

Tenure and Promotion Sub-Committee Report

B. COMMITTEES OF THE FACULTY – ELECTED (Pages 37-38)

Any faculty member appearing before any committee at the University which will make a decision or recommendation concerning that faculty member has the right to an impartial consideration. Faculty members have the right to challenge the participation of a committee member based on a showing of a conflict of interest that may affect the impartiality of that committee member. **SUCH CHALLENGE SHALL BE MADE IN WRITING TO THE CHAIR OF THE COMMITTEE AT LEAST TEN DAYS PRIOR TO THE CONVENING OF THE COMMITTEE.** That committee must decide by majority vote the validity of the challenge before consideration is given to the issue before the committee.

CURRENT SCHOOL/COLLEGE UNIVERSITY COMMITTEE applicants for promotion **SHALL NOT** serve on **ANY** promotion and tenure committee. **RESIGNATION OF THE COMMITTEE MEMBER IS REQUIRED.**

1. Faculty Reappointments, Promotions, and Tenure – Department Committee

THE department **PROMOTION AND TENURE COMMITTEE WILL SEND A** recommendation **TO THE DEAN OF THE SCHOOL/COLLEGE. THIS COMMITTEE WILL INCLUDE THE CHAIR AS A MEMBER. ALL** evaluations **AND SUPPORTING DOCUMENT, SUCH AS,** department chair's **ANNUAL EVALUATIONS,** peer **REVIEWS,** student **EVALUATIONS, LETTERS FROM FORMAL STUDENTS** and other appropriate evaluation **AND SUPPORTING** information provided by the faculty member, and any other information the department **COMMITTEE** considers important concerning the **APPLICATION WILL BE SENT** to the dean of the school/college. **THE FACULTY MEMBER SHALL BE GIVEN COPIES OF ANY ADDITIONAL MATERIALS SUBMITTED BY THE DEPARTMENT PROMOTION AND TENURE COMMITTEE TO THE DEAN AND THE FACULTY MEMBER HAS THE RIGHT TO SUBMIT RESPONSES TO THOSE MATERIALS TO THE DEAN. THE FACULTY'S RESPONSE WILL BE ADDED TO THE PACKAGE.** The dean shall convene the school's committee on Faculty Reappointments, Promotions and Tenure and make available to it the information and recommendation received from the department **PROMOTION AND TENURE COMMITTEE.** (See Chapter IV; Article VI, Section 9 (B))

2. Faculty Reappointments, Promotions, and Tenure – School/College COMMITTEE (Pages 38-39)

Each School/College Committee on Faculty Reappointments, Promotions, and Tenure is responsible for reviewing the recommendations from the department within the School/College with respect to the academic merits of the faculty member and taking into consideration the criteria which are published in other parts of the Handbook (specifically Appendices C and G) and/or other relevant criteria as promulgated by the individual

School/College. **THE DEPARTMENT TENURED FACULTY AND CHAIRPERSONS SHALL DELIBERATE AS A COMMITTEE AND SUBMIT A WRITTEN REPORT.** The SCHOOL/COLLEGE committee shall then recommend **IN WRITING** to the dean appropriate action with respect to reappointment, promotions, and tenure. If the dean's recommendation is in opposition to the majority opinion of the committee, the dean is required to express orally and in writing to the committee a detailed justification for the opposition to the majority opinion of the committee within ten (10) working days. **AFTER CONSULTATION WITH THE DEAN, THE COMMITTEE MAY WRITE A SECOND LETTER TO BE INCLUDED IN THE APPLICANT'S PACKAGE.** The dean **WILL ONLY** forward the entire package **INCLUSIVE OF ALL WRITTEN RECOMMENDATIONS IF THE PACKAGE IS SUPPORTED BY TWO OF THE THREE LEVELS OF REVIEW (DEPARTMENT PROMOTION AND TENURE COMMITTEE, SCHOOL/COLLEGE PROMOTION AND TENURE COMMITTEE, AND DEAN)** along with **THE DEAN'S** recommendation, be it favorable or not, to the next level.

