the *Tenure Policies*](#), i.e., that it specifies the grounds upon which the Petitioner contends that the decision was impermissibly based or improperly arrived at, identifies the administrator(s) alleged to be responsible, and includes a summary of facts that the Petitioner believes support the contention. The written request for a hearing itself should not include the actual exhibits, which should be submitted to the Committee only as set forth in Section 5(d) below. If the chair determines that the written request does not meet those requirements, he or she will permit the Petitioner to modify the written request to meet them. . The time limitations on initiation of the hearing specified in [Section 7.4 of the *Tenure Policies*](#) (i.e., written request must be submitted within fourteen days after receiving written notice from the Provost) do not begin until the Committee chair has determined that the Petitioner's written request has met the requirements specified in [Section 7.3 of the *Tenure Policies*](#). When he or she accepts the written request, the Committee chair will send a copy of that request to the Respondent.

b. Clerical support and policy/legal guidance

The Committee chair shall contact the Faculty Governance Assistant in the Office of the Provost as soon as is practicable. The Faculty Governance Assistant will provide clerical support for the Hearing Committee (including room reservation, scheduling of meetings, etc.). In addition, an attorney from the University’s Office of Legal Affairs shall provide impartial policy and legal guidance to the Hearing Committee with respect to procedural aspects of the case. If the Respondent (Provost or Provost’s designee) desires to be represented by counsel, the attorney who represents the Respondent will be a different attorney than the attorney advising the Hearing Committee.

c. Decision by Committee whether to grant the request for hearing

³See UNC Board of Governors' Policy 100.3.1 (repealed effective January 1, 2004) and Policy 101.3.1 of the UNC Policy Manual (effective January 1, 2004).

⁴See e.g., *Kilcoyne v. Morgan*, 664 F.2d 940 (4th Cir. 1981).

If the Committee chair determines that the written request for a hearing meets the requirements of the *Tenure Policies*, the chair will convene the Committee in order to consider the request. As specified in [Section 7.4 of the *Tenure Policies*](#), the request for a hearing will be granted if the Committee determines by a majority vote⁵ that:

- (1) The request contains a contention that the decision was based on an impermissible reason or based material procedural irregularities as those terms are defined in [Section 1.11 of the *Tenure Policies*](#), and
- (2) The facts suggested, if established, will support the contention.

A denial of the request finally confirms the decision not to reappoint or not to promote, and the Committee chair will write a simple statement to the Petitioner denying the request. A copy of that letter will be sent to the Respondent. If the request is granted, the Committee chair will select from the Committee a hearing panel of five members who will hear and decide the case. The panel selected will elect its own panel chair. The panel chair will send the Petitioner and Respondent a written notice of the decision to conduct a hearing, a list of the names of members of the panel, and a copy of these procedures. The notice shall include a statement of the date, time, and place of the hearing, which shall begin from seven to twenty-one days after notification from the chair of the Hearing Committee that it will conduct a hearing.⁶ If the written request for hearing includes a claim of discrimination on the basis of race, sex, disability, sexual orientation, religion, age, or national origin, and a request for access to confidential records as evidence of discrimination, the procedures set forth in Appendix A shall apply.

ed. Substitution of panel members for conflict of interest

A Committee member who has a conflict of interest, bias, or appearance of bias, or who appears to be unable for any reason to assess the evidence fairly, impartially, and without prejudice, is disqualified and shall not participate as a panel member in the proceedings.

Within five days after receiving the written notice, if such panel member does not recuse himself or herself from the proceedings, the Petitioner or the Respondent may request that the Committee chair make a substitution for any member of the panel selected for the hearing believed to have a conflict of interest or bias and of the reasons for that belief. The Committee chair shall notify the Petitioner and Respondent in writing of any substitutions made, and of any schedule change necessitated by the substitution. If the disqualified member is the Committee chair, the remaining Committee members shall elect one of the members to serve as acting Committee chair while these conditions exist.

de. Witnesses and exhibits

In the spirit of avoiding unfair surprise, and to facilitate the hearing process, at least two days before the hearing Petitioner and Respondent will provide to each other and to the panel chair a list of witnesses and copies of exhibits they intend to introduce at the hearing. At the hearing, the panel will accept as part of the record only those exhibits that it considers fair and reliable. The Petitioner and Respondent shall make copies of the exhibits for the court reporter and, unless voluminous, for each panel member. The failure to list a witness, or to provide advance copies of all exhibits, will not preclude a party from calling the witness or from introducing a document. However, the opposing party may be granted a temporary adjournment of the hearing if the panel deems a delay necessary in order for that party to respond adequately to the new evidence. It is important to note that the panel has no authority

⁵ “Majority vote” means the vote of a simple majority of members of the committee present and voting at a meeting at which a quorum is present. A “quorum” is present if a simple majority of members of the committee is present at a meeting of the committee.

