

VOLUME II

Faculty Responsibilities and Development

4.00 Employment Policies, Terms, and Procedures for Faculty

4.01 Equal Opportunity and Diversity

Western Carolina University is committed to the principles of equal opportunity and inclusion as reflected in the mission, core values, and guiding principles set out in the university's strategic plan, and as codified in University Policy #10, "Policy Statement on Non-Discrimination and Equal Opportunity", found at

<http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-10.asp>

4.02 Academic Freedom and Responsibility of the University Community

- A. Western Carolina University is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. This institution therefore supports and encourages freedom of inquiry for faculty members and students to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal and external restraints that would unreasonably restrict their academic endeavors.
- B. Western Carolina University shall support faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth. It is the policy of Western Carolina University to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of this institution's academic staff. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with this institution and their position as men and women of learning. They should not represent themselves, without authorization, as spokespersons for Western Carolina University.
- C. Western Carolina University shall not penalize or discipline members of the University because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.
- D. Faculty and students of this institution shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

4.03 Appointments

A. Considerations for Academic Appointments

1. When recommendations and decisions on appointment, reappointment, promotion, and tenure are made, at least the following considerations must be assessed: The faculty member's demonstrated professional competence and potential for future contribution and the needs and resources of the institution. In making recommendations and decisions, administrators and committees shall use criteria and standards recommended by the faculty and approved by the Chancellor and shall comply with all applicable requirements of the *Code of the University of North Carolina*. General guidelines for colleges and departments to use in preparing criteria will be set forth by the Chancellor upon the recommendation of the University Tenure and Promotion Committee.
2. Candidates for tenure-track positions who hold or are pursuing a terminal degree from Western Carolina University may be considered for employment if they have established themselves at other institutions for a significant period of time, usually five years or more, or possess unusual qualifications of benefit to the University. Prior to pursuing their candidacy, department heads and deans must seek approval from the Provost. Should exceptions be made, contract language at the time of hire should document the exception.

B. Terms and Conditions of Appointments Including Prior Service Credit

1. The terms and conditions of each initial appointment and each reappointment to the faculty shall be set out in writing. A copy thereof, signed by the Chancellor or the Chancellor's designee and the faculty member, shall be delivered to the faculty member and a copy shall be retained by the Chancellor. The general terms and conditions of such appointments, including those provided herein, shall either be set out in the document of appointment or incorporated therein by clear reference to specified documents that shall be readily available to the faculty member.
2. Prior to the initial probationary appointment at Western Carolina University and upon the recommendation of the concerned departmental advisory committee and departmental head, credit for prior service may be granted by the Provost to be applied against the faculty member's probationary period. The extent of such credit shall be noted in the faculty member's employment contract. As a general rule, one year of service credit at Western Carolina University may be granted for every two years of full time service at other higher-education institutions.

C. Types of Faculty Appointments

Faculty appointments shall be of three kinds: appointments with tenure, probationary appointments, and fixed-term appointments. All recommendations for initial, full-time appointments shall be made by the department head after consultation with the departmental advisory committee.

1. Tenured appointments

a. Definition

An appointment with tenure is a continuing appointment to a professorial rank that is not affected by changes in such rank and continues until ended by resignation, by retirement, or by approved procedures as provided in Sections 4.08 and 4.09 of this document and in Sections 603 and 605 of the *Code of the University of North Carolina*. Only faculty members at the ranks of assistant professor, associate professor, and professor are eligible for tenure. Administrative personnel with professorial rank shall be eligible for tenure in rank as faculty members but not in their administrative positions. Although criteria may vary, an administrative officer shall be recommended for tenure by the same procedure prescribed for other faculty members, i.e., a recommendation must originate within the faculty member's academic department and receive consideration by the appropriate dean and the Provost. Faculty members with tenure who are appointed to administrative positions shall retain tenure in the academic rank.

b. Initial appointments with tenure

Outlined below are the minimum standards that shall apply when an individual is being considered for an initial tenured appointment.

- A file will be prepared by the administrative office to which the candidate would report if employed. The file will contain: (a) a copy of the individual's vita; (b) three letters of recommendation; (c) a letter from the administrator recommending professorial rank and requesting a favorable tenure recommendation. A copy of the file will be provided to the Provost.
- The departmental collegial review committee will review the file and recommend to the dean whether tenure should be recommended. A written report of this recommendation will be transmitted to the Provost through normal administrative channels with intervening administrative levels indicating their concurrence with the recommendations. The administrators recommending action will consult with their respective tenure and promotion advisory committees as necessary.
- In making their recommendation, the various collegial review committees will rely on departmental criteria which are reflective of university standards (Section 4.04C), but will, of necessity, base their judgment on the candidate's record of performance established prior to coming to Western Carolina University.
- Following receipt of this recommendation, the Provost will make a recommendation and transmit all information to the Chancellor for appropriate action.
- The recommendation for professorial rank and tenure can be made simultaneously with the offering of the position and can occur at any time during the year.

The recommendation from the Chancellor to the Board of Trustees can be made at any point in the academic year but normally would be made when all other tenure recommendations are forwarded.

c. Probationary appointments for tenure

A tenure-track appointment is a probationary appointment which has as its major purpose the determination of the suitability of the faculty member for a tenure appointment, consistent with the provisions of Section 602 (4) of the *Code of the University of North Carolina*. Probationary appointments are for a specific term of service and are subject to the reappointment provisions of Section 4.06.

d. Persons in the following categories shall not be eligible for tenure:

- Persons with non-probationary, fixed-term appointments.
- The director of athletics, head football coach, head basketball coach, assistant director of athletics, and other full-time members of the intercollegiate athletics staff, including assistant coaches of football and basketball. These persons may be appointed to a fixed term as instructors upon recommendation by an instructional department head, the dean, and the Provost. Reappointments may be made for an indefinite period.
- Persons subject to the State Personnel Act (SPA Appointments).
- Administrators exempt from the State Personnel Act (EPA Appointments).

2. Special Faculty Members

- Faculty members who are appointed as visiting faculty members, adjunct faculty, lecturers, instructors, artists-in-residence, writers-in-residence or other special categories are regarded as “special faculty members”. Special faculty members may be paid or unpaid.
- Special faculty members who are paid shall be appointed for a specified term of service, as set out in writing in the letter of appointment. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. However, full-time appointees at the rank of instructor or above (including lecturers and visiting assistant/associate/full professors) shall be given the notice of non-reappointment specified in Section 4.09B1 if the conditions of appointment to the rank of instructor or above include a provision that the appointment is subject to renewal.
- Special faculty members who are not paid may be appointed for a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.
- During the term of their employment, special faculty members are entitled to seek recourse under the Faculty Grievance Procedures.

- Special faculty members, whether paid or unpaid, are not covered by Section 604 of the UNC Code, and that section does not accord them rights to additional review of a decision by the University not to grant a new appointment at the end of a specified fixed term.

D. Provision for Less than Full-Time Employment

Faculty may be employed for less than full-time employment with commensurate compensation. Faculty on full-time employment may apply for relief from all or some employment obligations under the conditions of the Serious Illness and Disability Policy (which includes childbirth) or other compelling reasons.

E. Externally Funded Positions

The written statement of a faculty member's appointment, reappointment, or promotion to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify in writing that the continuance of the faculty member's services, whether for a specified term or for tenure, is contingent upon the continuing availability of such funds. This contingency shall not be included in either of these situations:

1. In a promotion to a higher rank if, before the effective date of that promotion, the faculty member had tenure and no such condition is attached to the tenure, or
2. If the faculty member held tenure in the institution on July 1, 1975, and the faculty member's contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust fund.

4.04 Western Carolina University Collegial Review

This section is pending GA approval as of July 2015.

A. Overview

Western Carolina University faculty members are responsible for evaluating each other's contributions to the University, region, and profession and making recommendations to the administration on faculty performance decisions. Western Carolina University has four separate but related faculty evaluation processes: annual faculty evaluation (AFE), reappointment (R), tenure and promotion (T/P) and post-tenure review (PTR). This section explains the purpose of each review, defines each of these processes, and explains the roles and responsibilities of all participants.

Full-time, part-time, and adjunct faculty are required to document their teaching, scholarship, and service as related to their primary responsibilities in the Faculty Activity Database. Reports from the database will be included in materials presented for Annual Faculty Evaluation, Reappointment, Tenure, Promotion, and Post-tenure Review.

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B. Types of Review

1. **Annual faculty evaluation.** The purpose of annual faculty evaluations (AFE) is to provide faculty members with an annual evaluation, which includes written feedback concerning the extent to which they have met the departmental criteria for teaching, service, and scholarly/creative contributions. AFE is based on an annual record of performance.
2. **Reappointment.** The purpose of collegial review in the reappointment process (R) decisions is to indicate whether or not a faculty member is meeting the departmental criteria for teaching, service, and scholarly/creative contributions. Reappointment is based, in significant part, on a cumulative record of performance.
3. **Tenure and promotion.** The purpose of collegial review in the tenure/promotion (T/P) process is to determine whether or not an individual faculty member merits tenure or promotion. Each faculty member presents a dossier describing how he/she has met department criteria for tenure or promotion. Tenure and promotion are based, in significant part, on a cumulative record of performance.
4. **Post-tenure review.** The purpose of post-tenure review (PTR) is to support continuing faculty development, to promote faculty vitality, and to encourage excellence among tenured faculty. Each faculty member presents material for review that includes the four most recent annual faculty evaluation summary statements, the most recent set of directional goals, and a current curriculum vitae. The faculty member may include a brief reflective summary to provide context (departments will determine the length and depth of this summary). Evaluation committees, department heads, and deans assess the extent to which tenured faculty members have exceeded, met, or not met the department post-tenure review criteria in the five years since the last TPR/PTR action.

C. University Standards for Collegial Review

Faculty members at Western Carolina University are expected to be effective teachers, to be practicing scholars in their disciplines, and to provide meaningful service to the University and the community. The particular mix of these expected activities will vary as a function of departmental missions and the role of the faculty member in the department. Tenure-track or tenured faculty members should be active in all three areas. Overarching expectations of all faculty include professionalism and collegiality.

Collegiality is not a separate criterion upon which faculty are assessed, unless otherwise dictated within DCRDs or College by-laws. Collegiality entails shared responsibility and effective cooperation to achieve common goals. Moreover, collegiality among associates must involve appreciation of and respect for differences in expertise, ideas, and background. The concept of collegiality, however, should be distinguished from congeniality; to be congenial is parallel with sociability and agreeableness, while collegiality is a positive and productive association with colleagues. A person need not be congenial to be collegial. See also UNC Policy Manual 101.3.1.11.B. The following minimum university standards provide the groundwork for departments to establish specific criteria for collegial review.

1. Teaching

Faculty members at Western Carolina University are scholarly teachers who provide evidence that their teaching is effective. Effective teaching will be documented through the use of student, and peer evaluations as well as a self-report. Students will evaluate teachers on the professional aspects of teaching and on their response to instruction. Peers evaluate pedagogical content knowledge as well as the professional aspects of teaching. Faculty members will provide a self-evaluation on the link between their instruction and disciplinary currency.

2. Scholarship

Consistent with its mission and vision as a regionally engaged institution, Western Carolina University defines scholarship broadly through the Boyer Model which includes four categories of scholarship:

Scholarship of discovery. Scholarship of this type includes original research that advances knowledge and may involve publishing journal articles, authoring/editing books, or presenting at conferences. This type of scholarship also includes creative activities such as artistic products, performances, musical, or literary works.

Scholarship of integration. Scholarship of this type involves synthesis of information across disciplines, across topics within a discipline, or across time. Textbooks, bibliographies, and book reviews are examples of this type of scholarship.

Scholarship of application. Sometimes called engagement, the scholarship of application goes beyond the provision of service to those within or outside the University. To be considered scholarship, there must be an application of disciplinary expertise with results that can be shared with and/or evaluated by peers such as technical reports, policy statements, guidebooks, economic impact statements, and/or pamphlets.

Scholarship of teaching and learning. Scholarship of this type is the systematic study of teaching and learning processes. It differs from scholarly teaching in that it requires a format that will allow public sharing and the opportunity for application and evaluation by others.

Faculty members should demonstrate that they are current and scholarly in their disciplines as reflected in the ways they teach and serve. They are also expected to demonstrate regular activity in one or more of the types of scholarship listed above. The relative emphasis on each type of scholarship will be determined in the context of departmental and university mission and needs. Expectations of scholarly activity should be consistent with peer institutions. Expectations for scholarship will be defined by the departmental faculty in the Collegial Review Document and approved by the department head, dean, and Provost.

Departments should recognize and evaluate a wide variety of scholarly activities consistent with the department's and the University's mission. Scholarly activities should not be rigidly categorized. Many activities and products can be classified as more than one type of scholarship.

3. Service

Faculty members are expected to participate in service. Service is expected to increase over a faculty member's employment. Primarily, service requires general expertise and is done as an act of good citizenship. Service at the department, college/school and university levels includes serving on committees (e.g., search committees, curriculum committees, and collegial review committees), recruiting students, mentoring new faculty members, and advising administrators.

Service may also require special expertise, unusual time commitments, or exceptional leadership. Examples of such service include exercise of special technological, research or pedagogical skills, involvement with students in extracurricular activities, leadership in university governance, or taking on special administrative assignments (e.g., being department head, directing a graduate program, administering a grant obtained by the University).

Service includes community engagement (e.g., providing disciplinary expertise to a professional, civic, economic, or educational entity at the local, regional, or national level).

Advising students is a significant form of service. Advisers are expected to be informed about curriculum and related processes, to be available to those they advise, and to help students in their academic and career planning.

D. Procedures Guiding Collegial Review

Collegial review is the responsibility of the faculty. All procedures for faculty evaluation should reflect the university standards as stated in Section 4.04C.

1. The rule of confidentiality will guide the operations of all collegial review committees.
 - a. All the committees and parties involved in the evaluation of tenure, promotion and reappointment cases agree to maintain the confidentiality of records, deliberations, and specific recommendations.
 - b. Accepting appointment to departmental, college or university collegial review committees indicates agreement to confidentiality. Confidentiality of the tenure, promotion and reappointment process is to be respected forever, not just during that particular year of review. Members of collegial review committees participate with the understanding that all matters related to their deliberations remain confidential.

- c. Faculty candidates under review are not to approach committee members at any time concerning the disposition of their review and should understand that inquires of this type are deemed entirely inappropriate. Committee members are encouraged to report candidates who approach them requesting information regarding the review. Committee members must refrain from commenting on the disposition of a review to the faculty candidate.
 - d. Violation of collegial review committee confidentiality, including but not limited to the dissemination of written or verbal information, discussion of proceeding or resolutions, should be reported to and investigated by the appropriate Dean/Provost and may result in sanctions against the offending faculty member and will be held confidential.
 - e. In the case of departmental collegial review committee violations, appropriate sanctions will be determined by the department head in consultation with the dean and provost. In the case of college and university collegial review committee violations, appropriate sanctions will be determined by the dean and provost.
 - f. Appropriate sanctions will be determined in consideration of the gravity of the offense and the resulting damages. Sanctions, at a minimum, will include removal of the offending faculty member from the collegial review committee. Further sanctions may include warning or reprimand (written), permanent removal of the privilege of serving at any level of collegial review or on committees that consider confidential material such as candidate files. In the most severe cases of violation, “sufficiently serious as to adversely reflect on the individual’s honesty, trustworthiness or fitness to be a faculty member,” sanctions should be drawn from Faculty Handbook 4.09D1c, *Discharge or the Imposition of Serious Sanctions*.
 - g. Faculty members who have been sanctioned have the right to appeal, as indicated in Article 4 of the Faculty By-laws and Faculty Handbook 3.03 Article IV 3.3 of the By-laws of the General Faculty, or Faculty Handbook section 4.09 for serious sanctions.
2. Annually, each faculty member will receive information concerning departmental expectations. Departmental criteria should be specific and flexible – specific enough to provide guidance to new faculty and flexible enough to accommodate multiple types of teaching, service, and scholarship.
 3. Collegial review/faculty evaluation (AFE statements, reappointment, tenure and promotion decisions, and post-tenure review feedback) should be based on the degree to which the faculty member meets the established departmental criteria.

4. Each faculty member has the right to receive annual written feedback as part of the AFE and reappointment procedures.
 5. Each faculty member has the right to place a written response to the AFE and reappointment feedback in his/her AFE/TPR file. Faculty responses to the department head AFE statement must be submitted to the department head prior to the first day of the following fall semester, unless stated as earlier within the DCRD.
 6. All four faculty evaluation processes (AFE, reappointment, tenure and promotion, and post-tenure review) must include procedures and documentation that are consistent and aligned. One set of supporting documentation is sufficient for candidates up for both promotion and tenure, when they occur in the same academic year.
 7. Reappointment, tenure, and promotion will utilize the departmental criteria that are in affect at the time of the review.
 8. Should criteria for reappointment, tenure, and promotion be different from when the faculty member was previously reviewed, the individual may request special consideration by the appropriate department and/or college collegial review committee(s). The following procedures will be followed:
 - a. The appropriate department or college collegial review committee(s) may recommend extension of probationary period and/or reconsider the expectations. The committee should consider such things as the timing of the change in expectations relative to the candidate's eligibility for review and the level of discrepancy between the expectations and the ones under which the candidate had been working.
 - b. The collegial review committee(s) shall make a written recommendation to accept or deny the request and specify any conditions.
 - c. The collegial review committee(s) shall forward the recommendation to the appropriate department head/dean.
 - d. The appropriate department head/dean must review the recommendation with the candidate.
 - e. The appropriate department head/dean may accept, modify, or reject any collegial review committee recommendations.
 - f. Any changes made to the recommendations of the collegial review committee(s) recommendations must first be discussed with the candidate before forwarding them to the Provost for action.
 - g. The Provost may seek the advice and counsel from the University Collegial Review Committee.
- a. The Provost will notify the candidate in writing specifying the conditions under which the candidate will be evaluated.
 - b. This notification letter will be placed in the candidate's personnel file.

- c. The candidate will be responsible for including this letter in the TPR application or dossier.
 - h. The faculty member may appeal any unfavorable action to the next level until it reaches the Provost.
 - i. The Provost's decision for a review of an individual's criteria for tenure and promotion shall be final
- 9. Department heads and deans should receive training regarding collegial review policies and procedures.

E. Roles, Responsibilities, and Procedures

This section outlines the respective responsibilities of all parties within the collegial review process.

1. Departments
 - a. Recommend criteria consistent with the university standards for teaching, scholarship, and service.
 - b. Review departmental criteria according to established guidelines.
2. Faculty members
 - a. Provide evidence in the application or dossier for reappointment, tenure, and promotion reviews. The application (1st, 3rd, 5th year) and dossier (2nd, 4th, 6th year) should reflect their record of teaching, scholarship, and service activities that meet departmental criteria. In the case of required administrative review (see Section 4.06B), the candidate will submit a dossier rather than an application, regardless of year. The specific contents and format of the dossier are outlined by the Provost annually. See also Section 4.07.B
 - b. Acknowledge receipt of AFE and reappointment feedback.
3. Department collegial review committees
 - a. Evaluate applications and dossiers against the departmental criteria.
 - b. Vote on candidate reappointment, tenure, promotion, and post-tenure review.
 - c. Provide each candidate with annual written reappointment statements describing, to the extent possible, the committee's impression of the candidate's progress toward tenure, promotion and reappointment.
 - d. Provide each candidate with a written description of his/her reappointment, tenure, promotion, and post-tenure review actions taken by the committee.
 - e. Work with department heads to develop procedures for making recommendations to the college collegial review committee.
 - f. In review actions requiring a vote, a majority vote of the committee is required for a positive recommendation.
 - g. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.

4. College collegial review committees
 - a. Receive the candidate's reappointment dossiers in 2nd and 4th years (if required by college by-laws), TPR dossier in 6th year, and dossiers in the event of a required administrative review.
 - b. Receive the recommendations from the department collegial review committee and department head. These documents may be combined or separate.
 - c. Evaluate dossiers against the departmental criteria.
 - d. Assure that departments appropriately followed the procedures specified in collegial review documents.
 - e. Develop written procedures to guide the review process for candidate dossier for reappointment, tenure, and / or promotion review actions (see 4.06 B.2).
 - f. Provide each candidate with a written description of his/her reappointment, tenure, and promotion, review actions taken by the committee.
 - g. In review actions requiring a vote (if required by college by-laws), a majority vote of the committee is required for a positive recommendation.
 - h. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.
 - i. Work with deans to develop by-law for colleges for reappointment review actions (see 4.06 B.2.).

