1. **Introduction** (UNC Code 602, BOG 400.3.2)

1.1. **Purpose.** This Policy addresses the procedures by which decisions concerning appointment, reappointment, and separation from employment shall be made, the lengths of terms of appointment, the intervals at which the review of candidates for reappointment shall occur, and the general considerations upon which appointment, reappointment, and separation are to be recommended.

1.2. **Faculty Employment Policy.** This Policy and provisions of Chapter Six of *The Code* of the University of North Carolina, as amended from time to time, constitute the faculty employment policies and regulations of the North Carolina School of Science and Mathematics.

1.3. **Subordination.** This Policy is adopted pursuant to and in subordination to Chapter Six of *The Code* of the University of North Carolina (hereinafter *The Code*), recognizing that the absence of tenured faculty at NCSSM requires this Policy to differ significantly from Chapter Six.

1.4. **Publication.** This Policy shall be published and distributed to the School’s faculty. It shall be cited in appointment, reappointment, and separation letters sent to individual faculty members.

2. **Definitions**

2.1. **Regular Faculty.** Regular faculty appointments are those instructional positions created pursuant to N.C. Gen. Stat. § 126-5(c1)(8), and include all teachers (instructors), librarians, and academic counselors. Regular faculty appointments are full-time (at least 30 hours/week or at least 0.75 FTE) permanent or permanent time-limited time positions exempt from the State Personnel Act, conferred via a fixed-term contract, and eligible for reappointment in accordance with the procedures specified in Section 4 of this Policy. Regular faculty who are assigned non-faculty duties during a contract period via a
concurrent appointment do not lose the rights and privileges of a faculty member. In exceptional circumstances, the Chancellor may appoint a regular faculty member on a part-time basis (less than 30 hours/week or less than 0.75 FTE) for a period not to exceed one academic year. A regular faculty member may apply to receive a full or partial leave of absence for up to one year. Granting such a leave of absence does not extend the period of the fixed-term contract.

2.2. **Special Faculty.** The Chancellor may designate special faculty appointments as set forth in Section 610 of *The Code* and Section 5 of this Policy. Such appointments are appropriate for individuals who possess unusual qualifications for teaching, research, academic administration, or public service from an academic base, but for whom a regular faculty appointment is not appropriate because of the limited duration of the mission for which the individual is appointed, or because of concern for continued availability of special funding for the position, or for other valid institutional reasons. Such special faculty appointments may be designated as “visiting” or “adjunct,” may be paid or unpaid, and shall not exceed one academic year. Depending on the nature of the appointment, employment may be offered via a temporary appointment or dual employment (when NCSSM borrows the employee from another state agency or university).

2.3. **Substitute Teachers.** The Chancellor may employ substitute teachers to provide clearly delineated instructional services when a faculty member is unavailable for a limited period due to an approved leave. Substitute teachers are retained via temporary appointments and are not subject to this Policy.

2.4. **Faculty Senate.** The Faculty Senate provides all regular and special members of the faculty the means to give advice with respect to questions of academic policy and institutional governance, with particular emphasis upon matters of curriculum, diploma and degree requirements, instructional standards, and grading criteria. In addition, the Faculty Senate performs functions as may be prescribed by this Policy or as may be delegated by the Chancellor or designee. The Faculty Senate establishes its own rules of procedure, including procedures for conducting faculty elections of officers and representative senators, not inconsistent with School or University policy, and subject to approval by the Chancellor, or designee, pursuant to NCSSM Policy 1300 on Chancellor’s Authority.

2.5. **Faculty Evaluation Committee.** The Faculty Evaluation Committee is composed of regular faculty members who are in their third or subsequent year of employment. No faculty member may participate on the Faculty Evaluation Committee during the reappointment year of his/her contract. Procedures by which membership is elected and the manner in which evaluations are conducted and reported are decided by the Faculty Senate and approved by the Vice Chancellor for Academic Programs. The Faculty Evaluation Committee conducts periodic evaluations and provides its written assessment to the Vice
Chancellor for Academic Programs concerning the performance of faculty members, with emphasis on the performance record during the most recent contract period.

2.6. **Administrative Evaluation Committee.** The Administrative Evaluation Committee is composed of the Director of Academic Programs, who convenes the committee, and the Dean of Counseling Services, Dean of Distance Education and Extended Programs, Dean of Humanities, Dean of Mathematics, and Dean of Science. If necessary to appropriately evaluate a faculty member, other individuals may take part in committee deliberations by joint designation of the Vice Chancellor for Academic Programs, Vice Chancellor for Distance Education and Extended Programs, and Vice Chancellor for Student Life. The Administrative Evaluation Committee conducts periodic evaluations and provides its written assessment to the Vice Chancellor for Academic Programs concerning the performance of faculty members, with emphasis on the performance record during the most recent contract period.

