



The University of North Carolina at Chapel Hill

## MEETING OF THE FACULTY COUNCIL

Friday, February 28<sup>th</sup>, 2003 at 3:00 p.m.

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

Chancellor James Moeser and Professor Sue Estroff, Chair of the Faculty, will preside.

### AGENDA

Type	Time	Item
	3:00	<i>Call to Order. The Secretary of the Faculty.</i>
DISC	3:00	<b>Chancellor's Remarks and Question Time.</b> Chancellor James Moeser invites questions or comments.
INFO	3:15	<b>Remarks by the Provost.</b> Executive Vice Chancellor and Provost Robert Shelton.
INFO	3:25	<b>Remarks by the Chair of the Faculty.</b> Professor Sue Estroff.
INFO	3:45	<b>Annual Report of the Faculty Welfare Committee.</b> Professor Judy White, Chair.
INFO	3:50	<b>Annual Report of the University Committee on Copyright.</b> Professor Laura Gasaway, Chair.
INFO	3:55	<b>Annual Report of the Faculty Assembly Delegation.</b> Professor Barbara Moran.
ACT	4:00	<b>Resolution 2003-7 Endorsing Certain Recommendations of the Task Force on Appointment, Promotion, and Tenure.</b> Professors Paul Farel and Barbara Harris, Co-chairs of the Task Force.
DISC	4:45	<b>Open Discussion of Topics Raised by Faculty Members.</b>
ACT	5:00	<b>Adjourn.</b>

Joseph S. Ferrell  
Secretary of the Faculty

KEY: ACT = Action, DISC = Discussion, INFO = Information.  
Documents pertaining to meetings of the Council may be found at [www.unc.edu/faculty/faccoun](http://www.unc.edu/faculty/faccoun) on the Web.

**Faculty Welfare Committee  
Annual Report  
March 2002-February 2003**

**Charge and Composition:** The FWC is appointed by the Chancellor. It works for and reports on the improvement of faculty working conditions, including salaries and benefits.

**Committee Members:**

Adaora Adimora (2003), Beth Kurtz-Costes (2004), David Guilkey (2005), Ed Halloran (2005), Laura Hanson (2003), Victor Marshall (2005), Michael Peck (2004), Judy White (Chair, 2003); The terms of Doug Elvers, John Galassi, Diane Kjerвик ended 2002.

**Activities:**

1. Identified the following **focus areas** for 2002-2003: recruitment and retention of faculty is critical:
  - Health Insurance benefits
  - Salary reports
  - Tenure reports

**2. Actions:**

- a. Reviewed Report on the 2002 Faculty Salary Equity Study and the Gender Equity Proposal. In response, recommendations sent to Chancellor Moeser:
  - Salary information should be made easily accessible to all faculty within their divisions, departments, and schools, including notification that the information exists and where it is housed within the academic unit.
  - An accountability process should be required for each administrative level in which salary decisions are made, including required written justification for any gender inequities, as well as disparate salaries.
- b. Reviewed *Faculty Council Resolution 2003-3: Concerning Gender Equity in Faculty Salaries* and recommended FWC be represented on the ad hoc faculty committee.
- c. Dr. Lynn Willford, Director of Office of Institutional Research, presented a report on data collected routinely by OIR that includes diversity (e.g., hiring patterns, tenure vs. fixed-term, women in science), faculty age, faculty residence by county, benefits, and salaries (e.g., departmental comparisons, peer

comparisons, and gender and ethnicity comparisons). FWC expressed interest in percentage of fixed-term vs. tenure, percent of faculty on "contingency clause" (soft money) salaries, influence of phased retirement options for faculty, and length of years to promotion to full professor by gender. AAU Peer Comparison Report on Benefits and Salary Compression data to be presented to FWC in late spring.

d. Laurie Charest, Vice-Chancellor of Human Resource, presented a report on the State Health Plan. The following were identified as concerns:

- The State Health Plan is currently in a "death spiral" with costs exceeding revenues. There has been a significant decrease in the number of family members participating in the State Health Plan, leaving a population that is older and less healthy than the population at large.
- Without major structural change to the plan, we can expect premium increases in double digits accompanied by higher co-pays and deductibles or other diminishments in plan coverage.
- Plan coverage is already inadequate, especially as it relates to coverage for employees and family members traveling out of state. This problem affects University faculty and staff differentially since our faculty and staff tend to travel more than most State employees.
- Given the difficult fiscal environment, it is reasonable to expect that faculty and staff will be asked to absorb cost increases. This will exacerbate the already serious exodus of family members from the plan, leaving many of our employees without health insurance coverage for their families.
- In order to recruit and retain faculty and staff, especially in competition with other research universities, it is imperative that the University be able to offer a comprehensive health insurance benefit at a reasonable cost to its employees.

A letter to President Broad to be drafted in March about these concerns.

e. FWC Chair met with Drake Maynard, Senior Director of Benefits, and Bill Danish, consultant, to review retirement benefits. Mr. Danish confirmed that the retirement options are very good and better than in the corporate environment. Mr. Maynard, in consultation with Mr. Danish, are exploring ways to improve education and involvement of individuals with their own retirement plans.

Submitted February 28, 2003

Judy A. White, Chair

UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL  
**REPORT OF THE COPYRIGHT COMMITTEE TO  
THE FACULTY COUNCIL**

February 2003

Following approval of the campus copyright policy, the Copyright Committee began to focus on other issues. The policy is on the University's website at <http://www.unc.edu/campus/policies/copyright.html>. Again this year, there were no disputes concerning copyright ownership referred to the Committee that have arisen under the policy.