5. The University Collegial Review Committee
 - a. Receives the recommendations from the college collegial review committee and dean. These documents may be combined or separate.
 - b. Evaluates dossiers against the departmental criteria
 - c. Assures that departments and colleges appropriately followed the procedures specified in collegial review documents.
 - d. Provide each candidate with a written description of his/her reappointment, tenure, promotion, and post-tenure review actions taken by the committee.
 - e. A majority vote of the committee is required for a positive recommendation.
 - f. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.
 - g. Assure that the departmental collegial review criteria and procedures comply with the university standards, principles, and roles established by the Collegial Review Council of the Faculty Senate.
 - h. Work with the Provost to establish a cycle for evaluating collegial review criteria and procedures.

6. Department heads

Provide faculty members with a copy of the departmental criteria and collegial review procedures.

- a. Provide new tenure-track faculty with a copy of the current departmental criteria and procedures no later than when the position is offered.
- b. Provide faculty members with annual written feedback (AFE summary statement and reappointment decisions), which describe the degree to which the faculty member met the departmental criteria.
- c. Assure that faculty members are sufficiently informed regarding the collegial review process, including the format and required documentation (see Guidelines for Applications/Dossiers provided by the Collegial Review Council and the Provost).
- d. Make recommendations to the dean for prior service credit to be granted toward tenure and/or promotion during the hiring process of new faculty members within their department.
- e. Make recommendations to the dean on tenure, promotion and reappointment matters.

7. College deans

- a. Meet with all faculty candidates for promotion and/or tenure to discuss process, criteria and documentation requirements.
- b. Meet with department heads and college collegial review committee members to discuss department criteria and university procedures and standards.
- c. Approve departmental criteria to assure they comply with university standards.
- d. May establish procedures in consultation with the college collegial review committee and department heads for colleges with common disciplinary expectations and/or those containing professional programs guided by accrediting bodies.
- e. Consult with the appropriate department heads; make recommendations to the Provost for prior service credit for new faculty members.
- f. Make recommendations to the Provost on tenure, promotion and reappointment matters.
- g. Inform the candidate in writing of his/her recommendation decision.

8. The Office of the Provost

Provides training for deans and department heads to assist them with the responsibilities involved in the collegial review process.

- a. Hears appeals from departments concerning the appropriateness of the departmental criteria.
- b. Consults with the appropriate department head and deans to grant prior service credit for new faculty.
- c. Develops guidelines annually in collaboration with the Faculty Senate Collegial Review Council for the specific contents and format of the application and dossier.
- d. Provides training and written guidelines to the University Collegial Review Committee.

- e. Hears the initial appeal from candidates denied tenure or promotion by the Provost.
 - f. Makes recommendations to the Chancellor on tenure and promotion.
 - g. Makes decisions for reappointment.
 - h. Informs the candidate in writing of his/her recommendation decision.
9. The Chancellor
- a. Receives recommendations from the Faculty Hearing Committee concerning Reappointment, Tenure, and Promotion.
 - b. Hears appeals from candidates denied tenure or promotion by the Provost, following the Provost's negative decisions on reconsideration of appeals.
 - c. Presents recommendations to the Board of Trustees for tenure and promotion.
10. The Board of Trustees
- 1. Grants tenure under the delegation of the President and Board of Governors
 - 2. Approves promotions.
11. The Board of Governors
- a. Hears appeals in accordance with The Code and UNC Policy 101.3.1.

F. Final action and AA-12

- a. AA-12s will be sent to candidates along with final letters of recommendation decisions on all review actions.
- b. A copy of the AA-12 will also be sent to department heads and dean.

4.05 Annual Faculty Evaluation

A. Overview

The annual faculty evaluation (AFE) is the primary process for evaluating faculty member performance in teaching, service, and scholarship. The AFE process provides:

- Information for merit salary increases;
- Documentation for tenure, promotion, reappointment, and post-tenure review;
 - Feedback to faculty members about their ongoing performance and the extent to which they have met applicable AFE documents.

AFE documents are developed by faculty members in accordance with guidelines provided by the Provost. After approval by departmental faculty, AFE documents are forwarded for approval to the dean of the college. The departmental AFE documents should include multiple means for evaluating teaching, scholarship, and service.

B. Evaluation of Teaching

1. The faculty at Western Carolina University is committed to the idea that effective teaching maximizes student learning. As such we define teaching excellence as the facilitation of engaged and ambitious learning. Even among diverse instructional settings, we recognize that effective teaching incorporates some common aspects that can be evaluated. In accordance with UNC Policy Manual Chapter 400.3.1.1[G], WCU's policies for the evaluation of teaching include ongoing student and peer evaluations of teaching. WCU's evaluation of teaching centers on three areas: pedagogical content knowledge, the professional administration of the class (including supervision of students), and student response to instruction. See Office of the Provost website [<http://www.wcu.edu/10132.asp>] for further resources and research on the evaluation of teaching.

Overview: WCU Evaluation of Teaching—3 Criteria with Evidence

EVALUATIVE MEASURES	PEDAGOGICAL CONTENT KNOWLEDGE	PROFESSIONAL ASPECTS OF TEACHING	STUDENT RESPONSE TO INSTRUCTION
EVIDENCE / ARTIFACT	Peer Review of Teaching Materials and Direct Observation	Peer Review of Teaching Materials and Direct Observation	Peer Review of Teaching Materials and Direct Observation
EVIDENCE / ARTIFACT	Statement on Teaching Currency	Student Assessment of Instruction (SAI)	SAIs

A. Pedagogical Content Knowledge

Effective teachers remain current in their fields, know how students learn, and recognize what prior information, including misconceptions, students bring to their courses. Most important, they know how to combine these three kinds of knowledge to create teaching acts that lead to student learning. Shulman (1987) has called this combination “pedagogical content knowledge” to distinguish it from content knowledge alone or pedagogy alone. Using their pedagogical content knowledge, scholars restructure their expertise in forms that are understandable and useable by their students.

An instructor’s pedagogical content knowledge is reflected in the teaching acts that represent a discipline’s central concepts, skills and recent advances through a variety of means, including classroom explanations, assignments, and other course requirements. Teachers become more effective as they repeatedly engage in these teaching acts and find out what is easiest and most difficult for their students and modify their teaching accordingly.

Evaluation of Pedagogical Content Knowledge

Faculty members should be able to evaluate the current state of their pedagogical content knowledge for a particular course by responding to the questions: “What am I doing to help my students understand the most important material in my field?”; and “How have I changed my teaching practices to help students understand the central concepts, skills and advancements for the courses I teach?”

Peer evaluators should be able to see evidence of pedagogical content knowledge in the portfolios of materials faculty members submit, including their syllabi, assignments, exams, classroom exercises, and self-evaluations. Peer observation reports may include categories that reflect how instructors have used pedagogical content knowledge in the design of their instruction.

- Statement (by faculty member) discussing how instruction has changed or developed in relation to his/her discipline.
- Peer evaluation of the extent to which a faculty member’s pedagogy is appropriate to the discipline.

B. Professional Aspects of Teaching

Effective teaching relies upon the ability to perform well the required administrative and professional functions associated with instruction. While good teaching relies upon disciplinary expertise – and different disciplines often approach teaching differently – teaching is also a profession that requires common duties regardless of area. Such functions include, for example, providing appropriate and timely feedback to students, providing clear instructions, providing regular information regarding progress,

responding appropriately and in a timely manner to students, making materials available, holding classes and making suitable use of class time. Highly effective teaching is more than class management; it is class management that relies upon an instructor's ability to perform the duties associated with the job.

Evaluation of Professional Aspects of Teaching

These workaday aspects of teaching are separate from, but related to, both academic expertise and student perception of learning, and they may be assessed by peers and students. Direct observation by peers of instruction, as well as peer review and evaluation of materials, can provide evaluation of a faculty member's organizational and administrative performance in their classes. Student feedback (on SAIs for example) may reflect performance in this area.

- Feedback from direct observation of teaching
- Peers review of teaching materials
- SAI responses on relevant items, such as:
- My instructor is well prepared for class meetings.
- Feedback from the instructor clearly indicates my standing in this course.

C .Student Response to Instruction.

Students have a unique and important perspective on certain components of teaching effectiveness. They value intellectual engagement, enthusiasm, and passion for course content. Course organization and clarity, two aspects that relate to student success, are validly rated by students. Effective teachers are available to the students. The extent to which the student feels respected and shares a sense of rapport with the instructor correlates with teaching effectiveness.

a. Evaluation of Student Response to Instruction

- Feedback from direct observation of teaching. Evaluation by peers of teaching materials
- SAI responses

2. Sources of data for evaluating teaching

When evaluating an instructor's teaching for tenure, promotion, and reappointment, all departments must include data from at least the following three sources:

- Student assessment of instruction (SAI)
- Colleagues' reviews of teaching (e.g. classroom observation and/or reviews of teaching materials)
- Instructor's self-report and evaluation

a. Student assessment of instruction (SAI)

Tenured faculty members are required to report SAIs during at least one semester each academic year. Those standing for promotion or reappointment may be required to provide more frequent evaluations as prescribed by the Provost. SAIs will be conducted using forms and procedures that have been departmentally approved and include one of the university-wide assessment forms approved by the Faculty Senate.

b. Colleagues' review of teaching

Teaching Materials. Each department should designate a committee of at least two faculty colleagues, exclusive of the department head, to review and evaluate teaching materials prepared by the instructor being evaluated. Materials may include course syllabi, examinations, quizzes, reading lists, assignments, study guides, handouts, slides and media, computer programs, etc. In small departments, reviewers may be selected from outside the department. Each department should develop a protocol to guide the review of materials.

Direct Observation of Classroom Teaching. All tenure-track faculty members must be evaluated by direct observation of classroom teaching as required by the University of North Carolina General Administration (see UNC Policy Manual 400.3.1.1(G)). Classroom observation should never be used as the sole measure of teaching effectiveness. Each department should develop protocols to guide classroom observation.

c. Instructor's self-report and evaluation

Faculty members should be able to address the currency of their pedagogical content knowledge by responding to the questions: "What am I doing to help my students understand the most important material in my field?"; and "How have I changed my teaching practices to help students understand the central concepts, skills and advancements for the courses I teach?"

d. Other information as determined by the College and/or Department Collegial Review Documents.

- e. Bibliography: <http://www.wcu.edu/about-wcu/leadership/office-of-the-provost/resources-for-faculty-and-staff/academic-procedures-and-regulations/index.asp> (under heading of APR 4).

3. Evaluating library faculty

Library faculty members' contributions may or may not include formal classroom instruction. The "teaching quality and effectiveness" of the library faculty are identified by the following:

- Managing personnel and other resources effectively and/or ensuring unit goals are in concert with overall library and university goals.
- Acquiring, organizing, and creating means of access to library-related information resources.
- Developing library collections, both in physical and electronic form, to ensure that the collections meet the instructional and research needs of the University.
- Assisting patrons in the use of library services and collections either as individuals or groups.
- Applying and/or developing technology to enhance library services.
- Assessing and evaluating library operations, resources and services, strategic and tactical planning, and developing library promotional materials.

Library faculty members must include data from at least the following two sources:

- Colleagues' review of relevant materials
- Faculty member's self-report and evaluation

C. Evaluation of Scholarship

Scholarship is an ongoing activity with the goal of being shared with others and/or evaluated by peers. Faculty members should provide a list and description of their scholarship. Departments must develop criteria for evaluation of scholarship. Departmental criteria should be specific and flexible – specific enough to provide guidance to new faculty and flexible enough to accommodate multiple types of scholarship.

D. Evaluation of Service

Faculty members should provide a list and description of their service activities. Documentation of service may include letters, newspaper articles, advisee evaluations, evidence of service outcomes, etc. Because service varies widely, departments must develop methods of evaluating service.

E. Evaluation of Grant Writing Activities

Grant writing is an activity that requires faculty members to take initiative in matching resources to needs. Departments must develop criteria that evaluate the significance of grant writing activities. Faculty members should provide a list and description of all grants submitted and/or awarded.

F. Annual Evaluation of Instructors Who Are Non-Tenure Track

With the exception of professorships whose responsibilities are specified by contract, annual evaluation of instructors who are non-tenure track is built on the following premises:

1. Teaching and learning are the primary focus.
2. All teaching will be formally evaluated. See Section 4.05B.1, Evaluation of Teaching.
3. In addition to class meetings, instructors will schedule office hours to meet with their students. This could be in person, via email, phone, or electronically.
4. Departments will establish criteria for formally evaluating instructors, regardless of their title or type of appointment. All departments should include data from at least the following three sources:
 - Student assessment of instruction
 - Colleagues' reviews of teaching (e.g. classroom observation and/or reviews of teaching materials)
 - Instructor's self-report and evaluation
5. All instructors will be told in writing at the time of their appointment how their work will be evaluated.
6. Instructors will receive written feedback on their performance from the department head.
7. In the event that problems are identified, the department head will meet with the instructor to address the problem.

4.06 Reappointment for Tenure Track Faculty

A. Overview

The reappointment process is a review of a tenure-track faculty member's annual progress toward meeting departmental criteria for tenure and promotion during the probationary period (See Section 4.07A.3). This process is a significant part of the basis of a tenure-track faculty member's annual contract renewal. Reappointment recommendations are made at the department and/or college level and are forwarded to the Provost. Tenure review occurs no later than the final year of a faculty member's probationary period. A decision not to reappoint a faculty member may be made for any reason that is not an impermissible reason.

B. Application and Review Process

In the 1st, 3rd, and 5th year of the probationary period the candidate submits a reappointment application consisting of the completed AA12 form with the accumulated AFE letters from the department head during each year of the probationary period attached. Applications may not be submitted in two consecutive years.

The department head and dean may determine that the candidate needs to submit a cumulative reappointment dossier during the 1st, 3rd, and/or 5th year of the probationary period. Candidates requiring an administratively initiated review (Dossier) in the 1st, 3rd, or 5th year will complete the dossier within 30 calendar days of notification. These administrative review dossiers will be submitted through full review levels the same as 2nd and 4th year reappointment dossiers as determined by each college.

In the 2nd and 4th year of the probationary period the candidate submits a reappointment dossier as determined by the Provost and the Collegial Review Council of the Faculty Senate. The reappointment dossier is a cumulative record documenting progress toward tenure.

1. The Provost, in consultation with the Faculty Senate Collegial Review Council, will provide instructions for the preparation of the reappointment applications and the reappointment dossiers in April for the next TPR cycle.
2. Reappointment application: 1st, 3rd, 5th years
 - a. The reappointment application is reviewed by the departmental collegial review committee, the department head, the college collegial review committee (if appropriate), the dean and the provost.
 - b. The department collegial review committee meets and makes recommendations on reappointment applications within the time frame established by the Annual

TPR Calendar issued by the Provost, said time frame not to exceed 15 working days following the submission deadline. In accordance with the established procedures of each college, department heads submit recommendations directly to the dean or to the college collegial review committee (if appropriate).

- c. Each college, within their by-laws, will determine the process and manner of review for reappointment dossiers.
- d. The recommendations then go to the Provost for final decisions.

3. Reappointment dossiers: 2nd, 4th years, and administrative review

- The reappointment dossier is reviewed by the department collegial review committee, the department head, the college collegial review committee (if appropriate), the dean and the Provost.
- The department collegial review committee meets and makes recommendations on reappointment dossiers within the time frame established by the Annual TPR Calendar issued by the Provost, said time frame not to exceed 15 working days following the submission deadline. In accordance with the established procedures of each college, department heads submit recommendations on reappointment dossiers directly to the dean or the college collegial review committee (if appropriate).
- Each college, within their by-laws, will determine the process and manner of review for reappointment dossiers.
- Recommendations then go to the Provost for final decisions.

4. The candidate is informed in writing of the recommendation decisions and the vote count at each level of review within 5 working days following the vote at each level.

Review Level	Responsible for Communication
Department CRC and Dept. Head	Department Head
College CRC and Dean	Dean
University CRC and Provost	Provost

5. Reappointment Application and Dossier submission deadlines

At the beginning of each academic year, the Provost distributes a collegial review calendar. Timely notice of a decision not to reappoint depends on candidate's unbroken length of service at Western Carolina University in the same class of appointment. Important dates relating to the probationary period for reappointment purposes will be included in the hiring contract.

Deadlines for submission are as follows:

- a. In the 1st (except if the candidate is in his/her first full time year at WCU), 3rd, and 5th year of the probationary period, all applications are due on the 1st working day of October.
- b. All tenure track candidates in the 1st full time year at WCU regardless of the probationary year, will submit applications (or dossiers if administrative review is initiated) by the 10th working day of January. If a dossier is required the candidate must be notified by the end of exam week in fall semester.
- c. In the 2nd and 4th year of the probationary period, all dossiers are due on the 1st working day of October.
- d. All candidates in the 3rd and 5th year of the probationary period who are asked to submit dossiers for administrative review must be notified by the 1st working day of September. However, Department Heads and Deans are encouraged to notify candidates as soon as possible. These dossiers will be due on the 1st working day of October.

Those faculty who change from a fixed-term appointment to a tenure-track appointment, however, should contact the Provost's office to find out the submission deadline for their reappointment dossier.

C. Other Reappointment Considerations

1. Decisions are based on the departmental criteria in effect during the year being reported. If departmental criteria have changed from the previous year, faculty members should refer to 4.04D8 for requesting special consideration.
2. Faculty members who choose to appeal negative reappointment decisions must meet the deadlines described in the section on hearings (See section 4.10)
3. A faculty member who asserts that the procedures followed to reach the non-reappointment decision materially deviated from the prescribed procedures such that doubt is cast on the decision not to reappoint may appeal that decision to the Faculty Hearing Committee.
4. While reappointment decisions are based on departmental criteria, candidates should be aware that according to UNC Policy 101.31 (II-A), "[a] decision not to reappoint a faculty member may be made for any reason that is not an impermissible reason." The *Code of the University of North Carolina* (604B) provides that: "In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, color, sex, religion, creed, national origin, age, disability, veteran's status, or other forms of discrimination prohibited under polices adopted

by the Board of Trustees, or (c) personal malice.” For purposes of this section, the term “personal malice” means dislike, animosity, ill-will, or hatred based on personal characteristics, traits or circumstances of an individual. See [UNC Policy 101.3.1 II.B.](#) for details.

In addition to those classifications in (b) above, the WCU Board of Trustees has affirmed that a decision not to reappoint a faculty member shall not be based upon the faculty member’s gender identity or expression, genetic information, sexual orientation, or political affiliation, except where religion, sex, or age are bona fide job related employment requirements, as documented in University Policy 10 Statement on Non-Discrimination and Equal Opportunity.

4.07 Academic Tenure and Promotion

A. Overview of Tenure and Promotion

1. Tenure

Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment. Tenure provides protection against involuntary suspension or discharge from employment or reduction in rank except upon specified grounds and in accordance with the procedures provided in Sections 4.09 and 4.10. Tenure secures the academic freedom of faculty members and enables the institution to attract high quality faculty. The tenure decision shall include, but is not limited to, an assessment of:

- a. The faculty members demonstrated professional competence as evaluated by meeting or exceeding departmental criteria;
- b. The faculty member’s potential for future contributions and;
- c. Institutional needs and resources.

2. Promotion

The University initially assigns faculty rank in accordance with degree preparation, experience, and performance record. Faculty members achieve a higher rank and earn a higher salary on the basis of a collegial review process that evaluates years in rank, earned degrees, and performance toward meeting departmental criteria consistent with university standards (See 4.07.A.6.b).

