

September 24, 2020, 10:00 a.m.
Chancellor's Ballroom, Carolina Inn

OPEN SESSION

1. Convene Meeting
Richard Stevens, Chair
2. Roll Call
Teresa Artis Neal, Secretary
3. Statement of Ethics
4. Consent Agenda
 - I. Approval of July 16, 2020 Minutes (Regular Meeting) Attachment A
 - II. Approval of July 29, 2020 Minutes (Special Meeting) Attachment B
5. Board of Trustees Chair's Remarks
Richard Stevens, Chair
6. Student Body President's Remarks
Reeves Moseley, Student Body President
7. Chancellor's Remarks
Dr. Kevin Guskiewicz, Chancellor
8. Finance, Infrastructure & Audit Items – *Haywood Cochrane, Committee Chair*
FOR ACTION:
 - I. Annual Review and Approval of the Office of Internal Audit Charter & Finance, Infrastructure, & Audit Committee Charter Attachment C
Dean Weber, Chief Audit Officer
 - II. Designer Selection Attachment D
 - i. Carrington Hall Renewal (School of Nursing)
Anna Wu, Associate Vice Chancellor for Facilities Services
 - III. Construction Manager at Risk Selection Attachment E
 - i. Kenan-Flagler Business School Addition and Renovation
Anna Wu, Associate Vice Chancellor for Facilities Services
 - IV. Property Acquisition by Lease
 - i. Carolina Institute for Developmental Disabilities Attachment F
 - ii. TEACCH Autism Program and Carolina Institute for Developmental Disabilities Attachment G
Gordon Merklein, Associate Vice Chancellor for Real Estate Operations
FOR INFORMATION ONLY:
 - I. Development Update
David Routh, Vice Chancellor for University Development

*Some of the business to be conducted is authorized by the N.C. Open Meetings Law to be conducted in closed session.

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- II. Updated Changes to the Ordinance Regulating Transportation & Parking Attachment H
Nathan Knuffman, Interim Vice Chancellor for Finance and Operations
 - III. Finance Update
Nathan Knuffman, Interim Vice Chancellor for Finance and Operations
 - IV. HR Update
Dr. Becci Menghini, Vice Chancellor for Human Resources and Equal Opportunity and Compliance

9. University Affairs Items – *Chuck Duckett, Committee Chair*

FOR ACTION:

- I. Task Force on Promotion and Tenure Report Attachment I
Ron Strauss, Executive Vice Provost
Anne Fox, Associate University Counsel

FOR INFORMATION:

- I. Vice Chancellor for Student Affairs Introduction
Dr. Amy Johnson, Vice Chancellor for Student Affairs
- II. Graduate and Professional Student Federation Update
Ryan Collins, President
- III. Faculty Update
Dr. Mimi Chapman, Chair
- IV. Employee Forum Update
Shayna Hill, Chair

10. External Relations Items – *Gene Davis, Committee Chair*

FOR INFORMATION:

- I. Public Affairs Update
Clayton Somers, Vice Chancellor for Public Affairs and Secretary of the University
- II. Communications Update
Joel Curran, Vice Chancellor for Communications

CLOSED SESSION

- 11. University Affairs Items
Chuck Duckett, Committee Chair
- 12. External Relations Items
Gene Davis, Committee Chair
- 13. Legal Update
Charles Marshall, Vice Chancellor and General Counsel

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14. Report of University Affairs Items
Chuck Duckett, Committee Chair
15. Adjournment
Richard Stevens, Chair

BOARD OF TRUSTEES MEETING
The University of North Carolina at Chapel Hill
July 16, 2020

The Board of Trustees met in regular session on Thursday, July 16, 2020 in 1001 Kerr Hall, and via zoom teleconference. Chair Stevens convened the meeting at 11:00 a.m.

WELCOME

Chair Stevens shared a few logistics to begin the meeting. He also indicated that due to recent amendments to the North Carolina General Statutes concerning virtual meetings by public bodies, all votes will be by roll call. Additionally, all chats, instant messages, texts, and other communications between members of the board regarding the transaction of the public business during the remote meeting are deemed a public record.

ROLL CALL

Trustee Artis Neal called the roll and the following members were present:

Teresa Artis Neal, Secretary	Kelly Matthews Hopkins
David L. Boliek, Jr.	Allie Ray McCullen (phone)
Jefferson W. Brown	Ralph W. Meekins, Sr.
G. Munroe Cobey	E. Reeves Moseley
Haywood D. Cochrane, Jr. (phone)	John P. Preyer
R. Gene Davis, Jr., Vice Chair	Richard Y. Stevens, Chair
Charles G. Duckett	

Trustee Artis Neal indicated that there was a quorum.

NOMINATING COMMITTEE REPORT

Chair Stevens asked Trustee Cochrane, Chair of the Nominating Committee, to present his report. Trustee Cochrane presented the following officers for 2020-2021:

Chair – Richard Stevens
Vice Chair – Gene Davis
Secretary – Teresa Artis Neal
Assistant Secretary – Clayton Somers

Trustee Cochrane made a motion to approve the officers. Trustee Cobey seconded, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously.

STATE GOVERNMENT ETHICS ACT

Chair Stevens read the following statement:

As Chair of the Board of Trustees, it is my responsibility to remind all members of the Board of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest as required by this Act. Each member has received the agenda and related information for this Board of Trustees' meeting. If any Board member knows of any conflict of interest or appearance of conflict with respect to any matter coming before the Board of Trustees at this meeting, the conflict or appearance of conflict should be identified at this time.

CONSENT AGENDA

On motion of Chair Stevens and a second by Vice Chair Davis, the minutes of the following meetings were approved as distributed, as well as the other following actions:

- May 21, 2020 regular meeting
- June 17, 2020 special meeting

(ATTACHMENTS A-B)

2020-2021 ACC GOVERNING BOARD CERTIFICATION

Chair Stevens read the certification form for 2020-2021. This form will be signed and submitted to the Atlantic Coast Conference.

(ATTACHMENT C)

BOARD OF GOVERNORS CHAIR'S REMARKS

Chair Stevens introduced Randy Ramsey, Chair of the UNC System Board of Governors. The Chair congratulated him on his recent election and shared that the board was excited to work with him to further the mission of UNC-CH and the System.

BOG Chair Ramsey shared remarks and updates from the UNC System.

BOARD OF TRUSTEE CHAIR'S REMARKS

- Chair Stevens began by thanking the board for reappointing him as chair.
- Chair Stevens then congratulated Peter Hans on his appointment as the new President of the UNC System.
- The Chair also recognized Interim President Dr. Bill Roper for his leadership.
- Chair Stevens introduced Board of Governors liaison David Powers to share a few remarks.

BOARD OF GOVERNORS LIAISON REMARKS

Mr. Powers thanked Chair Stevens for the introduction and shared his excitement to work with UNC Chapel Hill over the next year.

- The Chair continued his remarks and thanked the Chancellor and his team for their continued work around the return to fall classes.
- Chair Stevens shared that the Board would discuss a proposed policy to change names on university buildings and spaces.
- The Chair thanked the staff for their efforts to make the meeting happen.
- The Chair concluded his remarks by calling upon Trustee Moseley for his remarks.

[A copy of these remarks is in the Office of the Assistant Secretary and at bot.unc.edu.]

STUDENT BODY PRESIDENT'S REMARKS

- Trustee Moseley shared remarks on his administration as well as their goals for the upcoming school year.

[A copy of these remarks is in the Office of the Assistant Secretary and at bot.unc.edu.]

CHANCELLOR'S REMARKS AND FALL SCENARIO PLANNING UPDATE

- Chancellor Guskiewicz began his remarks by congratulating Chair Stevens on his reappointment as chair.
- The Chancellor echoed Chair Stevens remarks about President Peter Hans and Interim President Bill Roper.
- Chancellor Guskiewicz also congratulated Mimi Chapman on her election as Chair of the Faculty and Shayna Hill on her re-election as Chair of the Employee Forum.
- Chancellor Guskiewicz thanked the Board for removing the moratorium and allowing the History, Race and a Way Forward Commission to do its important work.
- The Chancellor shared his thoughts on the importance of the renaming policy being considered at today's meeting. He also shared that he has already received a recommendation from the History, Race and a Way Forward Commission to remove four

names on campus buildings.

- Chancellor Guskiewicz discussed Carolina’s Roadmap for Fall 2020 to guide the reopening of campus this fall.
- The Chancellor presented an update on Carolina Next: Innovations for Public Good.
- To conclude, Chancellor Guskiewicz thanked the NC General Assembly for their support of the School of Nursing and Kenan-Flagler Business School.

[A copy of these remarks is in the Office of the Assistant Secretary and at bot.unc.edu.]

BOT POLICY FOR THE CONSIDERATION OF THE REMOVAL OF NAMES ON UNIVERSITY BUILDINGS AND PUBLIC SPACES

Chair Stevens shared that the draft policy was distributed prior to the meeting to the Board. He asked Assistant Secretary Clayton Somers to make any edits to the policy.

(ATTACHMENT C) – Draft Policy

Chair Stevens called upon Vice Chair Davis to give remarks. Following remarks, Vice Chair Davis made a motion to adopt the policy. Secretary Artis Neal seconded the motion, and Chair Stevens opened the floor to discussion. Trustee Meekins, Trustee Boliek, and Secretary Artis Neal provided amendments that were accepted by Vice Chair Davis.

(ATTACHMENT D) – Redline

Chair Stevens called upon Secretary Artis Neal to call the vote by roll call. The following trustees approved the policy adoption: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee McCullen, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustee Preyer voted against the motion. The motion passed.

(ATTACHMENT E) – Adopted Policy

Chancellor Guskiewicz thanked the Board for adopting this policy that will provide a path forward on renaming buildings and spaces on campus. The Chancellor indicated that there was already a committee working on the recommendations he received, and he will work to submit a report to the Board for consideration before August 1.

FINANCE, INFRASTRUCTURE & AUDIT ITEMS

Chair Stevens then asked Committee Chair Haywood Cochrane to present the items for Finance, Infrastructure, and Audit.

Trustee Cochrane asked Jonathan Pruitt, Vice Chancellor for Finance and Operations to present the following items to the committee for action:

Transfer to the University of the Endowment’s Distribution from the Investment Fund

Annually the Chapel Hill Investment Fund authorizes a distribution to its participating investors, including the Endowment Fund. Attachment A is a table showing the proposed June 30, 2020 transfer of that distribution from the Endowment to the University, by category, for expenditure during the 2020-2021 fiscal year as well as a page of explanatory notes. Regulations adopted by the Board of Governors require that the Trustees approve any transfer of Endowment principal or income to the useful possession of the institution. The Board of Trustees of the Endowment Fund approved, by mail ballot, the proposed June 30, 2020 transfer for University expenditure during the 2020-2021 fiscal year.

Vice Chair Davis made a motion to approve the transfer. Trustee Cochrane seconded the motion, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously.
(ATTACHMENT F)

Election of Endowment Officers

North Carolina General Statute 116-36 and Board of Governors' regulations require that the Board of Trustees elect the membership of the Endowment Board of Trustees. There are two (2) vacancies. Attached is a chart showing the names and terms of the current Endowment Trustees. The nominees for each vacancy are shown in bold on the chart.

Trustee Cochrane made a motion to elect John Ellison and Anne Brennan to the Board of Trustees of the Endowment Fund each for a three (3) year term, effective August 1, 2020, and expiring July 31, 2023. Vice Chair Davis seconded the motion, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously.
(ATTACHMENT G)

Vice Chancellor Pruitt continued with items for information only:

Semi-Annual Capital Report

Vice Chancellor Pruitt shared a report on major capital improvements.
(ATTACHMENT H)

Semi-Annual Lease Report

Vice Chancellor Pruitt shared a report on university real estate operations.
(ATTACHMENT I)

Finance Update

Vice Chancellor Pruitt shared an update on the University's financials.

UNIVERSITY AFFAIRS ITEMS

Chair Stevens introduced Committee Chair Chuck Duckett to preside over the University Affairs items.

Graduate and Professional Student Federation Introduction

Ryan Collins, President, introduced himself to the Board and shared information on his administration's priorities for the year.

Faculty Introduction

Dr. Mimi Chapman, newly elected Chair of the Faculty, introduced herself to the board.

EXTERNAL RELATIONS ITEMS

Chair Stevens asked Vice Chair Davis to preside over the external relations items.

Public Affairs Update

Clayton Somers, Vice Chancellor for Public Affairs and Secretary of the University presented an updated on COVID-19 funding by the NC General Assembly and US Congress.

MOTION TO CONVENE IN CLOSED SESSION

On motion of Secretary Artis Neal, and seconded by Vice Chair Davis, the Board voted to convene in closed session pursuant to North Carolina General Statutes Section 143-318.11 (a) (1) (to prevent the disclosure of privileged information under Section 126-22 and the following); and also pursuant to Section 143-318.11 (a) (2), (3), (5), (6), (7), and (9). Secretary Artis Neal called the vote by roll call. The motion passed unanimously by roll call vote.

RECONVENE MEETING IN OPEN SESSION

Vice Chair Davis made a motion to return to open session. Trustee Boliek seconded, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously.

OPEN SESSION

REPORT OF THE UNIVERSITY AFFAIRS ITEMS

Chair Stevens referred the members to the personnel matters submitted for review. Trustee Duckett made a motion to approve the two actions. Trustee Cochrane seconded, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously. Trustee Cochrane was absent.

Chair Stevens stated that the personnel and salary actions voted on in open session had been distributed.

(ATTACHMENTS J-K)

ADJOURNMENT

There being no further business to come before the Board, Chair Stevens called for a motion to adjourn. Vice Chair Davis made the motion; Trustee Preyer seconded, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously by roll call vote. Trustee Cochrane was absent. Chair Stevens adjourned the meeting at 3:09 pm.

Clayton Somers, Assistant Secretary

BOARD OF TRUSTEES MEETING
The University of North Carolina at Chapel Hill
July 29, 2020

The Board of Trustees met in special session on Wednesday, July 29, 2020 via zoom teleconference hosted in 105 South Building. Chair Stevens convened the meeting at 9:02 a.m.

WELCOME

Chair Stevens shared a few logistics to begin the meeting. He also indicated that due to recent amendments to the North Carolina General Statutes concerning virtual meetings by public bodies, all votes will be by roll call. Additionally, all chats, instant messages, texts, and other communications between members of the board regarding the transaction of the public business during the remote meeting are deemed a public record.

ROLL CALL

Trustee Artis Neal called the roll and the following members were present:

Teresa Artis Neal, Secretary	Kelly Matthews Hopkins
David L. Boliek, Jr.	Allie Ray McCullen
Jefferson W. Brown	Ralph W. Meekins, Sr.
G. Munroe Cobey	E. Reeves Moseley
Haywood D. Cochrane, Jr.	John P. Preyer
R. Gene Davis, Jr., Vice Chair	Richard Y. Stevens, Chair
Charles G. Duckett	

Trustee Artis Neal indicated that there was a quorum.

PRESENTATION OF AGENDA

Chair Stevens indicated that the agenda was distributed to the board and is available on bot.unc.edu.

STATE GOVERNMENT ETHICS ACT

Chair Stevens read the following statement:

As Chair of the Board of Trustees, it is my responsibility to remind all members of the Board of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest as required by this Act. Each member has received the agenda and related information for this Board of Trustees' meeting. If any Board member knows of any conflict of interest or appearance of conflict with respect to any matter coming before the Board of Trustees at this meeting, the conflict or appearance of conflict should be identified at this time.

APPROVAL OF 2021 MEETING DATES

Chair Stevens presented the meeting dates for 2021. Vice Chair Davis made a motion to approve the dates. Trustee Cochrane seconded, and it passed. Secretary Artis Neal called the vote by roll call. The motion passed unanimously by roll call vote.

(ATTACHMENT A)

CHAIR'S REMARKS

- Chair Stevens thanked everyone for attending the meeting and shared that the board was meeting today to discuss the recommendation from Chancellor Guskiewicz to remove four names from buildings on campus.
- The Chair thanked the board for developing a formal process for name removal.
- Chair Stevens shared his gratitude to the History, Race and a Way Forward Commission

- and the History Task Force for their important work and extensive scholarly research.
- Chair Stevens acknowledged that this was just one step along the process. Additionally, he emphasized the importance of the university's commitment to understanding its history.
 - The Chair concluded his remarks by calling upon Chancellor Guskiewicz.

[A copy of these remarks is in the Office of the Assistant Secretary and at bot.unc.edu.]

CHANCELLOR'S REMARKS

- Chancellor Guskiewicz thanked the board for their continued support.
- The Chancellor shared his appreciation for the process the board put in place to remove names from university buildings and public spaces.
- Chancellor Guskiewicz thanked the History, Race and a Way Forward Commission and Co-Chairs Pat Parker and Jim Leloudis for their work.
- The Chancellor outlined the recommendation and the importance of moving forward with the removal of names.

[A copy of these remarks is in the Office of the Assistant Secretary and at bot.unc.edu.]

CHANCELLOR'S RECOMMENDATION TO REMOVE NAMES FROM UNIVERSITY BUILDINGS

Chancellor Guskiewicz presented a recommendation for the removal of four names from university buildings. The History, Race and a Way Forward Commission submitted these four names to the Chancellor. According to the BOT Policy for the Consideration of the Removal of Names on University Buildings and Public Spaces, the Chancellor formed a committee to consider the commission's recommendations. This committee submitted unanimous approval to remove the names of Charles B. Aycock, Josephus Daniels, Julian S. Carr, Thomas Ruffin Sr. and Thomas Ruffin Jr.

(ATTACHMENT B)

Chair Stevens opened the meeting to discussion. Trustee Preyer expressed his concerns around the Daniels Student Stores name. Following discussion, Trustee Preyer made a motion to formally forgive the individuals and their families, creating a timeline to identify alumni for action, and to create a day of university forgiveness. Trustee McCullen seconded the motion. Following more discussion, Vice Chair Davis made a motion to table Trustee Preyer's previous motion. Trustee Hopkins seconded the motion and Secretary Artis Neal called the vote by roll call. The following trustees voted in favor of the motion: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

Vice Chair Davis presented a motion to accept the Chancellor's recommendation to remove four names from university buildings: Aycock, Daniels, Carr, and Ruffin Sr, except for the removal of Thomas Ruffin Jr. Vice Chair Davis stated that he felt the board needed more information on Thomas Ruffin Jr. to act on the removal of his name. Secretary Artis Neal seconded the motion. Chair Stevens called for any further discussion.

Trustee Hopkins shared her thanks to the commission and the committee appointed by the Chancellor to consider the removal of names. In addition, she mentioned the importance of this learning journey and how contextualizing will help chart a path forward for the university. Trustee Hopkins made a motion to amend Vice Chair Davis' motion to vote on the names individually. Vice Chair Davis accepted the amendment. Trustees Cochrane and Brown stated

the need to stand by the policy while considering these names.

Chair Stevens asked Secretary Artis Neal to call the vote by roll call for the removal of Charles B. Aycock from Aycock Residence Hall. The following trustees voted in favor of the motion: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

Chair Stevens asked Secretary Artis Neal to call the vote by roll call for the removal of Josephus Daniels from the Josephus Daniels Building. The following trustees voted in favor of the motion: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

Chair Stevens asked Secretary Artis Neal to call the vote by roll call for the removal of Julian S. Carr from Carr Building. The following trustees voted in favor of the motion: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

Chair Stevens asked Secretary Artis Neal to call the vote by roll call for the removal of Thomas Ruffin Sr. from Ruffin Residence Hall. The following trustees voted in favor of the motion: Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

Chancellor Guskiewicz shared his gratitude to the Board for taking this important step. Additionally, he stated the need to move forward thoughtfully and deliberately as he and his team determine what names should be on the buildings.

To conclude, Chair Stevens presented the interim names for the buildings:

- Aycock Residence Hall – Residence Hall #1
- Daniels Student Stores – Student Stores Building
- Carr Building – Student Affairs Building
- Ruffin Residence Hall – named only for Thomas Ruffin Jr.

Vice Chair Davis made a motion to approve the temporary names. Trustee Cochrane seconded, and Secretary Artis Neal called the vote by roll call. Secretary Artis Neal, Trustee Boliek, Trustee Brown, Trustee Cobey, Trustee Cochrane, Vice Chair Davis, Trustee Duckett, Trustee Hopkins, Trustee Meekins, Trustee Moseley, and Chair Stevens. Trustees Preyer and McCullen voted against the motion. The motion passed.

MOTION TO CONVENE IN CLOSED SESSION

On motion of Secretary Artis Neal, and seconded by Trustee Cochrane, the Board voted to convene in closed session pursuant to North Carolina General Statutes Section 143-318.11 (a) (1) (to prevent the disclosure of privileged information under Section 126-22 and the following); and also pursuant to Section 143-318.11 (a) (2), (3), (5), (6), (7), and (9). Secretary Artis Neal called the vote by roll call. The motion passed unanimously.

RECONVENE MEETING IN OPEN SESSION

Secretary Artis Neal made a motion to return to open session. Trustee Cochrane seconded, and it passed. Secretary Artis Neal called the vote by roll call. The motion passed unanimously by roll call vote.

OPEN SESSION

ADJOURNMENT

There being no further business to come before the Board, Chair Stevens called for a motion to adjourn. Vice Chair Davis made the motion; Trustee Preyer seconded, and Secretary Artis Neal called the vote by roll call. The motion passed unanimously. Chair Stevens adjourned the meeting at approximately 11:15 am.

Clayton Somers, Assistant Secretary

**ANNUAL REVIEW AND APPROVAL OF THE OFFICE OF INTERNAL AUDIT
CHARTER AND THE FINANCE, INFRASTRUCTURE AND AUDIT COMMITTEE
CHARTER**

BACKGROUND: The University of North Carolina at Chapel Hill maintains a comprehensive and effective internal audit program adhering to the *International Standards for the Professional Practice of Internal Auditing* of the Institute of Internal Auditors. The University's Office of Internal Audit (Office) helps the University accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The Office is guided by a philosophy of adding value to improve the operations of the University, ultimately upholding student success.

