



The University of North Carolina at Chapel Hill

MEETING of the FACULTY COUNCIL

Friday, November 11th, 2005 at 3:00 p.m.

***** The Pleasants Family Assembly Room in Wilson Library *****

Chancellor James Moeser and Professor Judith Wegner, Chair of the Faculty, will preside.

AGENDA

Time	Item
3:00	Faculty Council Convenes. <ul style="list-style-type: none">• Comments from the Chancellor.• Questions and Comments from the Faculty Council.
3:30	Annual Report of the Advisory Committee. <ul style="list-style-type: none">• Discussion of Proposal to Amend the Tenure Regulations.
4:15	Annual Reports. <ul style="list-style-type: none">• Faculty Hearings Committee.• Faculty Grievance Committee.• Appointments, Promotions and Tenure Committee.
4:30	Update on the Phased Retirement Program. <ul style="list-style-type: none">• Associate Vice Chancellor Laurie Charest.
4:50	Closed Session: Distinguished Alumnus and Alumna Awards for 2006.
5:00	Adjourn.

Joseph S. Ferrell
Secretary of the Faculty

Additional agenda background materials and documents pertaining to meetings of the Council may be found at www.unc.edu/faculty/faccoun

Chancellor's Advisory Committee
Elected Committee

Annual Report for 2005

For Presentation at the Faculty Council: November 11, 2005

Membership:

Class of 2006

Melissa Bullard, History
Peter Coclanis, History
Etta Pisano, Radiology

Class of 2007

Karen M. Gil, Psychology
Arne L. Kalleberg, Sociology
H. Holden Thorp, Chemistry

Class of 2008

Carol W. Runyan, School of Public Health
Ronald P. Strauss, School of Dentistry
Timothy N. Taft, School of Medicine

Ex officio, with vote:

Chair of the APT Committee, Janne Cannon, School of Medicine
The Chair of the Faculty, Judith Wegner, Law
The Secretary of the Faculty, Joseph S. Ferrell, Government

Report prepared by Arne L. Kalleberg, Chair, with Committee Review.

Committee Charge:

The Faculty Code of University Government states that the Advisory Committee

“is advisory to the chancellor in any matter deemed important by the chancellor or the committee, and particularly with respect to: 1) proposed amendments to the trustee policies and procedures governing academic tenure; 2) review of school and departmental statements of criteria for appointment, promotion, and tenure; 3) academic program planning and assessment; 4) appointment of vice chancellors, deans, and other senior administrators; and 5) recommendations for corrective action i. pursuant to a report of the Faculty Hearings Committee with respect to a decision not to reappoint a probationary-term faculty member, or ii. pursuant to a report of the Faculty Grievance Committee with respect to a decision not to promote to a higher rank a person holding permanent tenure at the rank of associate professor or assistant professor; 6) appointment and renewal of

appointment of the faculty marshal and appointment and review of the faculty athletics representative."

Report on Activities:

The Committee meets monthly with the chancellor. The main topics addressed since the last report to the Faculty Council were: nomination of faculty to the Executive Committee of the Faculty Council; the response by the units to last year's salary equity resolution; the campus Master Plan; Kannapolis project; faculty housing project; student scholarships; the strategic plan for Carolina North; and the selection of candidates for Faculty Chair and Faculty Secretary.

Last Spring, the Committee also continued its discussion of whether the *Trustee Policies Governing Academic Tenure in the University of North Carolina at Chapel Hill* document is specific enough in reference to timely notification of a decision not to reappoint a tenure track faculty member at the expiration of a probationary term and as to when the clock starts for the 12-month required notice of non-reappointment.

The Committee proposed an amendment that would address when a probationary-term faculty member must be given notice of non-reappointment. The tenure regulations now direct that a decision not to reappoint must be made and communicated to the faculty member not less than 12 months before the expiration of the term. The amendment would require that all reviews and appeals of a decision not to reappoint (except appeals to the Board of Trustees or Board of Governors) must be concluded not later than 12 months before the expiration of the term; otherwise, the decision not to reappoint would be deemed not to have been timely made and communicated. The effect of the change would be to move the point from which the required 12-months notice of non-reappointment is measured. Now, it is measured from the date that the negative decision is made. Under the change, it would be measured from the date that any on-campus review or appeal of that decision results in a final decision unfavorable to the faculty member.

The exact text of the amendment would amend Section 2.c.(2) of the Tenure Regulations to insert after the third sentence the following: "All reviews and appeals of a decision not to reappoint, other than appeals pursuant to Section 8 or Section 9 hereof, shall be concluded not later than 12 months before the expiration of the term; otherwise, the decision not to reappoint shall be deemed not to have been timely made and communicated."

This amendment will be presented to the Faculty Council at its meeting on November 11, 2005. It will be voted on by the Council at its December meeting.

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 Pitman (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 AUP 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

2004-2005 Faculty Grievance Committee Activity Report

Prepared by Gislelle Corbie-Smith, Interim Co-Chair FGC

August 24, 2005 and Hannelore Jarrausch, Chair FGC 2005-2006

September 2004

Grievance filed by Assistant Professor in Business School about being denied summer grant support, salary support and RATS funding. A grievance hearing was held January 2005 and heard by Drs. Weiss, Farel, Jarrausch and Wall. It was determined that consistent criteria were applied in evaluating faculty for summer grant support, salary support and RATS funding. A recommendation was made to the Dean of the Business School that criteria for awarding summer funding be updated and more clearly stated.