3. Probationary period
- a. Tenure-track faculty can be on probation for a maximum period of six years, subject to extensions as provided in Section 4.00.
 - b. The probationary period provides time for tenure-track faculty to establish a record of academic achievement (in teaching, scholarship and service) and to demonstrate potential for future productivity. It also allows the University to adjust faculty resources in accordance with institutional needs.
 - c. Faculty may negotiate a shorter probationary period at the time of hire. Alternatively, faculty who have far exceeded expectations and demonstrated evidence of significant and sustained contributions to the University in all three areas of teaching, scholarship and service, may apply for early consideration of tenure. Faculty who fail in their application for early tenure may reapply during the standard probationary period.
 - d. The review of tenure-track faculty must be conducted on a schedule that permits the timely notice requirements in Section 4.09B to be observed.
 - e. The probationary period is determined by the following guidelines:
 - 1) The maximum probationary period shall be six years of continuous, full-time service at Western Carolina University. Faculty members whose probationary period has extended into the sixth year must be granted either a promise of tenure or, if tenure is denied, a fixed-term appointment for one academic year.
 - 2) Nine-month tenure-track faculty employed for one academic year, beginning in the fall term, shall be counted as fulfilling one year of probationary period.
 - 3) For nine-month tenure-track faculty who do not begin during the fall term, the probationary period will begin the subsequent academic year.
 - 4) For faculty on twelve-month appointments, each successive year of full-time service beginning not later than September 15 of one calendar year and extending through June of the next calendar year shall be counted as fulfilling one year of the probationary period.
 - 5) Summer school teaching/service, experience as a graduate assistant, graduate fellow, or other part-time employment does not count toward years of experience for purposes of determining the probationary period of a tenure-track faculty member.

- 6) In the event of serious illness, childbirth or other compelling reasons, the probationary period may be extended by the Provost (see APR 4 at <http://www.wcu.edu/about-wcu/leadership/office-of-the-provost/resources-for-faculty-and-staff/academic-procedures-and-regulations/index.asp>).

4. Awarding of tenure

- a. The Board of Governors of the University of North Carolina has delegated the authority to award tenure to the Western Carolina University Board of Trustees.
- b. The Western Carolina University Board of Trustees awards tenure based on the recommendation of the Chancellor or the Chancellor's designee.
- c. Tenure becomes effective upon the approval by the Board of Trustees.

5. Rank

- a. Western Carolina University recognizes the following faculty ranks: 1) instructor, 2) assistant professor, 3) associate professor, and 4) full professor.
- b. An earned master's degree from a regionally accredited institution is a minimal requirement for appointment to the rank of instructor. For appointments at the ranks of assistant, associate, and full professor, an earned doctorate from a regionally accredited institution is normally required. If specified in departmental criteria, the highest degree normally earned in the field (i.e. terminal degree) may be accepted in lieu of a doctoral degree. Exceptions can be granted in the departmental criteria with the Dean and Provost's approval.

6. Eligibility for promotion

- a. Candidates must be full-time employees, tenure-track or tenured, and hold an appropriate degree. Promotion is not based solely on a faculty member's years of service. Instead, faculty promotions are based also on earned degrees and cumulative records of performance that meet or exceed departmental criteria.
- b. Required years in rank for promotion.

For promotion to Associate Professor, faculty must have spent a minimum time in rank in a tenured/tenure-track position at WCU of six (6) years; eligible faculty may apply for promotion to Associate Professor no earlier than their sixth year in rank at WCU to be considered for award of promotion in the following year (year seven).

For promotion to Full Professor, faculty must have spent a minimum time in rank in a tenured/tenure-track position at WCU of five (5) years; eligible faculty may apply for promotion to Full Professor no earlier than the start of their fifth year in rank at WCU to be considered for award of promotion effective at the start of the following year (year six).

Exceptions may be made in cases where faculty who have exceeded expectations and demonstrated evidence of significant and sustained contributions to the University in all three areas of teaching, scholarship and service, may apply for early consideration of promotion, only with the endorsement of their department head and dean.

Prior service credit applies towards required years in rank at WCU only if and as specified in the faculty member's tenure-track appointment contract.

- c. Minimum university standards to be considered for assignment of rank are shown below. Definitions and explanations for standards are found in Section 4.04C.
 - 1) Assistant professor

Evidence of achievement and promise for sustained contributions to the institution in teaching, service, and scholarship.
 - 2) Associate professor

Evidence of high levels of achievement and contributions to the institution in teaching, service, and scholarship.
 - 3) Professor

Evidence of superior teaching, service, and scholarship.
- d. Experience as a graduate assistant, graduate fellow, summer school faculty, or any other part-time employment are not counted toward years of experience for purposes of determining the appropriate initial rank or promotion in rank.

B. Application and Review Process for Tenure and Promotion.

The tenure review process is a review of a tenure-track faculty member's record in meeting departmental criteria for tenure and promotion during the probationary period. Tenure is a continuing commitment by the University to the faculty member. Tenure and promotion

recommendations are made at the department and/or college level, then to the University Collegial Review Committee before being forwarded to the Provost, Chancellor, and Board of Trustees. Tenure review occurs no later than the final year of a faculty member's probationary period.

Each faculty member submits a dossier which is a cumulative record documenting progress toward tenure and/or promotion. Dossiers for tenure, promotion, and reappointment have a similar format but the review procedures are different.

1. The Provost, in consultation with the Collegial Review Council, will provide instructions for the preparation of dossiers in May for the next TPR cycle.
2. Faculty members prepare and submit tenure and promotion dossiers to department heads for review by department collegial review committees. These committees must meet and vote according to the deadlines in Section 4.07.C.3. Department heads' recommendations and department collegial review committee votes are forwarded to the college collegial review committees and appropriate deans. These committees must meet and vote according to the deadlines in Section 4.07.C.3. Collegial review committees' and deans' recommendations are forwarded to the University Collegial Review Committee. This committee's votes are forwarded to the Provost whose recommendations are submitted to the Chancellor and the Board of Trustees for final decision.
3. At each level of review candidates are informed in writing within 5 working days of recommendations and vote counts.
4. Dossier submission deadlines

At the beginning of each academic year, the Provost distributes a collegial review calendar. Timely notice of a decision not to reappoint depends on candidate's unbroken length of service at Western Carolina University in the same class of appointment. (See Section 4.07A.3 for more on probationary periods.) Therefore, deadlines for submission of a tenure and promotion dossiers vary according to the date of initial appointment. Important dates relating to the probationary period for tenure purposes will be included in the hiring contract.

The deadline for the submission of the tenure and/or promotion dossier is the 1st working day of October.

* The term "working days" as used in these policies means any day (excluding Saturdays and Sundays) on the undergraduate Academic Calendar that classes are scheduled to be in session during the faculty member's contracted employment term, not including summer sessions.

C. Other Tenure and Promotion Considerations

1. If faculty apply for tenure and/or promotion prior to their last year of the probationary period and receive a negative review at any level, the dossier will not be forwarded to the next level, except when a faculty member requests that it continue through the process. Such requests shall be made in writing to the committee chair or administrator at the negative review level and must be submitted no later than 5 working days after receipt of notification.
2. Faculty will be notified of their eligibility to apply for promotion and/or tenure on or before May 1st of the academic year prior to the year of eligibility.
3. Review deadlines

The Provost publishes a review schedule for promotion and tenure by the end of spring semester for the next academic year. Once the process begins, a date specified by the Provost's Office, all levels of review must complete their work no later than the times indicated in the decision deadlines column as shown in the matrix below. Candidates must receive notification of the reviewer's decision according to the time limits shown in the letter of notice deadlines column. All deadlines for letters of notice are counted from the end of the decision deadline.

Applications		
Decision Deadlines	Reviewer	Letter of Notice Deadlines
10 working days	Departmental Committee	5 working days –communicated by Department Head
8 working days	Department Head	5 working days—communicated by Department Head
8 working days	Dean	5 working days-communicated by Dean
8 working days	Provost	5 working days—communicated by Provost
Dossiers		
Decision Deadlines	Reviewer	Letter of Notice Deadlines
10 working days	Departmental Committee	5 working days –communicated by Department Head
8 working days	Department Head	5 working days-communicated by Department Head
15 working days	College Committee	5 working days—communicated by Dean
8 working days	Dean	5 working days—communicated by Dean
8 working days	Provost (for reappointment)	5 working days---communicated by Provost
University Committee Review Begins 5 working days after Dean’s Decision Deadline		
20 working days excluding finals week	University Committee	5 working days—communicated by Provost
8 working days	Provost (for T & P)	5 working days-communicated by Provost
March BOT Meeting	Chancellor	Chancellor communicates his/her recommendation to the BoT as well as the BoT decision

D. Procedures Guiding Review Committees

1. Departmental collegial review committee
 - a. Each department shall have a tenure and promotion advisory committee that shall be chaired by the department head (non-voting) and composed of up to six tenured faculty members elected by the department's full-time faculty. In departments with six or fewer tenured faculty members, the committee shall be composed of the department head and tenured faculty, provided the resultant committee shall consist of at least three tenured faculty members, exclusive of the head.
 - b. In departments with fewer than three tenured faculty, the Department Head in consultation with the department and dean, selects tenured faculty from similar departments to constitute a committee of at least three tenured faculty. If the department head is up for review then the departmental collegial review committee consults with the dean to finalize the committee.
 - c. Committee members may not be present when their own dossiers are being considered.
 - d. When the department head is the person being considered by the committee, the department head shall be excused, and the committee shall elect a pro tem chair (voting) from its membership. The pro tem chair shall submit the committee's recommendations directly to the appropriate dean.
 - e. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.
2. College collegial review committees*
 - a. Each college shall have a collegial review committee chaired by the dean (non-voting) and composed of not less than six nor more than 12 tenured faculty members to serve staggered three year terms. Each college shall determine the total number of faculty members to be included on the committee.
 - b. Half of the committee is elected by the college faculty and half is appointed by the dean.
 - c. In colleges with six or more departments, no more than one faculty member may be elected from a single department and no more than one member may be appointed from a single department. In colleges with fewer than six departments each department must be represented by at least one elected member.

- d. In departments with no tenured faculty members or an insufficient number of tenured faculty members, the department head, in consultation with the dean, will nominate tenured faculty from other departments within the College or University, to be elected or appointed (see D.2.b. above) to serve as a representative(s) for that department.
- e. When making appointments to this committee, the dean shall try to balance seniority, professorial rank, departmental representation, and continuity of membership. Deans may reappoint faculty members to consecutive terms in order to secure a degree of continuity in the committee membership.
- f. Deans of other colleges and senior administrative officers are not eligible for appointment to a college committee.
- g. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.

* Schools headed by a dean who reports to the Provost function as colleges as described in these procedures.

3. University Collegial Review Committee

- a. The University Collegial Review Committee shall consist of the Provost as nonvoting chair; the Dean of the Graduate School, one tenured faculty member elected from each college by the faculty of the college, one tenured faculty member elected by the faculty of the university library, and tenured faculty members appointed by the Provost equal to the number of elected faculty members on the committee.
- b. The elected members of the committee shall serve three-year terms, staggered so that one-third of the elected members are elected each year. Appointed members shall serve one year terms without limitation on the number of consecutive terms. Elected members may not serve consecutive elected terms.
- c. When making appointments to this committee, the Provost shall try to balance seniority, professorial rank, college representation, and continuity of membership. The Provost may reappoint faculty members to consecutive terms in order to secure a degree of continuity in the committee membership.
- d. Proxy voting or in absentia voting are not permitted for collegial review committees. If a committee member is not present and able to participate in the discussion she/he may not vote.

4.08 Post-Tenure Review

This Section Pending GA approval as of July 2015

A. Overview

1. Purpose

Post-tenure review (PTR) is a comprehensive, formal, periodic evaluation of all tenured faculty. The purpose of this review is to support continuing faculty development, to promote faculty vitality, and to encourage excellence among tenured faculty. This is achieved by recognizing and rewarding faculty performance, offering suggestions to enhance performance, providing a clear plan and timetable for improvement of faculty members whose performance does not meet expectations, and providing for the imposition of appropriate sanctions for those whose performance continues not to meet expectations. Post-tenure review shall be consistent with the UNC Policy Manual Section 400.3.3, Performance Review of Tenured Faculty, and the University Of North Carolina Board Of Governors' policy of giving teaching primary consideration.

2. Faculty to Be Reviewed

Post-tenure review shall evaluate all aspects of the professional performance of faculty, whose primary responsibilities are teaching, and/or research, and/or service¹. If faculty responsibilities are primarily only to one or two of the areas of teaching, scholarship, and service, then post-tenure review and resulting recommendations should take this allocation of responsibilities into account. (UNC Policy Manual 400.3.3.1 [G]-5)

3. PTR Timetable

A tenured faculty member may elect to undergo PTR during any academic year. Faculty for whom PTR is required must undergo a review no later than the fifth academic year following the most recent of any of the following review events: award of tenure or promotion at Western Carolina University, prior post-tenure review, or return to faculty status following administrative service (UNC Policy Manual 400.3.3.1 [G]-2). Candidates who are denied promotion in the required PTR year must submit PTR materials no later than the following academic year. Exceptions shall be made in the following cases: 1) when on leave from duties, that period shall not be included as part of the five years between mandatory review

¹ All tenured faculty are subject to post-tenure review with the exception of those currently serving in Tier I or Tier II Senior Academic and Administrative Officers as defined by UNC Policy 300.1.1-I (e.g. at or above the level of assistant or associate dean).

events and/or 2) when temporarily assigned to duties away from Cullowhee/Asheville during the period of a required review, PTR occurs upon return. In the event of serious illness, childbirth or other compelling reasons, the PTR timetable may be extended by the Provost (see APR 4 at <http://www.wcu.edu/about-wcu/leadership/office-of-the-provost/resources-for-faculty-and-staff/academic-procedures-and-regulations/index.asp>).

B. Review Materials and Process

All Post-Tenure Review procedures must be in compliance with UNC Policy and Guidelines on Performance Review of Tenured Faculty (UNC Policy Manual 400.3.3 and 400.3.3[G]). The provost must annually certify that all aspects of the post-tenure review process are in compliance with this policy and these guidelines. Additionally, UNC General Administration will conduct a review of the post-tenure review process every three years in compliance with UNC Policy Manual 400.3.3.1.

1. Review Criteria

Criteria for post-tenure review are established by departments and included in the Departmental Collegial Review Document (DCRD). Demonstration of professional competence, conscientious execution of duties—taking into account distribution of workload as developed by the department head—and efforts to improve performance with regards to departmental criteria should be considered the basic standard for meeting expectations². Faculty performance shall be examined relative to the mission of Western Carolina University and that of the college and department of the faculty member (UNC Policy Manual 400.3.3.1[G] 3.).

Faculty performance that exceeds expectations, as determined by the department, should involve sustained excellence in teaching, scholarship, and service. Faculty performance that does not meet expectations, as determined by the department, should involve substantial and chronic deficiencies in the faculty member's primary responsibilities. In the case that a review level finds a faculty member does not meet expectations, the written evaluation shall state the faculty member's primary responsibilities and describe the performance deficiencies as they relate to the faculty member's assigned duties and established goals.

2. Materials to Be Submitted for Review

At a minimum, a faculty member being reviewed will provide a current curriculum vitae (CV), the four most recent annual faculty evaluation summary statements from the department head, and the most

² In Post-Tenure Review: An AAUP Response, the Association's Committee on Academic Freedom and Tenure indicated "The basic standard for appraisal should be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position, not whether the faculty member meets the current standards for the award of tenure as those might have changed since the initial granting of tenure."

recent set of directional goals³. The faculty member may include a brief reflective summary to provide context. Departments may require a faculty member to add additional materials as directed by Departmental Collegial Review documents.

At the beginning of each post-tenure review cycle, the faculty member shall propose or revise a set of directional goals which will be considered in the post-tenure review. These directional goals shall be approved by the department head. Directional goals can be modified annually by the faculty member, in consultation with the department chair, as deemed appropriate by changes in institutional, departmental, or personal circumstances. Directional goals should include milestones that will be incorporated into annual performance evaluations. (UNC Policy Manual 400.3.3.1[G] – 6)

Directional goals should not be a basis for evaluation of a candidate for post-tenure review, but should provide perspective and a framework for goals and accomplishments of faculty members during the post-tenure review period.

In the event that a faculty member and department head cannot agree on a set of directional goals, and that disagreement is alleged to result from violation of law, or a university policy, regulation or rule, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment the faculty member may grieve this stalemate through the Faculty Grievance Policy and Procedures given in Section 4.10.B.

3. Departmental PTR Committee

Each department or academic unit establishes a PTR Committee (with a process approved by the departmental faculty) with at least three tenured departmental colleagues, excluding the department head. Whenever a department finds it impossible to form a committee containing at least three tenured faculty, the matter will be referred to the Provost. The Provost, with the approval of the tenured faculty of the department and the dean of the college, will, by selecting tenured faculty from similar departments, constitute a committee of three tenured faculty for the department. Faculty members being reviewed are not permitted to select a member of the committee. However, this does not preclude such faculty members from voting on committee membership along with their colleagues.

4. Review Process

Performance to be reviewed is limited to the five years preceding review or to the period subsequent to the prior review event, whichever is less.

- a. At the beginning of each academic year, the Provost distributes a collegial review calendar which includes post-tenure review deadlines.

³ Directional goals, as mandated by UNC Policy Manual 3.3.1[G], are to be developed at the beginning of the faculty member's next post-tenure review cycle, starting with the 2015-2016 academic year. All tenured faculty are to have a set of directional goals by the 2020-2021 academic year.

- b. The department post-tenure review committee meets after reviewing the faculty member's materials within the time frame established by the Annual Post-Tenure Review Calendar dates issued by the Provost. The committee shall present its written evaluations as to the extent to which the faculty member meets the post-tenure review criteria to the department head, along with a record of the committee vote.
- c. The department head must consult with the post-tenure review committee. The department head shall then append his/her evaluation of the candidate to the committee's evaluation. The department head will communicate in writing to the faculty member, the Dean and the committee and in the event that his/her final assessment of the candidate differs from the departmental committee's, the department head should state explicitly the reasons for this difference of opinion.
- d. The department head shall provide a copy of both of these evaluations to the faculty member and shall meet with the faculty member to discuss the review. The faculty member then has the option of attaching a written response within ten (10) working days of receiving the reviews. When a department head is reviewed, the dean shall perform the roles ordinarily performed by the department head.
- e. After reviewing the faculty member's materials, the dean must consult with the department head who shall present both written evaluations to the dean, along with any written response from the faculty member. The dean shall then append his/her evaluation of the faculty member with respect to the extent that they meet the post-tenure review criteria. In the event that the dean's final assessment of the candidate differs from the departmental committee's and/or department head's assessment, the dean should state explicitly the reasons for this difference of opinion.
- f. The dean shall provide a copy of his/her evaluation to the faculty member in writing. The faculty member has the right to grieve the dean's post-tenure review evaluation within twenty-one calendar days from receipt of the evaluation, in accordance with the Faculty Grievance Policies and Procedures of Section 4.10.B.
- g. If the evaluation of the committee, the department head, and the dean differ, the final outcome of the process will be determined by the majority opinion of the three evaluations should all three evaluations differ, the final evaluation will be that the faculty member meets expectations.
- h. The three written evaluations (PTR committee, department head, and dean) and any written response from the faculty member will be sent to the Provost for information.

During this process, the faculty member is to be informed, in writing, of the evaluations at each level of review within 5 working days following the completion of each evaluation.

5. Outcomes

When the outcome of the post tenure review is that a faculty member exceeds expectations, results are documented for university award and merit pay decisions, and to recognize and reward exemplary faculty performance (UNC Policy Manual 400.3.3.1.a.(1)). In addition, suggestions to enhance performance may be provided.

When the outcome of the post-tenure review is that a faculty member meets expectations, results are documented. In addition, suggestions to enhance performance may be provided.

When the outcome of the post-tenure review is that a faculty member does not meet expectations, the department head, in consultation with the faculty member, PTR Committee, and dean of the faculty member's college, will create a three-year development plan within one month of the review. The plan shall include (1) a statement of the faculty member's primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member's assigned duties and the directional goals established; (2) specific improvements to be accomplished within three years, (3) resources to be committed to the improvement efforts, and (4) other support provided by the administration (UNC Policy Manual 400.3.3.1[G].11-12). If duties are modified as a result of a less than satisfactory rating, then the development plan should so indicate and take into account the new allocation of responsibilities. The department head and PTR committee will monitor the faculty member's progress relative to the development plan and provide verbal and written feedback to the faculty member semi-annually. The development plan and the written feedback are to be copied to the Dean and the Provost. In the event of serious illness, childbirth or other compelling reasons, the PTR development period may be extended by the Provost through a university process established, in consultation with and endorsed by the Faculty Senate, and approved by the Chancellor.

The plan shall also include a clear statement of consequences should adequate progress not occur by the end of the third year. The consequences may range from suspension of pay raises to, in the most extreme cases, reduction in rank, temporary suspension of employment, or termination of employment.

6. Appeals

The Faculty Grievance Committee shall consider problems and appeals that arise from post-tenure review as outlined in Section 4.10.B.