The Office is governed from oversight of the Finance Infrastructure and Audit Committee of the University's Board of Trustees (Board). Office responsibilities are defined by the Board as part of its oversight role. Two charters exist supporting operations of the internal audit function at Carolina. These comprise the (1) *Office of Internal Audit Charter* and the (2) *Finance, Infrastructure and Audit Committee Charter*. Both documents require periodic review and approval evidencing an understanding and support of the governance and operating environment of the internal audit function.

RECOMMENDED ACTION:

A motion authorizing the Finance, Infrastructure and Audit Committee Chairman and the Chancellor to endorse the *Office of Internal Audit Charter* and the *Finance, Infrastructure and Audit Committee Charter* documenting periodic review as prescribed by the *International Standards for the Professional Practice of Internal Auditing* of the Institute of Internal Auditors.



The University of North Carolina at Chapel Hill Office of Internal Audit Charter – September 2020

The Chief Audit Officer reports functionally to the Chair of the FIA Committee and administratively (i.e. day to day operations) to the Chancellor of the University.

To establish, maintain, and assure that the University's internal audit department has sufficient authority to fulfill its duties, the FIA Committee will govern the Department and:

- Approve the internal audit charter;
- Approve the risk-based internal audit plan;
- Receive communications from the Chief Audit Officer on the internal audit department's performance relative to its plan and other matters;
- Review and approve, in consultation with the Chancellor, the budget and resources for the Office of Internal Audit, including the Chief Audit Officer's evaluation and remuneration;
- Approve decisions regarding the appointment and removal of the Chief Audit Officer; and
- Make appropriate inquiries of management and the Chief Audit Officer to determine whether there is inappropriate scope or resource limitations.

The Chief Audit Officer will have the unrestricted ability to communicate and interact directly with the Board, including in private meetings without management present.

The FIA Committee authorizes the internal audit department to:

- Have full, free, and unrestricted access to all functions, records, property, and personnel pertinent to carrying out any engagement, subject to accountability for confidentiality and safeguarding of records and information.
- Allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques required to accomplish audit objectives, and issue reports.
- Obtain assistance from the necessary personnel of the University, as well as other specialized services from within or outside the University, in order to complete the engagement.

Independence and Objectivity

The Chief Audit Officer will ensure that the internal audit department remains free from all conditions that threaten the ability of internal auditors to carry out their responsibilities in an unbiased manner, including matters of audit selection, scope, procedures, frequency, timing, and report content. If the chief audit officer determines that independence or objectivity may be impaired in fact or appearance, the details of impairment will be disclosed to appropriate parties.

Internal auditors will maintain an unbiased mental attitude that allows them to perform engagements objectively and in such a manner that they believe in their work product, that no quality compromises are made, and that they do not subordinate their judgment on audit matters to others.

Internal auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, internal auditors will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other department that may impair an internal auditor's judgment, including:

- Assessing specific operations for which they had responsibility within the previous year.
- Performing any operational duties for the University or its affiliates.
- Initiating or approving transactions external to the internal audit department.
- Directing the activities of any the University employee not employed by the internal audit department, except to the extent that such employees have been appropriately assigned to auditing teams or to otherwise assist internal auditors.

Where the chief audit officer has or is expected to have roles and/or responsibilities that fall outside of internal auditing, safeguards will be established to limit impairments to independence or objectivity.

Internal auditors will:

- Disclose any impairment of independence or objectivity, in fact or appearance, to appropriate parties.
- Exhibit professional objectivity in gathering, evaluating, and communicating information about the department or process being examined.
- Make balanced assessments of all available and relevant facts and circumstances.
- Take necessary precautions to avoid being unduly influenced by their own interests or by others in forming judgments.

The chief audit officer will confirm to the FIA Committee, at least annually, the organizational independence of the internal audit department.

The chief audit officer will disclose to the FIA Committee any interference and related implications in determining the scope of internal auditing, performing work, and/or communicating results.

Scope of Internal Audit Activities

The scope of internal audit activities encompasses, but is not limited to, objective examinations of evidence for the purpose of providing independent assessments to the FIA Committee, management, and outside parties on the adequacy and effectiveness of governance, risk management, and control processes for the University. Internal audit assessments include evaluating whether:

- Risks relating to the achievement of the University's strategic objectives are appropriately identified and managed.
- The University promotes governance, ethics, and integrity and communicates risk and control information.

- The actions of the University's officers, directors, employees, and contractors are in compliance with the University's policies, procedures, and applicable laws, regulations, and governance standards.
- The results of operations or programs are consistent with established goals and objectives.
- Operations or programs are being carried out effectively and efficiently.
- Established processes and systems enable compliance with the policies, procedures, laws, and regulations that could significantly affect the University.
- Information and the means used to identify, measure, analyze, classify, and report such information are reliable and have integrity.
- Resources and assets are acquired economically, used efficiently, and protected adequately.

The chief audit officer will report periodically to senior management and the FIA Committee regarding:

- The internal audit department's purpose, authority, and responsibility.
- The internal audit department's plan and performance relative to its plan.
- The internal audit department's conformance with The IIA's Code of Ethics and *Standards*, and action plans to address any significant conformance issues.
- Significant risk exposures and control issues, including fraud risks, governance issues, and other matters requiring the attention of, or requested by, the FIA Committee.
- Results of audit engagements or other activities.
- Resource requirements.
- Any response to risk by management that may be unacceptable to the University.

The chief audit officer also coordinates activities, where possible, and considers relying upon the work of other internal and external assurance and consulting service providers as needed. The internal audit department may perform advisory and related client service activities, the nature and scope of which will be agreed with the client, provided the internal audit department does not assume management responsibility.

Opportunities for improving the efficiency of governance, risk management, and control processes may be identified during engagements. These opportunities will be communicated to the appropriate level of management.

Reporting and Monitoring

The Chief Audit Officer or a designee will prepare a written report following the conclusion of each internal audit project other than small consulting projects. Audit reports and close-out letters will be distributed to appropriate members of University management, all members of the Board, UNC General Administration, and the Council of Internal Auditing.

Internal audit reports will typically include management's response regarding corrective action taken or to be taken in regard to the specific findings. Management's response should include a

timetable for anticipated completion of planned corrective action and an explanation for any findings that will not be corrected. If management elects not to correct a finding, its response should include a statement accepting the risk from choosing not to address a reported condition.

Responsibility

The chief audit officer has the responsibility to:

- Submit, at least annually, to senior management and the FIA Committee, a risk-based internal audit plan for review and approval.
- Communicate to senior management and the FIA Committee the impact of resource limitations on the internal audit plan.
- Review and adjust the internal audit plan, as necessary, in response to changes in the University's business, risks, operations, programs, systems, and controls.
- Communicate to senior management and the FIA Committee any significant interim changes to the internal audit plan.
- Ensure each engagement of the internal audit plan is executed, including the establishment of objectives and scope, the assignment of appropriate and adequately supervised resources, the documentation of work programs and testing results, and the communication of engagement results with applicable conclusions and recommendations to appropriate parties.
- Follow up on engagement findings and corrective actions, and report periodically to senior management and the FIA Committee any corrective actions not effectively implemented.
- Ensure the principles of integrity, objectivity, confidentiality, and competency are applied and upheld.
- Ensure the internal audit department collectively possesses or obtains the knowledge, skills, and other competencies needed to meet the requirements of the internal audit charter.
- Ensure trends and emerging issues that could impact the University are considered and communicated to senior management and the FIA Committee as appropriate.
- Ensure emerging trends and successful practices in internal auditing are considered.
- Establish and ensure adherence to policies and procedures designed to guide the internal audit department.
- Ensure adherence to the University's relevant policies and procedures, unless such policies and procedures conflict with the internal audit charter. Any such conflicts will be resolved or otherwise communicated to senior management and the FIA Committee.
- Ensure conformance of the internal audit department with the *Standards*, with the following qualifications:

- If the internal audit department is prohibited by law or regulation from conformance with certain parts of the *Standards*, the chief audit officer will ensure appropriate disclosures and will ensure conformance with all other parts of the *Standards*.
- If the *Standards* are used in conjunction with requirements issued by the U.S. Government Accountability Office (GAO), often referred to as *The Yellow Book*, the chief audit officer will ensure that the internal audit department conforms with the *Standards*, even if the internal audit department also conforms with the more restrictive requirements of the GAO.

Quality Assurance and Improvement Program

The internal audit department will maintain a quality assurance and improvement program that covers all aspects of the internal audit department. The program will include an evaluation of the internal audit department's conformance with the *Standards* and an evaluation of whether internal auditors apply the IIA's Code of Ethics. The program also assesses the efficiency and effectiveness of the internal audit department and identifies opportunities for improvement.

The chief audit officer will communicate to senior management and the FIA Committee on the internal audit department's quality assurance and improvement program, including results of internal assessments (both ongoing and periodic) and external assessments conducted at least once every five years by a qualified, independent assessor or assessment team from outside the University.

Reviewed and Approved this _____ day of September 2020

Kevin M. Guskiewicz, Chancellor

Haywood D. Cochrane, Jr.
Chair, Finance, Infrastructure, and Audit Committee of the UNC-CH Board of Trustees



Dean A. Weber, Chief Audit Office



The University of North Carolina at Chapel Hill Finance, Infrastructure and Audit Committee Audit Related Charter

This Finance, Infrastructure and Audit Committee Charter (Charter) is an administrative supplement to the Bylaws of the Board of Trustees of the University of North Carolina at Chapel Hill, Article I section 104 – Committees. This administrative supplement to the by-laws addresses audit matters at the University.

I. Background

Each special responsibility constituent institution, including the University of North Carolina at Chapel Hill, is required by State law to have a financial audit conducted annually by an external auditor. Historically, the Office of the State Auditor has conducted the annual financial audit and has not performed any non-audit services. The Office of the State Auditor determined staff assignments for individual audits, including rotation of Audit Managers for each audit client. This Charter shall take effect when approved and shall remain in effect until amended.

II. Purpose

One standing committee of the Board of Trustees of the University of North Carolina at Chapel Hill (Board) shall be known as the Finance, Infrastructure and Audit Committee (Committee). In addition to other matters, the primary audit-related function of the Committee is to assist the Board in fulfilling its responsibilities related to the:

- Integrity of the University's financial statements and other financial reporting;
- Adequacy and effectiveness of systems of internal control; and
- Independence and performance of the external and internal audit functions.

The duties of the Committee do not replace or duplicate established management responsibilities and delegations. Instead, the Committee serves in an advisory capacity to guide the direction of management's actions and set broad policy for ensuring accurate financial reporting, sound risk management, and ethical behavior.

III. Composition

The Chair of the Board will select members of the Committee. Each Committee member must be independent of management of the University and free of any relationship that would impair such independence. Members may not receive consulting, advisory, or other fees from the University.

The UNC Board of Governors is responsible for appointing Board of Trustee members who understand financial data and can serve on the Committee. A majority of the members of the Committee should be financially literate and, if possible, at least one member should be a financial expert. Financial literacy is the ability to understand fundamental financial information and statements. A financial expert is someone who has an understanding of generally accepted

accounting principles and financial statements preferably relative to higher education; experience in applying such principles, experience in preparing, auditing, analyzing, or evaluating financial information; experience with internal controls and procedures for financial reporting; or an understanding of the audit committee function.

IV. Duties and Responsibilities

The following shall be the principal audit-related duties and responsibilities of the Committee or the Chair on behalf of the Committee:

- Meet at least four times during the year.
- Monitor internal control systems at the University through activities of the internal and external auditors.
- Obtain assurance that the University is performing self-assessments of operating risks and evaluations of internal control on a regular basis.
- Confirm with University management that the University has not engaged the external auditor to perform any prohibited, non-audit services.
- Receive the audit engagement letter and other significant audit related communications from any external auditor. The external auditor will be directed to copy the Committee on any such communications.
- At the beginning of the audit cycle, review and approve the annual internal audit plan for the campus. At the end of the cycle, reviewing a comparison of the approved internal audit plan to internal audits performed.
- Confirm with the Chief Audit Officer, on an annual basis, efforts to coordinate the work of the Office of Internal Audit and the external auditor to ensure complete audit coverage, reduce duplication of work, and use audit resources effectively.
- As needed, review and approve revisions to the Office of Internal Audit Charter.
- Be available to meet during the year with the external auditor for consultation purposes or to discuss the auditor's judgments about the quality, not just the acceptability, of the University's accounting principles and underlying estimates in its financial statements.
- Receive management's representation letter to the external auditor.
- Review the results of the annual financial audit with the North Carolina State Auditor or his or her designated representative.
- Discuss the results of any other audit performed and report/management letter (i.e. information system audits, investigative audits, etc.) issued by the North Carolina State Auditor with either the State Auditor or his staff, the Chief Audit Officer, or appropriate campus official.

- For any audit finding contained within a report or management letter issued by the State Auditor, review the institution's corrective action plan and receive a report once corrective action has taken place.
- Discuss the results of any audit performed by other external auditors and, if there were audit findings, review the institution's corrective action plan and receive a report once corrective action has taken place.
- Review internal audit reports and summaries of external and internal audit activities. Ensure that management is devoting adequate attention to issues raised.
- Review all audits and management letters of University Associated Entities as defined in section 600.2.5.2[R] of the UNC Policy Manual.
- Review and resolve any significant disagreement between University management and the external auditor or the Office of Internal Audit in connection with the preparation of the financial statements or with other audits.
- Obtain annual assurance form the Chief Audit Officer that all internal audits were conducted in accordance with Professional standards.
- Approve decisions regarding the appointment and removal of the Chief Audit Officer.
- Review and approve, in consultation with the Chancellor, the budget and resources for the Office of Internal Audit, including the Chief Audit Officer's evaluation and remuneration.
- Oversee the University's mechanisms for receiving, resolving, and retaining records of complaints, regarding accounting, internal control, and auditing matters. Receive briefings from University management or the Chief Audit Officer regarding any significant complaints or misuse of funds.
- Support UNC System CODE AND UNC POLICY MANUAL, Chapter 1400 *Information Technology* to ensure:
 - 1400.1 *Information Technology Governance*:
 1. Annual audit plans shall consider, as appropriate, audit activity focused on information technology matters, based on annual risk assessments.
 2. The Committee shall review and discuss audit activity related to information technology matters and address issues of information technology governance on a regular basis.
 3. The Committee may request information and reporting related to the Institution's IT governance program. All audit reports involving information technology governance matters will be shared with the System's Committee on Audit, Risk Management and Compliance.
 - 1400.2 *Information Security*:
 1. The Committee shall ensure that information security is addressed in the annual audit planning and risk assessments that are conducted by the institution's internal auditor.

2. The Committee shall periodically include an agenda item for emerging information security matters at its regularly scheduled meetings.
 3. The designated senior officer with information security responsibility shall present a report to the Committee, at least annually, on the institution's information security program and information technology security controls.
- Consult with the Office of University Counsel to review any legal matters that may have a significant impact on the University's financial statements or overall financial performance.
 - Review and forward with recommendations to the full Board significant management initiatives involving financial reporting matters.

The Committee may modify or supplement these duties and responsibilities as needed.

The Committee shall have the authority to engage, in accordance with State rules and regulations, independent counsel or other advisors as necessary to carry out its duties. The University shall provide appropriate funding as determined by the Committee for payment to advisors employed by the Committee.

The Committee, with the assistance of the Office of University Counsel and the Chief Audit Officer, should periodically review and assess the adequacy of the Committee Charter.

Reviewed and Approved this _____ day of September 2020

Kevin M. Guskiewicz, Chancellor

Haywood D. Cochrane, Jr.
Chair, Finance, Infrastructure, and Audit Committee of the UNC-CH Board of Trustees



Dean A. Weber, Chief Audit Officer

ATTACHMENT D

DESIGNER SELECTION – CARRINGTON HALL RENEWAL (SCHOOL OF NURSING)

This project scope of work includes design of a comprehensive renovation to Carrington Hall, home to the School of Nursing. Carrington Hall is a 78,000 GSF building completed in 1969, with a 69,500 GSF addition completed in 2005.

The primary goals of the project are twofold; address a significant accumulation of deferred maintenance and provide programmatic upgrades to support the aspiration of a nationally renowned leading School of Nursing.

The project budget is \$45,000,000 and will be funded through State Capital and Infrastructure Fund Project Code UNC/CH20-2 with \$2,500,000 available 2020-2021 FY per Senate Bill 212.

The project was advertised on July 20, 2020. Twenty-five (25) proposals were received. Six (6) firms were interviewed on September 2, 2020. One member of the Board of Trustees participated in the interviews. The committee recommended the selection of the three firms in the following priority order:

1. XXX XXX, XX
2. XXX XXX, XX
3. XXX XXX, XX

The firms were selected for their past performance on similar projects, strength of their consultant team and experience with campus projects and the State Construction Office.

RECOMMENDED ACTION:

A motion to approve the three firms in the following priority order:

1. XXX XXX, XX
2. XXX XXX, XX
3. XXX XXX, XX

ATTACHMENT E

CONSTRUCTION MANAGER AT RISK SELECTION – KENAN FLAGLER BUSINESS SCHOOL ADDITION AND RENOVATION

The project will add roughly 140,000 square feet to the Kenan Flagler Business School as an addition to the McColl Building. The existing McColl Building will be extensively renovated. New classrooms, offices, student activity and support spaces will be added to support the increase in enrollment to the Undergraduate Business Program as well as the consolidation of program space currently being leased in an off-campus location. Approximately 180 parking spaces will be added to accommodate the increased demand.

The project budget is \$150,000,000 and will be funded by state appropriations and gifts.

The project was advertised on August 3, 2020. Ten (10) proposals were received. Six (6) firms were interviewed on September 14, 2020. One member of the Board of Trustees participated in the interviews. The committee recommended the selection of the three firms in the following priority order:

1. XXX XXX, XX
2. XXX XXX, XX
3. XXX XXX, XX

The firms were selected for their past performance on similar projects, strength of their HUB partnerships and experience with campus projects and the State Construction Office.

RECOMMENDED ACTION:

A motion to approve the three firms in the following priority order:

1. XXX XXX, XX
2. XXX XXX, XX
3. XXX XXX, XX

PROPERTY ACQUISITION BY LEASE – CAROLINA INSTITUTE FOR DEVELOPMENTAL DISABILITIES

This request is to renew approximately 18,000 square feet of office space owned by Cedar Plank, LLC at 101 Renee Lynne Court in Carrboro, NC. This space has been occupied by the Carolina Institute for Developmental Disabilities since 2011 and will continue to serve as their primary office. The proposed lease renewal will extend the lease for another five (5) years beyond its expiration on September 30, 2020 and includes a right to renew for an additional five (5) years. The negotiated renewal decreases the rent rate from the current rate of \$29.68/sq ft modified gross to a new rate of \$26.00/sq ft full service. The new terms save the University approximately \$95,000 a year in the first year. The total annual rent rate in Year 1 will be \$463,424 and will increase 1% a year for each of the five years of the lease and into the renewal term. The lease is funded by the School of Medicine.

RECOMMENDED ACTION:

A motion to recommend approval to renew the lease of office space on the terms described above.

PROPERTY ACQUISITION BY LEASE – TEACCH AUTISM PROGRAM AND CAROLINA INSTITUTE FOR DEVELOPMENTAL DISABILITIES

This request is to approve the redrafting of a lease for approximately 17,000 square feet of office space owned by Cedar Plank, LLC at 100 Renee Lynne Court in Carrboro, NC. This space has been shared by the TEACCH Autism Program and Carolina Institute for Developmental Disabilities since 2012 and the current lease expires June 30, 2022. The proposed transaction will terminate the existing lease and enter into a new agreement that will expire September 30, 2025. The restructured agreement will reduce costs against current expenditures in the first two years by a total of approximately \$100,000 and will reduce costs in years 3 to 5 by approximately \$95,000 a year. The new lease includes a right to renew for an additional five (5) years. The total annual rent rate in Year 1 will be \$476,312. The lease is funded by the School of Medicine.

RECOMMENDED ACTION:

A motion to recommend approval to restructure the lease of office space on the terms described above.



Board of Trustees Meeting

September 24, 2020

• the CAMPAIGN for CAROLINA •
Campaign Dashboard

DATA AS OF Sept. 6, 2020

\$3,402,947,202
 TOTAL CAMPAIGN ACTIVITY

PERCENT TO
GOAL

80%

TIME
ELAPSED

71%

MONTHS
AHEAD

8.9

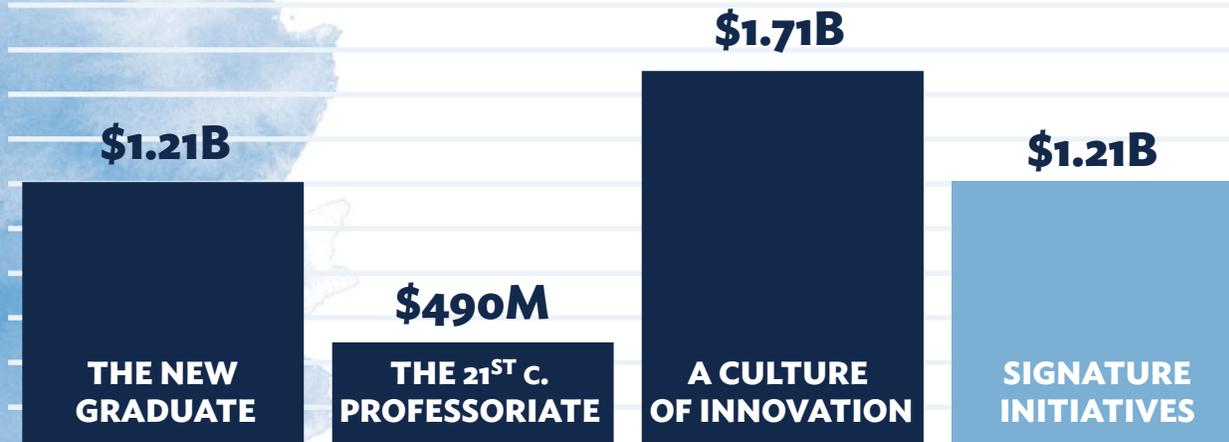
TOTAL
DONORS

183,921

ALUMNI
PARTICIPATION

24%

× Campaign Pillars



× Unit Progress

		Goal
ACK	39%	\$250M
▶ ASD	100%	\$70M
ATHL	73%	\$500M
CAS	74%	\$750M
▶ CCPS	113%	\$6M
CPA	90%	\$25M
EDU	52%	\$35M
ESOP	96%	\$175M
GOV	62%	\$50M
GRAD	76%	\$10M
GSGPH	94%	\$200M
HEALTH	86%	\$1B
HSJM	94%	\$75M
IE	64%	\$12M
KFBS	68%	\$400M
LAW	72%	\$75M
LIB	86%	\$50M
MCF	92%	\$75M
MPSC	91%	\$20M
NCBG	73%	\$30M
▶ NRI	114%	\$3M
▶ NURS	104%	\$22M
OSSA	45%	\$400M
SAFF	59%	\$15M
▶ SILS	123%	\$20M
SSW	54%	\$23M

▶ Has met goal.