⁶ According to the *Tenure Policies*, except as otherwise provided herein, any reference to the word “day” or “days” means calendar day or calendar days, respectively. In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted. When the last day of a period falls on a Saturday, Sunday, or an institutional holiday, the next working day is the last day of such period.

to compel the attendance of witnesses. However, the panel chair may request the assistance of the Chancellor to obtain the attendance of witnesses affiliated with the University.

ef. Arrangements for court reporter and transcript

The panel chair will work with the Office of Academic Affairs to arrange for the hiring and payment of a court reporter through the Office of General Counsel. The court reporter will be present and will make a verbatim record of the hearing. At the hearing, the panel chair should instruct the court reporter to collect and mark all documents accepted by the panel as part of the record, and shall include them as exhibits with the transcript. The documents should be forwarded to the General Counsel's Office at the conclusion of the proceedings. Any party desiring a transcript may obtain one from the court reporter at his or her own cost.

5. The Hearing

a. Call to order

The chair of the panel selected to conduct the hearing will call the hearing to order in open session, determine whether the entire panel is present, introduce the members of the panel, introduce the Petitioner and Respondent and the individual each has selected to assist them at the hearing (if any), and explain procedures. The chair of the panel shall admonish all witnesses that the proceedings are confidential and shall ensure that all witnesses are sequestered so that they are not present for and do not have access to the testimony of any other witnesses. The panel shall then go into closed session by making a proper motion using the following language: "I move that we go into closed session to hear or investigate a complaint, charge, or grievance by or against a public officer or employee under N.C. General Statute 143-318.11(a)(6)." The chair of the panel has responsibility for keeping a verbatim record of the testimony and preserving all documents accepted as evidence at the hearing.

b. Opening remarks

Starting with the Petitioner, each party will be given the opportunity to make uninterrupted opening remarks limited to five minutes each. The purpose of opening remarks is to orient the panel to the nature of the case and to the facts the party intends to establish. Opening remarks are not evidence. Therefore, there will be no questioning by either party or by the panel following the opening remarks.

c. Presentation of Petitioner's case

At the conclusion of opening remarks, the Petitioner will present uninterrupted evidence (witnesses, documents, his or her own testimony, etc.) in support of his or her allegations. Other than objections to questions, all witnesses shall be questioned first by the Petitioner on an uninterrupted basis, then by the Panel, and finally by the Respondent. Questions by the Respondent shall be limited to questions within the scope of the evidence presented by the Petitioner and not for the purpose of presenting the Respondent's rebuttal. The Hearing Committee expects that the Petitioner normally will present the case within three hours, although the panel may grant additional time in its discretion. Petitioner may reserve a portion of the three-hour presentation time and use it for rebuttal time at the conclusion of Respondent's evidence. If the Petitioner wishes to reserve rebuttal time, Petitioner must notify the Committee of that fact at the beginning of the hearing, and the Chair of the panel shall have the discretion to set limits on the amount of rebuttal time permitted.

d. Determination whether rebuttal or explanation by Respondent is necessary

After the Petitioner concludes his or her presentation, the panel will recess the hearing and withdraw into closed session to determine whether Petitioner has established a *prima facie* case. A *prima facie* case is established if the Petitioner's evidence, standing without rebuttal and with the most reasonably favorable inferences to be drawn from that evidence, establishes his or her contention. The panel's decision will be by majority vote. If the panel

determines that the Petitioner has not established a *prima facie* case, the panel chair will orally notify the parties of that decision and thereby end the hearing. That decision confirms the decision not to reappoint or not to promote and will be confirmed in writing to both parties. If the panel determines that Petitioner has established a *prima facie* case, it will resume the hearing. The respondent shall have a maximum of five days to prepare the rebuttal.

e. Respondent's case

The Respondent may present evidence (witnesses, documents, his or her own testimony, etc.) in support of his or her allegations. The order of questions and limitation on interruptions shall be the same as for Petitioner's case. The Hearing Panel expects that the Respondent will present his or her case within three hours, although the panel may grant additional time in its discretion.

f. Petitioner's case in rebuttal

If Petitioner has reserved rebuttal time as provided in Section 5.c. above, at the close of the Respondent's case the Petitioner may submit evidence limited to rebuttal of Respondent's evidence.

g. Closing remarks

At the conclusion of all the evidence, Petitioner may make closing remarks to the panel, followed by the closing remarks of Respondent. Closing remarks shall not exceed fifteen minutes per side. Since Petitioner bears the burden of proof, Petitioner may also make brief final remarks in response to Respondent's closing, not to exceed five minutes.

h. Panel deliberations and decision

After closing remarks are concluded, the panel will remain in closed session, excuse all persons present who are not panel members, and commence deliberations. Deliberations shall not be recorded by the court reporter. If the panel wants to see the transcript, the panel chair will go back into open session, adjourn the hearing, and reconvene the panel in closed session after the transcript is available. Otherwise, the panel may begin its deliberations immediately. The panel must make a motion to go back into open session prior to adjourning the hearing. The panel's decision will be by majority vote. As discussed in Section 3 above, the Petitioner bears the burden of proving, by a preponderance of the evidence, his or her contention that the nonreappointment or nonpromotion decision was impermissibly based or based on material procedural irregularities.