7. Due Process

"A faculty member, who is the beneficiary of institutional guarantees 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 from employment, suspended, or demoted in rank only for

reasons of incompetence, neglect of duty or misconduct of such a nature as to indicate that an individual is unfit to continue as a member of the faculty" (*Code of the University of North Carolina*, Chapter VI, Section 603). Disciplinary actions for noncompliance with the development plan are limited to those established in Chapter VI of the *Code of the University of North Carolina*. Due process and the right of appeal as specified in the *Code of the University of North Carolina* and the "Tenure Policies and Regulations of Western Carolina University" in the Faculty Handbook shall be guaranteed.

8. Training

The Office of the Provost shall provide ongoing support and training for all post-tenure review evaluators, including peer review committee members, department chairs or academic unit heads, and deans. The Office of the Provost ensures that all post-tenure review evaluators' benefit from digital training modules prepared by UNC General Administration and receive training in campus-specific policies and procedures. (UNC Policy Manual 400.3.3.1[G].9)

4.09 Termination of Employment

A. Types of Termination of Employment to the University

1. Faculty members with permanent tenure or appointed to a fixed term can be terminated from employment because of:
 - Resignation or retirement
 - Discharge or the imposition of serious sanctions
 - Financial exigency
 - Major curtailment or elimination of a teaching, research, or public-service program

2. Non-reappointment

Non-reappointment decisions can apply to full-time, non-tenured, non-probationary faculty members whose appointment contract includes a provision that the appointment is subject to renewal. Decisions for non-reappointments for probationary or continuing faculty are based upon the procedures outlined in Sections 4.05 and 4.06.

B. Timely Notice

1. The minimum requirement for timely notice of non-reappointment shall be as follows:

Timely notice before faculty member's employment contract expires	
Amount of Service	Notice given not less than
First year or less	90 calendar days
During second year of continuous service	180 calendar days
More than two years of continuous service	12 calendar months

2. Credit for prior service shall not be counted as continuous service at Western Carolina University for purposes of timely notice.
3. Reappointment decisions will be in writing. If the decision is not to reappoint, then failure to give timely notice of non-reappointment will oblige the Chancellor thereafter to offer a terminal appointment of one academic year.

C. Faculty Resignation and Retirement

1. Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes.
2. A faculty member resigning or retiring from the University should deliver written notice, containing an effective date, to the faculty member's immediate supervisor. The University requests that it receive such written notice no later than 90 calendar days before a resignation becomes effective.
3. In order to receive retirement benefits or other benefits available at separation, if any, a faculty member must retire or otherwise separate from the University in accordance with legal requirements through the University's Office of Human Resources.
4. The faculty member who has been approached with regard to another position should inform the department head and dean when such negotiations are in progress. When the faculty member enters into a binding agreement, he/she should promptly notify the department head and the dean of the college. Western Carolina University expects 90 calendar days' notice before a resignation becomes effective.

D. Discharge or the Imposition of Serious Sanctions

1. A faculty member, who is the beneficiary of institutional guarantees of tenure, shall enjoy protection against unjust and arbitrary applications of disciplinary penalties. During the period of such guarantees, the faculty member may be discharged from employment, suspended, or demoted in rank only for reasons of
 - (a) incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time;
 - (b) neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or
 - (c) misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify serious disciplinary action, such misconduct should be either (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

These sanctions may be imposed only in accordance with the procedures prescribed in this section.
2. For purposes of these regulations, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. Different procedures shall apply to non-reappointment or termination of employment.
3. The Provost shall send the faculty member a written notice of intention to discharge the faculty member or impose a serious sanction together with a written specification of the reasons. The notice and specification of reasons shall be sent by a method of mail or delivery that requires signature for delivery. The statement shall include notice of the faculty member's right, upon request, to a hearing by the Faculty Hearing Committee.
4. If, within 14 calendar days⁴ after the faculty member receives the notice and written specifications referred to in paragraph 3 above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious

⁴ In computing any period of time, the day in which notice is received is not counted but the last day of the period being computed is to be counted.

sanction imposed without recourse to any institutional grievance or appellate procedure. Such a discharge or serious sanction shall be imposed by the Provost via letter sent to the faculty member by a method of mail or delivery that requires a signature for delivery. The discharge or serious sanction is imposed upon posting of the letter on the effective date identified in the letter.

5. If the faculty member makes a timely written request for a hearing, the chancellor shall ensure a process is in place so that the hearing is timely accorded before the Faculty Hearings Committee. The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction. The hearing committee shall accord the faculty member 30 calendar days from the time it receives the faculty member's written request for a hearing to prepare a defense. The Faculty Hearing Committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member. The Faculty Hearing Committee will ordinarily endeavor to complete the hearing within 90 calendar days except under unusual circumstances such as when a hearing request is received during official university breaks and holidays and despite reasonable efforts the hearing committee cannot be assembled.⁵ The procedures for the hearing are set forth in Section 4.10B.3.
6. When a faculty member has been notified of the institution's intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the faculty member at any time until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay.

E. Termination of a Position for Financial Exigency or Major Curtailment or Elimination of a 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 605 C (1) of the *Code of the University of North Carolina*, subject to the concurrence by the President and then approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's

⁵ To meet this deadline, faculty are encouraged to consider scheduling hearings during the evening, weekend, or other non-class time. It is strongly recommended that several days and times be established for the hearing when scheduling the first day, for the eventuality that the hearing may take two or more sessions.

contractual obligation to a faculty member may not be met, the employment of the faculty member may be terminated in accordance with institutional procedures that afford the faculty member a fair hearing on that decision

1. Reasons for terminating employment

The employment of a faculty member with tenure or of a faculty member appointed to a fixed or probationary term may be terminated by Western Carolina University because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a teaching, research, or public service program.

2. Consultation with faculty and administrative officers

When it appears that the institution will experience an institutional financial exigency or when a major curtailment in or elimination of a teaching, research, or public service program is being considered, the Chancellor or the Chancellor's 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. The Chancellor shall assure that full discussion at all appropriate academic levels will precede a decision to eliminate positions as a result of either financial exigency or major curtailment or elimination of a teaching, research, or public service program. The Chancellor shall seek alternatives to the elimination of positions. After discussions with the affected department, the Chancellor shall consult the Chancellor's Advisory Committee before formulating the final decision.

3. Termination procedures

a. 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 above, 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.

b. Termination

- 1) An individual faculty member whose employment is to be terminated shall be notified of this fact in writing. The notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data upon which the decision was based.

- 2) 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 a program is not founded upon financial exigency, the faculty member shall be given timely notice as required by the *Code of the University of North Carolina (Section 605B)*.
- 3) 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 within the limits of available resources to give the same notice as set forth in Section 4.09B
- 4) For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section 605 of the *Code of the University of North Carolina*, 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 a method of delivery that requires a signature for delivery, and the faculty member will be given 30 calendar days after attempted delivery of the notice to accept or reject the offer.

c. Termination if reconsideration not requested

If, within 14 calendar days after the faculty member receives the notice, the faculty member makes no written request for a reconsideration hearing, the faculty member's employment shall be terminated at the date specified in the notice given pursuant to Section 4.09E3b and without recourse to any institutional grievance or appellate procedure.

d. Request for a reconsideration hearing

Within 14 calendar days after receiving the notice of termination from the Chancellor, the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate the faculty member's employment if he/she alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor and shall specify the grounds upon which it is contended that the decision to terminate employment was arbitrary or capricious, 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 part of the faculty member: (1) a representation that the faculty member can support his/her

contention by factual proof and (2) an agreement that the institution may offer in rebuttal of the faculty member's contention any relevant data within its possession.

e. Jurisdiction of the Faculty Hearing Committee

If the faculty member makes a timely written request for a reconsideration of the decision, the Chancellor or the Chancellor's delegate shall insure that the hearing is accorded before the Faculty Hearing Committee. The procedures for the reconsideration hearing are set forth in Section 4.10A below.

F. Grounds for Non-Reappointment

1. The decision not 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, the potential for future contributions, and institutional needs and resources.
2. These considerations may form, in whole or in part, the basis of the ultimate decision, except that a 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, color, sex, religion, creed, national origin, age, sexual orientation, disability, veterans' status, or (3) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits or circumstances of an individual. See UNC Policy 101.3.1 II.B. for details.
3. A faculty member has 14 calendar days from receipt of the non-reappointment decision from the Chancellor within which to request the Faculty Hearing Committee to review the matter. The review request must be written, addressed to the chair of the Faculty Hearing Committee, and otherwise conform to the requirements of Section 4.10A. If a faculty member makes no request to the committee in the time allowed, further recourse to institutional grievance and hearing procedures is waived.

4.10 Hearing and Review Committees and Processes

A. Review of Reappointment, Tenure, and Promotion Decisions

All university policies relating to tenure are subject to and must be consistent with The Code and Policies of the Board of Governors of The University of North Carolina (“The Code” and “UNC Policy/ies” respectively). The Code and UNC Policies may be accessed in their entirety at: <http://www.northcarolina.edu/policy/index.php>

Faculty members may seek review of negative reappointment, tenure, and promotion decisions in accordance with the policies described in Sections 4.01 through 4.10 of the Faculty Handbook (hereinafter referred to as the “Tenure Policies”). Review procedures set forth in the Tenure Policies apply to the following cases:

- i. Review of negative reappointment decisions for tenure-track faculty (Section 604 of The Code);
- ii. Review of negative tenure and/or promotion decisions (Sections 602 and 604 of The Code);
- iii. Review of negative early tenure decisions;
- iv. Review of intended discharge of or imposition of serious sanction on a tenured faculty member (or a faculty member serving a stated term) (Section 603 of The Code); and
- v. Reconsideration of termination due to financial exigency or the major curtailment or elimination of a program (Section 605 of The Code).

4.10. A.1 Review of Negative Reappointment Decisions for Tenure-track Faculty

1.1 Administrative Reconsideration of Provost’s Negative Decision.

1.1.1 A faculty member who would like the Provost to reconsider his/her negative reappointment decision must file a written request for administrative reconsideration within fourteen (14) calendar days from the date of receipt of the decision. The written request shall consist of a short statement detailing the faculty member’s reasons/grounds for challenging the negative decision. ***Administrative reconsideration is a condition precedent to further institutional review, and the failure to file the written request in a timely manner constitutes a waiver of the faculty member’s right to a hearing before the Faculty Hearing Committee or one of its Review Panels.***

1.1.2 The Provost shall meet with the faculty member within seven (7) calendar days of receipt of the faculty member’s written request for administrative reconsideration.

The faculty member may not submit to the Provost any documents or records that were not originally included in his/her dossier. The Provost's reconsideration will be limited to the dossier and matters considered during the original collegial review process.

- 1.1.3 After meeting with the faculty member, the Provost may consult with the dean, department head, and/or others involved in the collegial review process.
 - 1.1.4 The Provost shall provide his/her written reconsideration decision to the faculty member within fourteen (14) calendar days following their meeting.
 - 1.2 Faculty Hearing Committee Review of Provost's Negative Decision.
 - 1.2.1 Grounds for Review.
 - 1.2.1.1 The review procedures set forth in this Section 1.2 pertain to the next level of campus-based review following the Provost's administrative reconsideration. The faculty member who seeks review of a negative reappointment decision is referred to as the "Petitioner" (and also may be referred to as a "party").
 - 1.2.1.2 Review of a negative reappointment decision may proceed only if the Petitioner - (1) timely requested the Provost's administrative reconsideration pursuant to Section 1.1 above; **and** (2) contends that the procedures followed to reach the negative reappointment decision materially deviated from prescribed procedures such that doubt is cast on the integrity of the decision not to reappoint; **and/or** (3) that the negative reappointment decision was based on one (1) or more "Impermissible Grounds". [Section 604.B of The Code]
- Impermissible Grounds under WCU and UNC Policy are the following: (i) the exercise by the Petitioner of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution; (ii) the Petitioner's race, color, national origin, creed, religion, sex, age, gender identity or expression, genetic information, sexual orientation, veteran status, disability, political affiliation or other forms of discrimination prohibited under policies adopted by WCU's Board of Trustees or the UNC Board of Governors; or (iii) personal malice, which is defined by UNC Policy to mean dislike, animosity, ill-will or hatred based on personal characteristics, traits or circumstances of an individual that are not relevant to valid university decision-making. [UNC Policy 101.3.1]
- 1.2.2 Filing a Petition for Review.
 - 1.2.2.1 In the event the Provost's administrative reconsideration decision is adverse to the Petitioner, he/she may file a petition for review of the negative reappointment

decision within fourteen (14) calendar days following receipt of the reconsideration decision.

- 1.2.2.2 The petition must be filed electronically via official University email with the Provost and must include the following information:
- a. A statement that the Petitioner requested Provost’s administrative reconsideration and that decision was adverse to the Petitioner; and
 - b. A statement of specific facts to support a claim that the negative reappointment decision was based on one (1) or more specified Impermissible Grounds or that the review procedures materially deviated from prescribed procedures; and
 - c. The name of the person(s) responsible for the alleged impermissible decision or the material deviation from procedure (the “Respondent(s)” and also a “party” or “parties”). The term Respondent shall also refer to the academic administrator who presents the University’s case at the hearing if he/she has not been identified as the responsible person(s).

1.2.3 Purposes of Review.

1.2.3.1 The purpose of the campus-based review of a negative reappointment decision is to determine whether the decision was based on Impermissible Grounds, and/or whether the procedures followed to reach the negative reappointment decision materially deviated from prescribed procedures such that doubt is cast on the integrity of the decision: it is not to second-guess professional judgments of colleagues based on permissible considerations during the collegial review process. [Section 604.D (1)(d) of The Code]

1.2.3.2 The Faculty Hearing Committee (“FHC”) and its Review Panels (see the By-laws of the General Faculty, Article V, Section 4) are responsible for receiving relevant evidence, making findings of fact, and providing recommendations and advice to the Chancellor on the merits of the Petitioner’s allegations. The role of the FHC is to create a clear, permanent record of the evidence presented at the hearing and to advise the Chancellor whether or not the Petitioner has demonstrated, by a preponderance of the evidence, that the decision not to reappoint the Petitioner was materially procedurally flawed or was based in significant part on Impermissible Grounds.

1.2.4 Initial Steps by the Provost and Chair of the Faculty Hearing Committee.

1.2.4.1 The Provost shall promptly forward the petition to the Chair of the FHC and send an acknowledgement of receipt to the Petitioner.

- 1.2.4.2 The Chair of the FHC shall form a sub-committee (hereinafter referred to as “Review Panel”) for each case. Review Panels shall be selected from the membership of the FHC, and shall consist of five (5) members. The Chair of the FHC shall appoint the Chair of the Review Panel, who shall be a voting member of the panel. The Chair of the FHC may serve as Chair of a Review Panel.
- 1.2.5 Selection of Review Panel / Conflicts of Interest.
- 1.2.5.1 A conflict of interest occurs in the hearing context if a member of a Review Panel: (i) is potentially beneficially or adversely affected by the outcome of the hearing; (ii) has particular knowledge about the matter to be reviewed (e.g., served on a department, college, and/or university collegial review committee that considered the Petitioner’s dossier); or (iii) may otherwise be viewed as biased in hearing the matter.
- 1.2.5.2 A member of a Review Panel is obligated to disclose any potential conflict of interest to the Chair of the FHC and recuse him/herself from the Review Panel if the conflict of interest could affect his/her ability to decide the case in an objective manner.
- 1.2.5.3 The Chair of the FHC has the authority to remove a member of the Review Panel upon the disclosure of a conflict of interest or upon a request by the Petitioner that a member be removed for cause (i.e., undisclosed conflict of interest). The Chair of the FHC will replace a removed member with another eligible member of the FHC.
- 1.2.6 Chair of the Review Panel.
- 1.2.6.1 The Chair of the Review Panel shall determine if the petition was timely filed and if it contains the information specified in Section 1.2.2.2 above. If the Petitioner has met these requirements, the Chair of the Review Panel may ask the Petitioner for more information or for clarification, which includes permitting the Petitioner to file an amended petition if necessary. If the Review Panel has jurisdiction over the matter, the Chair shall schedule a hearing. If the petition was not timely filed or does not contain the information specified in Section 1.2.2.2, the Review Panel does not have jurisdiction to hear the matter. In that event, the Chair of the Review Panel shall submit a written report to the Chancellor recommending dismissal of the petition, with copies to the Petitioner, Respondent, and the Provost.
- 1.2.6.2 The Chair of the Review Panel shall determine all procedures for the review process consistent with the requirements set forth in Sections 1.2.9 and 1.2.10 below. He/she shall set the date and time for the hearing, the order of presentation at the hearing, and shall coordinate logistics (e.g., reserving appropriate rooms for the hearing and witnesses, and scheduling a court reporter) with the assistance of administrative staff in the Provost’s Office.

1.2.6.3 The Chair of the Review Panel shall instruct the parties on the hearing procedures. He/she may make procedural rulings such as the number of witnesses a party may call or the length of each party's presentation. The Chair of the Review Panel may explore whether the parties can agree to stipulate to certain facts that could reduce the time required to hear the matter. Stipulated facts must be documented and introduced as a joint exhibit at the hearing.

1.2.6.4 The Chair of the Review Panel is ultimately responsible for receiving records of the hearing and shall ensure that all original documents and exhibits forming the record of the hearing have been provided to the court reporter.

1.2.6.5 The Chair of the Review Panel is responsible for writing a report to the Chancellor of the Review Panel's findings of fact, conclusions, and recommendations.

1.2.7 Scheduling the Hearing.

The Chair of the Review Panel shall schedule the hearing as soon as practicable and shall provide written notice to the parties of the date, time, and location of the hearing, with copies to the Provost's Office and the Legal Counsel's Office. Hearings shall not be scheduled during official University breaks, including the summer break, or holidays. Notice of the hearing shall be provided no fewer than seven (7) calendar days prior to the scheduled date and time, but no more than twenty-one (21) calendar days prior to the scheduled date and time. A hearing may be continued upon request of a party for good cause.

1.2.8 Pre-hearing Procedures / Exchange of Witness Lists and Proposed Exhibits.

At least five (5) calendar days before a scheduled hearing, the Petitioner and Respondent shall exchange witness lists and copies of exhibits (documentary evidence) that the parties intend to introduce into the record at the hearing. The parties are responsible for making sufficient copies of exhibits for all of the members of the Review Panel, the court reporter, and the opposing party. Exhibits should be clearly marked by the parties (e.g., Petitioner's Exhibit 1, 2, 3, etc.).

1.2.9 General Hearing Procedures.

1.2.9.1 North Carolina law provides that personnel records are confidential, and all participants must not disclose information acquired during the hearing except as provided by law.

1.2.9.2 The hearing is closed to the public.

1.2.9.3 Witnesses in the proceeding shall be sequestered in separate witness rooms until such time as they testify and are dismissed.

- 1.2.9.4 Each party may bring one (1) advisor. Advisors may not participate in the hearing or be a witness for a party. Attorneys are not permitted to attend or participate in the hearing, in any capacity, including as an advisor.
- 1.2.9.5 Hearing testimony must be recorded by a court reporter, and a copy of the hearing transcript will be provided to the Petitioner upon written request to the Legal Counsel's Office.
- 1.2.9.6 Hearings are informal; rules of evidence do not apply in the proceeding. The Chair of the Review Panel will make determinations of whether evidence is unduly repetitious, irrelevant or immaterial and should be excluded.
- 1.2.9.7 Ex parte communications are prohibited (i.e., communications between either the Petitioner or the Respondent and members of the Review Panel).
- 1.2.9.8 The Petitioner has the burden of proof by a preponderance of the evidence (the greater weight of evidence). [Section 604.D (1)(c) of The Code]
- 1.2.10 Order of Hearing Procedures.
- 1.2.10.1 The Chair of the Review Panel will commence the hearing with a summary of the hearing procedures and order of presentation of evidence.
- 1.2.10.2 The Chair of the Review Panel will read the Petition into the hearing record or ensure that an accurate and complete copy of the Petition is introduced as an exhibit.
- 1.2.10.3 The Chair should remind the parties of any applicable time limitations.
- 1.2.10.4 The hearing begins with the Petitioner's presentation of his/her case. The Petitioner may start with an opening statement. The Petitioner may testify on his/her own behalf and call witnesses, all of whom may be questioned by the Review Panel and cross-examined by the Respondent. The Petitioner may introduce documentary evidence.
- 1.2.10.5 At the close of the Petitioner's case, the Respondent will present his/her case in the same manner as described in Section 1.2.10.4 above.
- 1.2.10.6 At the close of the Respondent's case, the Petitioner may present evidence to rebut the Respondent's case.
- 1.2.10.7 At the end of the Petitioner's rebuttal, if any, the Chair may permit the parties to provide brief closing statements, summarizing the key points of their case.
- 1.2.11 Review Panel Deliberations.
- The Review Panel's deliberations take place in closed session after completion of the hearing. The Review Panel Chair will facilitate discussion, and is a voting member of the

Review Panel. The Review Panel should: (i) consider all relevant evidence presented by the parties but only that evidence presented at the hearing; (ii) evaluate conflicting evidence and assign appropriate weight to the evidence presented; (iii) determine whether the Petitioner proved, by a preponderance of the evidence, that the reappointment decision was impermissibly based and/or materially flawed; (iv) make findings of fact; and (v) make recommendations concerning the disposition of the matter.