Acronyms key available online at:
<https://unc.live/acronyms>



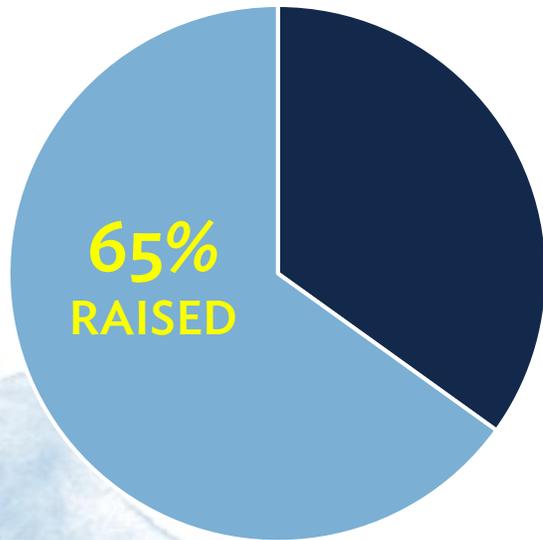
\$564,611,539

FY20 | TOTAL COMMITMENTS

Signature Initiatives

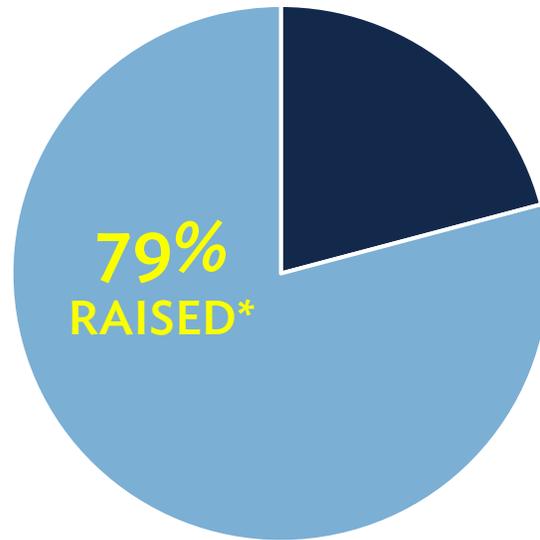
PROGRESS TO GOAL *as of 6.30.2020*

CAROLINA EDGE



\$1B GOAL

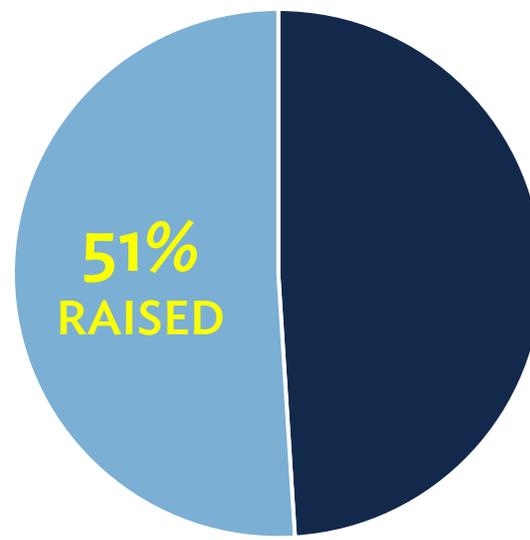
CONVERGENT SCIENCE



\$350M GOAL

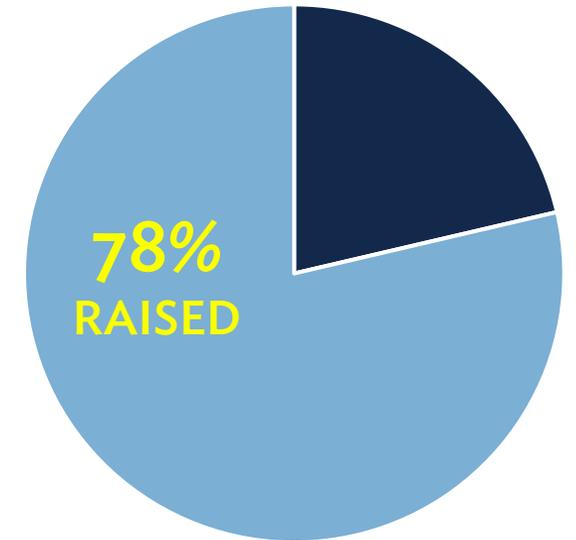
**\$850,000 has been raised for the
Institute for Convergent Science*

ARTS EVERYWHERE



\$350M GOAL

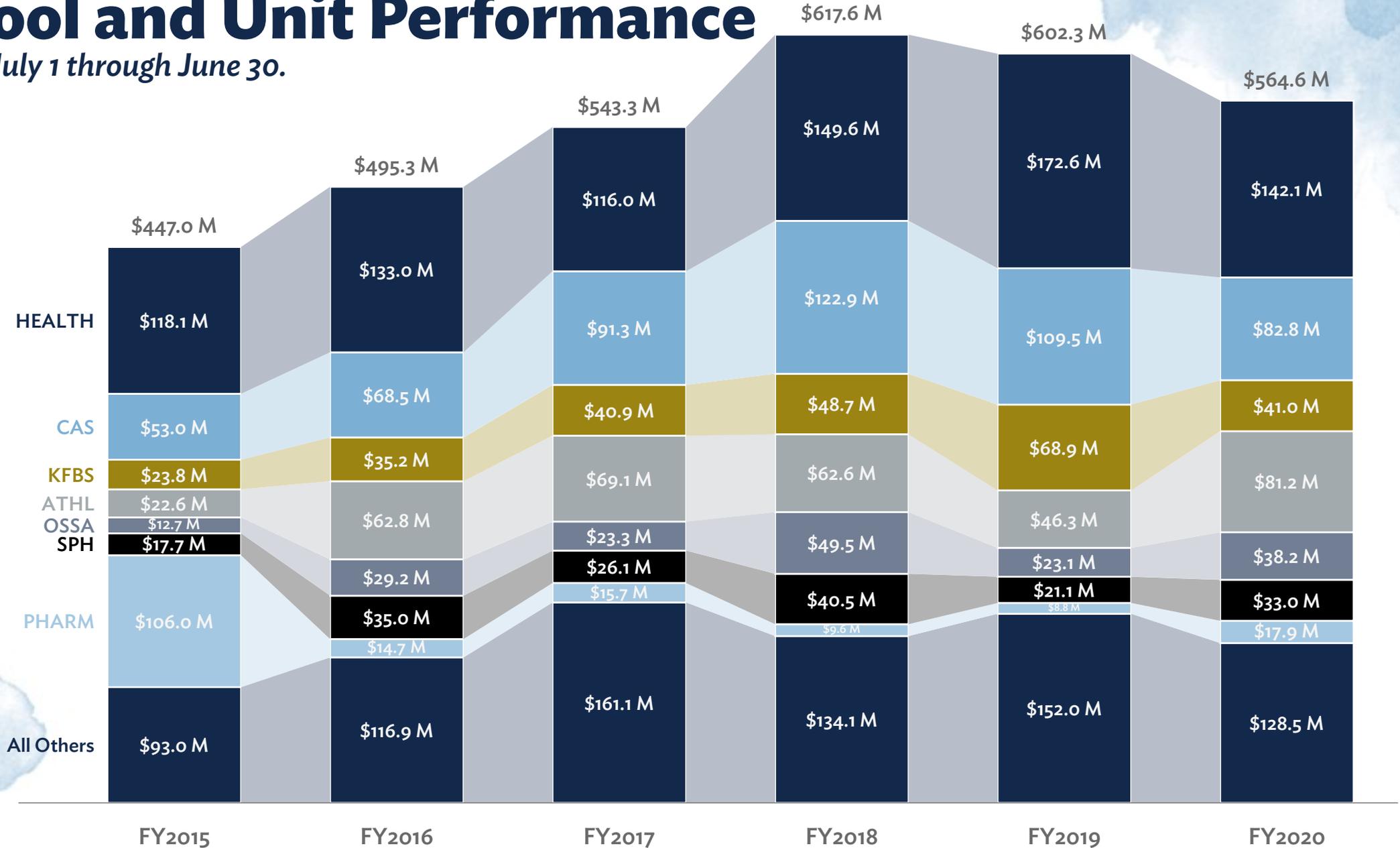
GLOBAL MINDSET



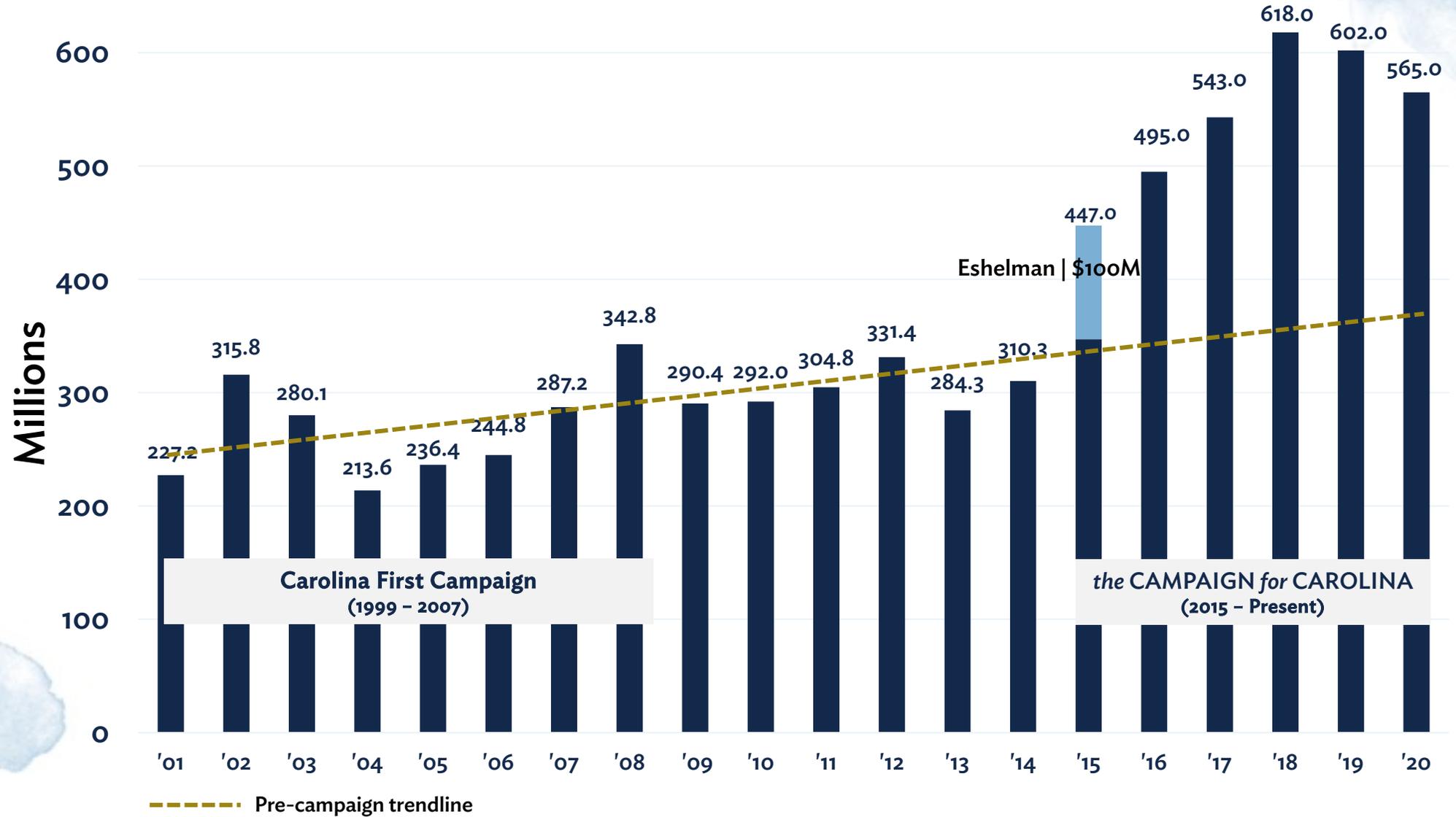
\$300M GOAL

School and Unit Performance

FY runs July 1 through June 30.



Carolina's New Cash and Commitments



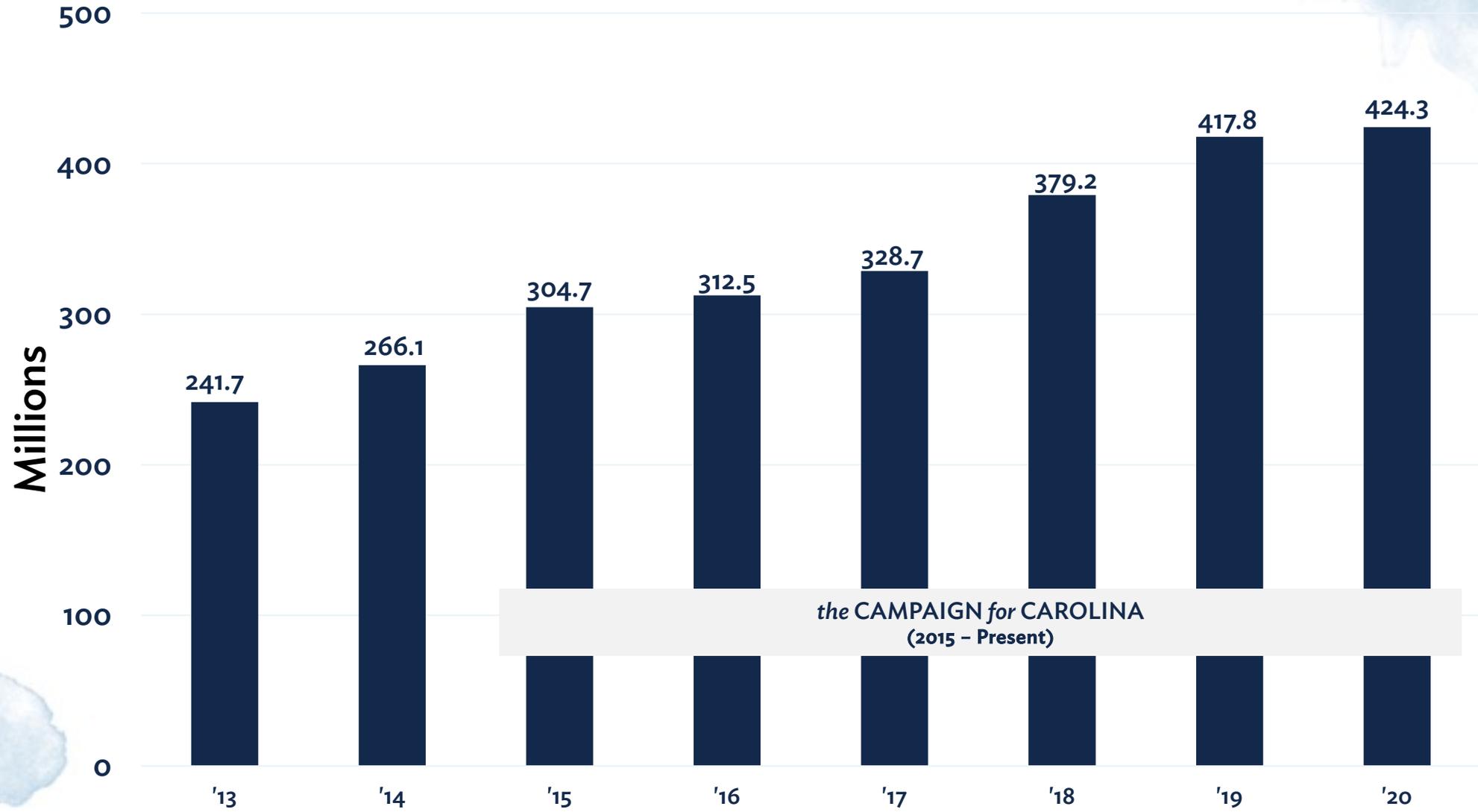


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Raising the Right Dollars

• the CAMPAIGN for CAROLINA •

Cash Totals





Board of Trustees Meeting

September 24, 2020

FOR INFORMATION - SUMMARY CHANGES OF THE ORDINANCE REGULATING TRAFFIC AND PARKING

Updated Changes for September 2020 BOT

1. Emergency Declaration / Chancellor Authority Addendum

In July 2020, the Board of Trustees approved Vice Chancellor Jonathan Pruitt's request to allow changes to campus parking regulations supporting the Fall 2020 Roadmap, based on the Chancellor's Emergency Authority with a planned September Ordinance update.

Ordinance Reference: Sec. 1-2. North Carolina Motor Vehicle Laws; Regulating; Delegation of Authority

2. Ordinance Effective Date:

The permit year traditionally begins August 15. Ordinance effective date altered to August 1 for fall 2020 to support an academic year start date of August 10.

Ordinance Reference:

- Cover Page
- Article IX. Repeals. Sec. 9-1.

3. Reduced Pricing Structure for Teleworking Employees and Commuter Students:

A reduced price for parking permits was developed to recognize hybrid/teleworking schedules and reduced on-campus presence.

Ordinance Reference: Article III. Parking. Sec. 3-4. Parking Fees

4. Weeknight Parking Hours:

Weeknight parking hours typically begin at 5 p.m., and were moved to 4 p.m. to accommodate students and employees requiring earlier access due to class and lab schedule changes.

Ordinance Reference:

- Article I. General Provisions. Sec. 1-1. Definitions.
- Article III. Parking. Sec. 3-21. Weeknight Parking

The Board of Trustees approved the ordinance changes at the July meeting. No formal action is requested at this time.

Permit Type	Salary Scale	Standard Annual Permit Price		Teleworking Permit Price Employee on campus 3 days or less 2020-2021		Fall 2020	Spring 2021
		2020-2021	Weekly	Teleworking	Weekly Teleworking		
ALG/RS	<\$32	\$ 1,097.00	\$ 21.10	\$ 658.20	\$ 12.66		
	\$32-<\$50	\$ 1,208.00	\$ 23.23	\$ 724.80	\$ 13.94		
	\$50-<\$100	\$ 1,524.00	\$ 29.31	\$ 914.40	\$ 17.58		
	≥\$100	\$ 2,355.00	\$ 45.29	\$ 1,413.00	\$ 27.17		
ALG	<\$32	\$ 823.00	\$ 15.83	\$ 493.80	\$ 9.50	30	
	\$32-<\$50	\$ 907.00	\$ 17.44	\$ 544.20	\$ 10.47		
	\$50-<\$100	\$ 1,143.00	\$ 21.98	\$ 685.80	\$ 13.19		
	≥\$100	\$ 1,766.00	\$ 33.96	\$ 1,059.60	\$ 20.38		
Reserved	<\$32	\$ 739.00	\$ 14.21	\$ 443.40	\$ 8.53		
	\$32-<\$50	\$ 816.00	\$ 15.69	\$ 489.60	\$ 9.42		
	\$50-<\$100	\$ 1,029.00	\$ 19.79	\$ 617.40	\$ 11.87		
	≥\$100	\$ 1,590.00	\$ 30.58	\$ 954.00	\$ 18.35		
Gated BD, BTD, CD, FG, JD, KSD, MD, N1, N2, ND, NG1, NG3, PD, RD	<\$32	\$ 597.00	\$ 11.48	\$ 358.20	\$ 6.89		
	\$32-<\$50	\$ 658.00	\$ 12.65	\$ 394.80	\$ 7.59		
	\$50-<\$100	\$ 831.00	\$ 15.98	\$ 498.60	\$ 9.59		
	≥\$100	\$ 1,284.00	\$ 24.69	\$ 770.40	\$ 14.82		
Non Gated A, FC, K, L, M, N3, N5, N7-11, R1- 10, S3-6, S8-12, SFH, T, W	<\$32	\$ 453.00	\$ 8.71	\$ 271.80	\$ 5.23		
	\$32-<\$50	\$ 500.00	\$ 9.62	\$ 300.00	\$ 5.77		
	\$50-<\$100	\$ 628.00	\$ 12.08	\$ 376.80	\$ 7.25		
	≥\$100	\$ 972.00	\$ 18.69	\$ 583.20	\$ 11.22		
RFS/ALG	N/A	\$ 341.00	\$ 6.56	\$ 204.60	\$ 3.93		
PR	<\$32	\$ 234.00	\$ 4.50	\$ 140.40	\$ 2.70		
	\$32-<\$50	\$ 258.00	\$ 4.96	\$ 154.80	\$ 2.98		
	\$50-<\$100	\$ 309.00	\$ 5.94	\$ 185.40	\$ 3.57		
	≥\$100	\$ 402.00	\$ 7.73	\$ 241.20	\$ 4.64		
Weeknight Parking	<\$32	\$ 234.00	\$ 4.50	\$ 140.40	\$ 2.70		
	\$32-<\$50	\$ 258.00	\$ 4.96	\$ 154.80	\$ 2.98		
	\$50-<\$100	\$ 309.00	\$ 5.94	\$ 185.40	\$ 3.57		
	≥\$100	\$ 402.00	\$ 7.73	\$ 241.20	\$ 4.64		
Weeknight Parking (CAP)	N/A	\$ 25.00	\$ 0.48	\$ 15.00	\$ 0.29		
Motorcycle Permit (no on-campus permit)	<\$32	\$ 191.00	\$ 3.67	\$ 114.60	\$ 2.20		
	\$32-<\$50	\$ 208.00	\$ 4.00	\$ 124.80	\$ 2.40		
	\$50-<\$100	\$ 263.00	\$ 5.06	\$ 157.80	\$ 3.03		
	≥\$100	\$ 406.00	\$ 7.81	\$ 243.60	\$ 4.68		
Motorcycle Permit (with on-campus permit)	<\$32	\$ 43.00	\$ 0.83	\$ 25.80	\$ 0.50		
	\$32-<\$50	\$ 48.00	\$ 0.92	\$ 28.80	\$ 0.55		
	\$50-<\$100	\$ 59.00	\$ 1.13	\$ 35.40	\$ 0.68		
	≥\$100	\$ 91.00	\$ 1.75	\$ 54.60	\$ 1.05		
Motorized Two-Wheeled Vehicle (non-Motorcycle) Permit	<\$32	\$ 26.00	\$ 0.50	\$ 15.60	\$ 0.30		
	\$32-<\$50	\$ 26.00	\$ 0.50	\$ 15.60	\$ 0.30		
	\$50-<\$100	\$ 26.00	\$ 0.50	\$ 15.60	\$ 0.30		
	≥\$100	\$ 26.00	\$ 0.50	\$ 15.60	\$ 0.30		