6. Post-Hearing procedures

If the panel decides that the Petitioner has not established his or her case, it will immediately notify Petitioner and Respondent by indicating so on the Decision Sheet (see Appendix B) and sending a copy of the Decision Sheet to each party.

If the panel determines that the Petitioner has established his or her case, it shall indicate on the Decision Sheet the grounds upon which the case is established and attach a report containing a summary of the facts upon which the decision was based and its recommendation for appropriate action to resolve the matter. The panel shall request a meeting with the Respondent's immediate superior(s) and shall, in advance of the meeting, submit to the immediate superior of the Respondent, the Respondent, and the administrator(s) copies of the Decision Sheet including its report and recommendation. Each copy of the Decision Sheet must be signed and dated by the panel chair. A verbatim transcript of the meeting shall be maintained as part of the case file.

Upon receipt of the hearing panel report and recommendation, the immediate superior is required to notify the Petitioner and the chair of the hearing panel of his or her decision within five days after the later of the date of the immediate superior's receipt of the report or the date of the meeting. This notification should provide the rationale for

the supervisor's decision and the subsequent course of action. The immediate supervisor may: 1) accept the decision of the hearing panel and provide the plan for implementation of the recommended action; or 2) reject the decision. If the Respondent's immediate supervisor rejects the decision of the hearing panel, the panel through its chair shall submit a report to the Chancellor, Board of Trustees, or Board of Governors (as appropriate) that contains the panel's findings and recommendation.

The chair of the hearing panel will assemble the case file consisting of all documents and correspondence received, sent, or accepted by the panel as part of its consideration of the case, including but not limited to the Petitioner's initial statement, the hearing transcript and documents introduced as evidence, and any report and recommendation. The chair will deliver the case file to General Counsel within five days after all the foregoing procedures are complete.

APPENDIX A

Requests for Access to Confidential Information

If the request for hearing includes a contention that the decision not to reappoint or not to promote was based on discrimination on the basis of race, sex, disability, sexual orientation, religion, age, or national origin, and a request that records concerning the Petitioner be compared to the record of another individual, the panel chair will ask that the Petitioner, if he or she has not already done so, seek the written consent of the other individual to permit the Petitioner to have access to and copy specified portions of that record. If such consent is granted, Petitioner may introduce such records as evidence at the hearing to the extent that permission is granted to do so.

If consent is not granted, the Petitioner shall notify the panel chair. The panel may, in its discretion and depending on the circumstances, request that the Chancellor authorize the panel only to review the record in question to determine its relevance to the proceeding. Whether the panel decides to make the request will depend on the panel's assessment of whether the proposed comparison is appropriate. That assessment will depend on the panel's judgment as to whether the Petitioner and the proposed comparator are sufficiently "similarly situated" so that the comparison, if permitted, would be a meaningful comparison (see Exhibit D, "Proving Discrimination").

If the request is granted, then after such confidential inspection, the panel will decide whether the record reviewed, or any portion of it, is relevant evidence to the Petitioner's claims. If the panel concludes that the record is not relevant, it will proceed with the hearing on the basis of such other evidence and contentions as the Petitioner may offer.

If the panel concludes that all or a portion of the record is relevant, it shall file a written request with the Chancellor that the Petitioner be permitted to inspect, but not copy the record, including a written justification of the request for such inspection. The request shall identify the specific records to be disclosed, and shall set forth the panel's justification for permitting such access, including an explanation of the relevance of the document to the hearing process and a statement of the reasons for the panel's conclusion that the evidence cannot be obtained by less intrusive means.

If the Chancellor does not grant the request, the panel will proceed with the hearing on the basis of such other evidence and contentions as the Petitioner may offer.

If the request is granted, the Petitioner will be permitted to inspect the record as provided by the Chancellor.