1.2.12 Review Panel Report.

The Chair of the Review Panel is responsible for preparing the panel's written report, which should include the hearing date, the Review Panel members hearing the matter, the nature of the Petitioner's allegations, findings of fact/statement of the evidence supporting the panel's decision, and the Review Panel's decision and recommendations. The report shall be provided to the Chancellor, with copies to the Petitioner and the Respondent(s), within fourteen (14) calendar days from completion of the hearing. The Chair of the Review Panel shall ensure that a complete record of the hearing is provided to the Chancellor with the report.

1.2.13 Chancellor's Decision.

The Chancellor shall base his/her decision on the report of the Review Panel and the record evidence from the hearing. The Chancellor may, in his/her discretion, consult with the Review Panel. While the findings and recommendations of the Review Panel are entitled to appropriate deference, the final campus-based decision is the Chancellor's.

Within forty-five (45) calendar days after receiving the Review Panel's report, the Chancellor shall notify the Petitioner and the Respondent(s) of his/her decision. The Chancellor's written decision must set out the Petitioner's appeal rights to the UNC Board of Governors.

1.2.14 Appeals to the UNC Board of Governors.

If the Chancellor concurs with a recommendation of the Review Panel that is favorable to the Petitioner, the Chancellor's decision shall be final. If the Chancellor either declines to accept a recommendation that is favorable to the Petitioner or concurs in a recommendation that is unfavorable to the Petitioner, the Petitioner may appeal the decision by filing a written notice of appeal with the UNC Board of Governors, by submitting such notice to the UNC President, by certified mail, return receipt requested, or by another means that provides proof of delivery, within fourteen (14) calendar days after receipt of the Chancellor's decision. The notice must contain a brief statement of the basis for the appeal. The purpose of appeal to the Board of Governors is to assure: (i) that the campus-based process for reviewing the decision was not materially flawed,

so as to raise questions about whether the Petitioner's contentions were fairly and reliably considered; (ii) that the result reached by the Chancellor was not clearly erroneous; and (iii) that the decision was not contrary to controlling law or policy. [Section 604.D (2) of The Code]

4.10. A.2 **Review of Negative Tenure and/or Promotion Decisions**

2.1 Administrative Reconsideration of Provost's Negative Recommendation.

2.1.1 A faculty member who would like the Provost to reconsider his/her negative tenure and/or promotion recommendation must file a written request for administrative reconsideration within fourteen (14) calendar days from the date of receipt of the recommendation. The written request shall consist of a short statement detailing the faculty member's reasons/grounds for challenging the negative decision.

Administrative reconsideration is a condition precedent to further institutional review, and the failure to file the written request in a timely manner constitutes a waiver of the faculty member's right to a hearing before the Faculty Hearing Committee or one of its Review Panels.

2.1.2 The Provost shall meet with the faculty member within seven (7) calendar days of receipt of the faculty member's written request for administrative reconsideration. The faculty member may not submit to the Provost any documents or records that were not originally included in his/her dossier. The Provost's reconsideration will be limited to the dossier and matters considered during the original collegial review process.

2.1.3 After meeting with the faculty member, the Provost may consult with the dean, department head, and/or others involved in the collegial review process.

2.1.4 The Provost shall provide his/her written reconsideration decision to the faculty member, with a copy to the Chancellor, within fourteen (14) calendar days following their meeting.

2.1.5 Within thirty (30) calendar days from receipt of the Provost's reconsideration decision, the Chancellor shall notify the faculty member in writing of his/her tenure and/or promotion decision.

2.2 Faculty Hearing Committee Review of Chancellor's Negative Decision.

Upon receipt of a negative tenure and/or promotion decision from the Chancellor, the faculty member may file a petition for review of the negative decision by the Faculty Hearing Committee. The grounds for review, procedural requirements, and timeframes detailed in Section 1.2 pertaining to the review of negative

reappointment decisions are applicable to negative tenure and/or promotion decisions, and should be referenced.

4.10. A.3 Review of Negative Early Tenure/Promotion Decisions

- 3.1 Negative early tenure and promotion decisions (i.e., tenure and promotion decisions not involving reappointment) shall be reviewed in accordance with faculty grievance procedures set forth in Section 4.10.B of the Faculty Handbook.

4.10. A.4 Review of Intended Discharge or Imposition of Serious Sanction

- 4.1 Grounds for Discharge or Imposition of a Serious Sanction.

In accordance with Section 603 of The Code, a faculty member who is the beneficiary of institutional guarantees 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 from employment, suspended, or demoted in rank for reasons of:

- incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time; or
- neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or
- misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify serious disciplinary action, such misconduct should be either sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

For purposes of this Section, a faculty member serving a stated term shall be regarded as having tenure until the end of that term in accordance with Section 6.03 of The Code.

- 4.2 Notice of University Intention to Discharge / Suspension Prior to Final Decision.

- 4.2.1 The Provost, as the charging party, shall send the faculty member a written notice of the University's intention to discharge the faculty member or impose a serious sanction,

which must include a written specification of the reasons (“Specifications”). The notice and Specifications shall be sent by certified mail, return receipt requested. The notice shall include notice of the faculty member’s right to request a hearing before the FHC. [Section 603(2) of The Code]

4.2.2 In accordance with Section 603(10) of The Code, when a faculty member has been notified of the University’s intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the individual at any time until a final decision concerning discharge has been reached in accordance with the procedures set forth in this Section. Suspension shall be exceptional and shall be with full pay.

4.3 Filing a Request for Review.

4.3.1 The faculty member may file a written request for review of the University’s intention to discharge or impose a serious sanction within fourteen (14) calendar days following receipt of the notice and Specifications. The request must be filed electronically via official University email with the Chair of the Faculty.

4.3.2 If, within fourteen (14) calendar days after receiving the notice and Specifications, the faculty member makes no written request for a hearing, the faculty member may be discharged or a serious sanction imposed without recourse to any institutional hearing, grievance or appellate procedure. [Section 603(3) of The Code]

4.4 Purposes of Review.

4.4.1 The Review Panel is responsible for receiving relevant evidence, making findings of fact, and providing recommendations and advice to the Chancellor on the merits of the Provost’s Specifications. The role of the Review Panel is to create a clear, permanent record of the evidence presented at the hearing and to advise the Chancellor whether or not the Provost has demonstrated, by clear and convincing evidence, that the Specifications for discharge or imposition of a serious sanction have a reasonable basis in fact and are consistent with Section 603 of The Code, the Tenure Policies, and applicable state and federal law.

4.5 Initial Steps by the Provost and Chair of the Faculty Hearing Committee.

4.5.1 The Provost shall promptly forward the request for review to the Chair of the FHC, with a copy to the General Counsel, and send an acknowledgement of receipt to the faculty member.

- 4.5.2 The Chair of the FHC shall form a Review Panel to hear the matter. The Chair of the FHC is encouraged to serve as the voting Chair of the Review Panel.
- 4.6 Selection of Review Panel / Conflicts of Interest.
- 4.6.1 A conflict of interest occurs in the hearing context if a member of a Review Panel: (i) is potentially beneficially or adversely affected by the outcome of the hearing; (ii) has particular knowledge about the matter to be reviewed (e.g., served on any department, college and/or university collegial review committee that evaluated the faculty member's performance); or (iii) may otherwise be viewed as biased in hearing the matter.
- 4.6.2 A member of a Review Panel is obligated to disclose any potential conflict of interest to the Chair of the FHC and recuse him/herself from the Review Panel if the conflict of interest could affect his/her ability to decide the case in an objective manner.
- 4.6.3 The Chair of the FHC has the authority to remove a member of the Review Panel upon the disclosure of a conflict of interest or upon a request by the faculty member that a member be removed for cause (i.e., undisclosed conflict of interest). The Chair of the FHC will replace a removed member with another eligible member of the FHC.
- 4.7 Chair of the Review Panel.
- 4.7.1 The Chair of the Review Panel shall determine all procedures for the review process consistent with the requirements of Sections 4.10, 4.11, and 4.12 below. He/she shall set the date and time for the hearing, the order of presentation at the hearing, and shall coordinate logistics (e.g., reserving appropriate rooms for the hearing and witnesses, and scheduling a court reporter) with the assistance of administrative staff in the Provost's Office.
- 4.7.2 The Chair of the Review Panel shall instruct the parties and their counsel, if applicable, on the hearing procedures. The Chair may make procedural rulings, such as the number of witnesses a party may call or the length of each party's presentation, provided that the Chair's rulings are not inconsistent with Section 603 of The Code, the Tenure Policies, and applicable state and federal law. The Chair may explore whether the parties can agree to stipulate to certain facts that could reduce the time required to hear the matter. Stipulated facts must be documented and introduced as a joint exhibit at the hearing.
- 4.7.3 The Chair of the Review Panel is ultimately responsible for receiving records of the hearing and shall ensure that all original documents and exhibits forming the record of the hearing have been provided to the court reporter.

- 4.7.4 The Chair of the Review Panel is responsible for writing a report to the Chancellor of the Review Panel's findings of fact, conclusions, and recommendations.
- 4.8 Scheduling the Hearing.
- 4.8.1 The hearing shall be on the Specifications for the intended discharge or imposition of a serious sanction. The Review Panel shall accord the faculty member at least thirty (30) calendar days from the time it receives the faculty member's written request for a hearing to prepare. Hearings shall not be scheduled during official University breaks, including the summer break, or holidays. [Section 603(5) of The Code]
- 4.8.2 The Chair of the Review Panel will consult with the Review Panel, the parties and their counsel, if applicable, to identify several potential dates and times for the hearing. To meet this deadline, the parties and the members of the Review Panel are encouraged to consider scheduling hearings during the evening, weekend, or other non-class time. It is strongly recommended that several days and times be established for the hearing when scheduling the first day, for the eventuality that the hearing may take two (2) or more sessions. [See fn 12 to Section 603(5) of The Code]
- 4.8.3 The Chair of the Review Panel may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member, with a copy to the Provost. The Review Panel will ordinarily endeavor to complete the hearing within ninety (90) calendar days except under unusual circumstances such as when a hearing request is received during official University breaks and holidays, and despite reasonable efforts, the Review Panel cannot be assembled. [Section 603(5) of The Code]
- 4.9 Representatives of the Parties.
- 4.9.1 The parties may be represented by counsel. The Chair of the Review Panel shall contact the faculty member to determine whether he/she is represented by counsel and, if so, the Chair of the Review Panel will forward legal counsel's contact information to the University's General Counsel. [Section 603(6) of The Code]
- 4.9.2 The University's Legal Counsel Office shall arrange for the provision of counsel to the Provost upon request.
- 4.10 Notification of Pre-hearing Meeting; Exchange Witness Lists and Proposed Exhibits.

- 4.10.1 The Chair of the Review Panel shall notify the parties and their counsel, if applicable, of the date, time, and location of a pre-hearing meeting and will instruct the parties as to the purpose of the meeting. The parties shall bring calendars for scheduling purposes and shall exchange proposed witness lists, including brief descriptions of the expected testimony and the estimated time for each witness' testimony. The parties should bring copies of exhibits (i.e., documentary evidence) that the parties intend to introduce into the record at the hearing. The parties are responsible for making sufficient copies of exhibits for the members of the Review Panel, the court reporter, and the opposing party. Exhibits should be clearly marked by the parties (e.g., Petitioner's Exhibit 1, 2, 3, etc.)
- 4.11 General Hearing Procedures.
- 4.11.1 North Carolina law provides that personnel records are confidential, and all participants must not disclose information acquired during the hearing except as provided by law.
- 4.11.2 The hearing is closed to the public unless the faculty member and the Review Panel agree that it may be open. [Section 603(6) of The Code]
- 4.11.3 Witnesses in the proceeding shall be sequestered in separate witness rooms until such time as they testify and are dismissed.
- 4.11.4 Hearing testimony must be recorded by a court reporter, and a copy of the hearing transcript will be provided to the faculty member upon written request to the Legal Counsel's Office.
- 4.11.5 Hearings are informal; rules of evidence do not apply in the proceeding. The Chair of the Review Panel will make determinations of whether evidence is unduly repetitious, irrelevant or immaterial and should be excluded.
- 4.11.6 Ex parte communications are prohibited (i.e., communications between either the faculty member or the Provost and members of the Review Panel).
- 4.11.7 The Provost presents the University's case and has the burden of proof, by clear and convincing evidence (evidence that is *substantially* more likely than not true), to show that permissible grounds for discharge or the imposition of a serious sanction exist and are the basis for the recommended action. [Section 603(8) of The Code]
- 4.12 Order of Hearing Procedures.

- 4.12.1 The Chair of the Review Panel will commence the hearing with a summary of the hearing procedures, including any applicable time limitations, and order of presentation of evidence.
- 4.12.2 The Chair of the Review Panel will read the Specifications into the hearing record.
- 4.12.3 The hearing begins with the Provost's presentation of the University's case. The Provost may start with an opening statement. The Provost may testify and call witnesses, all of whom may be questioned by the Review Panel and cross-examined by the faculty member and/or counsel. The Provost may introduce documentary evidence.
- 4.12.4 At the close of the Provost's case, the faculty member will present his/her case in the same manner as described in Section 4.12.3 above.
- 4.12.5 At the close of the faculty member's case, the Provost may present evidence to rebut the faculty member's evidence.
- 4.12.6 At the end of the Provost's rebuttal, if any, the Chair of the Review Panel may permit the parties to provide brief closing statements, summarizing the key points of their case.
- 4.13 Review Panel Deliberations.
- The Review Panel's deliberations take place in closed session after completion of the hearing. The Review Panel Chair will facilitate discussion, and is a voting member of the Review Panel. The Review Panel should: (i) consider all relevant evidence presented by the parties but only that evidence presented at the hearing; (ii) evaluate conflicting evidence and assign appropriate weight to the evidence presented; (iii) determine whether the Provost proved, by clear and convincing evidence, that permissible grounds for discharge or the imposition of a serious sanction exist and are the basis for the recommended action; (iv) make findings of fact; and (v) make a recommendations concerning the disposition of the matter. The Review Panel shall make its written report to the Chancellor within fourteen (14) calendar days after its hearing concludes or after the full transcript is received, whichever is later.
- 4.14 Review Panel Report.
- The Chair of the Review Panel is responsible for preparing the panel's written report, which should include the hearing date, the Review Panel members hearing the matter, a summary of the Specifications, findings of fact/statement of the evidence supporting the panel's decision, and the Review Panel's decision and recommendations. The report shall be provided to the Chancellor, with copies to the Provost, faculty member, and counsel, if applicable, within fourteen (14) calendar days from the hearing or after the full transcript is received, whichever is later. The Chair of the Review Panel shall ensure that a complete record of the hearing is provided to the Chancellor with the report.
- 4.15 Chancellor's Decision.

The Chancellor shall base his/her decision on the report of the Review Panel and the record evidence from the hearing. The Chancellor may, in his/her discretion, consult with the Review Panel. While the findings and recommendations of the Review Panel are entitled to appropriate deference, the final campus-based decision is the Chancellor's. If the Chancellor concurs in a recommendation of the Review Panel that is favorable to the faculty member, the Chancellor's decision shall be final. If the Chancellor either declines to accept a Review Panel recommendation that is favorable to the faculty member or concurs in a recommendation that is unfavorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees. [Section 603(9) of The Code]

4.16 Appeals to the Board of Trustees.

Appeals to the University Board of Trustees shall be transmitted through the Chancellor and addressed to the Chair of the Board. Notice of appeal shall be filed within fourteen (14) calendar 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. However, the Board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three (3) members. The Board of Trustees, or its committee, shall consider the appeal on the written transcript of hearings held by the Review Panel, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees' decision shall be made as soon as reasonably possible after the Chancellor has received the faculty member's request for an appeal to the Board. [Section 603(9) of The Code]

4.17 Appeals to the UNC Board of Governors.

The Board of Trustees' decision shall be final except that the faculty member may, within fourteen (14) calendar days after receiving the board's decision, file a written notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, with the Board of Governors if the faculty member alleges that one (1) or more specified provisions of The Code have been violated. Any such appeal to the Board of Governors shall be transmitted through the President. [Section 603(9) of The Code]

4.10. A.5 Reconsideration of Termination Due to Financial Exigency or Program Curtailment or Elimination

5.1 Reasons for Review.

A faculty member terminated based upon financial exigency or the major curtailment or elimination of a program pursuant to Section 4.09.E of the Faculty Handbook may request reconsideration if the faculty member alleges that the decision to terminate was arbitrary or capricious.

5.2 Request for Reconsideration Hearing.

5.2.1 Within fourteen (14) calendar days after receiving the notice of termination from the Chancellor, the faculty member may request by certified mail, return receipt requested, a reconsideration of the decision to terminate the faculty member's employment if he/she alleges that the decision was arbitrary or capricious. [Section 605.C (4) of The Code]

5.2.2 The request shall be submitted to the Provost and shall specify the grounds upon which it is alleged that the decision to terminate employment was arbitrary or capricious, and shall include a statement of facts that support his/her allegations. The faculty member must support his/her allegations with sufficient evidence, and, by requesting reconsideration, represents that his/her allegations are supported by sufficient evidence/facts.

5.2.3 If the faculty member makes no written request for a reconsideration hearing within fourteen (14) calendar days after receipt of the notice of termination, the faculty member's employment shall be terminated at the date specified in the termination notice without recourse to any University grievance or appellate procedure.

5.3 Initial Steps by the Provost and Chair of the Faculty Hearing Committee.

5.3.1 The Provost shall promptly forward the request for reconsideration to the Chair of the FHC and send an acknowledgement of receipt to the faculty member.

5.3.2 The Chair of the FHC shall form a Review Panel to hear the matter, and shall ensure that panel members do not have a conflict of interest. The Chair of the FHC shall appoint the Chair of the Review Panel, who shall be a voting member of the panel. The Chair of the FHC may serve as Chair of a Review Panel.

5.4 Chair of the Review Panel.

5.4.1 The Chair of the Review Panel shall determine if the request for reconsideration was timely filed and if it contains the information specified in Section 5.2.2 above. If the Review Panel has jurisdiction over the matter, the Chair of the Review Panel shall schedule a hearing. Reconsideration shall be limited solely to a determination whether the termination was arbitrary or capricious. The Review Panel's jurisdiction does not extend to a reconsideration of whether a financial exigency exists or a program should be curtailed or eliminated. If the request was not timely filed or does not contain the information required, the Review Panel does not have jurisdiction to hear the matter. In that event, the Chair shall submit a written report to the Chancellor recommending denial of the request, with a copy to the faculty member.

5.4.2 The Chair of the Review Panel shall determine all procedures for the review process consistent with the requirements set forth in Sections 5.7 and 5.8 below. The Chair shall set the date and time for the hearing, the order of presentation at the hearing, and shall coordinate logistics (e.g., reserving appropriate rooms for the hearing and witnesses, and scheduling a court reporter) with the assistance of administrative staff in the Provost's Office.

5.4.3 The Chair of the Review Panel shall instruct the parties on the hearing procedures. The Chair may make procedural rulings such as the number of witnesses a party may call or the length of each party's presentation.

5.4.4 The Chair is ultimately responsible for receiving records of the hearing and shall ensure that all original documents and exhibits forming the record of the hearing have been provided to the court reporter.

5.4.5 The Chair is responsible for writing a report to the Chancellor of the Review Panel's findings of fact, conclusions, and recommendations.