Permit Type	Salary Scale	Standard Annual Permit Price		Teleworking Permit Price Employee on campus 3 days or less 2020-2021		Fall 2020	Spring 2021
		2020-2021	Weekly	Teleworking	Weekly Teleworking		
Electric Vehicle Charging Station Decal*	N/A	\$ 268.00	\$ 5.15	\$ 160.80	\$ 3.09		

UNC-CH Budget Outlook

September 24, 2020

Nate Knuffman, Interim Vice Chancellor for Finance & Operations

External Environment

- UNC's governance bodies are asking for – and expecting – greater financial and operational transparency and accountability
- Carolina will continue to face downward pressure on its primary revenue sources (e.g., tuition, appropriations, patient revenues) due to:
 - Economic uncertainty and dislocations resulting from the pandemic
 - Recent Board and legislative actions directed at increasing affordability
 - Questions about the financial health of the entire higher education sector, exemplified in the recent negative outlook rating given to the sector by two of the major rating agencies, Moody's and Standard and Poor's

UNC-CH Financial Environment

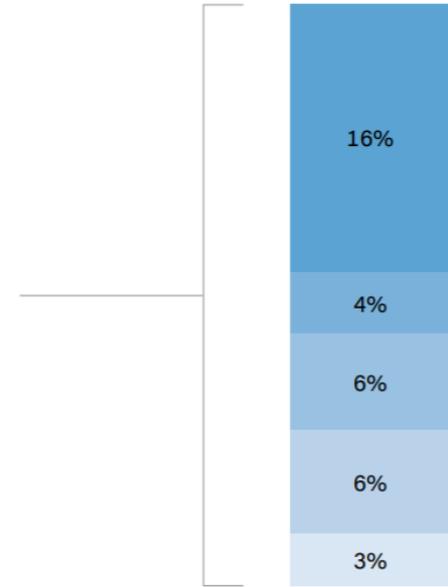
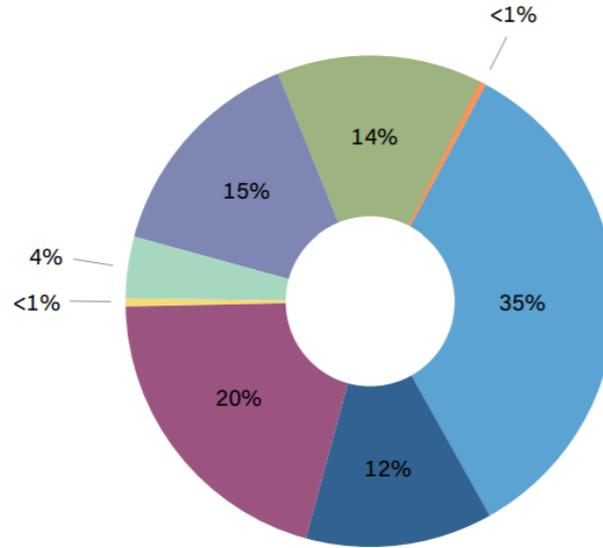
- Until this year, the University has never operated with an all-funds, prospective budget outlining the use of revenues and the level of planned expenses
- The current decentralized and fragmented operating environment makes decision-making based on “University” perspective difficult
- Ambitious goals of Carolina Next will require investments
- University finances are healthy when viewed in the aggregate, but obscure sizable structural issues located at the “center” of the University
- COVID-19 has exacerbated the existing structural pressure on university budget



2019 Revenue by Source:

\$3,467,521

(\$ in thousands)



- Student Tuition and Fees, Net—\$424,391
- Federal Grants and Contracts—\$710,288
- State and Local Grants and Contracts—\$12,172
- Nongovernmental Grants and Contracts—\$143,681
- Patient Services, Net—\$506,766
- Sales and Services, Net—\$488,582
- Other Operating Revenues—\$10,128
- Other—\$1,171,513
- State Appropriations—\$543,274
- Noncapital Grants—\$125,698
- Noncapital Gifts—\$191,455
- Investment Income, Net—\$206,536
- Other Nonoperating—\$104,550

Mitigation Approach

- Continue and amplify **expense management actions** to help address growing consequences of the pandemic
- Auxiliary units will need short-term adjustments in spending and support to preserve operational infrastructure on the expectation that Fall Semester 2021 will resume with in-person, residentially based instruction
- Leverage university **budget process** to reevaluate unit budgets in light of COVID-19 impacts and address structural shortfall
- Short-term and/or permanent adjustments will need to be tailored to each situation

Current Management Actions

Action	Time Period	Notes
Personnel Action Limitations	March 2020 – Present	Weekly review of all salary and hiring actions.
Non-personnel Spending Review	March 2020 – Present	Weekly review of all budgeted non-personnel expenditures.
Capital Project Postponement	March 2020 – Present	All University capital projects were systematically reviewed and prioritized.
Auxiliary-Specific Actions: <ul style="list-style-type: none"> - redeploy temporary staff - reduce operating hours - reduce contracted services - furlough/leave vacancies unfilled 	August 2020 – Present	Unit-specific management plans were constructed with each auxiliary. The plans went into effect with the August 18 change in operations.

Budget Process

- Design and implementation of new budget process began January 2019 and concluded July 2019 (Phase 1)
- Budget meetings are currently underway and scheduled to be completed by mid-November (Phase 2)
- Primary goal is to align spending with highest priorities and address structural budget issues
- Analyzing spending plans in light of pandemic impacts, and requiring identification of reduction options

Guiding Principles for Budget Decisions

- Prioritize **core mission** of teaching, research, and service
- Value and support the University's **workforce**
- Recognize the **differentiated impacts** and complexity of current conditions and avoid a one-size-fits-all approach
- Engage **stakeholders** across campus

Questions?

Board of Trustees Meeting: COVID-19 Workforce Updates/Planning

Becci Menghini, Ed.D

Vice Chancellor for Human Resources and
EOC

September 24, 2020



HUMAN RESOURCES AND
EQUAL OPPORTUNITY AND COMPLIANCE

COVID-19 Workforce Updates/Planning

- **Considerations for Personnel Actions**
- **Current Impact**
- **Tools and Authorities**
- **Next Steps**



Considerations for Personnel Actions

- **What sort of budget deficit are we trying to solve for?**
- **What is the size of the budget deficit?**
- **What types of monies are impacted?**
- **What are the tools available to us to reach those goals?**



Current Impact

- **Units and areas impacted are primarily Auxiliary and Fee-Supported units**
- **Covid-19 Temporary Emergency Furlough use and requirements**
- **Enrollments and State Appropriations not currently impacted**



Tools and Authorities

- **Tool types (Furlough, temporary and permanent base adjustments, early retirements, etc.)**
- **Differences in tools by employee type (SHRA, EHRA-NF, Faculty)**
- **Little local authority; additional actions required**
- **Highly prescriptive**



Next Steps

- **Continued diligence with existing HR Actions**
- **Clarify the unknowns**
- **Continue tool evaluation and associated challenges or opportunities for implementation**
- **Follow principles for action—which are aligned with principles for budget decisions**



HR Process Under the Temporary Suspension

1. Unit submits exception request, with justification for action and confirmation of both dean support and funding source
2. Office of Human Resources and Academic Personnel Office staff do an initial review
3. Secondary review conducted by AVC for HR and Interim VP for APO, VC for HR and EOC, and Finance Staff
4. Finance leads contacted for confirmations, clarifications
5. Third review happens with Chancellor, VC for HR and EOC, and AVC for HR and Interim VP for APO
6. Requests are then approved or denied. When warranted, requests are sent back for clarification, alteration, or delay.

While we don't know how long the suspension will remain in place, we expect to retain some version of this process moving forward, as it has afforded further coordination between the decision-making units, the finances, and workforce commitments.

Questions?

Becci Menghini, Ed.D.
Vice Chancellor for Human Resources and EOC
becci.menghini@unc.edu



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL



THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
OFFICE OF THE PROVOST
Office of the Executive Vice Chancellor and Provost

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September 14, 2020

To: UNC- Chapel Hill Board of Trustees

From: Ronald P. Strauss, DMD, PhD - Executive Vice Provost

Re: Report of the UNC-Chapel Hill Task Force on Promotion and Tenure Policies and Practices

During the spring of 2019, the Office of the Provost convened the UNC-Chapel Hill Task Force on Promotion and Tenure Policies and Practices. This Task Force was a large and representative group of faculty and staff involved in the promotion and tenure process in their schools, the Equal Opportunity and Compliance Office, the Academic Personnel Office, and the Office of University Counsel.

Provost Blouin charged the Task Force to investigate and make recommendations on current promotion and tenure policies and practices across campus. The Task Force did so and included 49 recommendation in its Final Report (attached).

The Task Force met 11 times between February 7, 2019 and August 26, 2019. After meeting with Provost Bob Blouin., an Implementation Team was formed and it has conducted rounds of meetings to review the recommendations and develop a consensus on the process.

In order to move forward now, we request that the Board of Trustees act to remove the “Eighteen Month Rule” from Section 2.c.4 of the *Trustee Policies and Regulations Governing Academic Tenure*. Additionally, we wanted to keep the Trustees aware of the recommendations, which we believe will make UNC-Chapel Hill more competitive and nimble in attracting, recognizing and retaining faculty talent.

Attorney Anne Fox (OUC) and I will meet with the Board of Trustees in September, 2020 to review the proposed Trustee changes and to answer any questions about the Report’s recommendations.

To date, this Report has been reviewed and approved by:

- Faculty Executive Committee
- Committee on Appointments, Promotions and Tenure (4/8/2020 final review)
- Status of Women Committee and the Committee on Fixed-Term Faculty
- Administrative Board of the Library
- Council of Chairs, College of Arts and Sciences;
- Department Chairs, Gillings School of Global Public Health
- Provost’s Leadership Cabinet (Deans and Vice Provosts)
- Senior Associate Deans Council
- Office of University Counsel
- Faculty Council (unanimously approved 4/17/20)
- Chancellors Cabinet (unanimously approved 7/29/20)

If you have any questions, please contact me at ron_strauss@unc.edu.

Report of the UNC-Chapel Hill Task Force on Promotion and Tenure Policies and Practices

April 6, 2020



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

REPORT OF THE UNC-CHAPEL HILL TASK FORCE ON PROMOTION AND TENURE POLICIES AND PRACTICES

Overview

Given the value of tenure in the university community, it is important to ensure the criteria used to confer tenure are up-to-date, clear, and applied fairly. Additionally, the growth of the fixed-term faculty, their increasing presence in University leadership, and their aspirations and opportunities were foci of this Task Force. Periodic reviews of promotion and tenure policies and practices are valuable. The Task Force on Promotion and Tenure Policies and Practices was set up to also examine a set of issues that have recently come to the attention of the Provost related to the conduct of faculty appointments and promotions. Deliberations were benchmarked to peer universities, and the Task Force examined policies to define best practices.

UNC-Chapel Hill Provost Robert Blouin charged the faculty Task Force to investigate and make recommendations on current promotion and tenure policies and practices across campus. The Provost also asked the Task Force to consider the impact of changing library relationships with journal publishers on promotion and tenure.

Guidance statements and recommendations from this Task Force are expected to provide insight and opportunities to improve promotion and tenure policies at UNC-Chapel Hill; however, they allow for school-level variation and adaptation.

The Task Force concept was discussed and endorsed by the: Appointment, Promotion, and Tenure (APT) Committee, Provost Leadership Council, and Senior Associate Deans Council.

The Office of the Provost assembled a Task Force of faculty and staff involved in the promotion and tenure process in their schools, the Equal Opportunity and Compliance Office, Academic Personnel Office, and the Office of University Counsel.

The Task Force met 10 times between February 7, 2019 and May 29, 2019. Their comments and recommendations are incorporated in this report. A final eleventh meeting occurred on August 26, 2019 with Provost Bob Blouin. An Implementation Team was formed.

Further revisions have been made since then with major input in writing or face-to-face from:

- Faculty Executive Committee
- Committee on Appointments, Promotions and Tenure
- Status of Women Committee
- Committee on Fixed-Term Faculty
- Administrative Board of the Library
- Council of Chairs, College of Arts and Sciences
- Department Chairs, Gillings School of Global Public Health
- Provost's Leadership Cabinet (Deans and Vice Provosts)
- Senior Associate Deans Council
- Office of University Counsel

Additional input will be sought from Faculty Council at its April 2020 meeting.

Charge

The Promotion and Tenure Task Force will provide recommendations to the Provost to change documents and policies at the campus and school-level but will not draft actual policies.

The Task Force is to examine policies and practices for the following issues:

- A. Early Promotion and Tenure Decisions
- B. Management of External Offers and Promotion Review
- C. Transition from Fixed-Term to the Tenure-track
- D. Recognizing Research Methodologist and Varied Funding Sources in the Tenure/Promotion Process
- E. Timing of Permanent Tenure Actions
- F. Reporting of School-Level Tenure Denials to the University
- G. Practice or Professional Track
- H. Search Waivers and Recruitment
- I. Fixed-Term Faculty
- J. Voting Processes In-Person and Electronically
- K. Orienting Administrators and Faculty Members
- L. Under-Represented Minority Faculty Experiences
- M. Mentoring
- N. Impact of Changing Library Relationships with Journal Publishers on Promotion and Tenure

RECOMMENDATIONS

A. Early Promotion and Tenure Decisions

Deliberations indicated the Task Force was supportive of early promotion once a faculty member has met the criteria for promotion. The Task Force did not feel years in rank were a good predictor of readiness for promotion; however, a threshold of years of service may be necessary.

Additionally, the Task Force did not see coming from a “peer university” as a necessary indicator of quality. They were concerned the concept of “peer universities” might create a sense of exclusion, especially for talented faculty who come from universities that might focus on under-represented minorities. The Task Force endorsed the need for each UNC-Chapel Hill school to define the accomplishments necessary for promotion with some precision.

1. Each school or department/division should adopt “meet the mark” criteria once the threshold is met for years of service. Once a faculty member meets the standard criteria for promotion beyond the threshold, they are then eligible for promotion and/or tenure. However, some minimum time in rank (threshold) should be considered necessary for promotion and/or tenure decisions.
2. It should be considered a rare event for an assistant professor to be considered for promotion at the time of first reappointment as a probationary assistant professor. Consideration for promotion and/or tenure with a submitted dossier should not generally occur in less than four years at UNC-Chapel Hill (except for those with years of previous experience that is recognized in the letter of offer). It should be considered a rare event for an associate professor with tenure to be considered for promotion to full professor with a submitted dossier in less than four years in rank. However, unusually high levels of accomplishment may be considered in the timing of an earlier promotion or tenure review. Additionally, competitive external offers that convey higher rank or tenure may be a rationale for an earlier promotion or tenure review.
3. Each school and department/division should define the “meet the mark” standard for promotion to a higher rank and/or to tenure. This does not imply a formulaic or simple quantification of criteria but offers the schools an opportunity to consider the metrics of success.
4. The offer letter to a prospective candidate should explain how previous career experience as a faculty member would relate to the timing and criteria of a possible promotion and/or tenure review at UNC-Chapel Hill.

Explicit use of previous university teaching, research and service experience for tenure or promotion decisions at UNC-Chapel Hill should be clearly established in the offer letter. The use of previous university teaching, research and service will need to be conveyed to all external letter writers and to the various Promotion and Tenure committees that review the dossier, including the Full Professors. Evidence of teaching effectiveness at the previous university (peer or student teaching evaluations) will in these cases be examined for promotion and tenure decisions at UNC-Chapel Hill.

In lieu of a decision to accept experience from previous university service, it is assumed the accomplishments evaluated for promotion or tenure will be based upon the time at UNC-Chapel Hill. If evidence of previous teaching effectiveness is not available or is not compelling, time at UNC-Chapel Hill will be used to collect sufficient evidence.

5. Sustained faculty accomplishment should be the hallmark of readiness for promotion and tenure at UNC-Chapel Hill. Training, service, or previous employment at an elite/peer institution should not replace actual faculty accomplishment as a criterion in UNC-Chapel Hill's hiring, promotion and tenure processes.

B. Management of External Offers and Promotion Review

The Task Force recommends activation of retention efforts, prior to a faculty member's receipt of an external offer letter. It is hoped that accomplished faculty members with external offers or evidence of a high level of external interest and support from their schools/department would be retained, if possible.

6. Decrease reliance on having an offer in-hand, and work to respond quickly to a written recruitment visit invitation or other written evidence of candidacy (e.g., job talk, being on a short list of applicants) from another university or employer.
7. Utilize spousal hiring as part of faculty retention, not just during the initial offer. It was noted this practice has already begun.
8. Typically, do not consider a counteroffer more frequently than every five years, and include a statement confirming this information in the retention offer letter. Exceptions for additional earlier counteroffers will require explicit in-advance agreement of the Provost.
9. Only put a faculty member up for promotion and/or tenure as part of the counteroffer if the faculty member is fully qualified for the promotion based on UNC-Chapel Hill's criteria. Given that the promotion and tenure process moves slowly, it will be important to indicate to the faculty member in the counteroffer that all efforts will be made to rapidly put their dossier together and move it forward for consideration at UNC-Chapel Hill.
10. Post tenure review may provide a school with information that suggests a promotion is timely. However, in some cases when a school is already convinced that promotion for a faculty member is timely, a promotion review can be used as an alternative to post tenure review (PTR), if it occurs prior to the fifth year after the initial promotion to tenured associate professor.

C. Transitions from Fixed-Term to the Tenure-track

The movement of faculty members from fixed-term to tenure-track has increased over recent years, especially in the health professions schools. All UNC-Chapel Hill schools assess the research capacity and accomplishments of pre-tenure faculty members. For some schools, the award of large federally funded research grants are used as indicators of performance. In recent years the age of faculty members receiving such large grants has risen so that the customary pre-tenure period is simply too brief to demonstrate this accomplishment. The ability to serve as a principal investigator on an independent investigator-initiated, non-mentored federal award may require a longer period of scientific activity than was true in the past. This has resulted in a process of starting careers in fixed-term ranks and then advocating for a shift to the tenure-track when accomplishments have accumulated. Some searches for new tenure-track openings have been brief or less rigorous when the outcome desired by a school is pre-determined and the leading contender is a faculty member already appointed on the fixed-term.

The Task Force believes the ability to move from track to track is essential, but only for a small number of existing faculty members carefully selected by their school. For existing fixed-term faculty members, track transitions should be rare and based upon demonstrated excellence consistent with the accomplishments of other faculty members on the tenure-track in the school.

At the time of the offer letter, a new fixed-term faculty member (assistant or associate professor level) may be recruited with the possibility of later being moved to the tenure-track. The development of a new entry-level track called the **variable-track** would lead to the faculty member either changing to the tenure-track or remaining on the fixed-term track.

11. Each school with an interest in undertaking track transitions should develop a policy and should define a variable-track where new faculty members can focus on specific accomplishments (i.e., clinical, educational, research) prior to a decision for a track transition. The variable-track offers faculty members time on the fixed-term during which they can amass accomplishments that might support their change to the tenure-track.
12. Each school with an interest in undertaking track transitions should develop guidance about the duration of time on the variable-track before a faculty member may be considered for track transition from fixed-term to tenure-track.
13. On the variable-track a faculty member begins on the fixed-term with knowledge that after a period they may receive consideration for transition to the tenure-track. This transition would not involve a new recruitment process (e.g., advertising, etc.) and would only be possible with full approval from the dean and chair of the department/division. It would also require a vote by the tenured professors as defined in the school's promotion and tenure guidelines.
14. At the time of transition from the fixed-term track to the tenure-track, a faculty member will not be granted tenure as that is a separate action. Also, this track change would result in maintenance of the current rank (e.g., Assistant Professor), with the necessary school requirements needing to be met for promotion and tenure on the tenure track.

15. Allow track transition when variable-track faculty members are qualified and interested in a tenure-track career, on the condition that this change is aligned with the school's plans and the department/division approves of such a change.
16. Both the school and the faculty member should acknowledge that the faculty member is in a variable-track position from the outset of their appointment. Ideally, the School would make that evident in advertising the position and in the letter of offer to ensure equal opportunity at UNC-Chapel Hill as per Equal Opportunity and Compliance Office (EOC) guidelines.

The Task Force also believes the ability to move from track to track should be feasible in very select circumstances for a limited number of existing faculty members not on the variable-track but currently at the university. This would not involve the variable-track.

17. Only put an existing faculty member up for promotion and/or tenure as part of the counteroffer if the faculty member is fully qualified for the promotion based on UNC-Chapel Hill's criteria. Given that the promotion and tenure process moves slowly, it will be important to indicate to the faculty member in the counteroffer that all efforts will be made to rapidly put their dossier together and move it forward for consideration at UNC-Chapel Hill.