2.7. **Day.** Except where “calendar day” is specified, the word “day” means any day except Saturday, Sunday, an institutional holiday, or summer recess. In computing any period of time, the calendar day on which notice is received is not counted, and the last calendar day of the period being computed is counted.

2.8. **Reappointment Year.** The reappointment year is the academic year in which a fixed-term contract for employment is due to expire.

3. **Appointment of Regular Faculty**

*Insert hyperlinks to related policies: UNC Code; BOG; EPA Faculty Recruitment and Selection Procedure (updated spring ’08)*

3.1. **Purpose.** The hiring practices of the North Carolina School of Science and Mathematics (NCSSM) for faculty, while not contingent upon North Carolina licensure criteria, follow rigorous criteria and standards. High student achievement is a primary academic expectation at NCSSM; therefore it has set in place instructional standards designed to be the most rigorous of any high school in the state and consistent with effective instruction. NCSSM is committed to ensuring that the recruitment and selection process complies with all applicable and existing state and federal laws, policies, and rules governing personnel actions.

3.2. **Recruitment and Selection Procedures.** The Chancellor shall issue procedures for the recruitment and selection of faculty. It is the responsibility of the appropriate Division Vice Chancellor to coordinate all recruitment and selection activities within the division, and to ensure that a Faculty Interview Committee is convened. A recommendation for the initial appointment of a faculty member originates with the appropriate Division Vice Chancellor with the assistance of the Faculty Interview Committee.

3.3. **Recommendation to the Chancellor.** The Faculty Interview Committee interviews all candidates for appointment and makes a written recommendation to the appropriate Vice Chancellor. The recommendation shall include specific findings regarding the qualifications
and experience of any final candidates which support a one or two year contract. The Division Vice Chancellor checks references and may consult with other administrators, the faculty members in the relevant discipline, and such members of the faculty as he/she considers appropriate before forwarding the written recommendation of the committee, and any additional information, to the Chancellor. If warranted, the Vice Chancellor shall include information in support of reopening the search or suspending the search.

3.4. **Chancellor Decision and Approval to Offer.** The Chancellor may interview the final candidates. If the Chancellor concurs in the Vice Chancellor's recommendation, he/she will approve an offer, which is made to the preferred candidate by the Vice Chancellor. If the Chancellor declines the recommendation, the Chancellor may elect to reopen the search or to suspend the search.”

3.5. **Length of Fixed-Term Contract.** If the first appointment is for one year, subsequent appointments will follow the sequence of a one-year term, a three-year term, a five-year term, and a series of ten-year terms. If the first appointment is for two years, subsequent appointments will follow the sequence of a three-year term, a five year term, and a series of ten-year terms.1 Reappointment shall be in accordance with Section 4 of this Policy.

3.6. **Special funding or circumstances.** Candidates for positions funded from sources other than state appropriations or the income from permanent endowments, or for positions subject to other special circumstances, will be notified of the special funding and its restrictions, or of the special circumstances, before or during the interview process. Notification shall include whether continuation of employment is contingent upon the continued availability of the special funding.

4. **Reappointment and Nonreappointment of Regular Faculty**

Insert hyperlinks to Code 604; BOG 101.3.1; faculty evaluation procedures (under revision by Faculty Senate); administrative evaluation procedures; hearing guidelines for Faculty Appeals Committee (to be created)

4.1. **Purpose.** Within the University, important faculty personnel decisions are based on evaluation of performance rendered by a candidate’s immediate colleagues and supervisors. The academic review process seeks to obtain the collective good faith judgment of the candidate’s colleagues and responsible University administrators as the basis for decisions about reappointment and nonreappointment. The procedures in this section implement Section 604 of *The Code* and Board of Governors Policy 101.3.1.

4.2. **Institutional Evaluation Calendar.**

4.2.1. The institutional calendar of evaluation activities and deadlines is communicated to the faculty no later than May 1 of the year prior to the reappointment year. In the event adjustment to the calendar is needed after May 1, such changes may be agreed upon by the Division Vice Chancellors, the Faculty Evaluation Committee chair, and the Administrative Evaluation Committee convener.

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1 To effectuate the fair and orderly transition of existing contracts to this new sequence, the Board of Trustees shall approve any amendments to the contracts of faculty members serving term contracts on June 30, 2009.
4.2.2. It is the responsibility of each Division Vice Chancellor to coordinate all formal evaluation activity within the division as stipulated in the Faculty Evaluation Procedures.