November, 2004

Tenured Professor in Arts and Sciences inquired about being denied consideration for a limited term Distinguished Professor Chair. After several months of discussion with both co-chairs the decision was made not to file a formal grievance.

December 2004

Inquiry from Tenured Professor in Arts and Sciences re concerns about a recent hire in her department. Her concerns are about the process by which the new faculty member was hired, that poor professional references were not taken into account.

August 2005

Tenured Professor in School of Medicine considering a grievance after being relieved of administrative duties as Division Chief without prior indication that there was a problem in his performance

Members of the Faculty Grievance Committee 2004-2005:

Gislelle Corbie-Smith and Bruce Fried, co-chairs; Andrew Chin, Paul Farel, Hannelore Jarrausch, Gerald Postema, Ennio Rao, Jessica Smith, Aimee Wall, Stephen Weiss

**Example of a Time-Line for Review of a Tenure Decision
in the College of Arts and Sciences**

10/01/05	Preparation for review begins <ul style="list-style-type: none"> • Candidate receives written notice of review • Candidate assembles full curriculum vita • Outside reviewers selected; letters received • Candidate prepares teaching portfolio and research statement
01/01/06	Departmental Review Begins <ul style="list-style-type: none"> • Chair assembles dossier and sets date for meeting of full professors • Professors render advice • Chair formulates decision • <i>Chair communicates decision to faculty member and submits recommendation and dossier to the dean</i>
02/27/06	Arts & Sciences Review begins <ul style="list-style-type: none"> • Dean reviews chair's recommendation in consultation with Arts & Sciences Advisory Committee • <i>Dean formulates decision</i>
04/10/06	Provost Review begins <ul style="list-style-type: none"> • Provost reviews dossier • Dossier submitted to APT Subcommittee • APT Committee receives and acts on subcommittee recommendation • <i>Provost formulates decision</i>
05/01/06	Chancellor Review begins <ul style="list-style-type: none"> • Chancellor formulates decision and transmits to Trustees
06/30/06	Last day to give notice of decision not to reappoint
06/30/07	Current term expires

A decision not to reappoint can be made at any of the stages indicated by ***bold italics***. Under the current tenure regulations, the required 12-month notice of nonreappointment would be measured from that date in the example.

Time Line for Review of a Decision Not to Reappoint

(Deadlines in parentheses are specified in the tenure regulations and have been reckoned as work days, not calendar days)

Cumulative calendar days elapsed	Action
	Chair decides not to reappoint
14	[10 days] Candidate requests conference with chair
21	[5 days] Conference held
28	[5 days] Chair gives notice of final decision
35	[5 days] Candidate requests conference with dean
42	[5 days] Conference with dean held
56	[10 days] Dean decides to affirm chair or request reconsideration
63	[5 days] Candidate requests review by Hearings Committee
73	[10 days] Hearings Committee decides whether to hold hearing
101	[estimated 4 weeks] Hearings Committee conducts hearing and either affirms decision or formulates recommendations for corrective action

Under the proposed change in the tenure regulations, the required 12-month notice of nonreappointment would be measured from the date that procedures for review of a negative decision are completed.

College of Arts & Sciences
Tenure Track Schedule
2005-2006

Committee Schedules and Deadlines for EPA Personnel Actions

College of Arts & Sciences Submittal Deadline	Arts & Sciences Advisory Committee (ASAC)	Provost	APT Sub-Committee	APT Committee	Board of Trustees	Board of Governors
None	No Meeting	07-11-05	08-03-05	08-10-05	(08-25-05)	09-09-05
None	No Meeting	08-08-05	08-31-05	09-07-05	09-22-05	10-14-05
08-08-05	08-30-05	09-06-05	09-28-05	10-05-05	(10-27-05)	11-11-05
08-30-05	09-20-05	10-03-05	10-26-05	11-02-05	11-17-05	01-13-06
09-26-05	10-18-05	11-07-05	11-30-05	12-07-05	(12-15-05)	01-16-06
10-24-05	11-15-05	12-12-05	01-04-06	01-11-06	01-26-06	02-10-06
11-21-05	12-13-05	01-09-06	02-01-06	02-08-06	(02-23-06)	03-10-06
01-03-06	01-24-06*	02-06-06	03-01-06	03-08-06	03-23-06	04-12-06
01-30-06	02-21-06*	03-13-06	04-05-06	04-12-06	(04-27-06)	05-12-06
02-27-06	03-21-06*	04-10-06	05-03-06	05-10-06	05-25-06	06-09-06
04-03-06	04-25-06*	05-08-06	05-31-06	06-07-06	(06-22-06)	07-14-06
04-17-06	05-09-06*	06-12-06	07-05-06	07-12-06	07-27-06	08-11-06
None	No Meeting	07-10-06	08-02-06	08-09-06	(08-24-06)	09-08-06
None	No Meeting	08-07-06	08-30-06	09-06-06	09-28-06	10-12-06
07-31-06	08-17-06*	09-06-06	09-27-06	10-04-06	(10-26-06)	11-10-06
08-28-06	09-14-06*	10-02-06	10-25-06	11-01-06	11-16-06	01-12-07
09-25-06	10-12-06*	11-06-06	11-29-06	12-06-06	(12-21-06)	01-12-07

Arts & Sciences Subcommittee on Instructional Personnel (ASAC) meetings are held in the Conference Room, 205 South Building. (NOTE: No ASAC meetings are scheduled in the summer months of June and July.)