On the rare occasion that an existing fixed-term faculty member at UNC-Chapel Hill receives an external offer which conveys promotion and/or tenure, this can be the rationale for a proposed track transition or promotion at UNC-Chapel Hill, subject to the approval of the dean, the chair, the full professors, the review committees, the Provost and the Board of Trustees.

18. Allow existing fixed-term faculty members making a change to the tenure-track to count previous years or parts of previous service of work on the fixed-term at UNC-Chapel Hill (if they wish), pending dean and chair approval.

D. Recognizing Research Methodologists and varied funding sources in tenure and promotion processes

19. Broaden promotion/tenure criteria to recognize research project methodologists and their specific contributions. Develop criteria to allow for recognition of non-lead author position on papers for research methodologists who support a (preferably funded) research project.
20. Broaden promotion/tenure criteria to recognize and value research funding from a wider range of external agencies, including non-federal sources.

E. Timing of Permanent Tenure Actions

The "Eighteen Month Rule" appears in the Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill. In Section 2.c.4, "**Timing of permanent tenure actions,**" it states: "No recommendation for a promotion or reappointment

which under the provisions hereof will confer permanent tenure may be initiated until the faculty member has been in the active employment of the University for at least 18 months. No such recommendation may be initiated which would have an effective date more than 18 months after its initiation. Except as thus expressly limited, promotions in rank may be made at any time during a faculty member's employment.”

There are valid reasons for requiring an individual to work at the University for 18 months before awarding tenure. This was articulated in a memo by Provost Carney in 2010. That memo asserted tenure would only be considered after 18 months at UNC-Chapel Hill for persons who are untenured at their current institution or who arrive at UNC-Chapel Hill with tenure from a less competitive university.

The Task Force understood the need to assess a new faculty member, especially as an educator, but also did not believe the “Eighteen Month Rule” to be currently viable. Their rationale was that this rule impedes our ability to hire and promote outstanding faculty members from other institutions. In addition, Provost Carney’s memo proposed that the awarding of tenure differs between tenured faculty from peer and non-peer institutions. The Task Force felt that the designation of “peer university” was flawed, discriminating against faculty members recruited from minority serving institutions and non-AAU (Association of American Universities) universities.

21. Newly recruited associate professors **coming with tenure** from another university should be assessed by the dean, chair and/or division head for whether to recommend tenure at the time of offer to UNC-Chapel Hill. Based upon this recommendation, the vote of the tenured professors is required to extend the offer of tenure at UNC-Chapel Hill at the time of the offer. In these cases, UNC-Chapel Hill will generally award tenure with the new appointment or as soon as possible thereafter if there is compelling evidence the individual meets UNC-Chapel Hill’s expectations in terms of scholarship and creative endeavor, teaching, and service. The recommendation to award tenure will be reviewed by the APT Committee, the Provost and the Board of Trustees. This assessment will consider:
 - a. The entire body of scholarly, creative, service and educational accomplishment prior to coming to UNC-Chapel Hill.
 - b. Evidence that the new faculty member will contribute to the multiple missions of the school.
 - c. External letters from reviewers who may be familiar with the body of work at the previous university.
 - d. In the unusual case of the associate professor arriving with that rank from another university which does not grant tenure at the associate professor level, the faculty member will be considered for tenure at UNC-Chapel Hill based upon UNC-Chapel Hill’s criteria.
 - e. In cases where a faculty member has been approved for tenure at another university but is waiting for tenure there to become final and official, the faculty member will similarly be considered for tenure at UNC-Chapel Hill at the time of offer, as described above.
 - f. For a faculty member who was tenured at a previous university with clearly less-demanding criteria than at UNC-Chapel Hill, but who still wishes to move to

UNC-Chapel Hill, they may be offered a position at a lower rank or without tenure.

22. Newly recruited associate professors **coming without tenure** from another university or having been assistant professors at the previous university will not be extended the offer of tenure consideration at UNC-Chapel Hill at the time of the offer unless they clearly and compellingly demonstrate that they have already met the promotion and tenure standards of the UNC-Chapel Hill school.

If it is the judgment of the dean, chair and/or division head and the school's tenured professors, that the untenured associate professor has demonstrated compelling evidence of meeting UNC-Chapel Hill's criteria for tenure in terms of scholarly and creative activity, teaching and service, they may initiate formal consideration for tenure during the initial probationary appointment.

F. Reporting of School-Level Tenure Denials to the University

23. All tenure denials at the school level will be reported to the Academic Personnel Office and tallied by the school for an annual report to the Provost. In addition, the school should annually submit the names of faculty members who:
 - switched from the tenure-track to the fixed-term track
 - left the institution during the probationary term
 - were denied a second probationary term as Assistant Professor.

G. Practice-Track or Professional-Track

24. Each school should clarify the specific criteria for promotion and tenure for tenure-track faculty members who are on a practice-track or professional-track or for whom professional practice is a major aspect of their work and accomplishments.
25. When soliciting letters from external reviewers, each school should share the promotion and tenure criteria related to practice. The Task Force endorsed seeking external letters from practice-oriented letter writers who can comment on the impact of the practice or community work. The school should develop guidance about how atypical external reviewers (governmental leaders, community leaders, non-governmental organizations leaders, etc.) may be informed and integrated into the external review process. The dean or chair should consider how to use the dean's or chair's letter to explain why atypical reviewers provide unique evidence to support a promotion.
26. Each school should examine teaching, research and administrative loads to assure that faculty members with major professional practice, research, teaching, administrative or clinical roles, are treated fairly as compared to other tenure-track or fixed-term faculty members.

H. Search Waivers and Recruitment

It is important to honor the integrity of the open recruitment process and select the very best candidates for faculty roles. At UNC-Chapel Hill, a search waiver is used by schools and departments under special circumstances to hire outside of the formal recruitment process. The UNC Equal Opportunity and Compliance Office (EOC) follows the Office of Federal Contract Compliance Programs (OFFCP) guidelines.

Typical search waiver categories offered are:

- unique qualifications (i.e., candidate has global recognition, unable to find a candidate with similar skills, etc.)
 - emergency appointment (i.e., unexpected event in department such as retirement, health-related, etc.)
 - spousal hire
 - VITAE (Valuing Inclusion to Attain Excellence) hire, formerly known as a Targeted hire, or Targeted Hire of Opportunity
 - contribution to diversity of the department or school
 - post-doctoral candidate transition to a fixed-term faculty position
 - other unusual categories.
27. Waivers for searches should be carefully considered and utilized cautiously to ensure confidence in the open search process and to ensure equal opportunity at UNC-Chapel Hill.
28. Searches with five or fewer applicants need approval by the Provost before interviews can begin. The department must submit the position description, recruitment plan, and an explanation for why the number of applicants is five or fewer. The Provost Office should provide a response within three business days to avoid delays in the application and interview processes.

I. Fixed-Term Faculty

The Task Force supported reducing the social distance between tenure-track and fixed-term faculty members in order to cultivate a more egalitarian and respectful community of faculty members. The Task Force underscored the value and growth of fixed-term faculty as key contributors to the University's teaching mission and other services that enable the University to succeed. It is understood that a school may on rare occasion need to end a fixed-term contract if the funding becomes non-available.

29. Encourage schools to drop modifiers in working titles, if there is broad agreement in the school and this fits their culture and needs.
30. Encourage fixed-term faculty contracts to be longer than one year in duration, when possible. Consider three-year or five-year terms for fixed-term faculty members who have served three years or longer.

31. Whenever possible, give fixed-term faculty members at least a six-month notice of non- reappointment.

J. Voting Processes In-Person and Electronically

32. Encourage the use of a secure electronic medium with restricted access to allow a school to distribute dossiers to all potential faculty voters.
33. Take attendance at voting meetings. While individual votes can be confidential, the participation in the process should not be a secret. The Task Force did not address the question of whether votes should be anonymous/confidential or public. Either approach may be appropriate, and the choice is up to the school.
34. Ballots must allow voters to explain negative and abstained votes. Consider having faculty voters explain positive votes as well as negative votes and abstentions.
35. Report votes by rank and track in the Dean's or Chair's letter to APT and the Provost. The school must provide the vote of the tenured full professors to the APT and Provost.

Limit faculty member voting on promotions to the faculty voter's current rank or below (i.e., in a vote for promotion to tenured full professor only the existing full professors vote).

Departments and schools should consider whether to allow fixed-term faculty to participate in the tenure-track promotion process, including the discussion of dossiers and voting.

36. When possible, have face-to-face discussions on each dossier at the department, division and/or school level. Large departments, which may need to conduct voting by electronic means, should utilize a secure digital application to allow exchange of views between faculty members when face-to-face attendance at meetings is not possible.

Excuse faculty members who have a significant conflict of interest from voting on a candidate for promotion and tenure. This does not become reported as an abstention.

K. Orienting Administrators and Faculty Members

37. The Academic Personnel Office and the university's APT Committee should co-sponsor an annual training for administrators (including department chairs) about appointment, promotion, and tenure best practices and pitfalls.

38. Newly hired faculty members should be provided an orientation by a designated person at the school-level who is knowledgeable about appointments, promotion and tenure. This will help faculty and staff to understand promotion-related timelines and promotion/tenure expectations.

L. Under-Represented Minority Faculty Experiences

The Task Force considered the experiences of Under-Represented Minority faculty members to assess how the University can best be an inclusive and diverse institution. Towards this end, the system of faculty promotion and tenure was evaluated to identify ways to make all UNC-Chapel Hill faculty members feel fairly assessed and equitably cultivated in their careers.

39. “Invisible labor” for faculty members must be made evident and should be accounted for on the CV used in appointments, promotions and tenure actions. “Invisible Labor” refers to faculty roles that enable an institution to have diverse representation and participation on search and administrative committees or projects; it is labelled “invisible” because it is often unseen, undocumented and not valued in advancement, promotion, tenure, and compensation decisions. Such service may include contributions nationally, internationally and on campus.

It is recommended that the faculty member have the option to include on their CV a section on *Diversity and Inclusion*, which will contain a narrative or bullets about how the work of the faculty member has affected issues of inclusion. This would be similar to the existing narrative sections on research, teaching and service. In the *Diversity and Inclusion* section, faculty members could review their scholarship, creative endeavors, teaching, mentorship, and service that relates to inclusion and diversity.

40. If applicable, include a section about the faculty member’s contributions to equity, inclusion and diversity in the annual faculty, chair and administrative staff evaluation.
41. Promotion and tenure committees should value work (research, creative, teaching, service, etc.) with under-represented populations. Publications in smaller or niche journals that deal with diversity matters should be given serious consideration in faculty promotion and/or tenure reviews and documented appropriately (e.g., Chair’s letter).
42. Faculty members should feel validated and rewarded for their research focus on under-represented minority (URM) issues. There should be no pressure for faculty members to move away from a URM research focus or to be pressured to conduct research on URM issues.
43. As part of the annual review, deans should evaluate chair and/or division head leadership to determine how well faculty in their department are prepared for and are succeeding in promotion/tenure. The annual review should evaluate how underrepresented minority faculty members are succeeding in a school to assure no potential systematic barriers exist to their advancement.

44. The Provost and deans should be aware of the diversity of each school's faculty. That composition should be addressed in annual review and budget sessions with the Provost.

M. Mentoring

The ability to mentor and support all UNC-Chapel Hill faculty members is integral to its ability to develop a high-performing and engaged faculty. Every member of the faculty deserves regular access to reflective feedback about their teaching, research and service. The Task Force embraced the idea that all faculty members change and grow as they are exposed to support, critique and mentorship.

45. Be familiar with and emphasize the mentoring resources available on campus and educate all faculty about how to mentor effectively.
46. Include an element of choice for all faculty members about who will serve as their mentor(s).
47. Each school or department should make it clear who is responsible for mentoring plans and who is accountable for the success of the early-career faculty.
48. Develop a mechanism for mentee evaluation of mentors.
49. Carefully consider the performance of faculty mentoring in the chair's or dean's evaluation during the annual review process.

N. Impact of Changing Library Relationships with Journal Publishers on Promotion and Tenure

Access to journals is tied to promotion and tenure. Most faculty members are expected to publish in top-tier journals and demonstrate citation and readership numbers. Increasingly, faculty and students will need to access some top-tier journals via interlibrary loan or other means instead of having instant access online. Task Force members believe this is an important issue. The Task Force had no recommendations at this time, beyond the need for monitoring and updates from the University Librarian.

Carolina's University Libraries are committed to providing access to resources that support the research enterprise. The Library's strategy is built on four principles: affordability, sustainability, transparency, and open-access.

In keeping with these principles, the Library is moving toward an overall strategy that emphasizes acquiring resources and delivering them rapidly at the moment of need, rather than purchasing and licensing content in advance in case it might be needed at a later time. This strategy also recognizes disciplinary differences and adjusts acquisition practices accordingly.

Within this context, the University Libraries Unit intends to renegotiate its licenses with the largest scholarly publishers. The Library, guided by its principles, is advocating for licenses that reduce costs and that include funding for open-access publishing. As a result, access to a number of journal titles will move from immediate access to on-demand access. The Library is working to increase delivery

times for content that is available on-demand by creating new systems and advocating for new forms of access.

Regardless of the Library's subscriptions, faculty may always publish wherever they wish. Faculty and student researchers will continue to have access to older literature that the Library owns; newer content will be delivered either through subscriptions or via document delivery. Document delivery is fast and freely available to all faculty, staff and students. Where full and immediate access to titles is unavailable, faculty and students will be able to access citations and abstracts through a rich collection of library databases.

The Administrative Board of the Library recommends that:

- Departments and schools identify the most promising open-access journals in their field and monitor and support them as appropriate, so that they may be judged as legitimate outlets for promotion and tenure;
- Authors retain their intellectual property rights upon publication; and
- Authors deposit a copy of their articles in the Carolina Digital Repository or a disciplinary archive to make their research more accessible.

Roster – Task Force on Promotion and Tenure Policies and Procedures, 2019

Chair

Ronald P. Strauss, DMD, PhD, Executive Vice Provost

Travis J. Albritton, PhD, School of Social Work

Spencer R. Barnes, EdD, School of Media and Journalism

Ronald E. Bergquist, PhD, School of Information and Library Science

Stephen Crews, PhD, School of Medicine

Francesca R. Dillman Carpentier, PhD, School of Media and Journalism

Anne Fox, JD, Office of University Counsel

Jill V. Hamm, PhD, School of Education

Jonathan Hartlyn, PhD, College of Arts and Sciences

David A. Hofmann, PhD, Kenan-Flagler Business School

Stephen R. Hooper, PhD, Allied Health Sciences, School of Medicine

Rudy V. Jones, MS, Equal Opportunity and Compliance Office

Jeffrey S. Johnson, PhD, College of Arts and Sciences

Joanne M. Jordan, MD, MPH, School of Medicine

Laura A. Linnan, ScD, Gillings School of Global Public Health

Erin Malloy, MD, Center for Faculty Excellence/School of Medicine

Mary R. McClurg, PharmD, MHS, Eshelman School of Pharmacy

Mary-Rose Papandrea, JD, School of Law

Shielda G. Rodgers, PhD, RN, School of Nursing

Thomas H. Thornburg, JD, School of Government

Brandon S. Washington, MBA, JD, Equal Opportunity and Compliance Office

Academic Personnel Office Liaison

Ann Lemmon, MBA, retired, Office of the Executive Vice Chancellor and Provost (Feb. 2019)

Lachonya Williams, MS, Office of the Executive Vice Chancellor and Provost (March-May 2019)



September 14, 2020

To: UNC Board of Trustees
From: Anne Fox, Associate University Counsel
Re: Proposed Changes to Tenure Policy

Attached as Exhibit 4 is an edited draft of the Trustee Policies and Regulations Governing Academic Tenure in The University of North Carolina at Chapel Hill (“Tenure Policy”). The draft includes changes to implement recommendations of the UNC-Chapel Hill Task Force on Promotion and Tenure Policies and Practices (“P&T Task Force”).

The Office of the Provost convened the P&T Taskforce, which included a broad range of constituents from across campus. Provost Blouin charged the P&T Task Force to investigate and make recommendations on current promotion and tenure policies and practices across campus. The Task Force did so and included its recommendations in its Report (copy attached as Exhibit 2 for reference). Provost Blouin generally endorsed the recommendations.

To implement the recommendations of the P&T Task Force, the following minor changes to the Tenure Policy are required:

1. Insert “ordinarily” as follows in Section 2.b.3 of the Tenure Policy (p. 3 of Exhibit 4):
“Initial appointment to the rank of assistant professor is ordinarily for a probationary term of four years.”

Section A of the Task Force Report explains the rationale for this change. In summary, the P&T Task Force was supportive of early promotion once a faculty member meets the criteria for promotion, regardless of years in rank. Individual schools within the University are to ensure they have clear criteria for awarding promotion and tenure.

2. Eliminate the eighteen-month “rule” contained in Section 2.c.4 of the Tenure Policy (p. 7 of Exhibit 4). Specifically, eliminate the following text: “No recommendation for a promotion or reappointment which under the provisions hereof will confer permanent tenure may be initiated until the faculty member has been in the active employment of the University for at least 18 months. No such recommendation may be initiated which would have an effective date more than 18 months after its initiation.” Edit the remaining text as follows: “Except as ~~thus~~ expressly limited, promotions in rank may be made at any time during a faculty member's employment.”



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Section E of the Task Force Report explains the rationale for this change. In summary, the P&T Task Force reasoned that the eighteen-month “rule” impedes the University’s ability to hire and promote outstanding faculty members from other institutions. In addition, one underlying rationale for the “rule” was that the awarding of tenure differs between tenured faculty from peer and non-peer institutions. The P&T Task Force felt that the designation of “peer university” was flawed, discriminating against faculty members recruited from minority serving institutions and non-AAU (Association of American Universities) universities.



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill

These policies and regulations were adopted by the Board of Trustees of The University of North Carolina at Chapel Hill on April 9, 1976, were approved by the President and the Board of Governors of The University of North Carolina on May 14, 1976; and became effective on June 18, 1976. They have been amended December 1978, June 1980, June 1982, January 1987, June 1987, February 1994, April 9, 1998, September 9, 2000, January 2004, May 2004, October 20, 2009, May 26, 2011, July 24, 2014, March 23, 2017, November 15, 2018, ~~and~~ January 30, 2020, and [date].

They were adopted by the Board of Trustees pursuant to and in subordination to Chapter Six of The Code of The University of North Carolina, which is set forth in the Appendix hereto. References in this document to any decision or action as being "final," or "without further recourse," or as being terminal by any other form of words, are made in relation to the processes of The University of North Carolina at Chapel Hill. Each is subject to any further review procedures which may be provided by law or by The Code of The University of North Carolina.

Section 1. Academic Freedom

Academic freedom is the right of a faculty member to be responsibly engaged in efforts to discover, speak, and teach the truth. It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication and to protect any member of the faculty against influences, from within or without the University, which would restrict the faculty member in the exercise of these freedoms in his or her area of scholarly interest.

The University recognizes that in his or her role as citizen, as to matters outside the area of his or her scholarly interest, the faculty member has the right to enjoy the same freedoms as other citizens, without institutional censorship or discipline, though he or she should avoid abuse of these freedoms. The faculty member should recognize that accuracy, forthrightness, and dignity befit his or her association with the University and his or her position as a person of learning. Except when officially authorized, a faculty member should not represent himself or herself as a spokesperson for the University.

Section 2. Academic Tenure

a. In general

Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment. More specifically, it refers to the protection of a faculty member against involuntary suspension, demotion, discharge, or termination from employment by the University except upon specified grounds and in accordance with specified procedures. Those grounds and procedures are exclusively as provided in Section 3 (suspension, demotion, and discharge) and Section 6 (termination for financial exigency or elimination or major curtailment of a program) hereof.

The purposes intended to be served by the protections of academic tenure to faculty members are to secure their freedom and to aid this University in attracting and retaining faculty members of the high quality it seeks. While academic tenure may be withheld on any grounds other than those specifically stated to be impermissible under Section 4 hereof, its conferral requires an assessment of institutional needs and resources and evidence of service to the academic community, potential for future contribution, commitment to the welfare of the University, and demonstrated professional competence, including consideration of commitment to effective teaching, research, and public service.

b. In relation to faculty ranks

Academic tenure, as herein defined, pertains exclusively to the employment of members of the faculty by appointment to specified faculty ranks. Such appointments may be for fixed terms of employment, automatically terminable upon their expirations; or they may be for renewable probationary terms (“probationary term appointment”); or they may be continuous until retirement or earlier resignation or death (“tenured appointment” or “appointment with permanent tenure”).

The faculty ranks to which appointments may be made, and the incidents of academic tenure applicable to each, are as follows:

1. **Professor.** Either promotion or initial appointment to the rank of professor confers permanent tenure from the effective date of the promotion or appointment.
2. **Associate Professor.** A promotion at any time to the rank of associate professor confers permanent tenure from the effective date of the promotion.

Initial appointment to the rank of associate professor is ordinarily for a probationary term of five years. With the written approval of the immediate supervisor of the department¹ chair obtained in advance of the initiation of formal

¹ “Department” is used herein as a generic term for departments, professional schools, and any other academic units to which faculty appointments are made; “chair,” as a generic term for department chairs, deans of professional schools, and any other heads of academic units to which faculty appointments are made.

appointment procedures, an initial appointment to the rank of associate professor with permanent tenure may be initiated and made effective upon subsequent approval of the appointment by the regularly prescribed procedures for initiation, review and final approval.

No less than 12 months before the end of a five year probationary term appointment as associate professor, a decision shall be made and communicated in writing to the associate professor as to whether he or she will be reappointed upon expiration of the current term. This decision shall be made and communicated as provided in Section 2.c. hereof. No decision need then be made as to the rank to be had upon reappointment. If a decision is made to reappoint and no promotion has been made prior to expiration of the five year term, the associate professor is thereupon reappointed at the rank of associate professor, with permanent tenure.

3. **Assistant Professor.** Initial appointment to the rank of assistant professor is ordinarily for a probationary term of four years. No less than 12 months before the end of this term a decision shall be made and communicated in writing to the assistant professor as to whether he or she will be reappointed upon expiration of the current term. The decision shall be made and communicated in the manner provided in Section 2.c. hereof. No decision need then be made as to the rank to be had upon reappointment. If a decision to reappoint is made and no promotion is then made prior to the expiration of the current term, the assistant professor is thereupon reappointed for a second probationary term of three years at the rank of assistant professor.