4.3.1. All evaluation activities and recommendations which form the basis for reappointment or nonreappointment must consider the following factors relevant to the welfare of the School:

   i. The faculty member’s demonstrated professional competence; and

   ii. Evidence of career development and the faculty member’s potential for future contributions; and

   iii. Evidence of the faculty member’s contributions to the School community; and

   iv. An assessment of the educational needs and resources of the School.

4.3.2. Evidence of professional competence, career development, and potential for future contributions (factors i. and ii.) includes consideration of the performance of the faculty member at NCSSM as well as other evidence of those factors. Review of the faculty member’s performance must include consideration of the annual performance evaluation as described in the Faculty Evaluation Procedures.

4.3.3. Evaluation activities and recommendations may not be based upon the following impermissible factors:

   i. A faculty member’s exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; or

   ii. Unlawful discrimination based upon consideration of an otherwise qualified faculty member’s race, color, creed, national origin, sex, sexual orientation, gender identity, religion, disability, age, military status, or veteran’s status; or

   iii. personal malice, as defined by Board of Governors Policy 101.3.1, i.e. dislike, animosity, ill-will, or hatred based on personal characteristics, traits, or circumstances of an individual that are not relevant to valid decision making or to an individual’s performance as a faculty member.

4.4. Joint Recommendation of the Division Vice Chancellors.

4.4.1. Prior to making the recommendation decision, the appropriate Division Vice Chancellors solicit from the Faculty Evaluation Committee and the Administrative Evaluation Committee their assessment of the performance of the faculty member. These reports will be provided to the appropriate Division Vice Chancellors by October 1 of the reappointment year.
4.4.2. After receiving these reports and considering the four factors above and all evidence relevant to those factors, the Division Vice Chancellors determine whether to jointly recommend to the Chancellor the reappointment or nonreappointment of the faculty member. The Division Vice Chancellors forward their joint written recommendation for reappointment or nonreappointment to the Chancellor by October 15 of the reappointment year.

4.5. **Recommendation of the Chancellor for Reappointment by the Board of Trustees.**

4.5.1. In formulating his/her recommendation for reappointment, the Chancellor must consider the factors enumerated in Section 4.3.1 and all evidence related to these factors. The Chancellor communicates the decision in writing in accordance with University policy to the faculty member by November 1 of the reappointment year, except when a faculty member is in his/her first year of continuous regular service to the school, in which case the Chancellor communicates the decision in writing in accordance with University policy to the faculty member by January 15 of the reappointment year.

4.5.2. If the Chancellor recommends reappointment, this recommendation is forwarded to the Fiscal, Audit and Human Resources Committee of the Board of Trustees. The Fiscal, Audit and Human Resources Committee will have access to all supporting documents for all persons recommended for reappointment. The Fiscal, Audit and Human Resources Committee will make a recommendation regarding reappointment to the Board of Trustees, which will take final action to reappoint the faculty member. If the Board of Trustees determines not to reappoint the faculty member, notice of nonreappointment will be given in writing by the Chair of the Board of Trustees, or designee, no later than December 15 of the reappointment year.

4.5.3. Failure to provide timely notice as herein prescribed will obligate the School to offer to the affected faculty member an additional terminal contract of one academic year beyond the current contract of employment.

4.6. **Decision of the Chancellor to Nonreappoint.** If the Chancellor decides not to recommend the faculty member for reappointment, this decision is final unless the faculty member seeks review by the Faculty Appeals Committee.

4.7. **Hearing and Recommendations by the Faculty Appeals Committee.** If within 15 calendar days of receiving notice of nonreappointment by the Chancellor, the faculty member makes a request for review to the Chancellor, the Chancellor shall ensure a process is in place so that, if sufficient allegations are made, a Faculty Appeals Committee is empanelled.

4.7.1. The purpose of the review process is to determine: (1) whether the decision was based on considerations that The Code provides are impermissible; and (2) 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. The purpose of the review process is not to second-guess professional judgments based on permissible considerations.
4.7.2. The committee is responsible for receiving relevant evidence, making findings of fact, and providing advice to the Chancellor on the merits of the faculty member’s allegations. The role of the faculty committee is to create a clear, permanent record of the evidence presented at the hearing and to advise the Chancellor. The Chancellor has final administrative responsibility for deciding the issue, with the assistance of the committee.

4.7.3. In reaching decisions on which its written recommendations to the Chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, 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).