5.5 Scheduling the Hearing.

The Chair of the Review Panel shall schedule the hearing as soon as practicable and shall provide written notice to the Provost and the faculty member of the date, time, and location of the hearing. Hearings shall not be scheduled during official University breaks, including the summer break, or holidays. Notice of the hearing shall be provided no fewer than seven (7) calendar days prior to the scheduled date and time, but no more than twenty-one (21) calendar days prior to the scheduled date and time. A hearing may be continued upon request of a party for good cause.

5.6 General Hearing Procedures.

5.6.1 The hearing is closed to the public.

5.6.2 Each party may bring one (1) advisor. Advisors may not participate in the hearing or be a witness for a party. Attorneys are not permitted to attend or participate in the hearing, in any capacity, including as an advisor.

5.6.3 Hearing testimony must be recorded by a court reporter, and a copy of the hearing transcript will be provided to the faculty member upon written request to the Legal Counsel's Office.

5.6.4 Hearings are informal; rules of evidence do not apply in the proceeding. The Chair of the Review Panel will make determinations of whether evidence is unduly repetitious, irrelevant or immaterial and should be excluded.

5.6.5 Ex parte communications are prohibited (i.e., communications between either the faculty member or the Provost and members of the Review Panel).

5.6.6 The faculty member has the burden of proof, by a preponderance of the evidence (the greater weight of evidence), in the hearing.

5.7 Order of Hearing Procedures.

5.7.1 The Chair of the Review Panel will commence the hearing with a summary of the hearing procedures and order of presentation of evidence.

5.7.2 The Chair of the Review Panel will read the faculty member's request for reconsideration into the hearing record or ensure that an accurate and complete copy of the request is introduced as an exhibit.

5.7.3 The Chair should remind the parties of any applicable time limitations.

5.7.4 The hearing begins with the faculty member's presentation of his/her case. The faculty member may testify on his/her own behalf and call witnesses, all of whom may be questioned by the Review Panel and cross-examined by the Provost. The faculty member may introduce documentary evidence.

5.7.5 At the close of the faculty member's case, the Provost or his/her designee will present his/her case in the same manner as described in Section 5.7.4 above, which includes the presentation of evidence to rebut the faculty member's case and provide University evidence concerning the termination decision.

5.7.6 At the close of the Provost's case, the faculty member may present evidence to rebut the Provost's case.

5.7.7 At the end of the faculty member's rebuttal, if any, the Chair of the Review Panel may permit the parties to provide brief closing statements, summarizing the key points of their case.

5.8 Review Panel Deliberations.

The Review Panel's deliberations take place in closed session after completion of the hearing. The Review Panel Chair will facilitate discussion, and is a voting member of the Review Panel. The Review Panel should: (i) consider all relevant evidence presented by the parties but only that evidence presented at the hearing; (ii) evaluate conflicting evidence and assign appropriate weight to the evidence presented; (iii) vote on whether the faculty member proved, by a preponderance of the evidence, that the decision was arbitrary or capricious; (iv) make findings of fact; and (v) make recommendations concerning the disposition of the matter.

5.9 Review Panel Report.

The Chair of the Review Panel is responsible for preparing the panel's written report, which should include the hearing date, the Review Panel members hearing the matter, the nature of the faculty member's allegations, findings of fact/statement of the evidence supporting the panel's decision, and the Review Panel's decision and recommendations. The report shall be provided to the Chancellor, with copies to the faculty member and the Provost, within fourteen (14) calendar days from the hearing. The Chair of the Review Panel shall ensure that a complete record of the hearing is provided to the Chancellor with the report.

5.10 Chancellor's Decision.

The Chancellor shall base his/her decision on the report of the Review Panel and the record evidence from the hearing. The Chancellor may, in his/her discretion, consult with the Review Panel. Within forty-five (45) calendar days after receiving the Review Panel's report, the Chancellor shall notify the faculty member and the Provost of his/her decision.

5.11 Appeals to the Board of Trustees.

In the event the Chancellor's decision is adverse to the faculty member, the faculty member may appeal the decision to the Board of Trustees in accordance with Section 605.C (6) of The Code. Appeals shall be transmitted through the Chancellor and be addressed to the Chair of the Board of Trustees. Notice of appeal shall be filed within fourteen (14) calendar 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. However, the board may delegate the duty of conducting a hearing to a standing or ad hoc committee of at least three (3) members. The Board of Trustees, or its committee,

shall consider the appeal on the written transcript of hearings held by the Review Panel, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees' decision shall be made as soon as reasonably possible after the Chancellor has received the faculty member's request for an appeal to the board. The decision of the Board of Trustees is the final decision.

B. Faculty Grievance Policy and Procedures

4.10. B.1 Purpose of the Grievance Process

- 1.1 Section 607 of *The Code of the Board of Governors of the University of North Carolina* ("The Code") provides a process for faculty members to seek redress concerning employment related grievances. The purpose of the grievance process is to reach a consensual resolution of disputes between and among faculty members and administrators if possible, and, failing that, to determine whether a faculty member has been adversely affected or suffered a remedial injury in his/her professional or academic capacity, and the adverse effect or remedial injury is due to an administrator's decision(s) that is alleged to violate law, or a university policy, regulation or rule, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment. [UNC Policy 101.3.2, Section I]
- 1.2 The grievance process is not intended to second-guess professional judgments of officers and colleagues responsible for making administrative decisions based on permissible considerations. [UNC Policy 101.3.2, Section I]

4.10. B.2 General Information about the Grievance Process

2.1 Who May Grieve

Grievances may be filed by any faculty member (the "Grievant") during his/her employment at Western Carolina University ("WCU" or the "University"). If the Grievant is separated from employment while his/her grievance is pending, the grievance must be dismissed unless the Chancellor decides it is in the University's best interest to allow the grievance to continue. [UNC Policy 101.3.2, Section IV.i.]

2.2 What May Be Grieved – General Grievances and Post-tenure Review

Grievances are limited to matters directly related to a faculty member's employment status and institutional relationship within WCU including matters related to post-tenure review. Grievances are further limited to matters where: (1) the Grievant has been adversely affected or suffered a remedial injury in his/her professional or

academic capacity; **and** (2) the adverse effect or remedial injury is due to an administrator's decision(s) that is alleged to violate law, or a university policy, regulation or rule, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment. [Section 607(3) of The Code]

2.3 What May Not Be Grieved

The following matters may not be grieved: (1) dissatisfaction with the general application of a University, college or department policy, regulation or rule challenged on the grounds that the policy, regulation or rule itself is unfair or inadvisable; (2) non-renewal or non-extension of a contract upon expiration of an existing contract for non-tenure-track faculty; or (3) complaints, grievances or appeals that are subject to another university procedure or within the jurisdiction of another university committee (e.g., formal proceedings for the suspension, discharge or termination of a tenured faculty member, requests for the review of reappointment, tenure or promotion decisions, and complaints of harassment/discrimination).

4.10. B.3 The Grievance Process

3.1 Initiation of the Grievance Process / Informal Meeting with Administrator(s).

3.1.1 Prior to filing a grievance, the faculty member shall meet with the responsible administrators (typically the Department Head and Dean) to attempt to resolve the issue(s) giving rise to the grievance.

3.2 Filing a Grievance.

3.2.1 A grievance must be filed within twenty-one (21) calendar days from when the Grievant knew or should have known of the decision being grieved. If no grievance is filed within the prescribed timeframe, the faculty member will be deemed to have waived his/her right to an internal grievance process. Filing occurs when the written grievance is delivered to the responsible administrator by certified mail or by another means that provides proof of delivery, with a copy to Chair of the Faculty Grievance Committee (the "Committee"). The Chair of the Committee shall promptly forward copies of the grievance to the other members of the Committee and the Provost.

3.2.2 The grievance must include the following information:

1. A statement that the Grievant met with the Department head and Dean, or other responsible administrator, in an effort to resolve the matter, and the meeting was not successful;
2. The nature of and grounds for the grievance: specifically, a statement of facts to support a claim that the decision being grieved violated the Grievant's rights under particular laws or specified policies, and how the Grievant has been adversely affected/injured;

3. The name(s) of the responsible administrator(s) for the alleged improper decision (the "Respondent(s)"). Persons may be named as Respondents only if they were active and substantial participants in the decision being grieved; and
4. The remedy sought.

3.3 Mediation.

- 3.3.1 Unless the parties to the grievance have participated in mediation prior to the faculty member's filing the petition, before taking any action on the petition, the Committee shall refer the matter for mediation. [UNC Policy 101.3.2, Section II.c.]
- 3.3.2 Within seven (7) calendar days of receipt of the grievance, the Chair of the Committee will ask the parties if they are willing to participate in mediation. The parties shall respond in writing to the inquiry from the Chair regarding mediation. Neither party is obliged to engage in mediation. A decision by either party not to pursue mediation or to terminate mediation will not be held against that party. [UNC Policy 101.3.2, Section III.d.4.]

If the parties agree to mediate, the grievance process is suspended until the mediation is concluded and the Chair of the Committee is notified of the outcome. [UNC Policy 101.3.2, Section III.f.]
- 3.3.3 The parties will, by mutual agreement, select one (1) mediator from a pool of outside mediators from the community who have successfully completed formal mediation training substantially equivalent to that required for certification by the North Carolina Administrative Office of the Courts or to have been formally trained in university setting mediation. The pool of mediators will be maintained by the Provost's Office. This selection should normally occur within twenty-one (21) calendar days of the agreement to mediate. If the parties cannot agree upon a mediator, the mediation will be terminated. [UNC Policy 101.3.2, Section III.d.1.]
- 3.3.4 Attorneys for either party may not participate in the mediation process. However, the mediator may be an attorney specially trained in mediation. [UNC Policy 101.3.2, Section III.d.3.]
- 3.3.5 The mediator will schedule and conduct all mediation activities in a timely fashion.
- 3.3.6 Any mediated agreement shall be in writing and shall be signed by the Grievant and the University official with authority to bind the University to the particular agreement. [UNC Policy 101.3.2, Section III.e.] Copies shall be provided to the parties and the original shall be kept by the Provost. The mediator will send an unelaborated written statement, signed by the parties, to the Committee informing it that the matter has been resolved.

3.3.7 The only record to be produced in the event of a failed mediation is an unelaborated written statement from the mediator to the Committee informing it that mediation has terminated without an agreement. [UNC Policy 101.3.2, Section III.d.5.]

3.3.8 As a condition of participating in the mediation process, both parties must agree in writing that: (1) the mediator cannot be called as a witness in any subsequent proceeding involving the matter being grieved and, (2) nothing done or said by either party during a mediation process may be referred to or otherwise used against a party in any subsequent proceeding. [UNC Policy 101.3.2, Section III.d.5.]

3.4 Grievance Hearing.

3.4.1 Duties and Authority of the Chair of the Committee

The Chair of the Committee shall determine all procedures for the entire grievance process, unless otherwise indicated in this policy. The Chair shall set the schedule for the grievance proceeding, and the order of presentation at the hearing. The Chair, with the assistance of administrative staff in the Provost's Office, is responsible for logistics (e.g., reserving a room and obtaining a court reporter). The Chair is responsible for maintaining all records of the grievance proceeding, for compiling the official record to transmit to the Chancellor, and for writing a report of the Committee's recommended findings and conclusions for transmission to the Chancellor.

The Chair shall have complete authority to ensure a full and fair hearing including, but not limited to, the authority to grant extensions, recesses and adjournments, require witnesses to stay outside the hearing room before or after testifying, set time limits for arguments, reject evidence which is repetitive or has no relevance to the issues, and terminate or recess the proceeding if it becomes unproductive due to disruptive behavior.

3.4.2 Determination of Committee Jurisdiction.

3.4.2.1 If mediation is declined or fails to produce an agreed upon resolution, the Committee must decide whether a hearing should be held in response to the grievance. For the purpose of determining whether a hearing should be held, the Committee must assume the truth of the information contained in the written grievance. [UNC Policy 101.3.2, Section IV.c.]

3.4.2.2 A grievance properly is dismissed if the Grievant fails to specify in the grievance a remediable injury attributable to the alleged violation of a right or privilege based on a specified federal or state law, specified University policies or regulations, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending University employment. [UNC Policy 101.3.2, Section IV.c.]

- 3.4.2.3 Dismissal is required if the grievance addresses a problem that is not within the Committee jurisdiction, such as a disciplinary issue or a matter that is the responsibility of another body. [UNC Policy 101.3.2, Section IV.c.]
- 3.4.2.4 The Committee's decision to dismiss a grievance shall be communicated to the Grievant, with a copy to the Provost, within ten (10) calendar days from the date the grievance was filed, or after the termination of an unsuccessful mediation process, if applicable. The dismissal decision shall be prepared by the Chair and shall be no more than an unelaborated written statement. [UNC Policy 101.3.2, Section IV.f.]
- 3.4.3 Scheduling the Hearing and Notice.
- 3.4.3.1 The grievance hearing shall be held no later than thirty (30) calendar days from the date the grievance was filed, or after the termination of an unsuccessful mediation process, if applicable. The Chair has authority to grant extensions on the Chair's own motion or the motion of any of the parties. An extension may be granted only for good cause as determined by the Chair. An extension may not exceed ten (10) calendar days in length; however, more than one extension may be granted.
- 3.4.3.2 The Chair shall serve a Notice of Hearing on the Grievant, the administrator(s) identified as Respondent(s) to the grievance, and the Provost no later than ten (10) calendar days before the hearing. The Notice of Hearing shall include: (1) the date, time, and place of the hearing; (2) a copy of the grievance; (3) the names of the Committee members; (4) the names of all parties to the grievance; and (5) a summary of the issues to be considered by the Committee.
- 3.4.4 Composition of the Committee.
- 3.4.4.1 A minimum of five (5) Committee members is required to hear the matter and take action. In the event that fewer than five (5) members remain after challenged are allowed, the Secretary of the Faculty shall make temporary appointments in accordance with 1.7.2(e) of the Faculty Constitution.
- 3.4.5 Committee Conflicts of Interest and Challenges without Cause.
- 3.4.5.1 A conflict of interest occurs in the hearing context if a member of the Committee: (i) is potentially beneficially or adversely affected by the outcome of the hearing; (ii) has particular knowledge about the matter to be reviewed; or (iii) may otherwise be viewed as biased in hearing the matter.
- 3.4.5.2 A member of the Committee is obligated to disclose any potential conflict of interest to the Chair and recuse him/herself from the Committee if the conflict of interest could affect his/her ability to decide the case in an objective manner.

- 3.4.5.3 The Chair has the authority to remove a member of the Committee upon the disclosure of a conflict of interest or upon a request by the Grievant that a member be removed for cause (i.e., undisclosed conflict of interest). The Chair will replace a removed member with another eligible member of the Committee.
- 3.4.5.4 Each party shall have an unlimited number of challenges to Committee membership if the challenge is for cause (i.e., a conflict of interest).
- 3.4.5.5 Each party shall have a maximum of two (2) challenges without cause to the composition of the Committee.
- 3.4.5.6 Challenges shall be filed in writing with the Chair within seven (7) calendar days of receipt of the Notice of Hearing. The Chair shall have the authority to decide whether a Committee member challenged for cause should be disqualified. If the Chair is thus removed, the Committee shall elect a new chair after Committee replacements, if any, have been appointed.
- 3.4.6 General Hearing Procedures.
- 3.4.6.1 North Carolina law provides that personnel records are confidential, and all participants must not disclose information acquired during the hearing except as provided by law.
- 3.4.6.2 The hearing is closed to the public.
- 3.4.6.3 Witnesses may appear voluntarily in the hearing and may not be compelled to appear by either party. Witnesses in the proceeding shall be sequestered in separate witness rooms until such time as they testify and are dismissed.
- 3.4.6.4 Each party may bring one (1) advisor. Advisors may not participate in the hearing or be a witness for a party. Attorneys are not permitted to attend or participate in the hearing, in any capacity, including as an advisor.
- 3.4.6.5 Hearing testimony must be recorded by a court reporter, and a copy of the hearing transcript will be provided to the Grievant upon written request to the Legal Counsel's Office.
- 3.4.6.6 Hearings are informal; rules of evidence do not apply in the proceeding. The Chair of the Committee will make determinations of whether evidence is unduly repetitious, irrelevant or immaterial and should be excluded.
- 3.4.6.7 The Grievant has the burden of proof by a preponderance of the evidence (the greater weight of evidence).

- 3.4.7 Order of Hearing Procedures.
- 3.4.7.1 The Chair of the Committee will commence the hearing with a summary of the hearing procedures and order of presentation of evidence.
- 3.4.7.2 The Chair of the Committee will read the grievance into the hearing record or ensure that an accurate and complete copy of the grievance is introduced as an exhibit.
- 3.4.7.3 The hearing begins with the Grievant's presentation of his/her case. The Grievant may testify on his/her own behalf and call witnesses, all of whom may be questioned by the Committee and cross-examined by the Respondent. The Grievant may introduce documentary evidence.
- 3.4.7.4 At the close of the Grievant's case, the Respondent will present his/her case in the same manner as described in Section 3.4.7.3 above.
- 3.4.7.5 At the close of the Respondent's case, the Grievant may present evidence to rebut the Respondent's case.
- 3.4.8 Committee Deliberations and Recommendations.
- 3.4.8.1 Following the hearing, the Committee must deliberate to determine whether the Grievant met his/her burden of proof and established that he/she has been adversely affected or suffered a remedial injury in his/her professional or academic capacity; **and** (2) the adverse effect or remedial injury is due to an administrator's decision(s) that is alleged to violate law, or a university policy, regulation or rule, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment.
- 3.4.8.2 The Committee shall consider only the record evidence presented at the hearing. [UNC Policy 101.3.2, Section IV.d.]
- 3.4.8.3 The Committee cannot reverse a Respondent administrator's decision, but can recommend only a reassessment and adjustment of that decision.
- 3.4.8.4 If, after hearing the matter, the Committee determines that an adjustment in favor of the Grievant is appropriate, the Committee shall so advise the Grievant and the Dean, Department Head, or other Respondent administrator. [UNC Policy 101.3.2, Section IV.e.] The Committee's written decision must be provided to the Grievant, with copies to the Respondent(s) and the Provost, within seven (7) calendar days after the conclusion of the hearing.
- 3.4.8.5 If the Committee determines that no adjustment in favor of the Grievant is appropriate, it shall so advise the Grievant, the Respondent, and the Chancellor. [UNC Policy 101.3.2, Section IV.f.]

3.4.9 Respondent/Administrator's Response.

3.4.9.1 If the Committee's decision favors the Grievant, the Respondent administrator with the authority to act on the recommendations made by the Committee shall have seven (7) calendar days to provide his/her written response to the Committee's recommendation(s) to the Grievant, with copies to the Chair and Provost.

3.4.9.2 If the Respondent administrator does not make the recommended adjustment, or a different adjustment satisfactory to the Grievant, within a reasonable period of time, the Committee shall advise the Chancellor of its recommendation that an adjustment is appropriate. [UNC Policy 101.3.2, Section IV.e.]

3.4.10 Chancellor's Decision.

3.4.10.1 The Chancellor shall base his/her decision on the record evidence from the hearing and the written decision/recommendation of the Committee. [UNC Policy 101.3.2, Section IV.g.]

3.4.10.2 The Chancellor may, in his/her discretion, consult with the Committee before making a decision. The decision of the Chancellor is the final administrative decision. [UNC Policy 101.3.2, Section IV.g.]

3.4.10.3 The Chancellor shall notify the Grievant and the Respondent of his/her decision as soon as practicable. The Chancellor's written decision shall include: (1) the time limit within which the Grievant may file an appeal to the Board of Trustees; (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within fourteen (14) calendar days following receipt of the Chancellor's decision; and (3) that, following timely receipt of the notice of appeal, a detailed schedule for the submission of relevant documents will be established. [UNC Policy 101.3.2, Section IV.h.]

4.10.B.4 Appeal to the Board of Trustees

4.1 Decisions which may be appealed to the Board of Trustees.

4.1.1 If the Committee did not recommend an adjustment in favor of the Grievant, then the decision of the Chancellor is final and may not be appealed to the Board of Trustees. [UNC Policy 101.3.2, Section V.a.i.]

4.1.2 If the Committee recommended an adjustment in favor of the Grievant, and neither the Respondent nor the Chancellor made the adjustment, the Grievant may appeal to the Board of Trustees. The decision of the Board of Trustees is final. [UNC Policy 101.3.2, Section V.a.i.i.]