No less than 12 months before the end of such a second term, a decision shall be made and communicated in writing to the assistant professor as to whether he or she will be reappointed upon expiration of the current term. The decision shall be made and communicated as provided in Section 2.c. hereof. If the decision is to reappoint, the notice thereof shall also inform the faculty member whether reappointment will be at the same rank or with promotion to the rank of associate professor; and a faculty member given notice that reappointment will be at the same rank shall be then informed by his or her chair whether he or she will be reconsidered for promotion prior to the effective date of the reappointment. If a decision to reappoint is made and no promotion is then made prior to the expiration of the current term, the assistant professor is thereupon reappointed at the rank of assistant professor with permanent tenure. Reappointment at the rank of assistant professor following expiration of the second probationary term should be made only in clearly exceptional circumstances.

4. **Instructor.** This rank is appropriate for one appointed to the faculty with the expectation that in normal course he or she will progress to the professional ranks in this or another institution.

Initial appointment to the rank of instructor is for a probationary term of one year.

The instructor may be reappointed successively for three further one year terms, a total of four such terms. At least 90 calendar days before the end of the first term, 180 calendar days before the end of the second term, and 12 months before the end of the third term, a decision shall be made and communicated in writing to the instructor as to whether upon expiration of that term he or she will be reappointed at the rank of instructor for another term, promoted to the rank of assistant professor, or not reappointed. At least 12 months before the end of a fourth successive term a decision shall be made and communicated in writing to the instructor as to whether upon expiration of that term he or she will be promoted to the rank of assistant professor, or not reappointed. No reappointment to the rank of instructor may be made after four years' employment at that rank. The decisions herein required and the communication thereof shall be made as provided in Section 2.c.

Promotion at any time from the rank of instructor to that of assistant professor constitutes an initial appointment at the latter rank, with the incidents described in Section 2.b.(3) hereof. An appointment or reappointment at the rank of instructor may be made on the specified condition that automatically upon the conferral of a specified academic degree the instructor shall be reappointed at the rank of assistant professor. In such cases the effective date of the appointment at the rank of assistant professor shall be retroactive to the effective date of the current appointment as instructor, or to the July 1st or January 1st immediately preceding the conferral of the specified academic degree, whichever is nearest in point of time.

5. **Fixed-term faculty and other special faculty ranks:** Appointments may be made to fixed-term faculty and other special faculty ranks with title designations "Professor of the Practice," "Lecturer," "Senior Lecturer," "Teaching Assistant Professor," "Teaching Associate Professor," "Teaching Professor," "Artist in Residence," "Writer in Residence," and any of the faculty rank designations provided in paragraphs (1) through (4) of this subsection with the prefix-qualifier "Adjunct," "Clinical," "Teaching," or "Research," under the conditions and with the incidents herein provided. Such an appointment, utilizing any of the foregoing title designations, is appropriate for one who possesses unusual qualifications for teaching, research, clinical service, academic administration, or public service from an academic base, but for whom none of the professorial ranks nor the instructor rank is appropriate because of the limited duration of the mission for which appointed, or because of concern for continued availability of special funding for the position, or for other valid institutional reasons.
 - (i) Fixed-term faculty: Faculty members covered by this paragraph 2.b.5. who are appointed to full-time salaried positions shall be appointed for a fixed term of not less than one nor more than five years. Subsequent appointments for fixed terms of up to five years' duration may be made either in direct succession or at intervals. Faculty members covered by this paragraph 2.b.5. who are appointed to part-time or intermittent salaried positions shall be appointed for a specified term of service, as set

out in the letter of appointment. All faculty appointed pursuant to this subparagraph 2.b.5.(i) shall be referred to as “fixed-term faculty.”

- (ii) Special faculty members who are unpaid may be appointed for a specified term of service or at will.

The term of appointment of any faculty member covered by this paragraph 2.b.5., who has been appointed for a specified term of service, ends when that term expires, and the appointment letter constitutes full and timely notice that a new appointment will not be offered when that term expires. The term of appointment of a faculty member covered by this paragraph 2.b.5., who has been appointed to serve at will, may be terminated at any time without prior notice and shall be reviewed no less frequently than every five years.

The pay, if any, and appointment status of a faculty member covered by this paragraph 2.b.5. shall be described in the letter of appointment.

No obligation exists on the part of the University to give any notice in advance of expiration of a current term as to whether appointment will be offered for a succeeding term. But upon request of the faculty member made in writing to the chair of the department concerned not earlier than 180 calendar days nor later than 90 calendar days before the expiration of a current term, the department chair shall within 20 calendar days thereafter communicate in writing to the faculty member a decision whether such an offer will be made, and if so, its terms. Failure to communicate a decision constitutes notice that no offer will be made.

Faculty members covered by this paragraph 2.b.5. may seek recourse to the Faculty Grievance Committee under Section 607 of the Code of the University of North Carolina during their term of employment. Faculty members covered by paragraph 2.b.5. who are paid may be suspended, demoted, discharged, or terminated during the term of their appointment only in compliance with Sections 3 or 6 hereof. However, such faculty members do not have any rights to review of a University decision not to grant a new appointment at the end of a specified fixed term, and they are not covered by Section 4 hereof.

Except as otherwise provided and modified hereinabove, the decisions herein required shall be made as provided in Section 2.c. hereof. [Amended 5/20/2004, 10/20/2009, 5/26/2011, 7/24/2014, 3/23/2017, [\[date\]](#)]

c. General provisions

(1) Initiation, review, and approval of appointments, promotions, and reappointments

Each initial appointment with permanent tenure or for a fixed or probationary term longer than one year, each promotion in rank, and each reappointment of an

instructor, assistant professor or associate professor shall be initiated by recommendation of the chair of the department concerned after consultation with the assembled full professors of that department. Each such recommendation shall be based upon considerations of the demonstrated professional competence and the potential for future contribution of the faculty member, and of the needs and resources of the institution. Initial appointments to terms not exceeding one year may be initiated by the department chair acting on his or her own initiative. Each such recommendation shall then be reviewed in accordance with prescribed procedures for the particular action, which procedures shall provide for final approval by a designated authority. Final authority for approving any action which confers permanent tenure is in the President and Board of Governors unless by that Board delegated. Final authority for approving all other actions above enumerated is in the Board of Trustees unless delegated.

(2) Decisions not to reappoint upon expiration of probationary terms

A decision not to reappoint upon expiration of a probationary term at the rank of instructor, assistant professor, or associate professor may be made in the first instance by the chair of the department after consultation with the assembled full professors of the department; or it may be made, following a recommendation to reappoint by the department chair, by any other officer of administration² charged with reviewing such a recommendation. By whatever officer of administration made, a decision not to reappoint is final except as it may subsequently be reviewed in accordance with the provisions of Sections 4 and 8. Permissible and impermissible grounds for making a decision not to reappoint are as provided in Section 4.a. hereof. Each decision not to reappoint shall be communicated for information through the administrative channels prescribed for review of a recommendation to reappoint; and notice thereof shall be communicated in writing to the faculty member by the department chair within the times prescribed by Sections 2.b.(2), (3), and (4) hereof. [Amended 6/20/80]

(3) Failure to give timely notice

- i. If a decision not to reappoint is timely made but not timely communicated as herein required, a one year terminal appointment commencing on the date of expiration of the current term of appointment shall be offered in writing. This offer shall serve as timely notice of nonreappointment upon expiration of the terminal year appointment.
- ii. If no decision whether to reappoint has been made at the time notice thereof is required, the Chancellor (or his or her delegate) shall, immediately upon discovery of the failure, direct the department chair concerned to initiate the consultation procedure required to make the decision. The decision shall be made within 60 calendar days after the date of direction. If the decision is to recommend reappointment the department chair shall forward the recommendation through the channels

² "Officer of administration," as used herein, includes department chair.

provided for review of such a recommendation. If the decision is not to reappoint, the department chair shall forward notice thereof for information through the channels for review and shall forthwith give written notice of nonreappointment to the faculty member. If a recommendation to reappoint is given final approval, it operates with the same effect as would have a decision to reappoint timely made and communicated. If a final decision not to reappoint is made at any level, written notice thereof shall forthwith be given to the faculty member by the department chair. Such notice operates as an offer of a terminal appointment, commencing at the expiration of the current term of appointment and running for one year or, if the most recent term of appointment has expired, commencing with the giving of the notice and expiring one year from the beginning of the regular semester which next follows the giving of notice.

(4) Timing of permanent tenure actions

~~No recommendation for a promotion or reappointment which under the provisions hereof will confer permanent tenure may be initiated until the faculty member has been in the active employment of the University for at least 18 months. No such recommendation may be initiated which would have an effective date more than 18 months after its initiation.~~ Except as ~~thus~~ expressly limited, promotions in rank may be made at any time during a faculty member's employment. [Amended [date]]

(5) Visiting faculty members

Persons other than regular members of the faculty may be appointed as visiting members of the faculty with rank designations, prefixed by the word "Visiting," appropriate to their status in their regular employment. Such appointments shall be for a term of not more than one year. One successive appointment for a term of not more than one year may be made. Appointments are made in accordance with the procedures for appointment of an instructor. During such terms of appointment the visiting faculty member may not be suspended, demoted, discharged, or terminated except upon the grounds and by the procedures provided respectively in Sections 3 and 6 hereof.

(6) Terms and conditions of appointments

The terms and conditions of each initial appointment and of each reappointment to the faculty shall be set out in writing. A copy thereof, signed by the Chancellor (or his or her delegate), shall be delivered to the faculty member and a copy shall be retained for the Chancellor. The general terms and conditions of such appointments, including those provided herein, shall either be set out in the document of appointment or incorporated therein by clear reference to specified documents which shall be readily available to the faculty member. Except as may be otherwise expressly provided in the documents of appointment,

all appointments to any faculty rank are on the basis of a full-time employment obligation and confer the full incidents of academic tenure pertinent to the particular appointment. [Amended 2/18/94]

Any special terms and conditions shall be clearly stated in the written appointment. Special terms and conditions added by memorandum of amendment must be approved by signature of the Chancellor (or his or her delegate) and the faculty member, with a copy to be retained by each. Except as herein provided, no special terms or conditions may be included which vary the general terms and conditions stated herein. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the chair or dean recommending the appointment. [Amended 2/18/94]

(i) 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 the faculty member's services, whether on tenured, probationary, or fixed term appointment, shall be contingent upon the continuing availability of funds from sources other than continuing State budget funds or permanent trust funds. Such contingency shall not be included in a promotion to a higher rank if, before the effective date of the promotion, the faculty member had permanent tenure with no such condition attached to his or her tenure; nor shall such a contingency be attached to the appointment of a faculty member if he or she held permanent tenure in the institution on July 1, 1975, and his or her appointment was not then contingent upon the continuing availability of funds from sources other than continuing State budget funds or permanent trust funds.

Further exceptions to this requirement may be made with respect to faculty members in the Division of Health Affairs in accordance with the following policies and procedures. Each year there shall be established for each School in the Division of Health Affairs a maximum amount of funds from sources other than continuing State budget funds, permanent trust funds, and clinical income (treated for this purpose as though it were income from permanent trust funds) which may be used in compensating faculty members without including contingency clauses in their appointments. This maximum amount shall be established for each School in consultations among the Executive Vice Chancellor and Provost, the Vice Chancellor for Finance and Operations, and the dean of that School, with the approval of the Chancellor. The dean of each School may recommend that an individual appointment be made without inclusion of a contingency clause notwithstanding it is funded in whole or in part from sources other than continuing State budget funds, permanent trust funds, or clinical income, and though it is not covered by either of the exceptions stated in the preceding paragraph, if the amount of funding from such other sources does not cause the agreed maximum for the School to be

exceeded. Approval of such recommendation may be declined on any grounds deemed appropriate by the reviewing officers of administration, but in no event shall it be given if the proposed funding of the appointment would cause the maximum applicable to the School to be exceeded.

(ii) Provisions for less than full-time employment

Special terms for less than full-time employment with commensurate compensation, or for relief from all employment obligations for a specified period, may be included in an appointment or reappointment to any faculty rank, or may be added by written memorandum of amendment during the term of an appointment. For reasons of health, requirements of childbirth or child care, or similar compelling circumstances, such terms may, with the concurrence of the faculty member, include extensions of the period of a current probationary term of appointment at the rank of assistant professor or associate professor, and thereby the maximum probationary period, to coincide with the extent and duration of the relief from employment obligations. Extensions under this subsection (ii) may be granted in increments not to exceed 12 months, up to a maximum of 24 months (including any extensions that may have been granted under subsection (iii), below). [Amended 5/20/2004]

(iii) Special provisions for extending the maximum probationary period

For reasons of health, requirements of childbirth or child care, or similar compelling circumstances, a faculty member holding a probationary term of appointment at the rank of assistant professor or associate professor may request a written memorandum of amendment extending the term of the current appointment and thereby the maximum probationary period with no resulting change in normal employment obligations, in order to provide the faculty member additional time to demonstrate fully his or her professional qualifications for reappointment or permanent tenure. Extensions under this subsection (iii) may be granted in increments not to exceed 12 months, up to a maximum of 24 months (including any extensions that may have been granted under subsection (ii), above). [Amended 5/20/2004]

(iv) Extensions and special assignment

If possible under the circumstances, any request made pursuant to subsection (ii) or (iii) above should be initiated not later than 24 months before the end of the term to which it is to apply and must be initiated before the process for evaluating the faculty member for reappointment has begun. All such extensions must be approved by the Chancellor (or his or her delegate) before becoming effective. The total of all extensions granted under subsection (ii) and subsection (iii) above cannot exceed 24 months. [Amended 5/20/2004]

The provisions of subsections (ii) and (iii) above do not apply to informal

temporary adjustments of the regularly assigned duties of faculty members by the department chair who is responsible for their direct supervision; nor to the granting by the University of extended leaves of absence with or without compensation. [Amended 2/18/94]

(7) Joint appointments

A faculty member may at one time hold but one faculty appointment at the rank of professor, associate professor, or assistant professor. This appointment may be held in a single department, or, by joint appointment, in more than one department.

Joint appointments may be made in which the appointee holds in addition to a professorial rank in one department a fixed-term rank in another department, or different fixed-term ranks in different departments. A joint appointment to the faculties of more than one department may be made in accordance with the provisions of this subsection. When an initial joint appointment is to be made, the regular procedures prescribed herein for initial appointment to the rank proposed shall be followed simultaneously by the departments involved in making a joint recommendation for appointment. The joint recommendation shall designate one of the departments as the unit of base appointment, and shall set forth as special terms and conditions for inclusion in the appointing document: the basis of initial funding of the appointment; the procedures agreed to be followed by the departments in making joint decisions respecting promotion, reappointment, and tenure of the joint appointee; and the procedures to be followed by the chairs in respect of salary adjustments for the joint appointee. If the joint appointment is approved, thereafter the base department is responsible for processing personnel actions affecting the joint appointee, but in respect of each such action the recommendation put forward shall be one jointly concurred in by the departments concerned as required by their agreed procedures for joint consultation and decision.

An appointment to a single department may be converted into a joint appointment. The department chairs concerned 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 in respect of a recommendation for initial joint appointment. Upon approval of such a recommendation, the joint appointee retains the single rank with the same incidents of academic tenure already possessed. Thereafter, all personnel actions affecting his or her academic tenure shall be processed as provided in the case of an initial joint appointment.

(8) Post-tenure review

The chair of the department shall conduct periodic reviews of each tenured faculty member's performance in accordance with the requirements of the University's

Post-Tenure Review Policy. Reviews must involve faculty peers, examine all aspects of the faculty member's academic performance, and be conducted no less often than every five years. The goal of the review is to promote faculty development, ensure faculty productivity, and provide accountability.

Comprehensive reviews conducted for other purposes, such as consideration for promotion, may constitute a review under this Section. On petition of the chair, the Provost may grant permission to delay a review if the number of reviews to be conducted by a department during a given year would create a burden that would impair the department's educational mission, or for other compelling cause.

Faculty members may grieve matters related to post-tenure review to the Faculty Grievance Committee under Section 607 of the Code of the University of North Carolina during their term of employment. [Amended 9/29/00; 10/20/2009]

(9) Resignations

A faculty member shall give prompt written notice of his or her resignation, with its effective date, to the chair of his or her department.

Section 3. Suspension, Demotion, and Discharge of Faculty Members

During any fixed or probationary term appointment and while on permanent tenure, a faculty member may be suspended, demoted, or discharged from employment only on the grounds and in accordance with the procedures herein provided.

a. Grounds for suspension, demotion, or discharge

As specified in Section 603 of the Code of the University of North Carolina, the permissible grounds for suspension, demotion, or discharge are:

1. misconduct of such a nature as to indicate that the faculty member is unfit to continue as a member of the faculty, including, but not limited to, 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 on the individual's honesty, trustworthiness, or fitness to be a faculty member;
2. incompetence, including, but not limited to, 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; and
3. neglect of duty, including, but not limited to, sustained failure to meet assigned classes or to perform other significant faculty professional

obligations.

b. Procedures for suspension, demotion or discharge

1. The Provost or his or her delegate shall send the faculty member a written notice of intention to suspend, demote, or discharge the faculty member 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 signature of delivery.³ The statement shall include notice of the faculty member's right, upon request, to a hearing by an elected standing faculty committee on hearings. When the faculty member has been notified of the intention to discharge the faculty member, the chancellor shall have the sole discretion to either reassign the faculty member to other duties or to place the faculty member on administrative leave with pay. Placement of a faculty member on administrative leave with pay shall be in exceptional circumstances, such as to avoid disruption in the work place or protect the safety of members of the campus community.
2. If, within 14 calendar days⁴ after receiving the notice and specifications referred to in paragraph (1) above, the faculty member makes no written request for a hearing, the faculty member may be suspended, demoted, or discharged without recourse to any further institutional procedure by a written letter from the Provost.
3. If the faculty member makes a timely written request for a hearing, the Chancellor or the Chancellor's delegate shall insure a process is in place so that the hearing is accorded before a standing committee of the faculty composed of at least five faculty members who had permanent tenure when elected by the voting members of the general faculty. The hearing shall be on the written specification of reasons for the intended discharge, suspension, or demotion. If a faculty member alleges that the University's decision resulted from conduct prohibited by the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct, the hearing committee will immediately forward the faculty member's allegation to the Equal Opportunity and Compliance Office for assessment and, as necessary, investigation. The hearing committee will suspend any further action on the faculty member's hearing request until the Equal Opportunity and Compliance Office has completed its review. The hearing committee shall accord the faculty member 30 calendar days from the time it receives his or her written request for a hearing to

³ As used in Sections 3 and 6, a "method of delivery that requires a signature for delivery" shall refer to a method of delivery that requires the deliverer to obtain the signature of the affected employee upon delivery, including but not limited to the following means: certified mail, Federal Express, or another commercial delivery service that obtains a signature. It is not necessary that the signature actually be obtained as long as a delivery method that requires signature is used and a signature is requested or sought. If the signature cannot be obtained, a notation of this fact, the reason therefore if known, and the date of the attempted delivery shall be made and retained in institutional records.

⁴ As used in Sections 3, 4, and 6, except when calendar day is specified, the word "day" shall mean any day except Saturday, Sunday, or an institutional holiday. In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted.

prepare his or her defense. The hearing committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member. The hearing committee will ordinarily endeavor to complete the hearing within 90 calendar days from the receipt of the request or, as applicable, the report or other final documentation from the Equal Opportunity and Compliance Office, except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.⁵ [Amended 6/20/80; 10/20/09; 11/15/18]

4. The hearing shall be closed to the public unless the faculty member and the hearing committee 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.
5. The Provost, or the Provost's delegate and/or counsel, may participate in the hearing to present evidence, cross-examine witnesses, to examine all documents and other evidence, and to make argument.
6. The committee shall make its written recommendations to the Chancellor within 14 calendar days after its hearing concludes or after the full transcript is received, whichever is later. In reaching its written recommendations to the Chancellor, the committee shall consider only the evidence presented at the hearing and such written and oral arguments as the committee, in its discretion, may allow. The University has the burden of proof. In evaluating the evidence, the committee shall use the standard of "clear and convincing" evidence in determining whether the University has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action.
7. In reaching a decision, the Chancellor shall consider only the written transcript of the hearing and the report of the hearing committee. If the Chancellor intends to reject the recommendation of the hearing committee, the Chancellor shall communicate that intention to the affected faculty member and to the committee along with the Chancellor's reasons and provide an opportunity for committee response before taking final action. In such a case the committee shall reconsider its recommendation, taking account of the Chancellor's stated objections and receiving new evidence if

⁵ 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 be established for the hearing when scheduling the first day, for the eventuality that the hearing may take two or more sessions.

the committee deems it necessary. The committee shall transmit its response to the Chancellor within 10 days of the committee's receipt of the Chancellor's communication. After considering the committee response, the Chancellor shall issue a decision either concurring in or declining to accept the committee's recommendation. The Chancellor's decision shall be conveyed in writing to the affected faculty member and to the hearing committee. If the Chancellor decides to discharge the faculty member, the institution's obligation to continue paying the faculty member's salary shall cease upon issuance of the Chancellor's decision. If the Chancellor decides to impose one or more serious sanctions upon the faculty member, the institution may impose such sanctions upon issuance of the Chancellor's decision. 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 with no appeal available. If the Chancellor either declines to accept a hearing committee recommendation that is favorable to the faculty member or concurs in a hearing committee recommendation that is unfavorable to the faculty member, the faculty member may seek review of the Chancellor's decision by the Board of Trustees, as provided in Section 8. [Amended 6/20/80; 1/9/87; 4/9/98; 10/20/2009; 1/20/2020]

Section 4. Nonreappointment of Tenure Track Faculty Members

a. Permissible and impermissible grounds for nonreappointment

Except as herein provided, the decision not to reappoint a tenure track faculty member upon expiration of a probationary term of appointment is committed, without further recourse, to the judgment of the officers of administration authorized to make it, acting in accordance with prescribed procedures. In exercise of their judgment, whether in the first instance or in review of a recommendation to reappoint, 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 the decision may not be based upon: (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; or (2) discrimination based upon the age, color, disability, gender, gender expression, gender identity, genetic information, race, national origin, religion, sex, sexual orientation, creed, or veteran status of the faculty member, or upon other forms of discrimination prohibited under policies adopted by the Board of Trustees; or (3) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual that are not relevant to valid University decision making.⁶ [Amended 7/1/2004; 10/20/2009.]

b. Administrative conferences following decision not to reappoint

Within 14 calendar days after receiving written notice of nonreappointment, a faculty

⁶ See section 101.3.1.2[R].II.B of the UNC Policy Manual for details.

member may in writing request a private conference with the officer of administration who made the decision, to discuss the reasons for nonreappointment. If the identity of the officer is not known to the faculty member, the department chair shall provide the information forthwith upon request of the faculty member. The request for conference shall be granted and the conference held forthwith, within 7 calendar days after receipt of the request if possible. Within 7 calendar days after completion of the conference the officer of administration shall give a simple unelaborated written notice to the faculty member as to whether the original decision remains in effect.