4.7.4. The faculty member is permitted to have the assistance of an attorney at the hearing, and that attorney is permitted to actively participate in the hearing. If an attorney for the faculty member is present during the hearing, then an attorney shall be provided for the respondent administrator.

4.8. **Chancellor Decision.** If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the Chancellor’s decision on the review shall be final and shall be treated as a recommendation for reappointment pursuant to Section 4.5.2.

4.9. **Review by the Board of Governors.** 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 request review of the Chancellor’s decision with the Board of Governors by submitting such notice to the President, 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 of the basis for the appeal. The purpose of review by the Board of Governors is to assure: (1) that the campus-based process for reviewing the decisions was not materially flawed, so as to raise questions about whether the faculty member’s contentions were fairly and reliably considered; (2) that the result reached by the Chancellor was not clearly erroneous; and (3) that the decision was not contrary to controlling law or policy.

4.10. **Hearing Guidelines.** The Chancellor shall issue guidelines for the conduct of hearings in accordance with Section 604 of *The Code* and Board of Governors Policy 101.3.1.

5. **Appointment of Special Faculty**

(Insert hyperlinks to related policies: UNC Code 610; UNC Code 603, 607)

5.1. **Special Faculty Members.** A person may be appointed as a part-time (less than .75 FTE), adjunct, visiting, or other special faculty member for a contract period not to exceed one academic year. Such a person may be reappointed for successive appointments, without limit as to the number of such appointments. All such appointments must be initiated by a recommendation from the Division Vice Chancellor to the Chancellor, following
consultation with such members of the faculty and of the administration as he/she considers appropriate. Special faculty members may be paid or unpaid.

5.2. **Letter of Appointment.** Special faculty members who are paid shall be appointed for a specified term of service, not to exceed one academic year, as set out in writing in the letter of appointment. The fixed term of appointment for 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 of nonreappointment when the specified contract period expires. Special faculty members who are not paid may be appointed for a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.

5.3. **Discharge, Termination, and Grievance.** During a fixed term of employment, special faculty members may not be discharged during the contract period except in accordance with Section 603 of *The Code*. Special faculty members may not be terminated except in accordance with Section 605 of *The Code*. Special faculty members may seek recourse for grievance under Section 607 of *The Code*.

5.4. **Nonreappointment.** Special faculty members, whether paid or unpaid, are not covered by Section 604 of *The Code*, and neither that section nor Section 610 of *The Code* accords them rights to additional review of a decision not to grant new appointment at the end of a specified fixed term.

5.5. **Evaluation.** If a special faculty member has been employed for three successive one-year appointments, he/she must be evaluated in accordance with the Procedures for Faculty Evaluation before an additional appointment is made and must be so evaluated every three years thereafter.

6. **Concurrent Appointment**

Insert hyperlinks to related policies: Employment Policy for Senior Academic and Administrative Officers Exempt from the State Personnel Act

6.1. **Concurrent Appointment.** A person who holds a faculty appointment may be appointed to serve, in addition, as a Group II senior academic or administrative officer pursuant to the Employment Policy for Senior Academic and Administrative Officers Exempt from the State Personnel Act. Such concurrent appointments are made on a year-by-year basis subject to continuation or termination at the discretion of the Chancellor. Since the administrative appointment is “at will,” removal from the administrative office, at any time, is without recourse to the procedures prescribed by Section 11. Removal from an administrative office does not affect the underlying, or base, faculty appointment.

6.2. **Conflicts of Interest.** To avoid either the fact or the appearance of conflicts of interest, a faculty member who holds a concurrent administrative appointment may not serve as a member of the Faculty Evaluation Committee, Faculty Appeals Committee, or the Faculty Grievance Committee.
6.3. **Evaluation of Faculty Performance.** A faculty member who holds an administrative appointment will be evaluated for the purpose of reappointment to his/her base faculty position according to the procedures in Section 4.

7. **General Contract Provisions.**

Each fixed-term contract issued to a regular faculty member will specify in writing:

7.1. the beginning and ending dates of the fixed-term contract;

7.2. the initial salary, if known, otherwise the current salary;

7.3. the additional employment benefits, if any, to which the faculty member is entitled;

7.4. the incorporation into the contract, by reference, of (1) this Policy; (2) of NCSSM policies published by the Board of Trustees and the Chancellor; and (3) *The Code of the University of North Carolina and University policies published by the Board of Governors and the President; as all such policies may be amended from time to time;*

7.5. notice that continuation of employment is contingent upon the continued availability of (1) state funds; (2) permanent trust accounts; or (3) special funding; on which the employment is dependent, and the sources of such funding. If the nature of the special funding necessitates evaluation procedures different from those specified in this Policy, such procedures will be specified in the contract;

7.6. notice that continuation of employment is contingent upon satisfactory completion of a criminal background check and verification of credentials;

7.7. for a faculty member who does not hold permanent U.S. residency status, notice that continuation of employment is contingent upon the individual demonstrating legal work authorization during the term of employment;

7.8. any additional understanding, promise, or condition that is to be considered a part of the contract between the School and the faculty member.