The Committee identified two major activities that the Committee must undertake: (1) educate the campus community about copyright and (2) further development of the campus policy on use of copyrighted work, reviving and expanding work done a few years ago. The Committee believed that the first activity was the more important for the present, and members began to identify how such an educational program might best be accomplished. Short range goals for a copyright education program include making the campus community aware of the copyright policy and offering to introduce the policy at faculty meetings across the campus. The longer range goal is to create materials on copyright to post on a website where members of the campus community could review the materials, find answers to many of their questions through a frequently asked questions page, locate links to copyright materials available on other websites and contact members of the Copyright Committee. Provost Robert Shelton has graciously agreed to provide funds for a graduate assistant to help get the website created, and through the intercession of Associate Provost for Libraries, Joe Hewitt, the libraries will host the web page on their servers. It is anticipated that the website will be up and available during the summer.

The Committee also met with Jeanne Smythe, ATN Director of Computer Security, and she reviewed the copyright-related complaints the campus had received about infringing activities, the huge bulk of which involve students and downloading music. The Committee will meet with Ms. Smythe on a regular basis since she functions as the copyright agent for the University to receive complaints under the Online Service Provider liability provision of the Copyright Act and can advise the Committee of trends and problems.

Lolly Gasaway, Chair  
Andrew Chin  
Robert Dalton  
Joe Flora  
Joe Hewitt  
Sian Hunter  
Barbara Moran  
Robert Peet  
John Semonche  
Michael Votta  
David M. Parker, ex officio



The University of North Carolina at Chapel Hill

*N.B. This version replaces the version distributed with the January packets.*

**Resolution 2003-7. Responding to the Recommendations of the**

**Task Force on Appointments, Promotions, and Tenure.**

The Faculty Council resolves:

**I. Flexibility in the Process of Promotion and Tenure.**

1  
2 I.1. The Faculty Council endorses the recommendation that the University of North Carolina  
3 at Chapel Hill should seek appropriate funding to support a system of paid parental leave for full-  
4 time faculty holding tenure-track appointments who bear primary responsibility for the care of a  
5 newborn child.

6 I.2. The Faculty Council endorses the recommendation that deans and department chairs  
7 assume responsibility for explaining to new faculty appointed to probationary-term positions the  
8 provisions of the tenure regulations concerning special provisions for extending the maximum  
9 probationary period.

10 I.3. The Faculty Council endorses the recommendation that deans and department chairs take  
11 steps to ensure that faculty members who take advantage of special provisions for extending the  
12 maximum probationary period are not subjected to stricter requirements for reappointment and  
13 promotion than those expected of colleagues who do not choose to take advantage of those  
14 provisions.

15 I.4. The Faculty Council requests the Committee on University Government to prepare for  
16 consideration by the Council a proposed amendment to Section 2.c.(6)(iii) of the tenure  
17 regulations<sup>1</sup> to increase from one year to two years the maximum extension of the probationary  
18 period that may be granted.

19 I.5. The Faculty Council requests the Committee on University Government to prepare for  
20 consideration by the Council a proposed amendment to the tenure regulations that would permit a

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<sup>1</sup>For reasons of health, requirements of childbirth or child care, or similar compelling circumstances, a faculty member holding a probationary term of appointment at the rank of assistant professor or associate professor may request that the maximum probationary period be extended for a period not to exceed 12 months (including any extension that may have been granted under subsection (ii) above) [pertaining to less than full-time employment for up to 12 months for similar reasons], with no resulting change in normal employment obligations, in order to provide the faculty member additional time to demonstrate fully his or her professional qualifications for reappointment or permanent tenure.

1 probationary-term faculty member and the head of the appointing unit to mutually agree to delay  
2 the decision on reappointment until the final year of the probationary period, with the proviso that  
3 in such case the faculty member is not entitled to 12-months notice of a decision not to reappoint.

## 4 **II. Policies and Procedures for Appointment and Promotion of Fixed-Term Faculty.**

5 II.1. The Faculty Council requests the Committee on University Government to prepare for  
6 consideration by the General Faculty an amendment to the Faculty Code of University  
7 Government establishing an elected standing committee on Non-Tenure Track Faculty.

8 II.2. The Faculty Council endorses the recommendation that each academic unit develop a  
9 plan that defines the desired mix of tenure-track and fixed-term faculty appointments in that unit.

10 II.3. The Faculty Council endorses the recommendation that all appointments to fixed-term  
11 faculty positions, whether full-time or part-time, contain provisions relevant to the possibility that  
12 funding to cover the full duration of the contract may not be available due to funding rescissions.

13 II.4. The Faculty Council endorses the recommendation that, to the maximum feasible  
14 extent, no person should be appointed to more than three consecutive one-year terms in a fixed-  
15 term rank before appointment to a longer term is made available.

16 II.5. The Faculty Council urges the Dean of the College of Arts and Sciences to rescind the  
17 administrative rule now in effect that links the term of fixed-term faculty appointments to the  
18 term of appointment of the department chair.

19 II.6. The Faculty Council requests the Committee on University Government to prepare for  
20 consideration by the General Faculty an amendment to the Faculty Code stating the expectation  
21 that all appointments and reappointments to fixed-term faculty positions, whether full-time or  
22 part-time, will be made with the same consultations within the appointing unit as is the case for  
23 appointments to tenure-track positions.

