

**Faculty Hearings Committee  
Annual Report  
October 2005**

**MEMBERS 2005-2006** Carl L. Bose (School of Medicine, 2007); Patrick J. Conway (Economics, 2007); Laurel A. Files, Chair, (School of Public Health, 2006); Abigail Panter (Psychology, 2008); A. Wayne Pittman (School of Pharmacy, 2008); Linda L. Spremulli (Chemistry, 2007).

**MEMBERS 2004-2005** Frayda S. Bluestein (School of Government, 2005); Carl L. Bose (School of Medicine, 2007); Patrick J. Conway (Economics, 2007); Laurel A. Files, Chair, (School of Public Health, 2006); Abigail Panter (Psychology, 2008); Linda L. Spremulli (Chemistry, 2007).

**REPORT PREPARED BY** Laurel Files, and reviewed and approved by the 2005-06 committee.

**COMMITTEE CHARGE** According to *The Faculty Code of University Government*, the Faculty Hearings Committee is composed of six faculty members with permanent tenure, serving three-year terms. The committee performs functions assigned to it in the *Trustee Policies and Regulations Governing Academic Tenure*. Those duties include conducting hearings (a) on the request of a faculty member who has been notified before the end of his or her tenure or term of appointment that the University intends to discharge him or her, and (b) on the request of faculty member for review of a decision not to reappoint him or her upon expiration of a probationary term of appointment. In the case of a discharge hearing, the committee's duty is to determine whether one of the following permissible grounds for discharge has been established: misconduct of such a nature as to indicate that the faculty member is unfit to continue as a member of the faculty, incompetence, and neglect of duty (*Trustee Policies*, section 3.a.). With respect to review of nonreappointment decisions, the committee is limited to determining whether the grounds for such action are impermissible under section 4.a. of the *Trustee Policies* or whether the decision was affected by material procedural irregularities (*Trustee Policies*, section 4.c.).

**MATTERS REFERRED TO THE COMMITTEE** None.

**REPORT OF ACTIVITIES** Last year's activities included the following:

- A request for a formal review of the denial of promotion and tenure by a dean, after a positive recommendation by a department chair. The committee determined that the facts suggested would not support the claim, and denied this request for a hearing.
- A request for an interpretation of what is timely notice of a decision not to reappoint a tenure track faculty member at the expiration of a probationary term, considering the lack of specificity in the *Trustee Policies Governing Academic Tenure in the University of North Carolina at Chapel Hill* as to when the clock starts for the 12-month required notice of nonreappointment. The request was precipitated by a case that involved denial of tenure and promotion, an appeals hearing, a return of the

decision to the department, and a new decision to tenure and promote that was then denied at the next level. The issue was whether the 12-month clock began at the initial denial of tenure, or at the final denial of tenure, after the hearings process had reached its conclusion. The Hearings Committee felt that it was not empowered to address such an issue, but that the question was legitimate and a review of the policy with an eye to its consistency with AAUP guidelines, and its clarity for purposes of implementation, might be appropriate. It forwarded the request to the Committee on University Government. We were informed that the request was subsequently forwarded to the Advisory Committee, at which point it was no longer in the committee's hands.

- A request for a hearing challenging the recommendation by a dean to deny tenure and promotion. The committee agreed to review the decision. Subsequently, at the request of the faculty member, the dean entered into mediation, facilitated by the senior associate university council. The situation was resolved and the appeal was withdrawn.
- A request for a hearing challenging the recommendation by a dean to deny reappointment to a second term as assistant professor. The committee agreed to hear the appeal, but the faculty member later resigned from the university and withdrew the request.

During the course of one of its cases, the committee learned of relatively new Board of Governors policy that allows the university to decide whether to allow faculty members to have the assistance of an attorney or other advisor at the hearing and, if so, whether the advisor is permitted to participate actively in the hearing. Although allowing attorneys to participate actively during the hearing is discouraged, if an attorney is permitted to participate actively during the hearing on behalf of the faculty member, then the policy provides that the campus should provide legal counsel for the respondent administrator.

No actions are currently pending.

**RECOMMENDATIONS FOR ACTION BY FACULTY COUNCIL None.**

Respectfully submitted,

Carl L. Bose  
Patrick J. Conway  
Laurel A. Files, Chair  
Abigail Panter  
A. Wayne Pittman  
Linda L. Spremulli