8. **Resignation**

8.1. **Notice.** If a faculty member intends to resign, he/she should give written notice of this intention, with an effective date, to the Division Vice Chancellor at the earliest possible opportunity. This notice should be given no later than March 1 for the next academic year.

9. **Retirement**

9.1. **Enrollment Election.** Regular faculty members may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes. Incumbent employees on July 1, 2007, had, within 60 calendar days, an opportunity to elect enrollment in the Optional Retirement Program (ORP) administered by the Board of Governors of the University or to remain enrolled in the Teachers’ and State Employees’ Retirement System (TSERS). An election to remain in TSERS or to enter the ORP is a lifetime irrevocable election.
Employees appointed after July 1, 2007, may, within 60 calendar days of commencing employment, elect to enroll in the ORP. Failure to make an election will result in automatic enrollment in TSERS.

9.2. Notice. If a faculty member intends to retire, he/she should give written notice of this intention, with an effective date, to the Division Vice Chancellor at the earliest possible opportunity. This notice should be given no later than March 1 for the next academic year.

10. Termination of Employment for Financial Exigency or for Elimination or Curtailment of Program

Insert hyperlinks to related policies: UNC Code 605; BOG 103.3.3 Delivery of Notices; 605 hearing guidelines (to be created); BOG 400.1.2 Termination of Programs

10.1. Grounds for Termination. A faculty member may be terminated during or at the conclusion of a fixed term contract in accordance with the procedures prescribed in Section 605 of The Code. Termination may be imposed only for reasons of:

10.1.1. Demonstrable, bona fide institutional “financial exigency,” which is defined as a significant decline in the financial resources of the institution that is brought about by a decline in institutional enrollment or by other action or events that compel a reduction in the institution’s current operations budget; or

10.1.2. Major curtailment or elimination of a teaching, research, or public-service program.

10.2. Chancellor Consultation and Determination of Program. If it appears that the School 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 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. The Chancellor’s determination is subject to concurrence by the President and then approval by the Board of Governors.

10.3. Chancellor Determination of Individual Employment. In determining which faculty member’s employment is to be terminated, the Chancellor shall give consideration to contract 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. Terminations during or at the conclusion of a fixed term contract are not covered by Section 4 of these Regulations or Section 604 of The Code.

10.4. Notice.

10.4.1. When the employment of a faculty member serving a fixed term is to be terminated 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 November 1. When faculty employment is to be terminated 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.

10.4.2. This notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, disclosure of pertinent financial or other data upon which the decision was based, notice of the right to request a fair hearing by the Faculty Appeals Committee if the termination is alleged to be arbitrary or capricious, and a copy of the Regulations on Faculty Employment.

10.5. **Reconsideration Hearing.** If within 15 calendar days of receiving notice of termination by the Chancellor, the faculty member makes a written request for reconsideration to the Chancellor, a panel of the Faculty Appeals Committee shall be empanelled as set forth in Section 12 to reconsider whether the decision to terminate this faculty member was arbitrary or capricious. The committee’s jurisdiction does not extend to a reconsideration of whether a financial exigency exists or a program should be curtailed or eliminated. The Faculty Appeals Committee shall conduct the hearing and advise the Chancellor in writing as set forth in Section 12. If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the Chancellor’s decision shall be final. If the Chancellor’s decision is unfavorable to the faculty member, the reconsideration may be appealed to the Board of Trustees, whose decision is final.

10.6. **Employment Assistance and Re-Hiring.** The School, when requested by the faculty member, shall give reasonable assistance in finding other employment for a faculty member whose employment has been terminated pursuant to this section. For a period of two years after the effective date of termination of a faculty member’s contract, the School shall not replace the faculty member without first offering the position to the person whose employment was terminated.

10.7. **Hearing Guidelines.** The Chancellor shall issue guidelines for the conduct of reconsideration hearings in accordance with Section 605 C. of *The Code*.

10.8. **Termination of Program by the University.** In the event a program is terminated upon the initiative of the President or the Board of Governors, the Chancellor shall decide whether the termination of the program would have the effect of making the services of one or more faculty members unnecessary. The Chancellor would then follow procedures appropriate to the case.