If the notice is that the original decision remains in effect, the faculty member may proceed as follows. When the decision not to reappoint was made by an officer of administration in review of the recommendation of a department chair to reappoint, the faculty member may thereupon proceed, in accordance with succeeding subsections, to request review by the standing committee of the faculty charged with reviewing discharges under Section 3 hereof.

When the decision was made in the first instance by the department chair, the faculty member may, within 7 calendar days after receipt of the notice, in writing request a conference with the officer of administration in immediate supervision of the department chair. This request shall be granted and the conference held forthwith, within 7 calendar days after receipt of the request if possible. Within 14 calendar days after completion of the conference, the reviewing officer of administration shall in writing communicate his or her evaluation of the matter to the faculty member and to the department chair.

The evaluation may be in the form of an unelaborated concurrence with the decision; an expression of disagreement with the decision, with or without supporting reasons; or a recommendation for reconsideration of the decision, with or without suggestions for specific procedures to be followed upon reconsideration. Whatever form the evaluation may take, it is merely recommendatory and not binding upon the department chair, nor final as to the faculty member.

Within 7 calendar days after receipt of an evaluation which involves disagreement with the decision or recommendation for its reconsideration, the department chair shall in writing notify the faculty member and his or her immediate supervisor of his or her response.

A faculty member's failure to abide by the timelines specified herein shall finalize the reappointment decision and terminate the faculty member's otherwise available recourse to further review by the hearing committee, the Chancellor, and/or the Board of Trustees. [Amended 1/20/20]

c. Request for review by hearing committee; scope of review

If the faculty member has timely requested and participated in the administrative conferences provided in subsection b. and has received notice of unfavorable action resulting therefrom, the faculty member may within 14 calendar days after receipt of such notice request a review of the decision by the standing committee of the faculty charged

(under Section 3 hereof) with conducting hearings on faculty discharges. Such review may be had solely to determine whether the decision not to reappoint was (1) based upon any of the grounds stated to be impermissible in subsection a. of this Section 4, or (2) affected by material procedural irregularities. Whether procedural irregularities occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint was made and communicated. The hearing committee shall ask the Chancellor to certify what procedures were then in effect if that is a matter of dispute. For purposes of this Section 4, "material procedural irregularities" means departures from prescribed procedures governing reappointment that cast doubt upon the integrity of the original decision not to reappoint.

The request for review shall be in writing and addressed to the chair of the hearing committee. It shall specify the grounds upon which it is contended that the decision was impermissibly based or affected by material procedural irregularities, and shall include a short and plain statement of facts which 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 support his or her contention by factual proof, and (2) an agreement that the institution may offer in rebuttal of his or her contention any relevant data within its possession.

The hearing committee shall consider the request and shall grant a hearing if it determines after a preliminary review that the request contains a contention that the decision was impermissibly based or affected by material procedural irregularities and that the facts suggested, if established, might support the contention. If the faculty member alleges that the decision not to reappoint was based on conduct prohibited by the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct, the hearing committee will immediately refer the faculty member's allegation to the Equal Opportunity and Compliance Office for assessment and, as necessary, investigation. During the Equal Opportunity and Compliance Office's review of the faculty member's allegation, the hearing committee will suspend any action on the faculty member's request for a hearing until the Equal Opportunity and Compliance Office has completed its review. If the request is not granted, the committee shall make a recommendation to the Chancellor to uphold the decision not to reappoint. If the request is granted, a hearing shall be held within 28 calendar days after receipt of the request or, as applicable, the report or other final documentation from the Equal Opportunity and Compliance Office, provided that the faculty member shall be given at least 7 calendar days' notice of the hearing. [Amended 6/20/80; 1/9/87; 10/20/09; 11/15/18]

d. Conduct of hearing

The question before the committee shall be decided by the committee. However, the committee may delegate the duty of conducting a hearing to a panel of at least three members. The hearing shall be conducted informally and in private; only the members of the committee, the faculty member, the officer of administration who made the decision, and such witnesses as may be called shall attend except that the faculty member and the

officer of administration may each be assisted or, in their absence, represented by a spokesperson designated in writing so to act. Committee members who hold appointments in the faculty member's department or school or who will testify as witnesses, or who have any other conflict of interest are disqualified. A professional court reporter, or similarly reliable means, shall be used to enable the production of a verbatim written transcript of the hearing and to maintain a record of the documents received by the committee. Upon the request of the faculty member, a transcript of the proceedings shall be made and provided to the faculty member at the University's expense. The committee may consider only such evidence and such written and oral arguments as is presented at the hearing, and need consider only such evidence or argument offered which it considers fair and reliable. All witnesses may be questioned by members of the committee, the faculty member, and the officer of administration or the respective spokespersons of the faculty member and the officer of administration. Except as herein provided, the conduct of the hearing is under the control of the committee chair or the member designated by the chair for this purpose. [Amended 6/20/80, 10/20/2009, 1/20/2020]

e. Hearing procedure

The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for hearing and supported by such proof as he or she desires to offer. When he or she has concluded this presentation, the hearing committee shall recess to consider whether the proof offered in support of the contention establishes the contention unless it be now rebutted or unless the decision not to reappoint be now otherwise explained. If it determines that the contention has not been so established, it shall so notify the parties to the hearing, terminate the proceedings, and make a recommendation to the Chancellor to uphold the decision not to reappoint. If it determines that rebuttal or explanation is desirable, it shall so notify the parties and the hearing shall proceed. The officer of administration may then present in rebuttal of the faculty member's contentions, or in general support of the decision not to reappoint, such testimonial or documentary proofs as he or she desires to offer, including his or her own testimony.

At the end of such presentation, the hearing committee shall consider the matter in executive session. The burden of proof is upon the aggrieved faculty member to satisfy the committee by the preponderance of the evidence (which is the same as the greater weight of the evidence) that the faculty member's contention is true. [Amended 6/20/80, 10/20/2009]

f. Procedure after the committee reaches its recommendations.

If the hearing committee determines not to grant the faculty member a hearing or determines, following a hearing, that the contention of the faculty member has not been established, it shall make a recommendation to the Chancellor to uphold the decision not to reappoint.

If the hearing committee finds that the contention of the faculty member has been

satisfactorily established, it shall so notify him or her and the officer of administration by a written notice that shall also include a recommendation for corrective action by the officer of administration.

Within 7 calendar days after receiving the recommendation, the officer of administration shall notify the faculty member and the chair of the hearing committee what modification, if any, he or she will make with respect to the original decision not to reappoint.

If the officer of administration fails to make a recommended modification in the original decision, the hearing committee shall submit a report to the Chancellor containing the committee's findings and recommendation and what it considers to be appropriate action by the Chancellor to resolve the matter satisfactorily.

The Chancellor shall make a determination based on a thorough review of (1) the record evidence from the hearing, if a hearing was held, and (2) the report of the hearing committee. The Chancellor shall notify the faculty member and the officer of administration of the decision by a method that produces adequate evidence of delivery. 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 decision is adverse to the faculty member, the Chancellor shall inform the faculty member of the faculty member's right to request review of the decision by the Board of Trustees, as provided in Section 8. [Amended 6/20/80; 1/1/04; 10/20/09; 1/20/20]

Section 5. Retirement Policy for Members of the Faculty

Each member of the faculty may retire in accordance with the provisions of Chapter 135 of the General Statutes of North Carolina.

Section 6. Termination of Faculty Employment for Reasons of Financial Exigency or Program Change

a. Definitions

Within this Section 6 the following terms have the meanings indicated:

1. "Termination" means the termination of employment of a faculty member during the course of a tenured, probationary, or fixed term appointment for reasons of financial exigency or program change.
2. "Financial exigency" means 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 its current operations budget.
3. "Program change" means elimination or major curtailment of a teaching, research, or public service program.

4. "Faculty committee" or "committee" means a committee to be constituted by the faculty of the University which shall consist of not fewer than twelve members of the faculty holding tenured or probationary appointments when elected by the faculty on a basis broadly representative of the various divisions and sub-units of the University, and which is empowered hereby to discharge the functions prescribed for it in this Section 6. [Amended 9/9/00]

b. General grounds for termination

Termination of faculty employment may be effected because of (i) demonstrable, bona fide financial exigency, or (ii) program change for demonstrable, bona fide institutional reasons, on the basis of a decision by the Chancellor, concurred in by the President and approved by the Board of Governors, that for either cause the University's contractual obligation to one or more faculty members cannot be further met. Such a decision by the Chancellor may be made, and any resulting termination effected, only in accordance with the procedure provided in this Section 6.

c. Chancellor's preliminary determination and statement

If it should appear to the Chancellor that a state of financial exigency exists or is imminent, or a program change has occurred or should seriously be considered, and that termination of the employment of one or more faculty members may be a required consequence of either circumstance, he or she shall forthwith prepare a statement which identifies with reasonable particularity the state of financial exigency or the program change, and which outlines in terms as specific as the circumstances permit the options for institutional response readily apparent to the Chancellor at the time, including any options which would or might involve terminations of faculty employment. This statement shall be transmitted forthwith to the faculty committee, with request for its action in accordance with the provisions of subsection d. hereof. Simultaneously, a summary of the statement shall be published by any means reasonably calculated to bring it to the attention of all members of the faculty in residence, together with a statement that the subject has been referred to the faculty committee for action. Pending committee action, the Chancellor shall undertake, either directly or by delegate, to obtain advice and recommendations in respect of the matters addressed in the statement from all those officers of administration and faculty whose units might reasonably be expected to be affected by the adoption of any identified option involving terminations.

d. Committee action

Acting in accordance with procedures which may be prescribed for it by the faculty, the committee shall address the matters identified in the Chancellor's statement with a view to giving its advice and recommendations thereon to the Chancellor. In this function the committee acts as representative of the interests of the faculty at large in both its individual concerns and its concerns for the educational program of the University. The committee may obtain further information reasonably available to the Chancellor and any clarifications of the situation by the Chancellor which are reasonably possible in the light of information then available. Not later than 30 calendar days after receipt of the statement, the committee shall submit to the Chancellor its written report. The report

shall contain advice and recommendations addressed to the precise circumstance and optional responses identified in the Chancellor's statement and may suggest other responses or courses of action for consideration or adoption by the Chancellor. The report may be accompanied by any communications and other data considered by the committee.

e. Chancellor's decision

Within 30 calendar days after receipt of the report, and having due regard for the advice and recommendations received from the committee and from the officers of administration, the Chancellor shall determine whether any option involving terminations must be retained as a possible institutional response. If he or she determines that it is not necessary, in view of other available options, to give further consideration to any option involving terminations, he or she shall so notify the committee and the faculty. If he or she determines that, on the basis of all information then available, it will be necessary to take action which will or reasonably might involve terminations, he or she shall request concurrence in that decision by the President and approval by the Board of Governors to take such action, and shall notify the committee and the faculty of this decision.

f. Chancellor's proposal for action following Board of Governors' approval of terminations

Within 30 calendar days after receipt of notice of approval of his or her request by the Board of Governors, if the Chancellor still considers that action involving terminations is or may be required, he or she shall transmit to the faculty committee a statement which (i) designates the particular departments in which terminations are to be effected and the factors which are to be used by each of the designated departments in determining the number, and (ii) suggests the criteria to be used by the designated departments in selecting individual faculty members for termination of employment. Simultaneously, the Chancellor shall publish by any means reasonably calculated to bring it to the attention of all members of the faculty in residence a notice that a proposed course of action involving terminations of faculty employment has been referred to the faculty committee for action.

g. Committee action

Acting in accordance with procedures which may be prescribed for it by the faculty, the committee shall address the proposal contained in the Chancellor's statement with a view to giving its advice and recommendations thereon. Not later than 30 calendar days after receipt of the statement, the committee shall submit to the Chancellor its written report containing advice and recommendations addressed to the proposed course of action and to the criteria for determining individual faculty members for terminations of employment. It may concur in whole or in part, suggest other courses of action for consideration, or advise modifications in the proposed course of action or in the criteria for individual faculty member selection.

h. Chancellor's action following committee report

If following receipt of the committee's report, and having due regard for its contents, the

Chancellor still considers that action involving termination is required, he or she shall not later than 30 calendar days after receipt of the report so notify the committee, the chief officers of administration in the affected departments, and, by general notice, the faculty of the University. The notice to the committee and to the officers of administration shall prescribe the specific action required of each department and the criteria to be used by each in initiating termination procedures for individual faculty members. The criteria specified by the Chancellor shall include as the primary consideration the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the University, and shall also include tenure status, length of service in the University, and any other factors deemed relevant by the Chancellor. No final action affecting departments not previously designated for terminations shall be directed until the modified proposal shall have been re-referred to the faculty committee for its response as in the case of the original referral.

i. Individual terminations

Within 60 calendar days after receipt of notice from the Chancellor that terminations are to be effected within a department, the chair of the department, after consultation with the assembled full professors of the department and after taking such other procedures as may have been provided by the faculty of the University, shall initiate the required terminations by recommendations with respect to particular faculty members. These recommendations shall then be reviewed in accordance with the administrative procedures within the institution for reviewing appointments to the respective ranks held by the particular faculty members.

j. Notice to individual faculty members

1. **Contents.** Upon approval by the Chancellor of a recommendation for termination of employment, the faculty member shall be notified in writing of the termination. The notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data upon which the decision was based.
2. **Timeliness.** When termination is based upon program change unrelated to financial exigency, a faculty member on tenured appointment shall be given not less than twelve months notice in advance of its effective date, and a faculty member on probationary or fixed term appointment shall be given not less than 90 calendar days notice during the first year of service, not less than 180 calendar days notice during the second year of service, and not less than twelve months notice after two or more years of continuous service.

When termination is based upon financial exigency, the University shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limit of available resources, to give the same advance notice as is required for terminations based upon program change alone.

k. Obligations with respect to reemployment or other employment

For a period of two years after the effective date of a termination pursuant to the provisions of this Section 6, the University shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be made by registered mail, return receipt requested, and shall provide a period for acceptance of 30 calendar days following attempted delivery. When requested by the person whose employment has been terminated, the University shall give reasonable assistance in finding other employment for him or her.

1. Review of individual terminations

1. Request for hearing

Within 30 calendar days after receipt of a notice of termination, a faculty member may request a review of the action by the standing committee of the faculty charged with conducting hearings on discharges of faculty members (under Section 3 hereof). Review may be had solely to determine whether the decision to terminate was arbitrary or capricious.

The request for review shall be in writing, addressed to the chair of the hearing committee. It shall specify the grounds upon which it is contended that the decision was arbitrary or capricious, and shall include a short and plain statement of facts which the faculty member believes support the contention.

Submission of such a request constitutes on the part of the faculty member (i) a representation that he or she can support his or her contention by factual proof, and (ii) an agreement that the University may offer in rebuttal of his or her contention any relevant data within its possession.

The hearing committee shall consider the request and shall grant a hearing if it determines that the request contains a bona fide contention that the decision to terminate was arbitrary or capricious, and that the facts suggested, if established, might support the contention. A decision not to grant the request is not subject to review, except as provided in Section 8. If the request is granted, a hearing shall be held within 14 calendar days after receipt of the request, provided that the faculty member shall be given at least 7 calendar days' notice of the hearing.
[Amended 6/20/80]

2. Conduct of hearing

The question before the committee shall be decided by the committee. However, the committee may delegate the duty of conducting a hearing to a panel of at least three members. The hearing shall be conducted informally and in private; only the members of the committee, the faculty member, an officer of administration designated by the Chancellor, and such witnesses as may be called shall attend, except that the faculty member and the Chancellor's delegate may each be assisted or, in their absence, represented by a spokesman designated in writing so

to act.

Hearing committee members who hold appointment in the department of the faculty member, or who will testify as witnesses or who have any other conflict of interest are disqualified. Upon request of the faculty member, a transcript of the proceeding shall be made and provided to the faculty member at University expense. The hearing committee may consider only such evidence as is presented at the hearing, and need consider only that offered which it considers fair and reliable. All witnesses may be questioned by the members of the committee, the faculty member, and the Chancellor's delegate, or the respective spokesmen of the faculty member and the Chancellor's delegate. Except as herein provided, the conduct of the hearing is under the control of the chair of the hearings committee or the member designated by the chair for this purpose. [Amended 6/20/80]

The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for hearing and supported by such proof as he or she desires to offer. When this presentation is concluded, the hearing committee shall recess to consider whether the proof offered in support of the contention establishes the contention unless it be now rebutted. If it determines that the contention has not been so established, it shall so notify the parties and conclude the proceedings, which action is not subject to review except as provided in Section 8. If it determines that rebuttal is desirable, it shall so notify the parties and the hearing shall proceed. The Chancellor's delegate may then present, in rebuttal of the faculty member's contention or in general support of the decision to terminate, such testimonial or documentary proofs as he or she desires to offer, including his or her own testimony. [Amended 6/20/80]

At the conclusion of the presentation by the Chancellor's delegate the hearing committee shall consider the matter in executive session. The burden is upon the faculty member to satisfy the committee by clear, cogent, and convincing evidence that his or her contention is true. [Amended 6/20/80]

3. Procedure after hearing

If the hearing committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member and the Chancellor. Such a determination is not subject to review, except as provided in Section 8. If the hearing committee determines that the contention of the faculty member has been established, it shall so notify the faculty member and the Chancellor by a written notice which shall also include a recommendation for corrective action to be taken by the Chancellor. [Amended 6/20/80]

Section 7. Effectiveness

Except as otherwise provided below, all provisions of these policies and regulations shall become operative (with respect to all existing as well as future faculty appointments) on the effective date, which shall be the date 35 calendar days after the day on which these policies and regulations shall have been approved by the President of The University of North Carolina:

The policies and regulations herein set forth shall not be applied to alter existing incidents of academic tenure⁷ to the disadvantage of any person who shall have been a member of the faculty immediately prior to the effective date.

Section 8. Review by the Board of Trustees

a. Appeals for Nonreappointment, Suspension, Demotion, Discharge, and Termination

Requests for appeal to the Board of Trustees of the decisions enumerated below shall be transmitted through the Chancellor and addressed to the Chair of the Board of Trustees. The request must be sent by certified mail, return receipt requested, or by another means that provides proof of delivery within 14 calendar days after the faculty member receives⁸ the notice of the decision sought to be reviewed.

1. A decision by the Chancellor under §3,b.7. or 4.f declining to accept a recommendation of the hearings committee favorable to the faculty member.
2. A decision by the Chancellor under §3.b.7. or 4.f concurring in a hearings committee recommendation unfavorable to the faculty member.
3. A decision by the hearings committee under §6.1.1. rejecting a request for a hearing.
4. A decision by the hearings committee under §6.1.2. terminating a hearing at the conclusion of the faculty member's proof.
5. A decision by the hearings committee under §6.1.3. determining that the faculty member has not established his or her contention.
6. A decision by the Chancellor under §6.1.3. declining to take corrective action recommended by the hearings committee in connection with a decision favorable to the faculty member.

For the decisions listed above in items 1. and 2., the request must contain a brief statement that alleges one or more of the following as the basis for the appeal: (1) that the process for making or reviewing the decision was 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 was clearly erroneous, or (3) that the decision was contrary to controlling law or policy.

⁷ As used here, the phrase "existing incidents of academic tenure" means those characteristics of academic ranks set out in Section 4-2(b) of the "Code Provisions Governing The University of North Carolina, Bylaws of the Board of Trustees, and Duties of the University Officers—1970." EDITOR'S NOTE: This footnote references a document that appears to have been revoked or substantially revised between the restructuring of The University of North Carolina in 1972 and adoption of the current edition of The Code of the Board of Governors of The University of North Carolina in 1988. A currently effective counterpart has not been identified.

⁸ Failure or refusal of an individual to sign or confirm delivery does not invalidate receipt of the notice or communication.

The question under review shall be decided by the full Board of Trustees. However, the Board may delegate the duty of conducting a hearing to a committee of at least three members. The Board of Trustees, or its committee, will conduct its review on the written transcript of the hearing, the report of the hearing committee, and the decision of the Chancellor, but it may, in its discretion, hear such other evidence as it deems necessary, subject to any policies, regulations, or guidelines as may be adopted by the Board of Governors, the President, or the Board of Trustees. The Board of Trustees shall make its decision as soon as reasonably possible after receipt of the request for review by the Chair of the Board. This decision shall be the end of the University's appeals process.

b. Appeals for Faculty Grievances

If the faculty grievance committee does not advise that an adjustment in favor of the grievant is appropriate, then the decision of the Chancellor is final and may not be appealed. A grievant may appeal to the Board of Trustees only if neither the relevant administrative official nor the Chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member. The grievant must file notice of written appeal with the Board of Trustees, by submitting such notice to the Chancellor with adequate evidence of delivery, within 10 calendar days after the grievant's receipt of the Chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the Board of Trustees agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board of Trustees or from a committee of the Board of Trustees which has jurisdiction of the subject matter of the grievance. The Board of Trustees will issue its decision as expeditiously as is practical. The decision of the Board of Trustees is final.