4.2 Board of Trustees Appeals Process.

- 4.2.1 A Grievant entitled to appeal the disposition of his/her grievance to the Board of Trustees must deliver a written notice of appeal to the Board of Trustees, in care of the Chancellor, by certified mail or by another means that provides proof of delivery within fourteen (14) calendar days after receipt of the Chancellor's written decision. . [UNC Policy 101.3.2, Section V.c.i.]
- 4.2.2 The notice of appeal shall contain a brief statement of the basis for the appeal. The grounds for appeal are: (1) the Chancellor's decision was clearly erroneous and not supported by the record evidence; (2) the Chancellor's decision violated applicable specified federal or state laws, The Code or Policies of the University of North Carolina, or University policies or regulations; or (3) the process used in deciding the grievance was materially flawed. [UNC Policy 101.3.2, Section V.d.]
- 4.2.3 The Board of Trustees may delegate to a designated committee the authority and responsibility to make final decisions on behalf of the full board concerning appeals of faculty grievances. [UNC Policy 101.3.2, Section V.b.]
- 4.2.4 If the Board of Trustees agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board of Trustees or a committee thereof that is authorized to consider the appeal. If the Grievant fails to comply with the schedule established for perfecting and processing the appeal, the Board of Trustees may extend the time for compliance or it may dismiss the appeal. [UNC Policy 101.3.2, Section V.c.i.]
- 4.2.5 The purpose of the Board of Trustees review is to determine whether: (1) the Chancellor's decision was clearly erroneous and not supported by the record evidence; (2) the Chancellor's decision violated applicable federal or state laws, The Code or Policies of the University of North Carolina, or University policies or regulations; or (3) the process used in deciding the grievance was materially flawed. [UNC Policy 101.3.2, Section V.d.]
- 4.2.6 The Board of Trustees shall base its decision on the record evidence from the hearing and the written decision of the Committee.
- 4.2.7 The Board of Trustees will issue its decision as expeditiously as is practical. [UNC Policy 101.3.2, Section V.c.i.]
- 4.2.8 The decision of the Board of Trustees is final. [Section 607(6) of The Co

4.11 Status Appointments

A. Appointment to Graduate Faculty Status

Graduate faculty members may teach graduate courses, serve on masters or doctoral committees such as for theses or dissertations, direct graduate student learning, or engage in research and creative activities to stay current in and to advance their area of expertise. According to SACS-COC requirements, graduate faculty members may only teach courses bearing designators for which they have been specifically approved.

1. Status Membership Categories, Qualifications, and Rights

a. Full Graduate Faculty status:

i. **Qualifications:** These faculty must possess all of the following qualifications as well as satisfy any additional criteria specified in the departmental collegial review document of the graduate programs home department:

1. Full-time faculty status in a department that supports a graduate program;
2. Highest earned degree in the teaching discipline or a related discipline or evidence of alternative qualifications as indicated by the AA-21 Alternative Qualifications Justification Form;
3. Evidence of engagement in graduate education and research;
4. Evidence that the faculty member is current in the discipline; and
5. Evidence of effective teaching and mentoring at the graduate level.

ii. **Rights of Membership:** Full Graduate Faculty may:

1. Direct a masters or doctoral committee, such as a thesis or dissertation;
2. Serve on a masters or doctoral committee;
3. Teach courses at the 500-level or above;
4. Supervise graduate research, independent studies, internships, field studies, or practica.

b. Affiliate Graduate Faculty status:

i. **Qualifications:** These individuals must possess the following qualifications:

1. Evidence of engagement in graduate education or research; and
2. Evidence that the individual is current in the discipline; and
3. Demonstration of appropriate professional credentials and/or expertise;
4. Full-time or part-time faculty status at WCU or at another regionally accredited university; or
5. Professional experience appropriate to support a specified graduate program.

ii. **Rights of Membership:** Affiliate Graduate Faculty may:

1. Serve on a masters or doctoral committee;
2. Can teach master's and specialist program courses at the 500- or 600-level for the next two consecutive years;

3. Can teach post-master's and doctoral program courses at the 700- or 800-level for the next two consecutive years;
 4. Supervise graduate research, independent studies, internships, field studies, or practica.
2. Process for Receiving and Continuing Graduate Faculty Status
- a. Full Graduate Faculty status:
 - i. Initial Appointment:
 1. For New Faculty at Time of Hiring: A faculty member with the qualifications specified in 1.a.i and hired by a department to support a graduate program must be recommended by their Department Head and College Dean for Full Graduate Faculty Status at the time of hire, indicating such on the AA-21 form. Acceptance and processing of the AA-21 form by the Provost's Office grants the initial status of Full Graduate Faculty. This status is valid until the faculty member's next annual faculty evaluation or major collegial review event (reappointment, tenure, promotion, or post-tenure).
 2. For Current Faculty: A faculty member qualified for Full Graduate Faculty Status may apply for this status at the time of their next annual faculty evaluation or major collegial review event. The faculty member must:
 - a. Request appointment to this status by completing the Graduate Faculty Status Application Form and, if at time of major collegial review event, also check the "Graduate Faculty Status" box on their AA-12;
 - b. Provide documentation in their application, dossier, or evaluation materials of their qualifications for Full Graduate Faculty status with the evaluation materials; and
 - c. Receive approvals of Full Graduate Faculty status from the Department Head, Dean of the College, and Provost.
 - ii. Continuing/Renewing Full Graduate Faculty Status: At the time of the next annual faculty evaluation, or major collegial review event (reappointment, tenure, promotion, or post-tenure review), all Full Graduate Faculty wishing to continue this status must:
 1. Request reappointment to this status by completing the Graduate Faculty Status Application Form and, if at time of major collegial review event, also check the "Graduate Faculty Status" box on their AA-12;
 2. Provide documentation in their application, dossier, or evaluation materials of their qualifications for Full Graduate Faculty status with the evaluation materials; and
 3. Receive approvals of Full Graduate Faculty status from the Department Head, Dean of the College, and Provost.
 - b. Affiliate Graduate Faculty status:
 - i. Initial Appointment

1. For New Faculty at Time of Hiring: A faculty member without complete qualifications for Full Graduate Faculty status but who meets Affiliate qualifications may be recommended by their Department Head and College Dean for Affiliate Graduate Faculty Status at the time of hire, indicating such on the AA-21 form. Acceptance and processing of the AA-21 form by the Provost's Office grants the initial status of Affiliate Graduate Faculty status. This status is valid until the faculty member's next annual faculty evaluation or major collegial review event (reappointment, tenure, promotion, or post-tenure review).
2. For Current Faculty or Qualified Professionals⁶: A faculty member or professional qualified for Affiliate Graduate Faculty Status may be nominated for Affiliate Graduate Faculty Status by the following process:
 - a. The department head of the department housing the associated graduate program must submit the following to the Graduate School:
 - i. Cover letter supporting this nomination,
 - ii. Affiliate Graduate Faculty Status Nomination Form (available from the Graduate School), and
 - iii. Current curriculum vitae for the nominee;
 - b. The Graduate Council subcommittee will review the material and make a recommendation to the Graduate Council for a vote to approve or not approve Affiliate Graduate Faculty status.
- ii. Continuing/Renewing Affiliate Graduate Faculty Status: At the time of the next annual faculty evaluation, or major collegial review event (reappointment, tenure, promotion, or post-tenure review), all Affiliate Graduate Faculty wishing to continue this status must:
 1. Request reappointment to this status by completing the Graduate Faculty Status Application Form and, if at time of major collegial review event, also check the "Graduate Faculty Status" box on their AA-12;
 2. Provide documentation in their application, dossier, or evaluation materials of their qualifications for Affiliate Graduate Faculty status with the evaluation materials; and
 3. Receive approvals of Affiliate Graduate Faculty status from the Department Head, Dean of the College, and Provost.
- c. Administrative Reassignment: anyone holding Graduate Faculty status at the time of administrative reassignment can maintain that status unless the home academic department does not recommend Graduate Faculty Reappointment at any time.

⁶ For non-Western Carolina University faculty Affiliate Graduate Faculty Status appointments are limited to two-years from the time of initial appointment.

B. Emeritus Status

Emeritus faculty status may be awarded to honor a retired faculty member who has had a distinguished professional career and has made significant contributions to Western Carolina University. Faculty on phased retirement are not eligible for emeritus status until their participation in the program is completed. It is recognized that the bearer of the emeritus title has knowledge and experience from which others in the university may benefit.

1. Qualifications

Successful candidates for Emeritus professor will have had:

- a. Permanent tenure and at least ten years of full-time employment at Western Carolina University prior to retirement, although exceptions can be made in extraordinary circumstances.
- b. A record of excellence in one or more of the following areas: teaching, research or service. "Excellence" is to be determined by the submitting faculty's individual department committee and Dean.
- c. Candidates must be nominated for Emeritus status by any member of the General Faculty or faculty on Phased Retirement. The nomination must be made within two years of the retirement date, although exceptions can be made with written approval from the Dean of the candidate's college. The nomination should include a brief statement of why the individual deserves Emeritus status.
- d. Candidates may self-nominate or be nominated by a faculty member (with an option to decline).

2. Process

Candidates for Emeritus status prepare an application, including the nomination statement, an updated CV, and the AA-13, the Transmittal Form for Recommendation of Emeritus Faculty, available from the Provost's office.

. The application is first reviewed by the Department Collegial Review committee, who votes and then forwards a recommendation to the Department Head. The Department Head makes a recommendation to the College Collegial Review Committee. The College Collegial Review Committee votes and forwards a recommendation to the Dean. The Dean then forwards a recommendation to the Provost. The review process is to

follow the timeline established for emeritus review in the Provost's annual collegial review.

3. Rights and Privileges

Emeritus professors:

- Will be granted faculty rates/discounts on university events
- Will maintain full library borrowing privileges
- Will maintain their university email account (if requested)
- Will receive documents and communications that are normally received by the full-time faculty including communications from the department, college, and university at large.
- Will be listed in the University catalog and on appropriate university web pages.
- Will continue to receive faculty rates and access to university recreational facilities.
- Will maintain a mailbox in the Department office (if requested and space permits)
- May obtain free parking permits.
- May march with the faculty, wearing appropriate regalia, in University exercises where appropriate.
- Will receive free athletic tickets
- Will maintain a university ID card with #92 number
- Will be allowed to continue utilization of Health Services offered to regular faculty
- May request office space
- Will be eligible to submit for grants and university funding

The University's priority for space and funding must be for those who are current faculty members, but Emeritus faculty who remain professionally active may apply for use of departmental and university resources. If resources are available, Department Heads should make every effort to provide Emeritus faculty with office space and generally available faculty services. Emeritus faculty whose professional service requires University support should develop a statement of goals and objectives with the department head addressing expected activities and the disposition of any funds associated with faculty research or discretionary accounts. These faculty should submit an annual report to the department head documenting their professional activities and achievements that will serve as the basis for decisions related to continuation or changes to their duties and responsibilities.

4. Chancellor Emeritus

The title Chancellor Emeritus may be conferred upon a chancellor at the time of, or subsequent to, retirement from active service at Western Carolina University.

5. Retired Associate

The title Retired Associate may be conferred by the chancellor of Western Carolina University upon any member of the faculty or administration at the time of, or subsequent to, retirement from the university. The Retired Associate shall be considered a member of the academic community with the right to participate in social and cultural activities of the campus, with faculty library privileges, and with any other privileges granted by the chancellor.

C. Graduate Status for Emeritus Faculty

An emeritus faculty member may be considered for graduate faculty status. If approved, they will have all the rights and privileges of a graduate faculty member.

1. Rights and Privileges

Emeritus faculty with graduate status will have all rights and privileges granted to regular members of the graduate faculty, namely “They may teach and have full responsibility for graduate level courses, serve on thesis and dissertation and comprehensive committees.”

2. Term of Appointment

The graduate status appointment will be for a three year term and may be considered for renewal upon recommendation of the department head.

3. Policy and Procedure

Nominations for graduate faculty status are to be made by the department head following consultation with existing graduate faculty in the respective programs. The nominations must include an assessment of the graduate teaching effectiveness of the faculty member. Nominations would be considered by the dean of the college and forwarded to the Graduate Council for recommendation to the Graduate Dean. Following a review and favorable recommendation by the Graduate Dean, the recommendation is forwarded to the Provost for a final decision. Upon approval, the individual’s name will be listed in the Graduate Cataloge.

4.12 Distinguished Professorships

A. Endowed Professorships

Endowments or trusts are established to support professorships for senior faculty in academic departments of the university. The term, professorship, refers to an appointment which carries a salary supplement and may also provide funds for appropriate expenses related to teaching and/or professional activities. Criteria for selection, terms of appointment, and other details vary and are established for the specific professorship involved. A professorship usually is named in honor of an individual, business firm, or organization.

1. The Creighton Sossomon Professorship

The Creighton Sossomon Professorship was established for the purpose of strengthening the faculty in the Department of History by assisting Western Carolina University in attracting and/or retaining outstanding scholar-teachers in American, English, or European history. Appointments to the professorship are limited to specialists in these fields and are intended to recognize and encourage superior teaching.

2. The H. F. and Catherine P. Robinson Professorship

The H. F. Robinson and Catherine P. Robinson Fund was established by the Robinsons' families and friends to honor their memories and their substantial contributions of their lives and career to higher education, to North Carolina, and to Western Carolina University. The professorship seeks to fulfill Dr. Robinson's wish to encourage and inspire faculty members in their quest for quality instruction, research, and service.

Specifically, the professorship recognizes and rewards a faculty member in the Department of Biology whose contributions in teaching, research, and service to the people of Western North Carolina mountain area exemplify the goals and dreams of Cotton Robinson.

3. Adelaide Worth Daniels Professor of Special Education

The Daniels Professorship is designed to provide expert training and instruction to students in Western's teacher education programs so that they may better serve children with special educational needs, and to serve current teachers of students with special needs.

4. Carol Grotnes Belk Distinguished Professorship in Commercial and Electronic Music

A legendary North Carolina philanthropist with an extensive record of supporting higher education in North Carolina provided a gift to Western Carolina University to establish the Carol Grotnes Belk Professorship. The professorship is designed to benefit students seeking basic backgrounds in commercial and electronic music through study in its composition, arrangement, production and design. With its emphasis on commercial and electronic music, the professorship is tying the traditional music performance programs to trends in the entertainment industry, marketing and public relations.

5. Jay M. Robinson Distinguished Professorship in Educational Technologies

Endowed with a combination of financial contributions and matching state funds, the Jay M. Robinson Professorship enables WCU to bring to the campus experts from the corporate or educational sectors who are using electronic technologies to enhance the teaching and learning process.

6. Blanton J Whitmire Distinguished Professorship in Environmental Sciences

A lifelong dedication to environmental stewardship and desire to see development in Western North Carolina proceed without negatively impacting the region's environment led Drs. Blanton J. and Margaret S. Whitmire to present a gift to Western Carolina University, creating a distinguished professorship in environmental science. Their gift in 1997 was combined with matching state funds to create the professorship, continuing the Whitmire family's longstanding tradition of supporting education – in particular, education at Western Carolina University. The professorship is designed to be filled by a scholar who can provide expertise in the most critical areas of environmental science in the mountain region.

7. Sequoyah Distinguished Professor in Cherokee Studies

Western Carolina University's Sequoyah Professorship is named in honor of a revered figure of Cherokee history and culture who devised the Cherokee syllabary, the first written Native American alphabet. In addition to helping WCU build a true academic program in Cherokee Studies, the Sequoyah Professorship is designed to bolster the scholarly relationship between the university and the Eastern Band and create opportunities for collaborative research.

8. Carolyn Plemmons and Ben R. Phillips Distinguished Professorship in Musical Theatre

Established in 2000 as the first such commitment to musical theatre in the University of North Carolina system, the Phillips Professorship focuses on an interdisciplinary area of study anchored in the departments of communication and theatre arts, and music. The program is designed to provide students with practical work-related experiences, build skills needed in both music and theatre, and provide an interdisciplinary foundation.

9. John A. and Dorothy Luxton Parris Distinguished Professorship in Appalachian Culture

The professorship was established in the summer of 2002 through the estate of John and Dorothy Parris, augmented with a \$100,000 grant from the C.D. Spangler Foundation and matching state funds. Spangler, a former banking executive and education leader, served as president of the UNC system from 1986 through 1997. The professorship in the interdisciplinary area of Appalachian studies was designed so that it could be anchored in the departments of anthropology, art, communication and theatre arts, English or history.

10. Taft B. Botner Distinguished Professorship in Elementary and Middle Grades Education

The Botner professorship is endowed through gifts from the Botner estate, combined with matching funds from the state. The professorship is intended to attract an expert in education with expertise in an area specifically related to the preparation of teachers of children in kindergarten through ninth grade.

11. Catherine Brewer Smith Distinguished Professorship in Communication Disorders

A gift from the estate of Catherine Brewer Smith, a Franklin resident who died in 2001 and whose father attended Western Carolina University, enabled WCU to create an endowed professorship in communication disorders. The professorship is designed to help serve the speech-language pathology needs of the Western North Carolina region, where above-average poverty levels and lengthy drives to service providers combine to hamper treatment for adults and children.

12. Mountaintop Distinguished Professorship in Advanced Optics Manufacturing

Developers of a lakeside golf club in southern Jackson County provided the funding to allow Western Carolina University to establish an endowed professorship in advanced optics manufacturing. This professor is expected to be a world-class applied research engineer who can help build innovative product capacity that is relevant to emerging economic sectors of the Western North Carolina region. The professor also is expected to integrate his or her teaching responsibility with the development of bio-adaptive rehabilitative medical devices leading to improved quality of life for people with disabilities.

13. Ambassador Jeanette W. Hyde Distinguished Professorship in Gerontological Social Work

Jeanette Hyde's contribution was combined with matching state funds to establish the professorship in social work. The professorship is designed to provide leadership for WCU's academic, service and applied research programs in gerontology – in particular, WCU's Gerontology Initiative, which supplies a range of programs and services that enhance the social, cultural, physical and economic well-being of older adults.

14. WNC Healthcare Organizations

**Distinguished Professorship in Physical Therapy
Distinguished Professorship in Nurse Anesthesia**

The creation of distinguished professorships in physical therapy and in nurse anesthesia at Western Carolina University are the result of partnerships involving the university and regional health care providers aimed at addressing critical personnel shortages in those two fields. The Physical Therapy position will be filled by a nationally recognized scholar with a specialty in human movement or gerontology, and that individual will lead the program as it makes an expected transition to the doctoral level over the next several years.

15. Gimelstob-Landry Distinguished Professorship in Regional Economic Development

Financial contributions to support an endowed professorship in regional economic development at Western Carolina University were provided by Florida real estate businessmen Herbert Gimelstob and Laurence D. Landry. Their gifts have been combined with state matching funds to create the professorship. A search is pending for an individual who will address core issues in education and regional economic policy development. In addition to teaching and conducting research in the College of Business, the individual who fills the position will conduct targeted policy studies and analyses, and promote development and refinement of effective economic development policy for the region and state.

16. Joe and Cynthia Kimmel Distinguished Professorships in Construction Management

Western Carolina University's efforts to build one of the top construction management programs in the nation received a major boost in December 2005 when Kimmel & Associates, a construction industry executive search company based in Asheville, announced a pledge to the university.

In addition to providing an endowment for program operations and an endowment for scholarship support, the pledge from Joe and Cynthia Kimmel will provide for endowed professorships in construction management. Combined with matching state funds, Kimmel's contributions will possibly establish five professorships.

17. Cass Ballenger Distinguished Professorship in Engineering

A professorship in engineering at Western Carolina University is being developed through a gift from Cass Ballenger, who served North Carolina's 10th Congressional district in the U.S. House of Representatives from 1986 to 2005. Ballenger's gift will be combined with matching state funds to establish the professorship, which is expected to add a nationally renowned expert in engineering to WCU's faculty.

18. Wesley R. Elingburg Distinguished Professorship in Business Innovation

An Asheville native who is an alumnus of Western Carolina University provided the financial contributions to enable the university to create an endowed professorship in business innovation. The professorship will enable the university to recruit a nationally recognized expert in a business discipline who will work closely with WCU's undergraduate and graduate programs in entrepreneurship.