The Petitioner will, at the time of such inspection, designate those records or portions thereof to be available for the hearing. If the Chancellor decides that the designated records should not be available at the hearing, the hearing will proceed on the basis of such other evidence and contentions as the Petitioner may offer. If the Chancellor decides that use of the requested documents at the hearing should be permitted, then the Chancellor or a designee will make the originals and one copy of those documents available at the hearing under the control of the panel chair. If at the hearing the Petitioner introduces those documents or portions thereof, the copy of documents so introduced will be available for inspection by the Petitioner and the Respondent, then submitted to the court reporter to become part of the transcript of the hearing. The panel chair shall be responsible for returning to the Chancellor at the conclusion of the hearing the original records and all pages of the copy set not submitted to the court reporter.

APPENDIX B

University of North Carolina at Charlotte
Nonreappointment or Nonpromotion Hearing Decision Sheet

Petitioner: _____

Upon consideration of all the evidence presented, the hearing panel has made the following determination:

1. ___ The Petitioner has not established his or her case on any of the grounds alleged.
2. ___ The Petitioner has established his or her case based upon each ground indicated below:
 - ___ Material Procedural Irregularities
 - ___ Personal Malice
 - ___ Retaliation
 - ___ Discrimination
3. If any one or more of those grounds listed in item 2 has been established, the Panel has attached its report containing a summary of the facts upon which its decision is based and its recommendation for appropriate action to resolve the matter.

Signed this ___ day of _____, 20 __,

Panel Chair

Exhibit A

PROVING MATERIAL PROCEDURAL IRREGULARITIES

The tenure document provides a straightforward definition of “material procedural irregularities” which lays out the allegations that must be included in the faculty member’s written statement and subsequently proven in order to warrant full consideration by the Hearing Committee. In proving a “material procedural irregularities” claim, the faculty member should be expected to:

1. Identify the particular written procedure governing reappointment or promotion that is the subject of the claim.
2. Provide evidence that the procedure identified was in effect at the time the decision on reappointment or promotion was made.
3. Identify a particular departure from that written procedure that occurred in the faculty member's case, and provide evidence that the departure from that procedure actually occurred.
4. Provide evidence that the departure was “material”--that the departure identified was of sufficient importance that it “casts reasonable doubt upon the validity of the original decision not to reappoint or not to promote.”

The tenure document thus makes it clear that not every deviation or departure from the written department or college document governing reappointment or promotion is a basis for the original decision to be set aside. The committee must be convinced that the departure was substantial enough that it calls the validity of the decision into question and thus warrants setting that decision aside.

In such cases, a dispute may occasionally arise as to which written procedures were actually in effect at the time the decision concerning reappointment or promotion was being made. The tenure document provides that in case of such a dispute, the Hearing Committee refers the matter to the Chancellor, who is responsible for certifying to the committee the procedures that were in effect at the time the decision concerning reappointment or promotion was made.

Exhibit B

PROVING PERSONAL MALICE

The faculty member's burden is to clearly establish that the negative decision was based upon--caused by--personal malice. The UNC Charlotte *Tenure Policies* define personal malice as follows: "A decision not to reappoint or not to promote a faculty member is based on 'personal malice' if the decision maker permits that decision to be made because of dislike, animosity, ill-will, or hatred based on the faculty member's personal characteristics, traits, or circumstances not relevant to valid university decision making." If such personal malice caused the nonreappointment or nonpromotion decision, it must be set aside.

In proving a personal malice claim, the faculty member should be expected to

1. Identify the individual(s) who bore such personal feelings of ill-will toward him or her.
2. Provide evidence to support the contention that such individual(s) had such personal feelings against the faculty member.
3. Provide evidence to show that these feelings were "based upon personal characteristics, traits, or circumstances of the faculty member that are not relevant to valid University decisionmaking."
4. Provide evidence to show that the ill-will based on those factors caused the negative reappointment or promotion decision.

It is not enough for the faculty member to assert that personal feelings of ill-will were present merely because the faculty member was not reappointed or not promoted. The faculty member must present other evidence that clearly establishes that such personal feelings were present in the individual(s) identified. Such evidence might consist of personal interchanges, oral or written, directly between the person identified and the faculty member, statements made to third parties by that administrator, or other behavior by the person identified which the committee believes indicate "dislike, animosity, ill-will, or hatred."

Moreover, even if the committee concludes that such personal feelings were present, it must also conclude that they were based on personal traits, characteristics, or circumstances that, in the committee's judgment, are not relevant to valid University decisionmaking. There may be situations in which the feelings of dislike are associated, for example, with characteristics such as illegal or unethical conduct, which may be relevant to University decisions.

Finally, the faculty member must establish that these negative personal feelings were the cause of the nonreappointment or nonpromotion decision. For example, after hearing all the evidence the committee might conclude that negative feelings were present and were based on matters not relevant to valid University decisions. However, it might also conclude that the individual kept such feelings out of the decisionmaking process. If the committee so concludes, there is no basis for setting the decision aside based upon "personal malice," because the decision was not "based upon" that motivation.