24 II.7. The Faculty Council requests the Committee on University Government to prepare for  
25 consideration by the Council a proposed amendment to the tenure regulations creating the rank of  
26 senior lecturer.

27 II.8. The Faculty Council endorses the recommendation that each appointing unit develop  
28 descriptions of the evaluation and criteria for appointment and promotion within fixed-term ranks  
29 that differentiate appointment by ranks analogous to those employed in tenure-track  
30 appointments.

31 II.9. The Faculty Council endorses the recommendation that promotions within fixed-term  
32 ranks that differentiate appointment by ranks analogous to those employed in tenure-track  
33 appointments follow the same time line for review as is prescribed for tenure-track appointments.

1 II.10. The Faculty Council endorses the recommendation that each academic unit include  
2 fixed-term faculty in school and departmental decision-making and advisory venues, except those  
3 relating to evaluation and promotion of tenure-track faculty.

4 II.11. The Faculty Council endorses the recommendation that deans and department heads  
5 make every effort to include fixed-term faculty in professional development activities.

6 II.12. The Faculty Council requests the Provost to examine the criteria for awards,  
7 particularly those related to service, to ensure that fixed-term faculty are eligible for consideration  
8 unless disqualified by the terms establishing the award.

### 9 III. Review of Tenure-Track Appointments and Promotions

10 III.1. The Faculty Council requests the Committee on University Government to prepare for  
11 consideration by the General Faculty an amendment to the Faculty Code expressing the  
12 expectation that deans and department chairs will consult all tenured faculty in the appointing unit  
13 in appointments and promotions that have the effect of conferring permanent tenure, except initial  
14 appointment at the rank of professor for which consultation with the professors alone is sufficient.

15 III.2. The Faculty Council requests the Committee on University Government to prepare for  
16 consideration by the General Faculty an amendment to the Faculty Code establishing a  
17 University-wide system for review of all appointments and promotions that have the effect of  
18 conferring permanent tenure and all promotions to a higher rank of persons holding permanent  
19 tenure at the rank of associate professor or assistant professor . The system should culminate  
20 with the Committee on Appointments, Promotions, and Tenure. For the College of Arts and  
21 Sciences, the School of Medicine, the School of Public Health, and any other professional school  
22 that may hereafter be organized in departments that initiate faculty appointments and promotions,  
23 the dean should seek the advice of an elected committee of the College or School faculty before  
24 acting on a department chair's recommendation. For professional schools that are not organized  
25 in departments, the dean should seek the advice of the entire assembled faculty who are qualified  
26 to consult on the action in question or an elected committee of the unit's faculty, as may be  
27 appropriate to the size and complexity of the school. The recommended system should eliminate  
28 the level of review now being performed by the Subcommittee on Professional Schools of the  
29 Committee on Instructional Personnel and the Health Affairs Advisory Committee.

30 III.4. The Faculty Council endorses the recommendation that a decision not to reappoint a  
31 probationary-term faculty member should be forwarded by the dean or department chair to his or  
32 her immediate administrative superior for review as to the adequacy, consistency, and coherence  
33 of the evidence supporting the decision not to reappoint. In conducting that review, the reviewing

- 1 officer will seek the advice of the faculty advisory committee that would have reviewed the
- 2 decision had it been positive.<sup>2</sup>

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<sup>2</sup> This resolve does not recommend changing the current provisions of the Tenure Regulations that require all faculty appointment, promotions, and tenure decision to originate at the departmental level. Hence, the review recommended by the resolve would be advisory only to the dean or department chair who made the original decision.



**REPORT TO THE UNC-CH FACULTY COUNCIL**  
*February 28, 2003*

FACULTY ASSEMBLY, UNIVERSITY OF NORTH CAROLINA

The Faculty Assembly is the elected body of representatives of the faculty of the sixteen campuses of the University of North Carolina. The Faculty Assembly was formed in 1972 when all 16 public senior institutions were placed under one Board of Governors. According to its Charter, the Faculty Assembly has the following objectives:

1. The Faculty Assembly of the University of North Carolina shall gather and exchange information on behalf of the faculties of the constituent institutions of The University of North Carolina.
2. The Assembly shall, through appropriate channels, advise the Board of Governors of The University of North Carolina, the General Assembly, and other governmental agencies and officers on matters of university-wide importance.
3. The Assembly shall advise and communicate with the President of the University of North Carolina with regard to the interests of the faculties and other matters of university-wide importance.

The Assembly is dedicated to upholding and exercising the principles of academic freedom, permanent tenure, shared governance, and the faculty's primary responsibility for the university's curriculum.

The size of each campus's delegation to Faculty Council is determined by the number of full-time faculty and professional staff members employed by an institution. UNC Chapel Hill has five delegates: Steve Bachenheimer, Sue Estroff, Diane Holditch-Davis, William Smith, and Barbara Moran. Joseph Ferrell, Carol Pardun, and Fleming Bell serve as alternates. Gretchen Bataille, Senior Vice President for Academic Affairs is the primary liaison from the Office of the President to the Assembly. Richard Veit from UNC-Wilmington serves as Chair of the Assembly, George Conklin from North Carolina Central University serves as Vice-Chair and Ralph Scott from East Carolina University is Secretary.

The Faculty Assembly traditionally meets four times per academic year in the UNC General Administration Building in Chapel Hill. Meetings typically consist of a general session from 10:30 a.m. to noon, followed by meetings of standing committees from 1:00 p.m. until 2:30 p.m. The Faculty Assembly has seven standing committees:

- Academic Freedom and Tenure
- Budget
- Faculty Development
- Faculty Welfare and Benefit
- Governance
- Planning and Programs
- Technology

The committee meetings are followed by a second general session from 2:45 p.m. to approximately 5 p.m. The chair and certain university officials present reports during the first session and are available for questions from the delegates. The second session usually features a report from the President of the University, followed by committee reports, resolutions, and other business.