The review of this committee is restricted to the evaluation of the faculty member's application with respect to satisfying the criteria for reappointment, promotion, and tenure. The scope of this review is limited to the professional qualification, professional performance, and potential professional contributions to the University. These guidelines pertain exclusively to teaching faculty. Non-teaching personnel with **APPOINTMENTS** higher than that of chairperson of a department are ineligible to apply for tenure and promotion under **ANY CIRCUMSTANCES**.

Each School/College Committee on Faculty Reappointments, Promotions, and Tenure shall consist of a minimum of five faculty members. The election of the Committee members shall be within the province of the faculty of the School/College. Each committee member shall have permanent tenure and shall be elected by the School/College faculty from the professional ranks of professor, associate professor, **AND ASSISTANT PROFESSOR. IF THE NUMBER OF DEPARTMENTS IN THE SCHOOL/COLLEGE IS LESS THAN FIVE EACH DEPARTMENT WILL HAVE AT LEAST ONE REPRESENTATIVE. IF THE NUMBER OF DEPARTMENTS IN THE SCHOOL/COLLEGE IS MORE THAN FIVE, NO DEPARTMENT SHALL HAVE MORE THAN ONE REPRESENTATIVE. THE EXCEPTION IS WHEN THE DEPARTMENT HAS NO ELIGIBLE FACULTY.**

The Committee shall elect from its membership a chairperson, a vice-chairperson, and a secretary. If the School/College Committee on Faculty Reappointment, Promotions and Tenure, and the dean, need further information related to the applicant, they should consult a source qualified to provide the required information.

3. Faculty Reappointments, Promotions, and Tenure-University COMMITTEE

The University Committee on Reappointments, Promotions, and Tenure is responsible for reviewing all recommendations from all School/College Deans and the Director of the Library Services with respect to reappointments, promotions, and tenure and shall recommend appropriate action to the Vice Chancellor for Academic Affairs. **ALL APPLICATIONS FOR AND RECOMMENDATIONS ON**

REAPPOINTMENT, PROMOTION AND TENURE SHALL BE SUBMITTED TO THE COMMITTEE ON OR BEFORE THE SECOND FRIDAY IN JANUARY OF EACH YEAR.

THE UNIVERSITY COMMITTEE ON REAPPOINTMENTS, PROMOTIONS, AND TENURE SHALL CONSIST OF TWO ELECTED FACULTY MEMBERS FROM EACH SCHOOL/COLLEGE AND TWO FROM THE LIBRARY. ELECTED MEMBERS SHALL BE FROM DIFFERENT DEPARTMENTS EXCEPT THE SCHOOL OF NURSING AND THE LIBRARY. Members shall have permanent tenure and shall be elected **FOR A TERM OF TWO YEARS NOT TO EXCEED TWO CONSECUTIVE TERMS** by their respective Schools/Colleges by the faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, school/college dean, **ASSOCIATE OR ASSISTANT DEAN**, or other administrative officer may serve on this committee **OR VOTE IN COMMITTEE MEMBER ELECTIONS. IN THE EVENT THAT AN UNEXPECTED VACANCY OCCURS, THE FACULTY OF THE SCHOOL/COLLEGE/LIBRARY HAVING THE VACANCY SHALL ELECT AN ELIGIBLE FACULTY MEMBER TO COMPLETE THE UNEXPIRED TERM.** The Committee shall elect from its membership a chairperson, a vice-chairperson, and a secretary.

In relation to applicants for tenure, this review is not for the purpose of judging the professional qualifications of the applicant. The scope of this review is restricted to determining whether the University has the resources to support the application, and whether a positive recommendation concerning the application is consistent with current University goals. Such factors as the following are considered in this review: enrollment trends, needs in critical areas of specialization, and results of program audit and review. **PRIOR TO DELIBERATIONS THE VICE-CHANCELLOR SHALL SUPPLY THE COMMITTEE WITH INFORMATION ABOUT TENURE DENSITY AND ENROLLMENT TRENDS.** In regards to application for promotion, and following review by the School Committee, the University Committee is to review the applicant's professional qualifications in relation to the comparability of qualifications with previous applicants and consistency with those at the same rank throughout the University.