Exhibit C

PROVING RETALIATION

Another improper basis for University decisions on reappointment or promotion is reacting negatively to the faculty member's exercise of freedoms guaranteed under the First Amendment of the U.S. Constitution or Article I of the North Carolina Constitution. These fundamental rights are numerous, encompassing freedom of speech, religion, assembly, and petition as well as several others. For purposes of this discussion, the right to freedom of speech in a nonreappointment case is used as an example, but similar principles would apply with respect to other enumerated rights in a nonreappointment or nonpromotion case.

EXAMPLE: A faculty member claiming that a nonreappointment decision was the result of her exercise of freedom of speech must allege and prove that

1. The faculty member engaged in “protected” speech. Not all “speech” is protected under the cited constitutional provisions. It will probably be necessary for the Hearing Committee to seek legal advice on whether the speech alleged by the faculty member is speech which is protected. The faculty member must allege the speech claimed to be protected specifically. It is not enough for the claim to be “I engaged in protected speech.” The initial statement must identify the particular article, statement to the press, speech, or other communication which constitutes the protected speech.
2. After the specified protected speech, and because of that speech, the negative decision was made. The phrase usually used to describe the cause-effect relationship here is that the nonreappointment decision was made “in retaliation for” the protected speech. Obviously, the decision might have been negative whether the faculty member engaged in protected speech or not, so the faculty member's task will be to clearly establish the causal connection--that the exercise of the speech right caused the nonreappointment decision.

Where the faculty member's case successfully establishes those propositions, the respondent administrator presents evidence which either directly rebuts the faculty member's evidence or explains the reasons for the negative decision. After hearing both sides of the story, the Hearing Committee must answer the ultimate question: Has the faculty member clearly established that the nonreappointment decision was made because the faculty member engaged in the protected speech?

Exhibit D

PROVING DISCRIMINATION

Discriminating on the basis of race, sex, disability, sexual orientation, religion, age, or national origin means subjecting a person to different treatment because of that characteristic. Each of those characteristics is irrelevant to making decisions about reappointment, promotion and tenure. Decisions which are based on those considerations are defective, and must be set aside. For purposes of discussion, this paper uses the example of sex discrimination in a nonreappointment case. The purpose here is not to describe in technical detail how sex discrimination must be proved in a court of law. Rather, the focus is on providing a nontechnical discussion of concepts useful in analyzing usual kinds of discrimination claims to be considered by the Hearing Committee in a nonreappointment or nonpromotion case.

In some cases, a faculty member may allege sex discrimination in a nonreappointment case and present direct evidence of different treatment on the basis of sex. For example, a nonreappointed male faculty member may have evidence that the department chair has said to one or more other members of the faculty: "I won't reappoint him because we need more tenured women faculty members in our department and reappointing him will reduce our future opportunities to achieve that goal." Usually, however, cases in which sex discrimination is claimed will not be based on direct evidence. The committee will be asked to draw the inference of sex discrimination based on circumstantial evidence.

The ultimate issue before the Hearing Committee in cases where improper discrimination has been alleged is: Has the faculty member clearly established that the decision not to reappoint or not to promote was based upon different treatment of that faculty member because of a proscribed irrelevant characteristic? Remember that in deciding whether to grant a hearing based on the information in the written statement, the question before it is: Does the written statement (1) contend that the decision not to reappoint or not to promote was based upon one of the impermissible grounds or upon material procedural irregularities, and (2) allege facts which, if true, might support the contention. If the answer to both questions is yes, then a hearing is granted.

If the committee has granted a hearing, the first portion, presentation of the faculty member's case, is the opportunity for the faculty member to offer proof of the facts alleged in the written statement. It is also an opportunity for the committee and the respondent to question the truthfulness, accuracy, and completeness of those allegations.

In this first (and perhaps only) phase of the hearing, the faculty member has the burden to prove to the satisfaction of the committee that (in the words of the tenure document) "the proof [of sex discrimination] offered [by the faculty member] would establish the contention unless it be rebutted or unless the decision not to reappoint be otherwise explained." The tenure document requires the committee to answer the question: Based on what we have heard and seen so far, do we conclude that the faculty member's evidence has proven that the decision not to reappoint was caused by ["based upon"] different treatment ["discrimination"] of this faculty member and that the faculty member's sex was a reason for the negative decision ["based upon the . . . sex . . . of the faculty member"]? If the contention would be established as a result of the evidence presented in the first phase of the hearing, that means that the committee has concluded that the faculty member has proven that the nonreappointment decision

- (1) was caused by ("based upon")
- (2) discrimination (different treatment of this faculty member)
- (3) because of her sex ("based upon the . . . sex")

and is therefore entitled to relief, unless the respondent can otherwise explain or rebut that evidence.