This year's meetings occurred on September 20<sup>th</sup>, November 20<sup>th</sup>, and February 21<sup>st</sup>. The last meeting of the year will be held on April 25<sup>th</sup>.

#### INITIATIVES AND ACTIVITIES

The Faculty Assembly this year has focused primarily on issues related to the budget including:

- 1) the anticipated cutbacks to the UNC budget as a result of the state's growing budget deficit;
- 2) faculty (and staff) welfare issues related to salaries and benefits;
- 3) what faculty can do to attempt to educate legislators and the general public on the budgetary needs of the UNC System.

The Faculty Assembly recently passed resolutions encouraging the General Assembly to 1) support salary increases for state employees (EPA and SPA), and 2) provide matching funds for the NC TSERS (state retirement system). In addition, the Faculty Assembly continues to examine differences among the campuses in faculty involvement in making decisions about issues such as the development of academic calendars and in the access faculty have to information about such things as academic funding.

During the past few years, the Faculty Assembly has been able to move a great deal of information to its web site and to do more of its work using the Internet. The web site includes minutes of meetings and information about issues and resolutions before the Assembly. More information about the Faculty Assembly and its activities can be seen on its website <http://www.northcarolina.edu/facassembly/facassembly.cfm>.

Respectfully submitted,  
Barbara B. Moran



The University of North Carolina at Chapel Hill

## MINUTES OF THE FACULTY COUNCIL February 28, 2003, 3:00 p.m.

### Attendance

Present (58): Allison, Bachenhelmer, Barbour, Bollen, Bowen, Cairns, Carter, Chenault, Cotton, Crawford-Brown, Daye, D'Cruz, Elvers, Files, Foley, Gilland, Gollop, Janda, Kelley, Kjervik, Langbauer, Leigh, Lohr, McGraw, Metzguer, Meyer, Miller, Molina, Moran, Morris-Natschke, Orthner, Owen, Parter, Parikh, Pfaff, Pittman, Poole, Porto, Reinert, Reisch-Bogart, Rippe, Rowan, Salmon, Schauer, Shea, Smith, Straughan, Sueta, Tauchen, Toews, Tresolini, Tulloch, Vandermeer, Vick, Wallace, Watson, Wilson, Yopp.

Excused absences (26): Adimora, Ammerman, Bane, Bouldin, Carelli, Fishell, Fowler, Gerber, Granger, Henry, Holditch-Davis, Kagarise, Kessler, Malizia, Meece, Nelson, Nonini, Pisano, Reisner, Rock, Rong, Sigurdsson, Simpson, Straus, Weiss, Willis.  
Unexcused absences (5): Colindres, Eler, McQueen, Nicholas, Sams.

### Call to Order and Agenda

Prof. Joseph Ferrell, Secretary of the Faculty, called the meeting to order. He asked for unanimous consent to add to the previously announced agenda consideration of a report from the Committee on Honorary Degrees and Special Awards with respect to honorary degrees to be awarded at Commencement 2004. There being no objection, it was so ordered.

### Chancellor's Remarks and Question Time

Chancellor James Moeser took note of a \$20 million commitment from Dr. Fred Eschelmann for a major gift to the School of Pharmacy. He said that this will be the largest gift ever to a school of pharmacy in the United States and the third largest gift from an individual to Carolina. The gift will support faculty development, teaching and research, scholarships for the D.Pharm. program, graduate student education, and development of innovative community practice sites.

The chancellor praised the work Law School faculty members Dean Gene Nichol, Prof. John Boger, Prof. Charles Daye, and Prof. Prof. Julius Chambers, director of the UNC Center for Civil Rights and retired chancellor of NC Central University, who have prepared an *amicus curiae* brief that has been filed with the United States Supreme Court in support of the position of the University of Michigan in litigation that seeks to invalidate Michigan's affirmative action program with respect to admissions.  
Dean Nichol thanked the chancellor but said that the lion's share of the credit for the brief is due to Prof. Boger.

### Remarks by the Provost

Provost Robert Shelton reported on searches in progress. He said that negotiations have concluded with the top candidate for dean of the School of Pharmacy, the search committee for dean of the School of Education is ready to invite six finalists to campus, and the search committee for dean of the Kenan-Flagler Business School is evaluating dossiers but is not yet ready to invite candidates to visit. The provost said he has accepted the recommendation of the search committee for vice chancellor for information technology that we engage the services of a consulting firm, and that the search committee for vice chancellor for student affairs is organized and is in the early stages of its work.

The provost said that the next step in development of the academic plan will be a day-long retreat on May 11. Participants will be deans, vice chancellors, and members of the task force.

The six-member faculty salary equity committee has met to review plans that have been submitted by the deans. The committee has recommended that each school's salary equity committee should consist of at least three tenured faculty members; that the committee should be diverse with respect to gender and ethnicity; and that the dean or

department chair conduct the initial review of faculty members whose salaries are at least one standard deviation below the predicted level before bringing the matter before the school's committee. The committee has recommended that only women and members of minority groups be considered in these reviews. Although discussions in the Council and elsewhere have urged that these reviews extend to all faculty whose salaries are at least one standard deviation below the predicted level, the committee feels strongly that correction of inequities among women and minority faculty was the original rationale for the study and all of the extensive work that has been undertaken in response to it.