4. Faculty Grievances

The Committee on Faculty Grievances shall be authorized to hear, mediate, and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the parties, and to advise resolution by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the department chairperson, dean or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time, not to exceed ten (10) working days.

If the recommendation of the Faculty Grievances Committee is acceptable to the aggrieved faculty member, **THEN** the chair **AND** dean **ARE** required to adhere to **THE RECOMMENDATION**. If the faculty member is still dissatisfied with the

recommendation of the Committee, or with the Chancellor's decision, the faculty member can appeal to the Hearing and Reconsideration Committee.

Appeal rights following the Chancellor's decision are specified in the Code and in the Appeal Policy of the Board of Governors. See Section 501C (4) of the Code.

"Grievances" within the province of the committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within the institution. However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member or is within the jurisdiction of another standing committee of the faculty may be considered by the committee. The Committee on Faculty Grievances shall consist of seven (7) faculty members elected by the faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, School/College dean, or other administrative officer may serve on this committee. The committee shall **BE** elected **AT A MEETING OF THE GENERAL FACULTY**.

SECTION 4. DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS

- A. A faculty member, who is the beneficiary of institutional guarantee of tenure, shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees the faculty member may be discharged or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty.³ These penalties may be imposed only in accordance with the procedures prescribed in this section. For purposes of these regulations, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. These procedures shall not apply to nonreappointment (Section 5) or termination of employment (Section 6).
- B. The Chancellor or his delegate shall send the faculty member by registered mail, return receipt requested, a written statement of intention to discharge him. The statement shall include notice of the faculty member's right, upon request, to both written specification of the reasons for the intended discharge and a hearing by the Faculty Hearing Committee as provided for in the Faculty Handbook.
- C. If, within ten days⁴ after the faculty member receives the notice referred to in paragraph B above, the faculty member makes no written request for either a specification of reasons or a hearing, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.
- D. If, within ten days after the faculty member receives the notice referred to in paragraph B above, the faculty member makes written request, by registered mail,

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return receipt requested, for a specification of reasons, the Chancellor or his delegate shall supply such specifications in writing by registered mail, return receipt requested, within ten days after receiving the request. If the faculty member makes no written request for a hearing within ten days after he receives the specification, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.

- E. If the faculty member makes a timely written request for a hearing, the Chancellor or his delegate shall insure that the hearing is accorded before the Faculty Hearing Committee. The hearing shall be on the written specification of reasons for the intended discharge. The Hearing Committee shall accord the faculty member twenty days from the time it receives his written request for a hearing to prepare his defense. The Hearing Committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member.

³ Retirement for reasons of disability shall be in accordance with North Carolina Statutes and regulations governing retirement for faculty who are members of the state retirement system. A faculty member who is not a member of the state retirement system and who is mentally or physically disabled, but refuses to retire, may be discharged because of that disability only in accordance with the procedures of this section

⁴ The word "day" as used in Sections 4, 5, and 6, shall mean, except where calendar day is specified, any day except Saturday, Sunday, or an institutional holiday. In computing any period of time, the day in which notice is received is not counted but the last day of the period so computed is to be counted.

- F. The hearing shall be closed to the public unless the faculty member and the **GRIEVANCE** Committee agree that it may be open. The faculty member shall have the right to counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, and to examine all documents and other adverse demonstrative evidence. A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the faculty member at the institution's expense.

- G. The Chancellor, or his delegate or counsel, may participate in the hearing to present evidence, cross-examine witnesses, and make argument.

- H. In reaching decisions on which its written recommendations to the Chancellor shall be based, the Committee shall consider only the evidence presented at the hearing and such written and oral arguments as the Committee, in its discretion, may allow. The Committee shall make its written recommendations to the Chancellor within five days after the hearing concludes.