11. **Discharge or Suspension**

*Insert hyperlinks to related policies: UNC Code 603; BOG 103.3.3 Delivery of Notices; 603 hearing guidelines (to be created)*

11.1. **Grounds for Discharge or Suspension.** During a fixed-term contract period, a faculty member may be discharged from employment or suspended, in accordance with the procedures prescribed in Section 603 of *The Code*. Discharge or suspension may be imposed only for reasons of:
11.1.1. 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; or

11.1.2. Neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or

11.1.3. 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 School duties; or

ii. Sufficiently serious as to adversely reflect on the individual’s honesty, trustworthiness, or fitness to be a faculty member.

11.2. Notice. Upon receiving written specification of the reasons for the intended discharge or suspension from the supervising Vice Chancellor, the Vice Chancellor for Academic Programs shall send any notice required by Section 603 of The Code in accordance with University policy.

11.3. Request for Hearing. If, within 14 calendar days after receiving the notice and written specifications referred to in section 11.2 above, the faculty member makes no written request for a hearing, the faculty member may be discharged or suspended without recourse to any institutional grievance or appellate procedure.

11.4. Hearing and Recommendations by the Faculty Appeals Committee. If the faculty member makes a timely request for a hearing to the Vice Chancellor for Academic Programs with a copy to the supervising Vice Chancellor, the Chancellor shall ensure a process is in place so that a timely hearing is accorded before the Faculty Appeals Committee. The hearing shall be on the written specification of reasons for the intended discharge or suspension. The burden of proof is on the School to substantiate, by “clear and convincing” evidence that permissible grounds for the discharge or suspension exist and are the basis for the recommended action. In reaching decisions on which its written recommendations to the Chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow.

11.5. Chancellor 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.

11.6. Appeal to the Board of Trustees. If the Chancellor either declines to accept a committee recommendation that is favorable to the faculty member or concurs in a committee recommendation that is unfavorable to the faculty member, the faculty member may appeal the Chancellor’s decision to the Board of Trustees. This appeal shall be transmitted through the Chancellor and be addressed to the Chair of the Board. Notice of appeal shall be filed within 14 calendar days after the faculty member receives the Chancellor’s decision.
appeal to the Board of Trustees shall be decided by the full Board of Trustees. However, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three members. The Board of Trustees, or its committee, shall consider the appeal on the written transcript of hearings held by the faculty hearing committee, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees’ final 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.

11.7. **Appeal to the Board of Governors.** The Board of Trustees decision shall be final except that the faculty member may, within 14 calendar days after receiving the trustees’ decision, file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, with the Board of Governors, if the faculty member alleges that one or more specified provisions of *The Code* have been violated. Any such appeal to the Board of Governors shall be transmitted through the President.

11.8. **Hearing Guidelines.** The Chancellor shall issue guidelines for the conduct of hearings in accordance with Section 603 of *The Code*.

11.9. When a faculty member has been notified of the School’s intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the faculty member at any time until a final decision concerning the discharge has been reached in accordance with Section 603 of *The Code*. Suspension shall be exceptional and with full pay.

12. **Faculty Appeals Committee**

Insert hyperlinks to related policies: [UNC Code 603, 604, & 605; BOG 101.3.1](#)

**Appeals of Nonreappointment Decisions under 604 of The Code; BOG 400.1.2**

**Termination of Programs; 603, 604, & 605 hearing guidelines (to be created);**

12.1. **Purpose.** Sections 603, 604 and 605 of *The Code* provide a process for faculty members to seek review of certain employment actions. The function of the Faculty Appeals Committee is to conduct hearings and advise the Chancellor on matters within its jurisdiction, as specified in Section 12.3, in accordance with relevant School and University policies and procedures. The review process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

12.2. **Composition of the Committee.** The Chancellor shall provide for the establishment of a Faculty Appeals Committee composed of eight faculty members, who hold regular appointments, are in their third or subsequent year of employment, and are elected by their faculty peers at the beginning of each year to serve multi-year staggered terms. The election shall be conducted by the Faculty Senate, and each regular faculty member shall be eligible to vote. Two faculty members each are elected from the Math, Science and Humanities departments, and two faculty members are elected from among all other faculty. No officer of administration, including department deans and department directors, shall serve on the committee, nor shall any faculty member serve on both the Faculty Appeals Committee and Faculty Grievance Committee.
12.3. **Jurisdiction.** Appeals within the province of the committee’s power include requests for review or reconsideration concerning:

12.3.1. nonreappointment of a regular faculty member by the Chancellor pursuant to Section 4;

12.3.2. termination of employment of a regular or special faculty member for financial exigency or for elimination or curtailment of program pursuant to Section 10; and

12.3.3. discharge or suspension of a regular or special faculty member pursuant to Section 11.