*Tentative -Due to varying teaching and administrative schedules, ASAC meeting dates may need to be adjusted. () for the BOT Indicates meetings not regularly scheduled in which a mail ballot is used.

@Please see Memorandum dated August 1, 2005 regarding Mandatory Reviews and associated deadlines.

Please note that for new tenured-tenure-track appointments the absolute last deadline for submission of all associated paperwork is April 3, 2006 for a July 1, 2006 effective date.

(updated: 06/15)	#Copies (Incl Orig)			Initial Appointment			Reappointment				Promotion		
Tenure Track UU	ASAC	Academ Affairs	HSAC	Full or Assoc Prof w/ Tenure	Assoc Prof w/o Tenure	Asst Prof or Instr on TT	Assoc Prof w/ Tenure	Asst Prof w/Tenure (in 6 th Yr)	Asst Prof to 2 nd Term (in 3 rd Yr)	Instr	From Assoc to Full Prof	From Asst to Assoc Prof	Add'l (Joint) Appt
Standard Order: #1-8													
1. AP2	7	5	8	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
2. Full Curriculum Vita													
a) Personal													
b) Education													
c) Professional experience													
d) Honors													
e) Bibliography (show author order) Books & chapters (incl pgs) Refereed papers/articles (incl pgs) Refereed unpublished oral presentations &/or abstracts Other unrefereed works (incl book reviews)	7	5	8	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
f) Teaching activities: List courses for the past three years, number of students taught by section. Give names of graduate students supervised, thesis titles, and completion dates for degree work since employment at UNC-CH. Undergraduate honors projects should be included as well.	7	5	8				◆	◆	◆	◆	◆	◆	◆
g) Grants (role, amount, dates, agency, etc.)	7	5	8	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
h) Professional service	7	5	8				◆	◆	◆	◆	◆	◆	◆
i) Research statement	7	5	8				◆	◆	◆	◆	◆	◆	◆
j) Teaching statement	7	5	8				◆	◆	◆	◆	◆	◆	◆
2. Recommendation letter from the Dean to the Provost or from Chair endorsed by the Dean. (see example) [mark with tab]	7	5	8	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
3. School/Department Promotions Committee report (if available)	7	5	8	◆	◆	◆	◆	◆	◆		◆	◆	◆
4. Copy of letter soliciting recommendation (see example)	7	5	8				◆	◆			◆	◆	
5. Outside letters of recommendation (at least four; include all letters received, not a selected subset) [mark with tab]	7	5	8	◆	◆	◆	◆	◆			◆	◆	
6. Teaching evaluations: Summaries should be provided showing quantitative data which evaluates the teaching effectiveness. (Do not include individual student evaluations or grade sheets.)	7	5	8				◆	◆	◆	◆	◆	◆	
7. Peer evaluations							◆	◆	◆	◆	◆	◆	
8. Any additional information or materials that the school would like to submit but which is not duplicative of the above, e.g., support info on clinical service, and/or administrative duties.	7	5	8	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Requirements Not Part of the Standard Order (incl w/St Order Origs)													
9. PD-7 (original only)				◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
10. AP2a	2	2	2	◆	◆	◆							
11. EEO Approval	2	2	2	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
12. I-9	2	1	1	◆	◆	◆							
13. Tax Cards & Payroll Direct Deposit	2	1	1	◆	◆	◆							
14. Recommendation for Joint Appt (if applicable)	2	2	2										◆
15. OP1/OP1a (keep in dept office)				◆	◆	◆							

Existing Practice: 9 month appointment starting July 1

Year 6 (Asst. Prof.) or Year 4 (Assoc. Prof)

July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
Dossier		Reviewers	Class Visits			Full Profs	Chair Notifies		Campus APT....		
											Appeals..... 6/30 + 1 year

Proposed Change: 9 month appointment starting July 1

Have to move back 3 months; not feasible in summer, so that means February- April of Year 5 (Asst. Prof) or Year 3 (Assoc. Prof)

Is the candidate ready? Shorter time to prepare...and lose a summer to boot

Can reviewers be identified (often unwilling because have done reviews in prior fall and busy)

Class visitation....

Then...	September	Oct	Nov.
	Full profs	Chair notifies	Campus APT.....
			APPEALS...

MORE REVIEW.....

MORE APPEALS...

Phased Retirement Program Fact Sheet

What is Phased Retirement?

- A University of North Carolina System program in which eligible faculty members may resign their tenured positions and exercise an option for three years of half-time work.

Who is Eligible to Participate?

- Full-time tenured faculty members with five years of full-time service at UNC-Chapel Hill who will be 50 years of age by August 1 and are eligible to receive retirement benefits from TSERS or ORP.

Are there any limits on applications?