**I. UPON REVIEW OF THE RECOMMENDATION, THE CHANCELLOR
RENDERS A DECISION. IF THE FACULTY MEMBER DISAGREES WITH**

THE DECISION, THE DECISION MAY BE APPEALED TO THE BOARD OF TRUSTEES.

Notice of appeal shall be filed within ten days after the faculty member receives the Chancellor's decision. The appeal to the Board of Trustees shall be decided by the full Board of Trustees. **THE CHANCELLOR SHALL NOT BE PRESENT AT THE TIME THE APPEAL IS DELIBERATED AND DECIDED UPON BY THE BOARD OF TRUSTEES.** However, the Board may delegate the duty of conducting a hearing to a standing or **an AD HOC** committee, of **AT** least three members. The Board of Trustees, or its committee, shall consider **ALL EVIDENCE PROVIDED BY THE AGGRIEVED AND** hear such other evidence as it deems necessary. The Board of Trustees' decision shall be made within **THIRTY** days after the Chancellor has received the faculty member's **INTENT TO** appeal to the Trustees. **THE FACULTY MEMBER MAY** within ten days after receiving the Trustees' decision, file a written petition for review with the Board of Governors if **THE FACULTY MEMBER** alleges that one or more specified provisions of The Code of The University of North Carolina have been violated. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board, which has jurisdiction of the subject matter of the grievance. The Board will issue a decision within 90 days after receipt of the notice of appeal; provided, that if the **AGGRIEVED** fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 days, the Board in its discretion may extend the period for decision or it may dismiss the appeal.

- J. When the faculty member has been notified of the institution's intention to discharge **THE FACULTY MEMBER**, the Chancellor may suspend **THE FACULTY MEMBER** at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay.

SECTION 5. NONREAPPOINTMENT OF FACULTY MEMBERS ON PROBATIONARY TERM APPOINTMENT

A. Permissible and Impermissible Grounds for Nonreappointment

The decision whether to reappoint a faculty member when a probationary term of appointment expires may be based on any factor considered relevant to the total institutional interests, but it must consider the faculty member's demonstrated professional competence, his potential for future contributions, and institutional needs and resources. These considerations may form, in whole or in part, the basis of the ultimate decision, except that the decision not to reappoint may not be based upon (1) the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, sex, religion, or national origin; or (3) personal malice.

B. Conference with the Dean

Within five days after receiving a written notice of nonreappointment, a faculty member may in writing request a private conference with the dean of his school/college to discuss the reasons for nonreappointment. This request shall be granted and the conference held forthwith, within five days after receipt of the request if possible.

Within five days after the conference, the dean shall give the faculty member a simple, unelaborated, written statement of whether the original decision remains in effect.

C. Conference with the Vice Chancellor for Academic Affairs

Within five days after receiving notice that the original decision remains in effect, the faculty member may in writing request a conference with the Vice Chancellor for Academic Affairs. This request shall be granted and the conference held forthwith, within **TEN** days after receipt of the request.

Within five days after this conference, the Vice Chancellor shall send a written **RECOMMENDATION** of the matter to the faculty member, the dean, and the department **CHAIRPERSON**. The evaluation is merely **A RECOMMENDATION**.

Within five days, the dean shall give the faculty member and the Vice Chancellor for Academic Affairs **A WRITTEN RESPONSE TO THE VICE CHANCELLOR'S RECOMMENDATION**.

⁵ If the initial decision not to reappoint is made by the Vice Chancellor for Academic Affairs, substitute his name for that of dean wherever the latter appears. If the initial decision not to reappoint is made by the Chancellor or Board of Trustees, the faculty member who is not to be reappointed may seek review of that decision in accordance with the procedure set out in Section 501 C (4) of the Code.