The faculty member may present statistical evidence to assist in proving illegal discrimination in a nonreappointment or nonpromotion decision. It is important to remember that generally statistical evidence does not prove either intentional discrimination against the particular faculty member or past or present discriminatory reappointment or promotion practices.

Statistical evidence may, however, help the faculty member meet the burden of proof in the initial phase of the hearing. In turn, the respondent may explain, rebut, or devalue that evidence at a later phase of the hearing. A rebuttal or explanation may show that the alleged discrimination, even if it existed generally, was not a substantial motivating factor in the negative reappointment or promotion decision for this particular faculty member. The respondent may also offer other evidence tending to show a basis for the decision other than illegal discrimination.

In weighing the evidence on both sides of the issue, the Committee should bear in mind that the faculty member has the “burden of proof.” That is, to be successful, the faculty member's statistical evidence, taken with whatever other evidence he or she has offered, must convince the Committee that the negative decision was caused by illegal discrimination.

Remember that during this phase of the hearing the faculty member's evidence is subject to careful evaluation, through questions from the committee and the respondent which explore, or probe, its credibility, accuracy and completeness. The committee may conclude that some of the faculty member's allegations are not true, are inaccurate, or are more likely explained by reasons other than those alleged by the faculty member. All the same is true with respect to the evidence presented by the respondent if a second phase of the hearing occurs.

All those elements listed above must be supported by the faculty member's evidence in order for the hearing to proceed beyond that point. Thus, if the committee concludes that although the faculty member was treated differently because of her sex, that different treatment was not a causative factor in the nonreappointment decision, the faculty member has been unsuccessful. Likewise, if the committee concludes that the faculty member has not proven that she was treated differently from males similarly situated, then the discrimination element is missing and the case is over. Similarly, the faculty member's evidence may establish that the faculty member was treated differently and that that different treatment caused the negative decision on reappointment, but fail to establish that the different treatment was based upon sex. In that case, also, the proceeding is concluded and no explanation or rebuttal is required from the respondent.

Suppose, for example, that a female faculty member contends evidence that at least one male faculty member similarly situated received better travel funding than she received, and that this factor influenced her ability to attend conferences and therefore her ability to achieve status among her colleagues, which in turn affected her evaluation for tenure. The committee might conclude, based on their evaluation of the evidence available from the faculty member's presentation, that the faculty member did not establish the contention if it reaches any of the following conclusions:

- a. The evidence is insufficient that a male faculty member received “better” funding. (The difference between the amount of funding received by the faculty member and the male comparator she cites is negligible. Or in response to a question by a member of the panel or the respondent the faculty member has admitted that travel funds are assigned on the basis of seniority to males and females in her department, and that she had less seniority than the male comparators). Here, the committee might conclude that the faculty member has failed to establish different treatment.
- b. The evidence is insufficient that the nonreappointment decision was based upon her inability to attend conferences or her status among her colleagues. (The committee might conclude, based on the documents submitted by the faculty member, that the decision not to reappoint was based upon a consistent record of poor teaching which would not have been improved by attending more conferences, or that the sole reason for nonreappointment was the department's desire to use the faculty slot currently occupied by the faculty member, a specialist in Civil War history, with a

specialist in ancient history.) Here, the faculty member has failed to prove causation, i.e., the difference in travel funds did not cause the negative decision.

- c. The evidence is insufficient that the different amounts of travel funding received by the faculty member and a male comparator she cites were based upon sex. (As in [a] above, the faculty member's evidence, and questions during the hearing, may reveal that the different funding received is based upon seniority, not sex. Or that travel funds the department chair expected to be able to distribute to the female faculty member were unexpectedly made unavailable due to an unforeseen budgetary crisis.) Here, the faculty member has failed to establish that the faculty member's sex was the basis for the different treatment.

On the other hand, if the faculty member's evidence does provide sufficient credible evidence that clearly establishes each of those elements, the committee's conclusion must be that "the contention is established unless it be explained or rebutted." That shifts the burden to the respondent to provide explanation or rebuttal.

The respondent's presentation of evidence in explanation or rebuttal is subject to the same careful evaluation by the committee and opposing party as was the case for the faculty member's presentation. If the respondent does not offer a credible explanation of legitimate non-sex-based reasons for the decision, of course, the faculty member is likely to prevail. That is because, logically, the committee has earlier concluded that the contention was established (by the faculty member's evidence) unless it is explained or rebutted, and the respondent failed to explain or rebut.

For example, in the case concerning travel funds, the respondent may assert that travel funds are distributed on the basis of seniority, not sex, only to be contradicted by a faculty member the respondent has brought in as a witness to verify that assertion. If that faculty member says that travel funds are not distributed based on seniority and cites examples, the committee may conclude that the respondent's explanation is not credible. If there is no other evidence on the point, the respondent has failed to explain or rebut the contention, and the faculty member prevails.