- Full time administrators are not eligible
- Total # of faculty requesting Phased Retirement benefits cannot exceed 25% of tenure track faculty in any one department.
- Total # of faculty requesting phased retirement benefits cannot exceed 10% of tenure track faculty at UNC-Chapel Hill.
- Applications from eligible faculty are entirely VOLUNTARY.
- Applications for Fall, 2006 must be receive by January 31, 2006
- Applications are subject to final approval of the Provost.

What is the impact of the statutory changes to state retirement on this program?

- Effective November 1, 2005, retirees in TSERS cannot return to work for the State in any capacity for six months after the effective date of retirement. Faculty who are in the Optional Retirement Program are NOT affected by this limit on return to work.
- The provision contains an exception for participants in the Phased Retirement Program through June 30, 2007. This is being interpreted by the Office of the President as allowing anyone who enters the program prior to this date to complete the three year program.
- The continuation of the Phased Retirement Program beyond June 30, 2007, for both TSERS and ORP participants is uncertain.
- We are working with the Office of the President to get clarification about the interpretation of the statute. In particular, we are trying to understand whether faculty will be allowed to enter the program for fall of 2007 or whether fall of 2006 is the last opportunity under the current legislation.

What should I do if I had planned to enter Phased Retirement in 2007 or later?

- This is an individual decision; however, we are not able to say for certain that any phased retirement program will be available after Fall 2006.
- If you choose, you can apply for Phased Retirement in 2006. You will have until April 11, 2006 to withdraw your application, should additional clarification become available regarding continuation of the program.

**Valerie Alayne Batts
Angela Rebecca Bryant**

Valerie Batts and Angela Bryant are co-founders of VISIONS, Inc., a consulting firm established in 1984. The firm describes itself in this way: "Among [our] founders were three African-American women from Rocky Mount, North Carolina, who were raised and nurtured by a cohesive community in the midst of an ongoing struggle for civil, cultural, and economic rights. As they entered various professions, these founders and their colleagues developed VISIONS as a way to pass on what they had learned from their elders in this small southern town. In particular they sought to honor a legacy of respect for group and individual differences and faith in the potential for creating just and equitable institutions." VISIONS works with clients who want to develop a contextual perspective about the economic and social implications of changing demographics; to understand the impact of diversity and cultural issues on the organization; to learn to recognize, understand, and appreciate cultural differences; to re-conceptualize how organizations develop and function; and to understand and value the need for a both a process and results-oriented approach to diversity. Valerie Batts earned her A.B. in Psychology from Carolina in 1974 and went on to earn a Ph.D. in clinical psychology from Duke. She has consulted around the world on diversity issues, especially in South Africa, and is VISIONS' senior consultant. At Carolina she helped found the Black Student Movement and was inducted into the Order of the Golden Fleece, the Order of the Valkyries, and the Order of the Old Well. Angela Bryant earned her A.B. degree in Mathematics at Carolina in 1973 and went on to receive her J.D. from our Law School in 1976. She, too, is a senior consultant at VISIONS and is the primary developer and director of the Wright's Center in Rocky Mount, a community economic development project and the city's first adult day health care center for frail elders and disabled adults. Bryant has served on the Carolina's Board of Trustees, the UNC Board of Governors, the Rocky Mount City Council, and is a co-founder of the annual Carolina Black Alumni Reunion.

Valerie Batts and Angela Bryant were nominated by Louise Weeks Coggins, Chair of the Board of Advisors of the School of Social Work.

William Burwell Harrison, Jr.

William Harrison was born in Rocky Mount, North Carolina. The son and grandson of bankers, he attended Virginia Episcopal School in Lynchburg, where he excelled in basketball and won a scholarship to Carolina to play for Coach Dean Smith. Graduating in 1966, he moved to New York to work for Chemical Bank, the genesis of a career that would take him to the top of the banking profession. In the hard-edged arena of mergers and acquisitions, Harrison has been called "the last gentleman on Wall Street." He worked his way up the ranks of Chemical Bank to become vice chairman when the bank completed its merger with J.P. Morgan & Company and, in 2001, Harrison was named chairman and chief executive officer of J.P. Morgan Chase & Company. In 2004, he piloted the financial services giant through a merger with Chicago-based Bank One Corporation and remains the organization's chairman and chief executive officer.

Harrison served the General Alumni Association as its international representative from 1981 to 1984 and as its second vice president from 1985 to 1986. He has served on the Board of Visitors, the Bicentennial Steering Committee, and the National Development Council. Currently, he is a member of the Kenan-Flagler Business School Board of Visitors and an honorary member of the Carolina First Campaign Steering Committee. In 2004, the Board of Trustees honored him with the Davie Award.

William B. Harrison was nominated by the Board of Directors of the General Alumni Association.