D. Request for Review by Faculty Hearing and Reconsideration Committee: Scope of Review

Within five days after **THE FACULTY MEMBER** receives notice of an unfavorable action resulting from the conference with the Vice Chancellor, the faculty member may request that the **COMMITTEE ON HEARING AND RECONSIDERATION** review the decision. This review is limited solely to determining whether the decision not to reappoint was based on any grounds stated to be impermissible in Section 5. A.

The request for review shall be written and addressed to the **CHAIRPERSON** of the Committee. It shall specify the grounds upon which the faculty member contends

that the decision was impermissibly based, with a short and plain statement of facts that the faculty member believes support the contention.

Such a request constitutes on the faculty member's part: (1) a representation that he can support his contention by factual proof, and (2) an agreement that the institution may offer in rebuttal of his contention any relevant data within its possession.

The Committee shall grant a hearing. The hearing shall be held within ten days after the request is received; the faculty member shall be given at least five day's notice of the hearing.

E. Conduct of Hearing

The hearing shall be conducted informally and in private. Only the members of the Committee, the faculty member, the department **CHAIRPERSON**, the dean, and such witness as may be called may attend, except that the faculty member and the dean may each be accompanied by persons of his choosing. A quorum for the hearing is a simple majority of the Committee's total membership. Committee members **WHO** hold an appointment in the faculty member's department, who will testify as witnesses, or who have any other conflict of interest are disqualified. If the faculty member requests it and the **CHAIRPERSON** of the Committee approves, a transcript of the proceedings shall be made and provided to the faculty member. The Committee may consider only such evidence as is presented at the hearing and need consider only the evidence offered that **IT** considers fair and reliable. All **WITNESSES** may be questioned by the Committee members, the faculty member, and the dean or a representative of the faculty member or dean.

F. Hearing Procedure

The hearing shall begin with the faculty member's presentation of contentions, which shall be limited to those grounds specified in the request for a hearing and supported by such proof as he desires to offer. The dean will present a rebuttal.

At the end of such **PRESENTATIONS**, the Committee shall consider the matter in executive session. The burden is upon the aggrieved faculty member to satisfy the Committee that **his** contention is true.

G. Procedure After Hearing

If the Committee determines that the faculty member's contention has not been established, it shall, by a simple unelaborated statement, so notify **THE FACULTY MEMBER**, the department **CHAIRPERSON**, the dean, and the Vice Chancellor for Academic Affairs. Such a determination confirms the decision **NOT** to reappoint. If the Committee determines that the faculty member's contention has been satisfactorily established, it shall so notify **THE FACULTY MEMBER**, the department **CHAIRPERSON**, the dean, and the Vice Chancellor for Academic Affairs and Chancellor by a written notice that shall also include a recommendation for corrective action by the dean.

If the corrective action of the Committee meets the approval of the aggrieved faculty member, then the dean **AND THE** Vice Chancellor are obligated to adhere to the corrective measures.

SECTION 6. TERMINATION OF FACULTY EMPLOYMENT

A. Reasons Justifying Termination and Consultation Required

(1) Reasons for Terminating Employment.

The employment of a faculty member with permanent tenure or of a faculty member appointed to a probationary or fixed term may be terminated by North Carolina Agricultural and Technical State University because of (1) demonstrable, bona fide institutional financial exigency, or (2) major curtailment or elimination of a teaching, research, or public service program. Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the Chancellor, after consulting with the academic administrative officers and faculties as required by Section 6. A(2) below. This determination is subject to concurrence by the President and the approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with the institutional procedures set out in Section 6. B.

(2) Consultation with Faculty and Administrative Officers.

When it appears that the institution will experience an institutional financial exigency or when it is considered a major curtailment in or elimination of a teaching, research, or public service program, the Chancellor or his delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

B. Termination Procedure

(1) Considerations in Determining Whose Employment is to be Terminated.