12.4. **Hearing Panel.** A panel of three members of the Faculty Appeals Committee will be empanelled by the Faculty Senate President to conduct hearings. No member of the Faculty Appeals Committee may serve on a panel to hear a case involving a faculty member who is a member of the department in which the committee member holds his/her appointment; nor will a person be eligible to serve on such a panel if he/she has prior personal knowledge of or was involved personally in any manner in the circumstances that gave rise to the intended personnel action, or if he/she otherwise has a substantial conflict of interest. No member of the Faculty Appeals Committee who served on the Faculty Observation Team or Faculty Evaluation Committee for a faculty member during the current contract period may serve on a panel to hear a case involving that faculty member. In the event the Faculty Senate President has a substantial conflict of interest, he or she shall recuse himself or herself, and the panel shall be empanelled by the Faculty Senate Vice President or Faculty Senate Secretary, serving in succession. In the event that substantial conflict of interest prevents a panel of three members from being empanelled, the Faculty Senate shall hold an election within two weeks.

13. **Faculty Grievance Committee**

*Insert hyperlinks to related policies: UNC Code 607; BOG 101.3.2 Grievances Filed Pursuant to Section 607 of The Code; BOG 103.3.3 Delivery of Notices; 607 hearing guidelines (to be created); 607 mediation guidelines (to be created)*

13.1. **Purpose.** Section 607 of The Code and Board of Governors Policy 101.3.2 provide a process for faculty members and special faculty members to seek redress concerning employment-related grievances. The function of the grievance procedure is to attempt to reach a consensual resolution of the dispute and, if that fails, to determine, in accordance with these policies, whether the contested decision was materially flawed, in violation of applicable policies, standards, or procedures. The grievance process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

13.2. **Composition of the Committee.** The Chancellor shall provide for the establishment of a Faculty Grievance Committee composed of eight faculty members, who hold regular appointments, are in their third or subsequent year of employment, and are elected by their faculty peers at the beginning of each year to serve multi-year staggered terms. The election shall be conducted by the Faculty Senate, and each regular faculty member shall be eligible
to vote. Two faculty members each are elected from the Math, Science and Humanities departments, and two faculty members are elected from among all other faculty. No officer of administration, including department deans and department directors, shall serve on the committee, nor shall any faculty member serve on both the Faculty Appeals Committee and Faculty Grievance Committee.

13.3. Jurisdiction. "Grievances" within the province of the committee’s power shall include matters directly related to a faculty member’s or special faculty member’s employment status and institutional relationships within the School. However, no grievance that grows out of or involves matters related to a formal proceeding for the nonreappointment, suspension, discharge, or termination of a faculty member or of a suspension, discharge, or termination of a special faculty member, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee. 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.

13.4. Written Petition. If any faculty member or special faculty member has a grievance, the faculty member or special 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 petitioner shall deliver a copy of the petition to the respondent administrator using a method consistent with Board of Governors Policy 101.3.3 [hyperlink].

13.5. Mediation Encouraged. Mediation is a procedure in which disputing parties enlist the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings, or litigation. It is the policy of the School to permit the parties to voluntarily participate in mediation before accessing the formal faculty grievance process. When parties participate in mediation, the mediator may assess the value of continuing the mediation and may determine that the parties are not amenable to a settlement, in which case the mediator may end the mediation, and the formal grievance hearing process will then begin.

13.6. Formal Grievance Process. If the grievance is not resolved through the mediation process, a panel of three committee members (“the committee”) shall be empanelled by the Faculty Senate President to 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. No member of the Faculty Appeals Committee may serve on a panel to hear a case involving a faculty member who is a member of the department in which the committee member holds his/her appointment; nor will a person be eligible to serve on such a panel if he/she has prior personal knowledge of or was involved personally in any manner in the circumstances that gave rise to the intended personnel action, or if he/she otherwise has a substantial conflict of interest. No member of the Faculty Grievance Committee who served on the Faculty Observation Team or Faculty Evaluation Committee for a faculty member during the current contract period may serve on a panel to hear a case involving that faculty member. In the event the Faculty Senate President has a
substantial conflict of interest, he or she shall recuse himself or herself, and the panel shall be empanelled by the Faculty Senate Vice President or Faculty Senate Secretary, serving in succession. In the event that substantial conflict of interest prevents a panel of three members from being empanelled, the Faculty Senate shall hold an election within two weeks.