Weiming Lu

Weiming Lu received his M.R.P. degree from Carolina in 1956. Lu is one of the most respected urban planners in the United States today. Carrying out the principles of land use planning instilled by Stuart Chapin, John Parker, James Webb and Shirley Weiss, Lu has been a remarkably effective implementer of progressive civil planning and design. As president of St. Paul, Minnesota's Lowertown Redevelopment Corporation for more than 20 years, Lu has helped transform the city's waterfront district into a vibrant "urban village." He has been an advisor on major urban design projects around the world, including the 2008 Beijing Summer Olympic Games, redevelopment of the Chattanooga, Tennessee, riverfront, and reconstruction of South Central Los Angeles following the 1992 riots. Lu current serves as planning advisor to the Mayor of Beijing and has played a key role in directing the Chinese capital's explosive growth toward a sustainable future. Lu has lectured at MIT, Harvard, Berkeley, and Tsinghua University in Beijing, and has been a visiting professor at Tokyo University. His professional work has been featured in many publications and films, and in exhibitions at the Walker Art Center and Dallas Art Museum. Lu is a member of the Committee of 100, a national organization of Chinese American leaders in the arts, academic, public service, business and science, and served as advisor to Minnesota Governor Jesse Ventura's trade mission to China in 2001.

Weiming Lu was nominated by Professors Thomas J. Campanella, David R. Godschalk, and Emil E. Malizia.

Charles Barnet Nemeroff

Charles Nemeroff is Reunette W. Harris Professor and Chair of the Department of Psychiatry and Behavioral Sciences at Emory University. He received his Ph.D. in 1976 and his M.D. in 1981 from Carolina. He also completed two years of psychiatry residency training here. Nemeroff has made several critical contributions to our understanding of the neurobiology of key psychiatric disorders, including mood disorders, schizophrenia, and Alzheimer's Disease. He is also one of the nation's most respected psychiatric educators. He has mentored many young scientists and clinicians, and many of his protégés have emerged as leaders in academic medicine. He has authored several major books, is a prolific author of research articles, and is editor-in-chief of the official journal of the American College of Neuropsychopharmacology. He enjoys a reputation as a superb clinician and is consistently listed among the "Best Doctors in America." Nemeroff has served in every major leadership position in his field, including President of the American College of Psychiatrists, the American College of Neuropsychopharmacology, and the Internal Society of Psychoendocrinology. He has received countless major national and international awards, including election into the Institute of Medicine of the National Academy of Science. Through all of his extensive career, Nemeroff has remained loyal to Carolina and has contributed generously of his time and effort as guest lecturer, advisor, and supporter. The School of Medicine has honored him with its Distinguished Service Award in recognition of his achievements and loyalty.

Charles Nemeroff was nominated by Professor Robert N. Golden.

George Edward Stuart III

George Stuart is an archaeologist, cartographer, writer, editor, administrator, and renowned scholar of the ancient Maya. While still an undergraduate at the University of South Carolina, Stuart joined a team excavating the Etowah Mounds in northwest Georgia. As word of his talents spread, he was offered a job as project cartographer on an expedition to map the ancient Maya city of Dzibilchaltun. Thus began the journey that would make him one of the most respected and renowned Maya archaeologists in the world. Stuart worked as the National Geographic Society's resident archaeologist for 38 years, retiring in 1998 as Senior Assistant Editor of the National Geographic magazine, a post that made him responsible for all articles dealing with archaeological topics, and the Society's Vice President for Research and Exploration, in which capacity he chaired a grants committee that disbursed more than \$4 million each year in research grants for field work in a wide range of disciplines. Since his retirement, Stuart has established a research center in Barnardsville, South Carolina, which houses his extensive library and manuscript collection and serves as a venue for scholarly meetings and research. He is a trustee of Warren Wilson College and a member of the North Carolina Humanities Council. Stuart recently announced his intention to donate his book and manuscript collection on Mesoamerican and Maya archaeology to Carolina. This collection, rivaling library holdings at Harvard, Yale, Vanderbilt, and Texas, will form an invaluable resource for scholarly research here.

George Stuart was nominated by Professors Vincas Steponaitis (Anthropology), James Peacock (Anthropology), Ladhur Geissinger (Mathematics), and David Mora-Marin (Linguistics).

JOURNAL OF PROCEEDINGS OF THE FACULTY COUNCIL

November 11, 2005

The Faculty Council of the University of North Carolina at Chapel Hill convened at 3:00 p.m. in the Pleasants Family Assembly Room of the Wilson Library. The following 53 members of the Council attended: Ammerman, Arnold, Bachenheimer, Barreau, Becker, Belger, Blocher, Booth, Cairns, Chapman, Copenhaver, Dalton, de Silva, Degener, DeSaix, Dupuis, Eble, Givre, Granger, Gulleidge, Holmgren, Howell, Huber, Kagarise, Kamarei, Klebanow, Kramer, Lastra, Leonard, Matthysse, McGrath, McIntosh, Mesibov, Miguel, Murphy, Murray, Papanikolas, Peterson, Renner, Rustoni, Salmon, Sandelowski, Selassie, Smith, Sulik, Sweeney, Tauchen, Taylor, Tiwana, Tobin, Trotman, Weil, and Wolford. The following 30 members were granted excused absences: Alperin, Bennett, Clemens, Couper, Ewend, Foley, Gasaway, Gerber, Gilligan, Heenan, Jonas, Keagy, Maclean, Marshall, Martin, Matson, Muller, Peirce, Perrin, Rock, Rogers, Simpson, Strom-Gottfried, Sutherland, Vick, Wallace, Weinberg, Wilson, Wissick, and Yankaskas. The following four members were absent without excuse: Anton, Connolly, Conover, and Lin.