[Amended 6/20/80; 1/9/87; 1/1/04; 10/20/09; 1/20/20]

Appendix

Provisions of The Code of the Board of Governors of The University of North Carolina Pertaining to Academic Tenure

CHAPTER VI ACADEMIC FREEDOM AND TENURE

SECTION 600 FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY.

- (1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.
- (2) The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.
- (3) Faculty and students of the University of North Carolina shall 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.

SECTION 601 ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY.

- (1) It is the policy of the University of North Carolina to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of the constituent institutions. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with the University and their position as men and women of learning. They should not represent themselves, without authorization, as spokespersons for the University of North Carolina or any of its constituent institutions.
- (2) The University and its constituent institutions shall not penalize or discipline members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

SECTION 602 ACADEMIC TENURE.⁹

- (1) To promote and protect the academic freedom of its faculty, the board of trustees of each constituent institution shall adopt policies and regulations governing academic tenure.

⁹ Pursuant to NCGS § 116-11(13), and notwithstanding *The Code* or any other Board of Governors policy, the Board of Governors delegates certain authorities to the President of the University. See Policy 200.6, *Delegation Authority to the President of the University*, adopted 11/13/06, amended 06/08/07.

Policies adopted by a board of trustees regarding academic tenure and promotion shall be effective upon review by the senior vice president for academic affairs and the vice president and general counsel, and approved by the president. The chancellor shall review the constituent institution's tenure policies periodically, but at least every five years, and shall report to the president whether or not amendments or revisions are appropriate. The chancellor shall involve the faculty in this review.

(2) In all instances, the tenure conferred on a faculty member is held with reference to employment by a constituent institution, rather than to employment by the University of North Carolina.

(3) The tenure policies and regulations of each constituent institution¹⁰ shall prescribe the procedures by which decisions concerning appointment, reappointment, promotion, and the conferral of permanent tenure shall be made. The length of terms of appointment that do not carry permanent tenure and those faculty ranks or titles whose holders shall be eligible for permanent tenure shall be prescribed. The institutional policies and regulations also shall prescribe the intervals at which the review of candidates for reappointment and promotion, including the conferral of permanent tenure, shall occur. The tenure policies and regulations of each institution, which shall include the complete text of Chapter VI of *The Code*, shall be published by the institution and distributed to its faculty members.

(4) The tenure policies and regulations of each institution shall set forth the general considerations upon which appointment, reappointment, promotion, and permanent tenure are to be recommended. The institutional regulations shall provide that these considerations shall include an assessment of at least the following: the faculty member's demonstrated professional competence, the faculty member's potential for future contribution, and institutional needs and resources.

(5) The institutional policies and regulations shall specify that permanent tenure may be conferred only by action of the president and the Board of Governors, or by such other agencies or officers as may be delegated such authority by the Board of Governors.¹¹

(6) Institutional tenure policies and regulations shall distinguish among the following:

- (a) the nonreappointment (or nonrenewal) of a faculty member at the expiration of a specified term of service;
- (b) the discharge from employment of a faculty member with permanent tenure or of a faculty member appointed to a specified term of service before that term expires only for reasons of (i) incompetence, (ii) neglect of duty, or (iii) misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, as specified in Code Section 603;

¹⁰ Because of the unique character and mission of the University of North Carolina School of the Arts and of the North Carolina School of Science and Mathematics, the requirement that the institution adopt tenure policies will be satisfied at those institutions by an employment system based on renewable contracts, which system need not provide for the traditional faculty ranks. Wherever the phrase "tenure policies and regulations" is used in this chapter, it shall mean, for the School of the Arts and for the School of Science and Mathematics, the faculty employment policies of those schools. Wherever the phrase "tenured faculty" is used in this chapter and in the Policies of the Board of Governors, it shall mean, for those schools, a faculty member holding a fixed-term contract.

¹¹ See Footnote 8 on previous page.

- (c) the termination of employment for reasons of institutional financial exigency or major curtailment or elimination of a teaching, research, or public-service program of a faculty member who has permanent tenure, or of a faculty member who has been appointed to a specified term of service before that term expires; and
- (d) retirement.

(7) Institutional tenure policies and regulations shall provide that 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 the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon the continuing availability of such funds. The institutional tenure policies and regulations may make one or more of the following exceptions to the foregoing contingency requirement:

- (a) That such a contingency shall not be included in a promotion to a higher rank if, before the effective date of that promotion, the faculty member had permanent tenure and no such condition is attached to the tenure.
- (b) That such a contingency shall not be attached to the faculty member's contract if the faculty member held permanent tenure in that institution on July 1, 1975, and the contract was not contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.
- (c) That such a contingency may be waived for health affairs faculties because of the unusual dependence of programs in the health professions on income from sources such as clinical receipts.

If a faculty member's appointment is terminated because of the nonavailability of these funds, the institution will make every reasonable effort to give the same notice as set forth in Section 605 B(1). This notice shall include the pertinent data upon which the termination is based.

(8) The tenure policies and regulations of each institution shall be subject to approval by the president. The president periodically shall review and re-evaluate these policies and regulations and report findings and recommendations, if any, to the Committee on Personnel and Tenure and through the committee to the Board of Governors.

SECTION 603 DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS.

(1) 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 without pay, or demoted in rank 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 on the individual's honesty, trustworthiness or fitness to be a faculty member.

These sanctions may be imposed only in accordance with the procedures prescribed in this section. For purposes of this *Code*, 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 (Section 604) or termination of employment (Section 605).

- (2) Procedures for the Imposition of Discharge or Serious Sanction.
 - (a) The chief academic officer of the institution, however titled, shall send the faculty member a written notice of intention to discharge the faculty member or impose a serious sanction together with a written specification of the reasons. The notice and specification of reasons shall be sent by a method of mail or delivery that requires a signature for delivery. The statement shall include notice of the faculty member's right, upon request, to a hearing by an elected standing faculty committee on hearings. When the faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor shall have the sole discretion to either reassign the faculty member to other duties or to place the faculty member on administrative leave with pay. Placement of a faculty member on administrative leave with pay shall be in exceptional circumstances, such as to avoid disruption in the work place or protect the safety of members of the campus community.
 - (b) If, within 14 calendar days after receiving the notice and written specifications referred to in paragraph (a) above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.¹²
 - (c) If the faculty member makes a timely written request for a hearing, the chancellor shall ensure a process is in place so that the hearing is timely accorded before an elected standing committee of the institution's faculty. The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction. The hearing committee shall accord the faculty member 30 calendar days from the time it receives the faculty member's written request for a hearing to prepare

¹² 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.

a defense. The hearing committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member. The hearing committee will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.¹³

- (d) The hearing shall be closed to the public unless the faculty member and the hearing committee 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 institution's expense.
- (e) The chief academic officer, or designee, and/or counsel, may participate in the hearing to present testimony of witnesses and other evidence, to cross-examine witnesses, to examine all documents and other evidence, and to make argument.
- (f) The hearing committee shall make written recommendations to the chancellor within 14 calendar days after its hearing concludes or after the full transcript is received, whichever is later. In reaching its written recommendations to the chancellor, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The university has the burden of proof. In evaluating the evidence, the committee shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action.
- (g) Following receipt of the committee's written recommendations, the decision as to whether to discharge or impose serious sanction on the faculty member is the chancellor's. If the chancellor decides to discharge the faculty member, the institution's obligation to continue paying the faculty member's salary shall cease upon issuance of the chancellor's decision. If the chancellor decides to impose one or more serious sanctions upon the faculty member, the institution may impose such sanctions upon issuance of the chancellor's decision. If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the chancellor's decision shall be final, with no appeal available. 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. An appeal must contain a brief statement that alleges one or more of the following as the basis for the appeal: (1) that the process for making the decision was 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

¹³ 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.

chancellor was clearly erroneous; or (3) that the decision was contrary to controlling law or policy. If the faculty member elects to 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 with the board of trustees by certified mail, return receipt requested, or by another means that provides proof of delivery, within 14 calendar days after the faculty member receives the chancellor's decision.

(3) Appeals of Decisions Imposing Discharge or Serious Sanction. 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 an initial review 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 basis of the record of the proceedings below, and may, in its discretion, consider written or oral arguments, subject to any policies, regulations or guidelines as may be adopted by the Board of Governors, president, or board of trustees. The board of trustees' decision shall be made as soon as reasonably possible after the chancellor has received the faculty member's request for an appeal to the trustees. This decision shall be the end of the University's appeals process.

(4) The procedures prescribed herein shall take effect with any discharge or serious sanction proposed on or after July 1, 2019.

SECTION 604 APPOINTMENT, NONREAPPOINTMENT AND REQUIREMENTS OF NOTICE AND REVIEW FOR TENURE TRACK FACULTY.^{12.1}

604 A. Notice of Reappointment or Nonreappointment.

(1) The decision not to reappoint a faculty member at the expiration of a fixed term of service shall be made by the appropriate institutional faculty and administrative officers early enough to permit timely notice to be given.^{12.2} For full-time faculty at the rank of instructor, assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:

- (a) During the first year of service at the institution, the faculty member shall be given not less than 90 calendar days' notice before the employment contract expires; and
- (b) During the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days' notice before the employment contract expires; and
- (c) After two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months' notice before the employment contract expires.

^{12.1} Because of the unique character and missions of the University of North Carolina School of the Arts and of the North Carolina School of Science and Mathematics, regular faculty holding fixed-term contracts at those institutions are entitled to the rights afforded in this section.

^{12.2} Faculty at North Carolina School of Science and Mathematics shall be given notice no later than February 15 of the reappointment year.

(2) Notice of reappointment or nonreappointment shall be written. If the decision is not to reappoint, then failure to give timely notice of nonreappointment will oblige the chancellor thereafter to offer a terminal appointment of one academic year.

604 B. Impermissible Reasons for Nonreappointment.

In no event shall a decision not to reappoint a faculty member be based upon (1) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution; or (2) the faculty member's race, color, sex, religion, creed, national origin, age, disability, veteran's status, or other forms of discrimination prohibited under policies adopted by campus boards of trustees; or (3) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual.

604 C. Review of Nonreappointment Decisions.

(1) Campus-Based Review. Subject to limitations contained in this *Code* and the policies of the Board of Governors, each constituent institution shall have a procedure whereby a tenure track faculty member may seek review of the decision of the constituent institution not to reappoint the faculty member. Such procedures shall at a minimum provide for the following:

- (a) A reasonable time of no less than 14 calendar days within which after receiving the notice of nonreappointment, the faculty member may request review of the decision by appropriate faculty committee and administrative officers. If the faculty member does not request review of the notice of nonreappointment in a timely fashion as specified by campus tenure policies, the nonreappointment is final without recourse to any further review by faculty committees, the institution, or the Board of Governors.
- (b) If the faculty member files a request for review in a timely fashion, the chancellor shall ensure a process is in place so that a hearing is timely accorded before an elected standing committee of the institution's faculty.
- (c) In reaching written recommendations to the chancellor, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The faculty member shall have the burden of proof. In evaluating the evidence the committee shall use the standard of preponderance of the evidence (which is the same as the greater weight of the evidence).
- (d) The purpose of the campus-based review process is to determine (i) whether the decision was based on considerations that *The Code* provides are impermissible; and (ii) whether the procedures followed to reach the decision materially deviated from prescribed procedures such that doubt is cast on the integrity of the decision not to reappoint.

(2) Appeal to the Board of Trustees. If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the chancellor's decision shall be final

with no appeal available. 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 by filing a written notice of appeal with the board of trustees. This appeal shall be transmitted through the chancellor and be addressed to the chair of the board of trustees, by submitting such notice by certified mail, return receipt requested, or by another means that provides proof of delivery, within 14 calendar days after the faculty member's receipt of the chancellor's decision. The notice must contain a brief statement that alleges one or more of the following as the basis for the appeal: (a) that the campus-based process for reviewing the decision was materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered; (b) that the result reached by the chancellor was clearly erroneous; or (c) that the decision was contrary to controlling law or policy.

(3) The procedures prescribed in this section shall take effect with any nonreappointment decision effective on or after July 1, 2019.

SECTION 605 TERMINATION OF FACULTY EMPLOYMENT.

605 A. Definition.

The tenure policies and regulations of each institution shall provide that the employment of faculty members with permanent tenure or of faculty members appointed to a fixed term may be terminated by the institution because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a teaching, research, or public-service program. "Financial exigency" is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public-service program shall be made by the chancellor, after consulting with the academic administrative officers and faculties as required by Section 605 C (1), subject to the 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 institution's contractual obligation to a faculty member may not be met, the employment of the faculty member may be terminated in accordance with institutional procedures that afford the faculty member a fair hearing on that decision.¹³

605 B. Timely Notice of Termination.

(1) 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

¹³ Because of the unique character and mission of the North Carolina School of Science and Mathematics, when the employment of a faculty member is to be terminated during or at the conclusion of a fixed-term contract because of major curtailment or elimination of a teaching, research, or public-service program that is not founded upon financial exigency, written notice shall be given no later than the November 1 prior to termination. When faculty employment is to be terminated during or at the conclusion of a fixed-term contract because of financial exigency, the School shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give notice no later than November 1 prior to termination. Terminations at the end of a fixed-term contract for the reasons stated above in this footnote are not subject to Section 604 of *The Code*, but instead are subject to Section 605.

curtailment or elimination of program is not founded upon financial exigency, the faculty member shall be given timely notice as follows:

- (a) one who has permanent tenure shall be given not less than 12 months' notice; and
 - (b) one 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 604 A(1).
- (2) When a faculty member's employment is to be terminated because of financial exigency, the institution will 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 Section 605 B(1).
- (3) For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section 605 A, the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be made by a method of delivery that requires a signature for delivery, and the faculty member will be given 30 calendar days after attempted delivery of the notice to accept or reject the offer.

605 C. Institutional Procedures.

The institution shall establish regulations governing termination procedures. These regulations shall include provisions incorporating the following requirements:

- (1) If it appears that the institution will experience an institutional financial exigency or needs seriously to consider a major curtailment 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.
- (2) In determining which faculty member's employment is to be terminated for reasons set forth in Section 605 A, the chancellor shall give consideration to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.
- (3) An individual faculty member whose employment is to be terminated shall be notified of this fact in writing. This notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data upon which the decision was based.
- (4) A reconsideration procedure shall be provided that affords the faculty member whose employment is to be terminated a fair hearing on the termination if the faculty member alleges that the decision to terminate was arbitrary or capricious.
- (5) The institution, when requested by the faculty member, shall give reasonable assistance in finding other employment for a faculty member whose employment has been terminated.

- (6) A faculty member whose employment is terminated pursuant to this Section 605 may appeal the reconsideration decision to the board of trustees of the constituent institution.

SECTION 606 RETIREMENT OF FACULTY.

Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes.

SECTION 607 FACULTY GRIEVANCE COMMITTEE FOR CONSTITUENT INSTITUTIONS.

(1) The chancellor of each constituent institution shall provide for the establishment of a faculty grievance committee. The faculty grievance committee shall be elected by the faculty with members elected from each professorial rank. No officer of administration shall serve on the committee. For purposes of this section, "officer of administration" shall be deemed to include department chairs and department heads.

(2) The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance, to facilitate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the chancellor only after the dean, department head, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.

(3) "Grievances" within the province of the committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within the constituent institution, including matters related to post-tenure review. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge or termination of a faculty member, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee.

(4) If any faculty member has a grievance, the faculty member may petition the faculty grievance committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom the grievance is directed. It shall contain any information that the petitioner considers pertinent to the case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

(5) If, before this section is established, the faculty of an institution has adopted a faculty grievance procedure that in its judgment is adequate to its needs, it may retain that procedure in place of the one specified above.

(6) If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member, then the faculty member may appeal to the board of trustees of the constituent institution. The decision of the board of trustees is final.

SECTION 608 STUDENTS' RIGHTS AND RESPONSIBILITIES.

(1) The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allotted functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

(2) All students shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

(3) In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process as set forth in Section 502 D of this *Code*.

SECTION 609 JURISDICTION OF THE BOARD OF GOVERNORS.

609 A. Discretionary Review.

The Board of Governors may make such inquiry and review into matters as it may from time to time deem appropriate; provided, however, that the Board of Governors shall not review matters or actions that are subject to separate processes under Chapter VI or any other chapter of *The Code*, or for which a designated review, grievance, or hearing process has been established by the UNC Policy Manual, including but not limited to student disciplinary matters, research misconduct matters, other employment matters, first amendment matters, misuse of state funds reports, or audit and compliance matters. Moreover, it is the Board of Governors expectation that campus matters will be appropriately addressed at the constituent institution. Therefore, it is only in extraordinary circumstances, as solely determined by the Board of Governors that the Board of Governors will exercise its discretion to review any matter that has not first been brought to the attention of the designated institutional administrator, chancellor, or president for appropriate review and handling.

609 B. Hearings.

The Board of Governors may in its sole discretion conduct hearings. Any hearing, whether before the full board or a designated standing or special committee of the board, shall be limited to such matters as the Board of Governors shall deem appropriate.

609 C. Transmission of Appeals

All appeals addressed to or requests for hearings by the Board of Governors, from whatever source, shall be transmitted through the president.

SECTION 610 RIGHTS OF SPECIAL FACULTY MEMBERS

(1) Faculty members who are appointed as visiting faculty members, adjunct faculty, lecturers, artists-in-residence, writers-in-residence or other special categories are regarded as

“special faculty members” for purposes of the University Code. Special faculty members may be paid or unpaid.

(2) Special faculty members who are paid shall be appointed for a specified term of service, as set out in writing in the letter of appointment. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires.

(3) Special faculty members who are not paid may be appointed for a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.

(4) During the term of their employment, special faculty members are entitled to seek recourse under Section 607 of the University Code (relating to faculty grievances).

(5) Special faculty members, whether paid or unpaid, are not covered by Section 604 of the University Code, and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed term.

**SECTION 611 REVIEW OF PERSONNEL ACTIONS AFFECTING
SPECIFIED EMPLOYEES EXEMPT FROM THE STATE
PERSONNEL ACT (EPA)**

(1) Review Processes. Certain non-faculty employees, as described in sub-section (b) below, who are exempt from the State Personnel Act, may seek review under procedures provided for by this section in the event that the employee is discontinued, terminated, or discharged from employment, suffers other adverse personnel action, or is not appointed following the end of a term appointment. Each constituent institution shall develop procedures applicable to employees of the constituent institution, and General Administration shall develop procedures applicable to those of its employees who are covered by this section. Such procedures shall, at a minimum, provide for the following:

(a) A reasonable time within which a covered employee or former employee may file a request for review, after receiving notice of a personnel action covered by this section. If a covered person does not timely file a written request for review, then the personnel action is final without recourse to any institutional review, appeal or grievance procedure.

(b) Covered persons may seek review of personnel actions based on allegations that:

(A) For Senior Academic and Administration Officers defined only in UNC Policy 300.1.1 I.B., for discontinuations, expiration of term appointments, or terminations of employment with notice, such review may be sought only upon allegations of violations of applicable notice requirements set out in policies 300.1.1. III.B. 1., 2., and 3., of the University Policy Manual; and

(B) For other employees exempt from the State Personnel Act, as described only in UNC Policy 300.2.1, for discontinuations, expiration of term appointments,

or terminations of employment with notice, such review may be sought only upon allegations of violations of applicable notice requirements set out in policies 300.2.1 III. A., B., and C. of the University Policy Manual; or

(A) For the Senior Academic and Administrative Officers defined in sub-section (i) above, for violations of any provision of sub-sections III.D. or E. of Policy 300.1.1 of the University Policy Manual, and

(B) For the other employees exempt from the State Personnel Act defined directly above in sub-section (ii), for violations of any provision of sections V., or VI., of Policy 300.2.1 of the University Policy Manual; or

(A) For the Senior Academic and Administrative Officers defined in sub-section (i) above, for discharge for cause or other disciplinary action, or for interpretation and application of a policy provision, all pursuant to and limited by policy 300.1.1 III.C. of the University Policy Manual, and

(B) For the other employees exempt from the State Personnel Act defined above in sub-section (ii), for discharge for cause or other disciplinary action, or for interpretation and application of a policy provision, all pursuant to and limited by policy 300.2.1 IV. of the University Policy Manual; or

except that for both groups such review may be sought only if the employee alleges the discharge, discipline, or policy interpretation or application was illegal or violated a policy of the Board of Governors.

(i) Notice

(ii) Equal Employment Opportunity and Protected Activity

(iii) Discharge for Cause, Other Discipline, Policy Interpretation/Application

(c) If the employee or former employee timely files a written request for review, the president (as to an employee of General Administration) or chancellor (as to an employee of a constituent institution), shall ensure a process is in place so that a hearing is timely accorded before a hearing committee.

(d) In reaching decisions on which its written recommendations to the president (as to an employee of General Administration) or chancellor (as to an employee of a constituent institution), as appropriate, shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The employee or former employee has the burden of proof. In evaluating the evidence, the committee shall use the standard of preponderance of the evidence (which is the same as the “greater weight of the evidence.”)

(2) Appeal to the Board of Trustees or Board of Governors.

(a) For employees of a constituent institution, if the chancellor concurs in a recommendation of the committee that is favorable to the employee, the chancellor’s decision shall be final. If the chancellor either declines to accept a committee recommendation that is favorable to the employee or concurs in a committee

recommendation that is unfavorable to the employee, the employee may appeal within 14 calendar days after receiving the chancellor's written decision, by filing with the chancellor for transmission to the Board of Trustees a written notice of appeal, including a brief statement of the basis for the appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, and alleges as set out in sub-section (1)(b) above. The decision of the Board of Trustees is final with no further appeal.

- (b) For employees of General Administration, if the president concurs in a recommendation of the committee that is favorable to the employee, the president's decision shall be final. If the president either declines to accept a committee recommendation that is favorable to the employee or concurs in a committee recommendation that is unfavorable to the employee, the employee may appeal within 14 calendar days after receiving the president's written decision, by filing with the president for transmission to the Board of Governors a written notice of appeal, including a brief statement of the basis for appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, and alleges as set out in sub-section (1) above. The decision of the Board of Governors is final with no further appeal.