13.7. **Hearing.** If the committee determines that the petitioner has presented an apparently substantial issue within the purview of the committee's responsibility, the committee shall hold an evidentiary hearing to determine whether the petitioner has established, by a preponderance of the evidence, that the petitioner has experienced a remediable injury attributable to the alleged violation of a right or privilege based on federal or state law, School or University policies or regulations, or commonly shared understanding within the academic community about the rights, privileges and responsibilities attending School and University employment.

13.8. **Advice.** The committee shall advise with respect to the adjustment of grievances as specified in Board of Governors Policy 101.3.2. Advice for adjustment in favor of an aggrieved faculty member or special faculty member may be given to the Chancellor only after the dean, department director, 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.

13.9. **Chancellor Decision.** The Chancellor shall notify the petitioner and respondent administrator in writing of the Chancellor's decision, including notice of appeal rights, if any. If the Faculty Grievance Committee did not advise that an adjustment in favor of the petitioner was appropriate, then the decision of the Chancellor is final and may not be appealed.

13.10. **Appeal to the Board of Trustees.** If neither the relevant administrative official nor the Chancellor makes an adjustment that is advised by the Faculty Grievance Committee in favor of the petitioner, then the petitioner may appeal to the Board of Trustees.

13.10.1. **Standard of Review.** To prevail before the Board of Trustees, the petitioner must demonstrate that the Chancellor's decision was clearly erroneous, that it violated applicable federal or state law or University policies or regulations, or that the process used in deciding the grievance was materially flawed.

13.10.2. **Final Decision.** The Board of Trustees has delegated to its Executive Committee the authority to make procedural decisions and to make final decisions on behalf of the Board concerning appeals of faculty grievances under Section 607 of *The Code*. The decision of the Executive Committee of the Board of Trustees is final and may not be appealed.

13.11. **Mediation and Hearing Guidelines.** The Chancellor shall issue guidelines for the conduct of mediation and hearings in accordance with Section 607 of *The Code* and Board of Governors Policy 101.3.2.

14. **Statutory and Other Rules of Employment**
14.1. **Equal Employment Opportunity.** In administering its affairs, the North Carolina School of Science and Mathematics is committed to equality of opportunity. It is the policy of the School to be fair and impartial in all its relations with its employees and applicants for employment and to not discriminate against any otherwise qualified person on the basis of race, color, creed, national origin, sex, sexual orientation, gender identity, religion, disability, age, military status, or veteran's status. Employment shall be conducted in accordance with all provisions of State and Federal law or regulation prohibiting any such discrimination, including Article 6 of N.C. Gen. Stat. Chapter 126, and in accordance with the School's equal opportunity plan.

14.2. **Protected Activity.** Employment shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in faculty positions will be subject to any limitations on political activity established by Article 5 of N.C. Gen. Stat. Chapter 126. The Board of Governors' policies concerning political activity, Policy 300.5 et seq., as they may be revised from time to time, shall apply to positions covered by this Policy.

14.3. **Privacy of Personnel Records.** All faculty members enjoy the protection of and are subject to the provisions of Article 7 of N.C. Gen. Stat. Chapter 126, entitled "The Privacy of State Personnel Records." Personnel files, as defined by state law, are not subject to public inspection, except as permitted by statute.

14.4. **Employment Preference for Veterans.** Employees in positions covered by this Policy enjoy the protections of and are subject to the provisions of N.C. Gen. Stat. § 128-15, which provide for preference in employment for veterans of the United States military service and their spouses and widows or widowers.

14.5. **Employment of Related Persons.** A faculty member is subject to the policies of the Board of Governors and the Board of Trustees concerning employment of related persons, as they may be revised from time to time.

15. **Amendments (Insert hyperlink to Code 602)**

15.1. **Periodic Review.** The Office of General Counsel shall review this document each even-numbered year and shall recommend for approval by the Board of Trustees amendments necessary to respond to changes in law that affect this Policy. The Chancellor shall review this document at least every five years, and shall report to the President of the University of North Carolina whether or not amendments or revisions are appropriate. The Chancellor shall involve the faculty in this review.

15.2. **Notice.** It is the policy of the Board of Trustees that if amendments to the Regulations on Faculty Employment are proposed by or to the Board of Trustees, the Administration and Faculty Senate will have an opportunity to express opinions and/or propose revisions to such amendments prior to policy being set. Action will occur no sooner than two regular Board of Trustees meetings after the amendments are proposed.

16. **Effective Date**

16.1. This Policy shall be effective on July 1, 2009. **(Move other dates to history link.)**