Chancellor's Remarks

Chancellor James Moeser reported that neither the Tuition Task Force nor the Student Fee Task Force have been able to reach consensus on recommendations to be made to the Board of Trustees. Both groups have developed an array of options which will be presented to the November 17 Trustees' meeting for information and discussion. The administration will then make a recommendation to the board for action at the January meeting. The chancellor emphasized the importance of campus-based tuition revenue for faculty compensation which, he said, is currently our highest priority, followed by more competitive stipends for graduate teaching assistants. He pointed out that campus-based tuition increases have generated more than \$19 million since 2000-01 when this option first became available. This additional revenue has played a key role in faculty retention. In 2004-05, there were 32 external offers to members of our faculty. We retained 21 and lost 11 to other institutions. In 2003-04, we retained 43 faculty and lost 26, reversing a negative pattern from 2002-03.

Chancellor Moeser reiterated the Board of Trustees' basic policy on tuition: resident undergraduate tuition should remain in the bottom quartile of our national public peers; non-resident undergraduate tuition should be value- and market-driven, but should not exceed the 75th percentile of our national public peers. He said that there is room to raise resident tuition at Carolina by as much as \$1,300 and still remain within the 25th percentile of our public peers. The chancellor said that there are signs that the Board of Governors will be receptive to reasonable proposals for campus-based tuition increases, and that the Board recognizes that the needs of Carolina and N.C. State, the two Research I institutions in the System, need to be addressed.

Chancellor Moeser read into the record the following letter from Executive Vice Chancellor and Provost Robert Shelton, to Vice President Jeffrey R. Davies, in which the provost expresses strong concerns about a proposal under consideration by the Office of the President to revise the model for computing tuition.

I have read the report of the Subcommittee on Tuition and Fees for the E-Learning Policy Group, which recommends to the full committee that tuition be based on a student credit hour ("SCH") model rather than on our current block model. There are at least two significant risks associated with this recommendation, and before final action is taken I ask that you consider them.

First, there is the risk that the SCH model will be an incentive for students to take fewer courses than they do now, since there would be an increased cost associated with taking additional hours. Under our current system, a student pays the same tuition whether he or she takes 12, 15, or 18 hours in a given semester. Last fall, fully one-third of the undergraduate students at UNC Chapel Hill took more than 15 hours of course credit (this excludes continuing study and off-campus students). Last spring, the percentage of Carolina students taking more than 15 hours was

only slightly lower, at 30 percent. If these students had a choice of taking 12 hours for \$3,000 versus 15 hours for \$3,500, they would be tempted to pay less and take longer to graduate. The number of students taking more than 15 hours would drop precipitously. In short, the SCH model has a greater potential to affect adversely the time to degree than any other action the Office of the President could possibly take. In an era where many UNC system schools already have low four-year graduation rates, it is frankly inconceivable that this course of action would be pursued.

Second, the report notes on page 10 that financial aid directors and SEAA staff should "evaluate the impact of these changes on students receiving need-based financial aid" to make sure there are no negative effects if the SCH model is implemented. Clearly, a detailed study of the fiscal impact of the move to the SCH model should be done before the full E-Learning Committee acts. I am concerned that moving to the SCH model poses a risk to the integrity of the Carolina Covenant. I do not believe that is a risk the Office of the President would deem worth taking without a full assessment. Thus I urge that a complete understanding of the impact of the SCH model be made before a final decision is taken. Equally important to us is that funds are identified and made available to meet the additional financial need that will be created across the UNC system should current patterns of enrollment persist. It concerns us that the total cost of this change may be transferred to the student and in the long term result in a further reduction in state support for higher education. This will ultimately place a heavier burden on low and middle income families whose dependents choose to attend our universities.

Questions and Comments from Council Members

Referring to the proposed SCH tuition model, Prof. Gregory Copenhagen (Biology), pointed out that some of the concern expressed by the provost might be mitigated by external requirements that students register for a minimum number of credit hours in order to be eligible for aid such as Pell Grants. Chancellor Moeser replied that a student must register for 12 credit hours to be eligible for a Pell Grant. Prof. Copenhagen wondered if the Board of Governors would consider establishing a minimum course load below which there would be no reduction in tuition. The chancellor said he sees no signs that the Board would do so.

On the issue of campus-based tuition increases, Prof. Stephen Bachenheimer (Microbiology), noting that the chancellor had mentioned the possibility of increasing resident tuition by \$1,200 or more, wondered whether median family income in North Carolina should be taken into account. The chancellor said that raising tuition by that much is not under consideration. Prof. Bachenheimer asked whether considerations of price elasticity were being taken into account. The chancellor replied that the administration has done studies as to how much tuition can be increased without affecting acceptance rates in undergraduate admissions.

Prof. Joy Renner (Allied Health Sciences) said that the SCH tuition model would adversely affect students in her department where typical course loads are high.

Prof. Judith Wegner, Chair of the Faculty, noted that tomorrow's newspapers will likely highlight recent Board of Governors' action giving raises of 15% or more to chancellors throughout the System. She said this seems out of step with the times in view of the very low increases received this year by faculty and staff. Chancellor Moeser replied that he did not attend that session of the Board of Governors meeting and had not been involved in any of the discussions of this issue. He said that funds for these salary adjustments had been specifically set aside by the General Assembly and could not be used for any other purpose.