Prof. Laura Janda (Slavic Languages & Literatures) said that measures taken so far have been retrospective, making up for past problems. She wondered what is being done to avoid similar inequities in the future. Provost Shelton replied that Resolution 2003-4, adopted by the Council on Feb. 7, 2003, is a step in that direction.

Prof. Steven Bachenheimer (Microbiology) noted that all units should have elected salary policy committees to review salary increases each year. He said that those committees could be used for the purpose identified by Prof. Janda. The problem, he said, lies in making sure that unit heads know about and make use of mechanisms already in place. He pointed out that the Medical School's salary policy committee is not elected and its membership is not known to the faculty. Provost Shelton replied that it has been made clear that the membership of committees established to monitor gender equity in salaries must be announced, and that there has been no objection to that requirement. He said that a number of policies and procedures are already in place to ensure proper, thorough review of faculty salaries. The key is making effective use of them. The provost said that he recently began holding administrative seminars in January or February to familiarize new deans, directors, and departments chairs with the administrative infrastructure. He promised that at the next series of these seminars, he will see to it that the secretary of the faculty or some other appropriate person is invited to speak to faculty governance.

Prof. Richard Pfaff (History) asked about the intellectual rationale, as opposed to the emotional rationale, for focusing solely on salary inequities for women faculty members. It seems, he said, that all inequities are equal but some are more equal than others. The provost replied that, although he was not present at the committee's meetings, he understood that the rationale that the original motivation for the study was to determine whether there were unexplained differences in salary for women and ethnic minorities.

Prof. Estroff said that this is not a question of either/or but one of sequencing and timing.

Prof. Kenneth Bollen (Biology) said that it had been his understanding from the discussion at the February 7 meeting that the salaries of all faculty members falling outside the predicted range, both men and women, would be reviewed. His vote for the resolution was predicated on that understanding. He said he did not see how the review committee could override the intent of the Council in adopting the resolution. He said that it is was not obvious to him why a man earning a salary two standard deviations below the predicted level should not be reviewed while a woman whose salary is one standard deviation below should be.

Prof. Thomas Shea (Medicine) suggested that the Faculty Council might recommend that, after the initial review of women and minorities, all faculty members identified in the study would be reviewed. He said he was uncomfortable with today's discussion in light of the discussions that took place at previous Council meetings.

Prof. Harry Watson (History) asked how many non-minority men were identified by the study. Assoc. Provost Bernadette Gray-Little said that by definition about 15% of the sample would fall at 1/3 of a standard deviation below the predicted salary. That group will be largely composed of white males because they comprise the largest demographic group of the faculty.

Prof. Estroff said that it not just a question of numbers but one of proportions. She said that the reason the study was conducted was the apprehension that gender was a significant variable in predicting low salaries, which in fact turned out to be the case. She said that there was no intention to be disingenuous with Resolution 2003-4; it is really a question of sequencing. She has asked the Faculty Welfare Committee to address the next steps to take in the sequence. For now, we need to begin with women faculty because they constitute a disproportionate number of those identified in the study. It does not mean that we care any less about men whose salaries are unjustifiably low; it does mean that we need to deal with women first.

Prof. Gray-Little reminded the Council that the study had shown no significant gender equity problems in most of the appointing units. Rather, the problem seemed to be concentrated in clinical departments in the School of Medicine.

Prof. Pfaff said that he interpreted Prof. Estroff's comments to imply that there would be another study and a different process to address concerns not addressed by the current study and process. Prof. Estroff said that was not her intent. The provost added that the intent is to use the current data set to its full extent, not to collect another data set or to ignore any group that needs looking at. Prof. Pfaff replied that sequencing is not an abstract exercise. The

point of putting a group into the proper sequence is to address inequities discovered, he said. That would take funds to the disadvantage of the group next in line. If Prof. Shea's suggestion were to be adopted, all faculty members whose salaries are identified as inequitable would be addressed at once. Sequencing works a significant potential injustice, he said, because of the limited availability of funds.

Prof. Wesley Wallace (Emergency Medicine) asked how long the process is anticipated to take. The provost replied that he expects to complete all steps in the salary review process in time to make funding decisions effective July 1.

Prof. Diane Kjevrik (Nursing) said that women have been disadvantaged for years and have waited a long time for redress. She said that men with inappropriately low salaries should be reviewed later on, but women have waited long enough, especially those who are close to retirement.

Provost Shelton reassured the Council that he intends to proceed apace in response to the study and the Council's resolution. He said that there is nothing to be gained by delay and that he fully expects to use the data set to address everyone. He said it was his sense of the discussion that we need to address inequities in the salaries of women and minorities, but also to review other individuals whose pay is one standard deviation or more below the predicted level.

### **Chair of the Faculty's Remarks**

Prof. Sue Estroff said that the time has come to dismantle the illusion being propagated by our State's elected leadership that they are "protecting the classroom" in the current budget crisis. She cited many examples demonstrating that reductions in State appropriations is having a negative impact on the University.

### **Annual Reports**

*Faculty Welfare Committee.* Prof. Judy White, chair of the Faculty Welfare Committee, presented the committee's annual report. There were no questions or comments.

*University Committee on Copyright.* Prof. Laura Gasaway, chair of the University Copyright Committee, presented the committee's annual report. Provost Shelton complimented Prof. Gasaway for her outstanding service in this regard.

*Faculty Assembly Delegation.* Prof. Barbara Moran, chair of the Faculty Assembly Delegation, presented the delegation's annual report. There were no questions or comment.

