

November 14, 1997

Special Report of the Committee on University Government

At its April 1997 meeting the Faculty Council referred to the Committee on University Government Resolution 97-13 regarding procedures for discharge of faculty members. The resolution petitions the Board of Trustees to amend Section 3(b)(8) of the *Trustee Policies and Regulations Governing Academic Tenure in The University of North Carolina at Chapel Hill* to include provisions substantially similar to the American Association of University Professors (AAUP) standard for tenure.

The trustee policies regarding discharge procedures now provide that the chancellor, if he or she rejects a finding, conclusion, or recommendation of the Hearings Committee that is favorable to the faculty member, must notify the faculty member and the committee in writing. AAUP policy recommends that the committee be apprised of the chancellor's objections and afforded an opportunity to reconsider its recommendations and receive new evidence if necessary. The wording of Resolution 97-13 would make the policy here consistent with that of the AAUP.

The Committee on University Government, after reviewing Resolution 97-13, proposes the following substitute resolution. It retains the major substance of the original resolution and suggests exact wording for the rewrite of Section 3(b)(8) of the trustee policies.

Committee on University Government

Janet Mason, Chair

William I. Burke

Elizabeth Gibson

Jean Goeppinger

Douglas G. Kelly

James L. Peacock III

Jack M. Sasson

Joseph S. Ferrell, Ex Officio

Resolution 97-13. Regarding Procedures for Discharge of Faculty Members

The Faculty Council resolves:

Section 1. The Faculty Council petitions the Board of Trustees of the University of North Carolina at Chapel Hill to rewrite Section 3(b)(8) of the *Trustee Policies and Regulations Governing Academic Tenure in The University of North Carolina at Chapel Hill* (concerning procedures to be followed after the Faculty Hearings Committee reaches a decision in a discharge proceeding) as follows:

"(8) In reaching a decision, the Chancellor shall consider only the written transcript of the hearing and the report of the hearing committee. ~~The Chancellor's decision shall be conveyed in writing to the affected faculty member and to the hearing committee.~~ If the Chancellor rejects a finding, conclusion, or intends to reject the recommendation of the hearing committee, the Chancellor shall ~~state the reasons for doing so in the written decision.~~ communicate that

intention to the committee along with his or her reasons and provide an opportunity for committee response before taking final action. In such a case the committee shall reconsider its recommendation, taking account of the Chancellor's stated objections and receiving new evidence if the committee deems it necessary. The committee shall transmit its response to the Chancellor within ten days of the committee's receipt of the Chancellor's communication. After considering the committee response, the Chancellor shall issue a decision either concurring in or declining to accept the committee's recommendation. The Chancellor's decision shall be conveyed in writing to the affected faculty member and to the hearing committee. If the Chancellor concurs in a recommendation of the hearing committee that is favorable to the faculty member, his or her decision shall be final. If the Chancellor either declines to accept a hearing committee recommendation that is favorable to the faculty member or concurs in a hearing committee recommendation that is unfavorable to the faculty member, the faculty member may seek review of the Chancellor's decision by the Board of Trustees as provided in Section 8.

Section 2. This resolution is effective upon adoption.