Noting that UNC President-Elect Erskine Bowles would be visiting our campus next week, Prof. Wegner invited the chancellor to comment on Carolina's priorities for attention by General Administration. Chancellor Moeser said that part of his message would be to urge creation of a matrix funding system that will allow individual campuses to function autonomously in pursuit of their own vision and with much more flexibility.

Prof. Ed Halloran (Nursing) suggested that results of recent surveys of faculty opinion be shared with President-Elect Bowles. He mentioned the faculty salary equity study and the faculty retention survey as examples.

Comments from the Chair of the Faculty

Prof. Wegner said that the discussion on diversity that had begun at the October Council meeting would resume in December (it was not possible to schedule that for this meeting due to conflicts for key participants). She encouraged Council members who would like to participate in a panel of discussants to contact her.

Prof. Wegner said that the federal General Accounting Office has recently done a study of the escalating cost of textbooks. Prof. Brenda Killingsworth, Chair of the UNC Faculty Assembly, has raised this issue with the Faculty Assembly. She is seeking to identify best practices on textbook selection and to share information with faculty across the System as to how timeliness of decision affects the cost of textbooks and resale opportunities. She also hopes to identify and share information on best practices among bookstores in the University System. Prof. Wegner asked Council members whether those who teach large survey courses have been able to get book orders in on time.

Prof. Copenhaver said that he had had no problem with timeliness of orders. He observed that from the standpoint of the publisher, faculty members, not students, are the primary consumer. He pointed out that faculty can easily do competitive shopping. He gave as an example a book he has been using that was available only in hardcover. He found a competitor's book in soft cover for a considerably lower price and dropped the hardcover book. The following year, the publisher of the hardcover book offered a soft cover edition.

Prof. Diane Leonard (Comparative Literature) said that much material in the Humanities is available online. She observed that faculty members should check online availability of assigned material before ordering textbooks.

Prof. Wegner said that at the October meeting of the Board of Trustees she had raised concerns about the impact of tuition increases in graduate students. She said that members of the Board typically come from business backgrounds and have not had much personal contact with graduate education.

Chancellor Moeser said that Provost Shelton was in South Africa at the opening of the SALT telescope of which Carolina is a minor but significant shareholder. This is an important development for our department of Physics and Astronomy. Together with the SOAR telescope in Chile, we now have more guaranteed time for viewing the southern sky than any other institution in the northern hemisphere.

The chancellor said that he had recently read an article on "taking back Friday," which alleged that there is a national trend for students to attempt to arrange class schedules so as to avoid Friday classes. He said that Carolina is now experiencing a severe shortage of classrooms. He wondered whether classrooms are sitting empty on Friday because students have arranged their schedules so that the week ends on Thursday. No one commented on this.

Mike Brady, President of the Graduate and Professional Students Federation, remarked that three of the four proposals developed by the Tuition Task Force exhibit a significant bias against graduate students. He called for more understanding of the impact of tuition increases on graduate students.

Annual Report of the Advisory Committee

Prof. Arne Kalleberg, Chair of the Advisory Committee, presented the committee's annual report.

Prof. Wegner said that the Agenda Committee had advised that the committee's recommended change in the Trustees Policies and Regulations Governing Academic Tenure should be explained and discussed at today's meeting, but that voting on the proposal should be deferred to the December meeting. This procedure would enable Council members to discuss the change with their constituency.

Prof. Wegner asked Prof. Joseph Ferrell, Secretary of the Faculty and an *ex officio* member of the committee, to explain the context of the committee's proposal, which would change the regulations so that the required 12-month notice of non-renewal of an untenured faculty member would be measured from the date that all appeals of the non-renewal are completed, rather than from the date of notification of non-renewal.

Prof. Ferrell presented a walk-through of the steps and procedures for award of permanent tenure in the College of Arts and Sciences. He said that he had chosen the College because its organization and procedures are more complex than many of the professional schools. Since the tenure regulations apply equally to every appointing unit, he felt that it would be important to understand the effect of the proposed change on a complex, departmentalized unit. Prof. Ferrell referred to three documents in his presentation: (1) instructions from the Office of the Provost detailing the contents of the dossier submitted for review in a tenure decision, (2) the "tenure track schedule" for 2005-06 in the College, and (3) examples of time lines for review of a tenure decision in the College and for review of a decision not to reappoint.