### **Resolution Endorsing Certain Recommendations of the Task Force on Appointment, Promotion, and Tenure**

The Council proceeded to further consideration of Resolution 2003-7. Prof. Estroff called on Prof. Ferrell to preside.

Prof. Paul Farel, co-chair of the Task Force on Appointments, Promotion, and Tenure, moved to amend Section 2.3 to insert on page 2, line 9, after the words and punctuation "whether full-time or part-time," the words "that are funded from sources other than State funds or endowment funds". The amendment was adopted without dissent.

Prof. Farel further moved to rewrite all of Sec. 2.8, page 2, lines 26-29, to read as follows: "The Faculty Council endorses the recommendation that each appointing unit that makes appointments to graduated ranks using the prefix qualifiers 'research,' 'clinical,' or 'adjunct,' develop descriptions of the criteria for initial appointment to and progression through these ranks." The amendment was adopted without dissent.

Prof. Ferrell placed Sec. 2.2 before the Council for discussion.

Prof. Fred Brooks (Computer Science), chair of the Advisory Committee, spoke in opposition to this section on behalf of the Advisory Committee. He said the Advisory Committee has two objections: (1) the requirement would impose much unnecessary "busy work," and (2) departments in the College and most of the professional schools have no control over the number of tenure-track positions allotted to them. Hence, if such an appointing unit adopts a ratio of tenure-track to fixed-term appointments, the net effect is that it has no freedom to add fixed-term positions even though enrollment needs may dictate a need to hire temporarily fixed-term faculty to teach additional course sections. Prof. Brooks said that the cognate provision in the task force established by the Office of the President urged only that each campus adopt such a ratio. That is a reasonable goal, he said, but pushing it down to the departmental and school level goes too far.

Prof Farel replied that between 1997 and 2001 the number of non-tenure track faculty has increased by 26% in Academic Affairs and 40% in Health Affairs while the number of tenure-track faculty has been essentially unchanged.

Some departments in Health Affairs now have a large majority of non-tenure track faculty. The task force's concern was the relationship between this sift and the professorate. This might not be much of a concern to Academic Affairs units where the number of tenure-track positions but it is of much concern in many units. The task force recommends that the situation be monitored to ensure that the mission of the appointing unit remains consistent with the mission of the University as a whole.

Prof. Brooks replied that the Advisory Committee agrees that any appointing unit that feels that this is a concern should be free to set such a ratio, but that should not be mandated for all units.

Prof. Laurel Files (Health Policy & Administration) agreed that monitoring the use of fixed-term appointments is desirable in many areas but agreed that not every department or program should be required to do so.

Prof. Dennis Orthner (Social Work) said that he supports the underlying intent of Sec. 2.2 but would vote against it because it is too restrictive. He said that in Social Work, two-thirds of the faculty positions are non-tenure track. The School is looking at the situation strategically. He would not want to lose the flexibility that the School now has in this regard.

Prof. Estroff said that the discussion appears to indicate that everyone acknowledges that there has been a significant shift in the composition of the faculty in recent years with the trend being toward greater reliance on non-tenure track appointments. There seems to be agreement that this trend should be monitored in some way.

Prof. Watson remarked that Sec. 2.2 is actually a rather gentle recommendation. It only asks each unit to articulate its ideals and to put them in writing. He said that he sympathizes with the desire for flexibility, but he pointed out that the University could easily maximize flexibility if all faculty members were on fixed-term contracts. It is not good for our students to have a faculty whose commitment to the institution does not extend beyond the current year.

Prof. James Porto (Health Policy & Administration), speaking as one who holds a non-tenure track appointment, said that there is an implication on some of the discussion that questions the contributions being made by fixed-term faculty. He suggested that adopting Sec. 2.2 as written would buy into that argument. He said that one way of addressing the concerns underlying Sec. 2.2 would be to narrow the differences between tenure-track and fixed-term faculty. He urged that action on Sec. 2.2 be deferred because much more discussion is needed on the underlying questions about what kind of university we want to have.

Prof. Larry Rowan (Physics & Astronomy) said he would like to know who would decide whether a particular unit's mix of tenure-track vs. fixed-term faculty was desirable or not. Prof. Farel replied that the question is not whether the mix is undesirable; it is whether the mix can meet the unit's mission. The goal is to avoid simply sliding into a certain composition because of financial exigencies of the moment.

Prof. Mary Ann Salmon (Social Work) said that she has served for 17 years in a fixed-term position. She agreed with Prof. Porto that Sec. 2.2 implies a value judgment as to the contributions of fixed-term faculty, but she was happy that the role of fixed-term faculty is at least under discussion. She said that much of the discussion has failed to distinguish between fixed-term faculty who serve for many years and those who are employed for only a year or two or only for one or two courses. She said that lumping all fixed-term faculty in the same group does a disservice to the appointing unit and to the individual faculty members involved.

Prof. Orthner said that he favors the idea of a staffing plan, but not the notion of prescribing ratios. He suggested that it would be better to speak of developing plans that define the respective roles and contributions of tenure-track and fixed-term faculty in the school or department. He moved to amend Sec. 2.2 to delete the words "desired" mix and substitute the words "respective roles and contributions".

Prof. Charles Daye (Law) said that the amendment would change the resolution in a way that is not supported by the underlying report of the task force.

Prof. Bachenheimer said that he supported the amendment. In his department, the increase in fixed-term faculty is a surrogate marker for the department's success in securing research grants. He said that his department clearly defines the roles and contributions of its fixed-term faculty, and he thought that such an effort should be undertaken by all departments.