In determining which faculty member's employment is to be terminated for the reasons set forth in Section 6. A (1), consideration shall be given to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

(2) Timely Notice of Termination

- a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, he shall be given timely notice as follows:
 - i. One who has permanent tenure shall be given not less than twelve months' notice and
 - ii. One who has been appointed to a fixed term and does not have permanent tenure shall be given notice in Section 3 of these regulations.
- b. When a faculty member's employment is to be terminated because of financial exigency, the institution shall make every reasonable effort, consistent with the need to maintain sound educational programs and with in the limits of available resources, to give the same notice as set forth in Section 6. B (2) (a).

(3) Type of Notice to be Given.

The Chancellor or his delegate shall send the faculty member whose employment is to be terminated a written statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by the Reconsideration Committee if he alleges that the decision to terminate him rather than another faculty member was arbitrary or capricious; and a copy of this procedure on termination of employment.

(4) Termination If Reconsideration Not Requested.

If, within ten days after the faculty member receives the notice required by Section 6. B (3), the faculty member makes no written request for reconsideration hearing, his employment shall be terminated at the date specified in the notice given pursuant to Section 6. B (3), and without recourse to any institutional grievance or appellate procedure.

(5) Request for Reconsideration Hearing.

Within ten days after receiving the notice required by Section 6. B (3), the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate his employment if he alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor and shall include a short, plain statement of facts that the faculty member believes support the contention.

Submission of such a request shall constitute on the faculty member's part: (1) a representation that he can support his contention by factual proof, and (2) an

agreement that the institution may offer in rebuttal of his contention any relevant data within its possession.

(6) Jurisdiction of Hearing and Reconsideration Committee.

If the faculty member makes a timely written request for a reconsideration of the decision, the Chancellor or his delegate shall **ensure** that a hearing is accorded before the **Hearing and Reconsideration Committee**, the composition of which is set out in the Faculty Handbook. This reconsideration shall be limited solely to a determination of the contentions made in the faculty member's request for reconsideration. The reconsideration hearing shall be held promptly, but the Committee shall accord the faculty member five days from the time it receives his written request for a hearing to prepare for it.

(7) Conduct of Hearing.

The hearing shall be conducted informally and shall be closed to the public. The faculty member and the Chancellor have the right to legal counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine witnesses, and to examine all documents and other adverse demonstrative evidence. The faculty member and the Committee shall be given access, upon request, to documents of North Carolina Agricultural and Technical State University that were used in making the decision to terminate the faculty members' employment. If the faculty member requests it, a transcript of the proceedings shall be given the faculty member at the institution's expense. The Committee may consider only the evidence as is presented at the hearing and need consider only the evidence offered that it considers fair and reliable. All witnesses may be questioned by Committee members.

A quorum for purposes of the hearing is a simple majority of the of the Committee's total membership. No person shall serve on the **Hearing and Reconsideration Committee** who holds an appointment in the faculty member's department, participated directly in the decision to terminate this individual faculty member, or has any other substantial conflict of interest.

(8) Hearing Procedure.

The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for a hearing and supported by such proof as **THE FACULTY MEMBER** desires to offer. The Chancellor or his representative may then present a rebuttal of the faculty member's contentions, or in general support of the decision to terminate his employment, such testimonial or documentary proofs as he desires to offer, including his own testimony.

(9) Procedure after Hearing.

If the **Hearing and Reconsideration Committee** determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated

statement, so notify him and the Chancellor. The faculty member may then appeal the decision to terminate his employment in the manner provided by Section 501 (C)(4) of the Code of The University of North Carolina.

If the **HEARING AND** Reconsideration Committee determines that the contention of the faculty member has been satisfactorily established, it shall so notify him, and the Chancellor by a written notice that shall also includes steps for corrective action by the Chancellor.

C. Assistance for Faculty Members and Rights to New Positions

(1) Institutional Assistance to Employees who are Terminated.

The institution, when requested in writing by an employee whose employment has been terminated, shall give the faculty member reasonable assistance in finding other employment.

(2) First Right of Refusal of New Positions.

For two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section A, the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be made by registered mail, return receipt requested, to the faculty member's last known address, and the faculty member will be given thirty calendar days after he receives the notice to accept or reject the offer.