Prof. Ferrell said that most appointing units begin to evaluate a non-tenured assistant or associate professor about 18 months before the end of the current term. This point is midway in the fifth year after initial appointment for an assistant professor and in the third year for associate professors. Beginning the evaluation 18 months in advance allows six months to complete the process since formal notice of reappointment or non-reappointment must be given to the faculty member no later than twelve months before the end of the term. The proposed amendment affects the procedure only if there is a decision not to reappoint. Such a decision can occur at any one of four stages of review in the College: (1) by the department chair; (2) by the dean; (3) by the provost; or (4) by the chancellor. The tenure regulations provide that decisions not to reappoint may not be based on specified impermissible grounds (such as personal malice; discrimination on the basis of race, sex, sexual orientation, or veteran status; or exercise of First Amendment rights), nor may the decision be infected by procedural error sufficient to cast doubt on the validity of the decision. A faculty member who has received notice of non-reappointment may seek review of that decision if he or she believes it to have been impermissibly based or infected by procedural error. Prof. Ferrell explained that the maximum time period that would be required to complete the review procedures would be at least 100 days, and could be more depending on the time required for the Hearings Committee to conduct a hearing and prepare a report. He said that the effect of the amendment proposed by the Advisory Committee would be to require that this three-month review period be completed within the six-month period now allowed for the multi-level review of a tenure decision; otherwise, the faculty member would be entitled to an additional one-year appointment. He thought that it would be possible, in a typical case, to complete all procedures, including review by the Hearings Committee, if the non-renewal decision were made at the department level, and perhaps if made at the dean level. He did not think it would be possible if the non-renewal decision were made by the provost or the chancellor.

Prof. Melissa Bullard (History), a member of the Advisory Committee, spoke in favor the proposal. She had five points: (1) last spring, the issue of the dismissal window came to the attention of the Advisory Committee in the context of a faculty member who alleged procedural irregularity; (2) the proposed amendment would bring our tenure regulations into full compliance with AAUP guidelines which call for a full 12-months notice of non-renewal, something which our current procedures do not guarantee in all cases; (3) the intent of the proposed amendment was discussed at length by the Advisory Committee; the committee did not think the change would encourage frivolous appeals; (4) the two faculty committees that have considered the matter formally (the Hearings Committee and the Advisory Committee) have both arrived at the same conclusion: the policies need clarification and amendment on the point at issue; and (5) the proposed amendment introduces minimal change in the regulations.

Prof. Wegner said that she had serious concerns as to the wisdom of the change. She thought that changing the rules to require all review procedures to be concluded by 12 months before the end of the term would result in beginning all tenure decisions as much as six months earlier than now, i.e., 24 months before the end of the term rather than 18 months. This would mean that assistant professors would have to present a complete dossier at the end of the fourth year of appointment and associate

professors at the end of the second year. She thought this would significantly increase pressure on untenured faculty and would not be in the best interest of the candidate or the University.

Prof. Janne Cannon, Chair of the Committee on Appointments, Promotions, and Tenure, asked for details and clarification on the assertion that our current tenure regulations do not meet AAUP guidelines.

Prof. Noelle Granger (Cell & Developmental Biology) asked for the rationale for beginning the evaluation process earlier rather than adding time to the terminal appointment. Prof. Ferrell observed that the consequences of a terminal appointment of more than 12 months would vary for nine-month faculty whose work tracks the semester system and 12-month faculty whose work often is not greatly affected by the regular academic year.

Prof. Bullard said that the amendment is designed to address exceptional cases. She did not think it should be necessary to lengthen the review period for all cases.

Prof. Evelynne Huber (Political Science) said that the effect of the change would necessarily add an extra half year at one end of the process or the other.

Prof. Terence McIntosh (History) thought it would be helpful to know how many cases over the past five years would have been affected by the change had it been effect then. Prof. Cannon said that only one case was not completed within 12 months before the end of the term. Chancellor Moeser observed that all cases would have been affected because it would have been necessary to begin the review earlier. Prof. Laurel Files, Chair of the Hearings Committee, agreed that the proposed change responds to the circumstances of only one case.

Prof. Barbara Moran (Library Science), who was Chair of the Advisory Committee when the issue was discussed and the amendment prepared, said that the committee had not taken into account the possibility that all review would have to begin earlier.

Prof. Dino Cervigni (Romance Languages) said that it would be detrimental to young faculty members to begin the tenure review process earlier. He favored extension of the terminal appointment.

Prof. Anselmo Lastra (Computer Science) said that changing the rules for one unusual case is not good policy.

Prof. Michael Murray (Pharmacy) said that the needs of the appointing unit should be kept in mind. He thought that exceptional cases could best be addressed by relying on the provost to work out these issues between the faculty member and the department on a case-by-case basis.

Update on the Phased Retirement Program

Associate Vice Chancellor Laurie Charrest distributed a Fact Sheet on the impact of a recent statutory change to participation in the Phased Retirement Program (TSERS) by faculty members who are members of the Teachers' and State Employees' Retirement System. She made three main points:

- Effective November 1, 2005, TSERS retirees cannot return to work for the State for six months following the retirement date; faculty in the Optional Retirement Plan (ORP) are not affected by this change;
- Faculty who have entered the Phased Retirement Plan before June 30, 2007 will not be affected by the change;
- Continuation of the Phased Retirement Plan beyond June 30, 2007, is uncertain for both TSERS and ORP faculty.

Distinguished Alumna and Alumnus Awards

The Council went into closed session to consider the report of the Committee on Honorary Degrees and Special Awards with respect to Distinguished Alumna and Alumnus Awards to be presented at University Day 2006.

Prof. Ferrell, on behalf of the committee, submitted one joint nomination and four individual nominations. The Council approved each nomination.

The Council returned to open session.

Adjournment

Its business having concluded, the Faculty Council adjourned at 5:00 p.m.

Joseph S. Ferrell
Secretary of the Faculty