The amendment moved by Prof. Orthner was adopted.

Section 2.2, as amended, was adopted.

Prof. Ferrell then placed before the Council for discussion and vote Sections 11.1, 11.3, 11.4, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.12, and 11.12.

Prof. Files asked for an explanation of Sec. 11.6 [concerning consultations within the appointing unit with respect to fixed-term appointments similar to those required for tenure-track appointments]. She said this could be cumbersome. Prof. Farel said that any appointment that confers faculty status should go through a consultative process with the professors.

Prof. Watson said that it would be extremely cumbersome in his department (History) to go through the same evaluation process for fixed-term faculty hired to teach one or two courses as that employed for tenure-track faculty. It would be impractical, he said, to seek three outside letters and form a search committee for such appointments.

Prof. Ferrell pointed out that Sec. II.6 directs the Committee on University Governance to submit a proposal for further consideration by the General Faculty. He thought that this kind of detail would be addressed in any such proposal.

Prof. William Smith (Mathematics) said that the principle underlying Sec. II.6 is that there should be at least some faculty consultation in making fixed-term appointments. He hoped that the Committee on University Governance would present a proposal that did not impose onerous requirements.

Prof. Pfaff said that an unintended consequence of Sec. II.6 and Sec. II.4 might be that someone might lose a job unnecessarily.

Prof. Estroff said that the refinements being discussed are all important, but the overall thrust of the resolution is to foster respect and appreciation for the need for professional development and growth of our non-tenure track colleagues.

Prof. Smith expressed concern about Sec. III.10 [including fixed-term faculty in departmental decision-making and advisory venues]. He said that there are some matters that come before departments for which those who have a long-term stake in the department ought to be the effective decision-makers.

Prof. Files hoped that the resolution would be read as intending to bring to surface issues and concerns, not as mandating rigid rules applicable to every school and department.

Prof. Frank Wilson (Orthopaedics) moved to insert the word "appropriate" in Sec. III.10 so that it would refer to including fixed-term faculty in "appropriate school and department decision-making and advisory venues." He thought this would address the concern raised by Prof. Smith and Prof. Files. The amendment was adopted.

Referring to Sec. II.1, Prof. Bobbi Owen (Dramatic Art) questioned whether a separate standing committee addressing concerns of fixed-term faculty is needed. She wondered whether it might not be better to attempt to see that existing standing committees are more inclusive of fixed-term faculty.

Prof. Farel defended the task force's recommendation. He said that the existing committee structure tends to be focused on tenure-track faculty.

Prof. Ferrell pointed out that the current chairs of the Faculty Welfare Committee and the Faculty Athletics Committee are both non-tenure track faculty members. He said that the only committees for which non-tenure track faculty are ineligible are the Faculty Hearings Committee, the Committee on Appointments, Promotions, and Tenure, and the Committee on Financial Exigency and Program Change.

The discussion having concluded, the remaining sections of Section II of Resolution 2003-7 were adopted.

#### **Honorary Degrees to be Awarded at Commencement 2004**

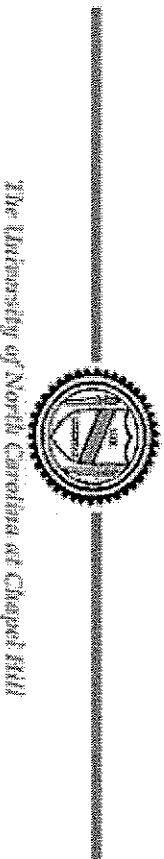
On motion of Prof. Estroff, the Council went into closed session to consider nominees for honorary degrees to be awarded at Commencement 2004. Prof. Ferrell presented five nominees put forward by the Committee on Honorary Degrees and Special Awards. The Council approved each nomination.

#### **Adjournment**

The session having run beyond the announced adjournment time, the Council postponed consideration of Part III of Resolution 2003-7 and adjourned.

Joseph S. Ferrell  
Secretary of the Faculty

## Appendix A



### Resolution 2003-7. Responding to the Recommendations of the Task Force on Appointments, Promotions, and Tenure.

The Faculty Council resolves:

#### I. Flexibility in the Process of Promotion and Tenure.

- 1.1. The Faculty Council endorses the recommendation that the University of North Carolina at Chapel Hill should seek appropriate funding to support a system of paid parental leave for full-time faculty holding tenure-track appointments who bear primary responsibility for the care of a newborn or newly-adopted child. [Amended 2/7/03. Adopted as amended 2/7/03.]
- 1.2. The Faculty Council endorses the recommendation that deans and department chairs assume responsibility for explaining to new faculty appointed to probationary-term positions the provisions of the tenure regulations concerning special provisions for extending the maximum probationary period. [Adopted 2/7/03]
- 1.3. The Faculty Council endorses the recommendation that deans and department chairs take steps to ensure that faculty members who take advantage of special provisions for extending the maximum probationary period are not subjected to stricter requirements for reappointment and promotion than those expected of colleagues who do not choose to take advantage of those provisions. [Adopted 2/7/03]
- 1.4. The Faculty Council requests the Committee on University Government to prepare for consideration by the Council a proposed amendment to Section 2.c.(6)(iii) of the tenure regulations<sup>1</sup> to increase from one year to two years the maximum extension of the probationary period that may be granted. [Adopted 2/7/03]
- 1.5. [Concerning mutual agreement between chairs and probationary-term faculty to delaying tenure decision until the final year of appointment. Defeated 2/7/03.]