However, if the respondent has presented credible evidence to explain or rebut the contention, then, after the presentation of all the evidence (which may under the committee's procedures provide reserved rebuttal time to the faculty member), the committee must return to the ultimate issue in the case: Based on all the evidence presented at the hearing, is it more likely than not that the nonreappointment decision was based on the faculty member's sex as particularly alleged by the faculty member rather than exclusively on other permissible reasons as the respondent has asserted?

In some cases, the faculty member's claim of discriminatory treatment may be based on this claim: "My record of achievement is at least as good as that of a specific male faculty member (or members) who were reappointed. I was not reappointed. I have been required to meet a higher standard on the basis of my sex." The faculty member's burden remains the same: Her evidence must establish that the nonreappointment decision was (1) caused by (2) different treatment (3) based upon sex. The committee will expect that evidence to:

1. Identify the specific individual(s) to whom her record is to be compared.
2. Establish that she and those individuals she has identified are "similarly situated"--that the circumstances related to the decision about her are sufficiently similar to those of the male comparator(s) that they can be compared. For example, if the tenure decision on the male was made in an earlier year when standards were lower, the comparison may not even be appropriate. Similarly, if the decision on the male concerned a first reappointment rather a second reappointment decision as is the case with the female, the comparison may not be appropriate. Unless the female faculty member's evidence shows that she was similarly situated to the male she selects, the committee will not allow the comparison. Comparisons to faculty member comparators from

different academic departments generally would not be permitted unless the faculty member first convinces the committee that the standards and procedures of the two departments are so similar as to warrant such comparison, or that college level standards identical for both departments influenced the decision in both cases.

3. Establish that she was subjected to different treatment. The committee does not sit as a “super tenure review committee” and will not spend time performing the function of a tenure review committee. Instead, its attention will be focused on evidence presented by the faculty member to demonstrate that the evaluation of her professional accomplishments--by those University committees and administrators charged with evaluating the case for tenure--was different from the male comparator's in specific ways. Thus it is not enough for the faculty member to invite the committee to compare her accomplishments to his and conclude that her record is similar to or better than his. Valuing of professional accomplishments is the function of faculty members in the same or related disciplines at the department and college level. The faculty member's evidence must point out to the committee how her accomplishments were treated differently from his.
4. Establish that the different treatment was because of the faculty member's sex. If the faculty member's evidence has established different treatment, the committee will evaluate her evidence that the different treatment was based upon her sex. Is it more likely than not that the faculty member's sex was the basis for different treatment in the evaluation of her case? What is the evidence on this point?
5. Establish that the different treatment based on sex caused the decision not to reappoint. Was the negative decision “based upon” that different treatment? Would that faculty member have received a negative decision whether or not the different treatment based on sex had occurred?

K. Timeline for Reviews, Meetings, and Rebuttals

| Task | Timeline | Responsibility |
|--|--|--|
| Notification of faculty who are subject to mandatory reappointment, promotion or tenure review in the upcoming academic year | April | Academic Affairs notification to deans/ department chairs Administrators notify faculty |
| Notification by faculty who wish to participate in non-mandatory promotion review | April | Faculty notification to department chair |
| For faculty who are preparing for promotion/tenure reviews for which external reviews of research are required: 1. Generation of list of external reviewers 2. Preparation of materials to be sent to external reviewers | 1. May 1. 2. May 15. | 1. Candidate submits list of suggestions to chair. Chair adds names and prepares final list. 2. Candidates submit materials to chair. |
| Completed dossier is submitted by candidate. | August 15 | Faculty candidate |
| Review and recommendation by the Department Review Committee | Internal deadline set by department | Department chair consults with the assembled DRC to receive recommendation |
| Review and determination by the department chair | Internal deadline set by college | Department chair submits determination to the dean of the college. |
| Notification of the chair's determination | Upon completion of the chair's determination | Candidate receives copy of chair's letter (and if is customary in department, copy of DRC letter as well) whether the determination is positive or negative (*). If the determination is negative, the chair will hold a meeting with the faculty member |

| | | |
|---|---|--|
| | | (see below.) |
| (*) Notification of right to rebuttal. If department chair determines not to reappoint, promote, or confer permanent tenure, the chair shall meet with the faculty member to provide a copy of that determination and its rationale, and to explain the faculty member's right of rebuttal. | <p>The faculty member will have 14 days from the meeting with the chair to submit a written rebuttal to the chair's determination.</p> <p>The next steps in the review process will be adjusted accordingly to allow time for the rebuttal.</p> | Faculty candidate |
| Review and recommendation by College Review Committee | Internal deadline set by college | Dean meets with assembled CRC to receive recommendation |
| Review and determination by dean | Internal deadline set by college | Dean |
| Notification of dean's determination | Upon completion of review by dean (usually first week in January) | Candidate receives copy of dean's letter (and if is customary in college, copy of CRC letter as well) whether the determination is positive or negative (*). If the determination is negative, the dean will hold a meeting with the faculty member (see below.) |
| (*)Notification of right to rebuttal. If dean determines not to reappoint, promote, or confer permanent tenure, the dean shall meet with the faculty member to provide a copy of that determination and its rationale, and to explain the faculty member's right of rebuttal. | <p>The faculty member will have 14 days from the meeting with the dean to submit a written rebuttal to the dean's determination.</p> <p>The next steps in the review process will be adjusted accordingly to allow time for the rebuttal.</p> | Faculty candidate |
| Submission of review file to Provost | By date established by Academic Affairs, | Dean |

| | | |
|---|--|---------|
| | usually first week in January | |
| Notification of faculty candidate of Provost's decision | All decisions – both positive and negative – are communicated simultaneously to the candidates. Candidates are notified following the next meeting of UNC Charlotte Board of Trustees after the Provost's decision. This meeting is usually held in mid- to late spring. | Provost |

L. External Review Letters: Record & Procedures

**RECORD OF EXTERNAL LETTERS FOR PROMOTION/ TENURE REVIEWS:
EVALUATION OF QUALITY/ IMPACT OF SCHOLARSHIP**

Candidate's Name:

Academic Unit:

| <i>Name & Address of External Reviewer</i> | <i>Affiliation & Position</i> | <i>Reason for Invitation/Professional Qualifications/ Relationship to Candidate</i> | <i>Suggested by: *</i> | |
|--|-----------------------------------|---|------------------------|-------------------|
| | | | <i>(check one)</i> | |
| | | | <i>Candidate</i> | <i>Chair/Dean</i> |
| | | | | |
| | | | | |

*** It is important to have representation from both lists.**

Signature of Unit Director/Department Chair: _____

Date: _____

Procedures for External Reviews of Impact/Quality of Scholarship

~draft~

(To link to APPH section VI.C or Appendix to APPH)

1. The purpose of external review letters is to assist with the assessment of the quality and significant of the scholarly activity of the faculty the faculty candidate.
2. Who should serve as an external reviewer? Reviewers must be external to UNC Charlotte and must have a sufficient record of accomplishment and expertise in the candidate's field of scholarship to make a sound professional judgment. In order to minimize conflict of interest, external reviewers who are close colleagues or collaborators, former professors or graduate students or other similar individuals should not be invited to serve as reviewers.
3. How many external reviews are required? At least three reviews are required to complete the review file. In order to secure at least three reviews, it is wise to invite 4-6 reviews.
4. Who identifies the reviewers? The list of reviewers is a collaborative effort between the faculty candidate and chair, chair designee(s), and/or dean. The faculty candidate is invited to submit a list of potential reviewers. The administrator selects reviewers from the list and adds additional reviewers. The final list reflects a balance between faculty-nominated and administrator-nominated reviewers. The final list of reviewers, their qualifications, and who nominated each is summarized in the **RECORD OF EXTERNAL LETTERS FOR PROMOTION/ TENURE REVIEWS: EVALUATION OF QUALITY/ IMPACT OF SCHOLARSHIP** chart which is included in the review file.
5. Who contacts external reviewers? The department chair is responsible for contacting external reviewers. It is best professional practice for the chair to secure the reviewer's willingness to participate in the process before sending the review materials.
6. What materials should be provided to an external reviewer? At a minimum, each external reviewer should be given the following materials:
 - a. Specific guidelines for the assessment they are asked to provide
 - b. Adequate documentation to provide context for the items they are asked to assess
 - c. A brief description of the department and the candidate's roles/ responsibilities
 - d. Candidates' materials as described in department and college guidelines (often including curriculum vitae, research statement, and representative publications)
 - e. A statement indicating that the external reviewer is not to make a determination about whether the candidate should be promoted or tenure conferred, but instead should focus on the quality of the scholarship and its impact
 - f. Notification that, per North Carolina law, the review process is an open one and their review will be open to the candidate
7. What is the deadline for the candidate to prepare the necessary materials? What is the timeline for the chair to contact the external reviewers? The candidate must submit the material to be sent to external reviewers, as identified by departmental guidelines, by the established departmental deadline, in no case no later than the close of the academic year. It is recommended that the chair contact external reviewers to determine their willingness to participate in the process no later than the end of the academic year and send out the review packets no later than June 1 in order to provide sufficient time to receive the reviews by the start of the fall semester.