#### II. Policies and Procedures for Appointment and Promotion of Fixed-Term Faculty.

- II.1. The Faculty Council requests the Committee on University Government to prepare for consideration by the General Faculty an amendment to the Faculty Code of University Government establishing an elected standing committee on Non-Tenure Track Faculty. [Adopted 2/28/03.]
- II.2. The Faculty Council endorses the recommendation that each academic unit develop a plan that defines the respective roles and contributions of tenure-track and fixed-term faculty appointments in that unit. [Amended 2/28/03. Adopted as amended 2/28/03.]

<sup>1</sup> For reasons of health, requirements of childbirth or child care, or similar compelling circumstances, a faculty member holding a probationary term of appointment at the rank of assistant professor or associate professor may request that the maximum probationary period be extended for a period not to exceed 12 months (including any extension that may have been granted under subsection (ii) above) [pertaining to less than full-time employment for up to 12 months for similar reasons], with no resulting change in normal employment obligations, in order to provide the faculty member additional time to demonstrate fully his or her professional qualifications for reappointment or permanent tenure.



11.3. The Faculty Council endorses the recommendation that all appointments to fixed-term faculty positions, whether full-time or part-time, contain provisions relevant to the possibility that funding to cover the full duration of the contract may not be available due to funding rescissions. [Adopted 2/28/03.]

11.4. The Faculty Council endorses the recommendation that, to the maximum feasible extent, no person should be appointed to more than three consecutive one-year terms in a fixed-term rank before appointment to a longer term is made available. [Adopted 2/28/03.]

11.5. The Faculty Council urges the Dean of the College of Arts and Sciences to rescind the administrative rule now in effect that links the term of fixed-term faculty appointments to the term of appointment of the department chair. [Adopted 2/28/03.]

11.6. The Faculty Council requests the Committee on University Government to prepare for consideration by the General Faculty an amendment to the Faculty Code stating the expectation that all appointments and reappointments to fixed-term faculty positions, whether full-time or part-time, will be made with the same consultations within the appointing unit as is the case for appointments to tenure-track positions. [Adopted 2/28/03.]

11.7. The Faculty Council requests the Committee on University Government to prepare for consideration by the Council a proposed amendment to the tenure regulations creating the rank of senior lecturer. [Adopted 2/28/03.]

11.8. The Faculty Council endorses the recommendation that each appointing unit that makes appointments to graduated ranks using the prefix qualifiers "research," "clinical," or "adjunct" develop descriptions of the criteria for initial appointment to and progression through those ranks. [Amended and Adopted as amended 2/28/03.]

11.9. The Faculty Council endorses the recommendation that promotions within fixed-term ranks that differentiate appointment by ranks analogous to those employed in tenure-track appointments follow the same time line for review as is prescribed for tenure-track appointments. [Adopted 2/28/03.]

11.10. The Faculty Council endorses the recommendation that each academic unit include fixed-term faculty in appropriate school and departmental decision-making and advisory venues, except those relating to evaluation and promotion of tenure-track faculty. [Amended 2/28/03. Adopted as amended 2/28/03.]

11.11. The Faculty Council endorses the recommendation that deans and department heads make every effort to include fixed-term faculty in professional development activities. [Adopted 2/28/03.]

11.12. The Faculty Council requests the Provost to examine the criteria for awards, particularly those related to service, to ensure that fixed-term faculty are eligible for consideration unless disqualified by the terms establishing the award. [Adopted 2/28/03.]

### III. Review of Tenure-Track Appointments and Promotions

11.1. The Faculty Council requests the Committee on University Government to prepare for consideration by the General Faculty an amendment to the Faculty Code expressing the expectation that deans and department chairs will consult all tenured faculty in the appointing unit in appointments and promotions that have the effect of conferring permanent tenure, except initial appointment at the rank of professor for which consultation with the professors alone is sufficient. [Adopted 3/28/03.]

11.2. The Faculty Council requests the Committee on University Government to prepare for consideration by the General Faculty an amendment to the Faculty Code establishing a University-wide system for review of all appointments and promotions that have the effect of conferring permanent tenure and all promotions to a higher rank of persons holding permanent tenure at the rank of associate professor or assistant professor. The system should culminate with the Committee on Appointments, Promotions, and Tenure. For the College of Arts and Sciences, the School of Medicine, the School of Public Health, and any other professional school that may hereafter be organized in departments that initiate faculty appointments and promotions, the dean should seek the advice of an elected committee of the College or School faculty before acting on a department chair's recommendation. For professional schools that are not organized in departments, the dean should seek the advice of the entire assembled faculty who are qualified to consult on the action in question or an elected committee of the unit's faculty, as may be appropriate to the size and complexity of the school. [Amended 3/28/03. Adopted as amended 3/28/03.]

11.3. The Faculty Council endorses the recommendation that a decision not to reappoint a probationary-term faculty member should be forwarded by the dean or department chair to his or her immediate administrative superior for review as to the adequacy, consistency, and coherence of the evidence supporting the decision not to reappoint.

In conducting that review, the reviewing officer will seek the advice of the faculty advisory committee that would have reviewed the decision had it been positive.<sup>2</sup> [Adopted 3/28/03.]

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<sup>2</sup> This resolve does not recommend changing the current provisions of the Tenure Regulations that require all faculty appointment, promotions, and tenure decision to originate at the departmental level. Hence, the review recommended by the resolve would be advisory only to the dean or department chair who made the original decision.