19. Myron L. "Barney" & Mrs. Barbara Coulter Distinguished Professorship in the Scholarship of Teaching and Learning

This professorship is named in honor of Chancellor Emeritus and Mrs. Coulter. The individual who is chosen to be WCU's distinguished professor in the scholarship of teaching and learning (SoTL) will provide leadership to expand WCU's work in the scholarship of teaching and learning and for the SoTL field in general. The individual will play an active role in the publication of WCU's international peer-reviewed journal for the Scholarship and Teaching and Learning, *MountainRise*. The individual will teach courses in the traditional arts and sciences and engage in his/her own SoTL research. In addition, the individual will provide leadership for WCU's participation in the Carnegie Academy for the Scholarship of Teaching and Learning.

20. BB&T Distinguished Professorship in Capitalism

The BB&T Distinguished Professor of Capitalism will directly address core issues involved in establishing an ethical business culture that is an essential part of how our organization works. The person who holds the professorship will be expected to teach both undergraduate and graduate students and conduct applied research, and integrate, consistent with the curriculum governance structure of the university, a discourse on the ethical, moral, and philosophical underpinnings of capitalism.

21. The Chancellor John Bardo and Deborah Bardo Distinguished Professorship in Educational Leadership

The \$500,000 professorship was made possible by a five-year challenge-grant program established by the C.D. Spangler Foundation to increase the number of distinguished professorships in high-need academic fields. The individual who is chosen to be WCU's distinguished professor in educational policy will provide leadership and visibility for Western's Department of Educational Leadership and Foundations as s/he will lead the UNC-II goal for involvement in educational policy at the state, regional, and national level. The focus of this work will be to positively influence policy for BK-12 education, community colleges and the university.

B. Madison Professorships

The University has acquired numerous distinguished professorships through outside donors. These professorships are typically restricted to individuals who are external to the university. As the university has created higher standards and expectations, it has begun to grow its own

distinguished professors. The Madison Professorship designation is a way of recognizing these individuals and retaining them.

4.13 Contracts and Salaries

1. Overview

Contractual agreements are made each year between individual faculty members and the chancellor of the university. Most faculty members receive an appointment for a period of 9 months of required service extending over the regular academic year beginning in August. A few faculty appointments may be made for 10, 11 or 12 months of required service extending over the fiscal year beginning July 1.

Contracts are usually renewed near the end of the fiscal year. Unless a different time period is specified in the contract, faculty who are issued contracts must return them within thirty days after receipt or the contracts may be rescinded by the university. During their first year of service, faculty employed for nine months are paid in eleven installments. Thereafter, salaries are spread over a twelve-month period covering the fiscal year July 1, through June 30. It is understood, however, that all salaries paid for July and August in the new fiscal year are released on the anticipated fulfillment of service during the ensuing academic year. Failure of such fulfillment obligates the employee to refund the payments made for the months of July and August proceeding the new term of service. Persons receiving eleven salary payments who do not fulfill their service commitment are obligated to refund advance salary received.

2. Summer School Employment

Arrangements for teaching in the Summer School are made through the Provost Office and department head and deans of colleges in consultation with Educational Outreach (distance education). Summer employment for nine-month faculty is neither required nor guaranteed.

Summer School salaries are paid in addition to the regular contracted annual salary. Separate contracts for summer services are issued by each college. Rates of pay for summer employment are guided each year by the APR for Summer Session with the approval of the provost. The amount paid to an individual is based upon class enrollment, number of credit hours taught and/or the faculty member's full time base pay or part time credentials during the previous academic year. Each college determines the rate of compensation for independent studies and internships.

Faculty and staff on nine-month appointments who are not employed during the summer months are; of course, free to pursue their own interests during this time, including employment at other institutions. Persons on twelve-month appointments are not eligible for summer school pay in addition to their regular salaries unless Policy 22 warrants an exception.

4.14 Policies Governing Absences and Leave for EPA Personnel

4.14 Policies Governing Absences and Leave for EPA Personnel

A. Annual Leave and Sick Leave

Members of the faculty and other EPA personnel on nine-month appointments do not earn annual leave or sick leave. In lieu of such leave, the following policies shall apply:

1. Holidays and vacation periods built into the academic calendar are defined as providing the equivalent of the annual leave and holidays earned by twelve-month employees. Nine-month employees are not granted such leave at any time within an academic year except as provided in the academic calendar.
2. Provision may be made for less than full-time employment in accordance with provisions of Section III G of the Tenure Policies and Regulations of Western Carolina University. (The provisions of this section are applicable to members of the faculty on both nine- and twelve-month appointments.)
3. Full-time, nine-month faculty members and other EPA personnel not covered by the provisions in the Employment Policies for University Employees Exempt from the State Human Resources Act may be carried at full salary during extended periods of incapacity due to illness or injury substantiated by competent medical opinion, provided that (a) the departmental faculty can absorb the work load of the faculty member for the duration of the absence, (b) the period of incapacity does not exceed sixty days in duration, (c) the department head and dean concur that the academic program of the department will not be adversely affected, and (d) the provost, with the approval of the chancellor, authorized the arrangement. Any exceptions to these provisions must have the recommendation of the dean and provost and be approved by the chancellor. When appropriate, the provisions of Section III G of the Tenure Policies and Regulations of Western Carolina University shall apply. Emergency leave (less than one week in duration) may be granted by the department head. It is the responsibility of the faculty member to contact the department head immediately when such circumstances prevent the faculty member from meeting a class or discharging other duties incident to employment. The department head will make the arrangements necessary to cover the affected classes and other obligations. The department head shall notify the dean if the circumstances indicate that the absence could extend beyond the short period of time covered by these provisions.
4. All employees have rights under the Family and Medical Leave Act of 1993 (FMLA). Under FMLA, eligible employees are entitled to up to 12 weeks of unpaid, job-protected leave for certain family and medical reasons. If an employee earns paid leave, use of that leave may count against the 12 week period. Furthermore, any period of time that any employee is carried at full salary pursuant to paragraph #3

above will count towards the 12 workweeks to which the employee is entitled under FMLA. The full text of WCU's policy for faculty and other EPA employees not covered by the "Employment Policies for University Employees Exempt from the State Human Resources Act" is contained in this volume, Section 12.0.

5. Approval for absences of a professional nature, for reasons such as attendance or participation in meetings of learned societies or teaching in WCU-sponsored instructional programs at off-campus locations, can be granted. The faculty member must make satisfactory provision for scheduled classes and the discharge of other duties with the department head in advance of the absence. A memorandum of the provisions agreed upon, using the standard form provided for this purpose, is to be filed with the department head in advance of the absence.

B. Leave of Absence

1. Purposes of Leaves of Absence
 - a. Pursuit of an advanced degree: Study and research that will contribute to significant progress toward, or completion of, an advanced degree appropriate to a faculty member's current or projected responsibilities with the university may be presented as the basis of an application for a leave of absence. The faculty member must have been accepted for admission to such a program by an accredited educational institution and must provide the appropriate administrators with sufficient information about their program to allow full evaluation of the benefits to be derived by the individual and the university in granting the leave.
 - b. Professional development: Leaves of absence may be granted for the purpose of study, research, academically purposeful travel, writing and publication, and for other forms of scholarly, creative, or academic endeavor leading to significant professional development of the faculty member as appropriate to that faculty member's current or projected responsibilities with the university. The faculty member must provide sufficient information about the projected purposes of the leave to allow full evaluation of the benefits to be derived from the leave by the individual and the university.
 - c. Leaves of absence for reasons other than pursuit of an advanced degree or professional development may be granted by the chancellor on an individual basis.
 - d. Questions concerning policy and regulations relating to military leave with or without pay should be directed to the Office of Human Resources.
2. Types of Leaves of Absence

a. Sabbatical Leaves: In accordance with the statutes of the state of North Carolina, Western Carolina University does not grant sabbatical leaves.

b. Leaves of Absence without Pay: Upon the recommendation of the department head and dean, with the concurrence of the Provost, and with the approval of

the chancellor and Board of Trustees, leaves of absence without pay may be granted to members of the faculty on both nine- and twelve-month appointments under the following conditions:

- 1) The faculty member must be a full-time employee who either holds permanent tenure or whose appointment is subject to renewal.
- 2) Determination must be made that (a) the faculty member, if not permanently tenured, is an individual who is to be recommended for reappointment; (b) there is a reasonable expectation that a position will be available for the faculty member upon his/her return; and (c) appropriate arrangements can be made to carry forward the academic program to which the individual is assigned without adverse effect during the period of leave.
- 3) A leave of absence without pay may be granted for one or more terms or for a full academic year for faculty on nine-month appointments. Faculty on twelve-month appointments may be granted leaves of absence without pay for a period of time up to one year with the time and duration of the leave to be determined on a case-by-case basis.
- 4) Leaves of absence without pay may be renewed on an individual basis up to a maximum of two years.
- 5) Nothing in these policies shall be interpreted as giving a faculty member granted leave any special guarantees over and above those available to all other faculty holding the same faculty status. All faculty members, including those on leave, are subject to the same consideration and review processes concerning reappointment, promotion, and tenure.

When the circumstances of the faculty member's absence from the campus, e.g., activities out of country, are expected to be such that the timely execution of the consideration processes or of the reconsideration and appeals procedures by either the university or the faculty member may be prevented, a written understanding of any special arrangements to be observed should be developed and mutually agreed to by the faculty member and the university.

In the event of financial exigency or the curtailment of positions for other reasons, the faculty member on leave shall be subject to the actions taken, consistent with the UNC Code and the Tenure Policies and Regulations of Western Carolina University, as though the faculty member were not on leave.

- 6) When appropriate, the provisions of Section III G of the Tenure Policies and Regulations of Western Carolina University shall apply to the granting of leaves of absence without pay.
- 7) Any individual wishing to request leave of absence without pay must complete an application. Applications may be obtained through the department head or dean.

C. Serious Illness and Disability Leave for Faculty

Western Carolina University, in accordance with Board of Governors policy, has developed University Policy 89 on Serious Illness and Disability Leave for Faculty. Please link to <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-89.asp> to review this policy.

4.15 Employment Policies Governing University Employees Exempt From the State Personnel Act (EPA)

Employment policies for university employees exempt from the State Human Resources Act (EPA) are outlined in Policy #26, formerly Executive Memorandum 82-60, which is available in Volume IV of the Faculty Handbook. The policies in Policy #26 apply to those positions that are not subject to the State Human Resources Act but does not include: faculty positions subject to institutional tenure regulations; positions within administrative categories of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14; positions within the “physicians or dentists” category under G.S. 126-5; and university students who are employed incident to their status as students.

4.16 Policies Governing Outside Employment, Conflicts of Interest, External Professional Activities, and Dual Employment with Other State Agencies

Western Carolina University, in accordance with the UNC Policy Manual, has developed University Policy #54 on Conflicts of Interest; External Activities for Pay; and Conflicts of Commitment. Link to Policy #54 below to review this policy and its related Appendices.

Please also see the Office of Research Administration web page regarding Conflicts of Interest in relation to sponsored research (link below).

University Policy #8 addresses Dual Employment with State Agencies. For complete information and forms related to the Policy on Dual Employment link to Policy #8 below.

Links:

- **Conflict of Interest, External Activities for Pay; Conflicts of Commitment**

[University Policy #54](http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-54.asp) Conflicts of Interest; External Activities for Pay; and Conflicts of Commitment.
<http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-54.asp>

[Appendix A – Conflict of Interest Disclosure Form](#)

[Appendix B – External Professional Activities for Pay](#)

WCU Office of Research Administration Conflicts of Interest web page:

<http://www.wcu.edu/academics/research/Research-Compliance/conflicts-of-interest/index.asp>

- **Dual Employment**

[University Policy #8](http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-8.asp) <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-8.asp>

[Dual Employment Permission Form](#)

[Request for Additional Payment to Employee for Work Performed for Another State Agency Notice of Intent](#)

4.17 Benefits

Staff members in Human Resources are available to interpret fringe benefits and assist in the enrollment process. Faculty members will be provided with details of the fringe benefit programs at the time of employment or during orientation for new faculty. Faculty members who have questions concerning fringe benefits should direct them to the Office of Human Resources.

A. Phased Retirement-Program

The University of North Carolina Phased Retirement Program is designed to provide an opportunity for eligible full-time tenured faculty members to make an orderly transition to retirement through half-time service. The goals of the Program are to promote renewal of the professoriate in order to ensure institutional vitality and to provide additional flexibility and support for individual faculty members who are nearing retirement. The Program is entirely voluntary and will be entered into by a written agreement between an Eligible Faculty Member and Western Carolina University. The Program is designed to accommodate a maximum three-year period for the employee.

B. Retirement System: Mandatory Program

In addition to the Federal Social Security Program (FICA), Western Carolina University faculty must contribute to either the Teachers' and State Employees' Retirement System (TSERS) or the Optional Retirement Program (ORP) through Fidelity Investments, TIAA-CREF, VALIC, or Lincoln. However, effective July 1, 2014, VALIC and Lincoln will no longer be available to new participants in the ORP. Fidelity Investments and TIAA-CREF will remain available. The employee is required to contribute six percent of gross salary each month. The selection of a retirement program is a lifetime election and cannot be changed at a later date. Employees are fully vested after five years of contributing membership in the ORP. Participating members with TSERS must contribute for ten years if hired on or after August 1, 2011 to be fully vested. Any member employed prior to August 1, 2011 must only contribute for five years to be fully vested. The TSERS is a defined benefit plan and the ORP is a defined contribution plan.

For faculty participating in the TSERS, the university contributes a percentage of the employee's salary to the Retirement System Pension Fund, the Retiree Health Plan Reserve, the Disability Income Fund, and the Death Benefit Trust Fund. For faculty participating in the ORP, the university contributes a percentage of the employee's salary directly to the employee's ORP account, the Retiree Health Plan Reserve, and the Disability Income Fund. These percentages are established by the legislature during each legislative session and are subject to change annually.

Faculty who have questions concerning these retirement program options should contact the Office of Human Resources.

C. Disability Income Plan of North Carolina

The State of North Carolina makes available the Disability Income Plan (DIP) of North Carolina for employees who participate in either the Teachers' and State Employees' Retirement System (TSERS) or the Optional Retirement Program (ORP). The DIP provides partial replacement income for eligible employees who become temporarily or permanently disabled from the further performance of their regular job duties. After one year of contributing membership in the TSERS or ORP (earned within 36 calendar months preceding disability), an employee is automatically eligible for coverage under the Short-Term Disability Benefit. Benefits are payable after the conclusion of a 60 continuous calendar-day waiting period following the onset of disability. After five years of contributing membership in the TSERS or ORP (earned within 96 months prior to the end of the short-term disability period), an employee becomes eligible for a Long-Term Disability Benefit. Details concerning the DIP may be obtained from the Office of Human Resources.

D. Voluntary Supplemental Disability Insurance

In addition to the State of North Carolina Disability Income Plan (DIP), the University offers voluntary supplemental disability insurance underwritten by Liberty Mutual Life Insurance Company to employees who are participants of the TSERS. Employees who are participants of the ORP are eligible to enroll in the Standard Disability Benefits Plan. Both plans are designed to augment the coverage provided under

the State's DIP. Details concerning voluntary supplemental disability insurance may be obtained from the Office of Human Resources.

E. Retirement System: Voluntary Program

The University makes available voluntary tax-sheltered plans for employees who may wish to provide supplemental income for their retirement years and, at the same time, reduce the amount of their current taxable income through the use of a tax-sheltered annuity. There are three different types of investment vehicles offered through the University as authorized under the Internal Revenue Service Code (IRC). These are Tax-Sheltered Annuities, authorized under Section 403(b) of The Code; the State of North Carolina Deferred Compensation Program, authorized under Section 457 of The Code; and, the State of North Carolina 401(k) Plan, authorized under Section 401(k) of The Code. Under this arrangement, the employee pays state and federal income tax only on the amount of the reduced salary. Social Security deductions and contributions to either, the Teachers' and State Employees' Retirement System or the Optional Retirement Program will continue to be based on gross salary prior to reduction. Additionally, all three voluntary supplemental plans offer a Post-Tax/Roth option. Details on voluntary tax-sheltered plans may be obtained from the Office of Human Resources.

F. Voluntary Group Life Insurance

The University makes available group life insurance, underwritten by Prudential Life Insurance Company, to eligible employees and their dependents. The purpose of this plan is to provide term life insurance coverage (which includes an accidental death and dismemberment benefit) at a reasonable cost. Voluntary individual life insurance policies are also available through Boston Mutual Life Insurance Company (offered to members of the North Carolina State Employees' Association). Details on voluntary life insurance options are available in the Office of Human Resources.

G. Health Benefits

The State Health Plan of North Carolina oversees the health benefit plan that is available to faculty, staff, retirees, and their dependents. Three plans are instituted by the State Health Plan. All three plans are Preferred Provider Organization (PPO) plans and are designed to provide health insurance protection for active State employees and their eligible dependents. Retirees also have access to State Health Plan benefits when specific health insurance vesting thresholds are met. There are additional plans available for Medicare Eligible retirees. Blue Cross and Blue Shield is the Claims Processing Contractor for all three medical plans.

Details on health benefits are available in the Office of Human Resources.

H. Liability Protection

Under Article 31A of Chapter 143 of the General Statutes of North Carolina, an employee is entitled to protective assistance by the State if the individual is responsible for an alleged legal wrong attributable to conduct by the employee within the course and scope of his or her State employment.

I. State Employees' Credit Union

The State Employees' Credit Union (SECU) is a financial cooperative owned by its members and available to State employees and their families. Membership in the Credit Union may be obtained by submitting a completed and signed application for membership, together with a deposit of at least \$25 to cover the purchase of at least five shares of stock.

J. NCFlex

NCFlex offers multiple benefit programs to employees who are employed in permanent appointments at least half time or greater. The benefits programs include; a dental plan, a Health Care Flexible Spending Account, a Dependent Care Flexible Spending Account, voluntary Accidental Death & Dismemberment insurance, Core Accidental Death and Dismemberment, critical illness coverage, a vision care plan, a cancer insurance and a term life insurance plan. NCFlex allows an employee to contribute money on a pre-tax payroll deduction basis to an NCFlex account, file claims for eligible expenses, and be reimbursed tax-free from the employee's account.

K. Educational Program

A waiver of tuition for faculty and staff:

1. Shall be allowed for full-time faculty of instructor rank and above, and other full-time employees of the university who hold membership in the Teachers' and State Employees' Retirement System or Optional Retirement Program. Tuition waivers are not applicable for temporary or part-time employees, or for any employee who is not a member of the Teacher's and State Employee's Retirement System or Optional Retirement Program.
2. Shall apply only during the period of one's normal employment. (The period of normal employment may be for a calendar year.)
3. Shall be allowed for the regular-term academic year and shall not include charges or fees for enrollment in correspondence courses, continuing education courses, extension courses, summer sessions, or other instruction principally supported by receipts from enrollees.
4. Shall be granted only to employees who meet the requirements for admission to the university and who have been duly admitted by the appropriate Office of Admissions.
5. Do not include such other charges as registration, laboratory, supplementary texts, and/or material fees which must be paid by the student. Members of the faculty and the staff of the university, who enroll for a course under these regulations, shall be required to complete the full schedule of work encompassed in their normal employment obligations.

6. Tuition waivers are not applicable for temporary or part-time employees, or for any employee who is not a member of the Teachers' and State Employees' Retirement System or Optional Retirement Plan.
7. Each applicant for tuition waiver must complete and submit through regular administrative channels, a "Request for Full-Time Faculty and Staff Enrollment in Course" form. These forms are available in the office of the department heads. The WCU Tuition Waiver Application Form can be accessed at:
<http://www.wcu.edu/WebFiles/HRtuitiondoc08152014.xlsx>
8. Enrollment requests should be cleared as follows: faculty members—vice chancellor for academic affairs; staff members—appropriate vice chancellor for the unit in which the staff member works. For staff in units that do not report to a vice chancellor, the assistant to the chancellor will provide this review.

4.18 Services

A. Health Services

Western Carolina University is pleased to make available medical services offered through Health Services (HS) to our employees. The details of all coverage, eligibility requirements and instructions for enrollment are outlined in this policy. Health Services will review this policy annually and make adjustments as needed.

1. Eligibility for Services

- Permanent Full-Time and Permanent Part-Time EPA, SPA (SPA Exempt) Employees, Tenure Track, Tenured, Phased Retirement Faculty Employees
All permanent full-time and permanent part-time EPA, and SPA employees, tenure track, tenured and phased retirement faculty employees who work on the WCU campus are required to pay a monthly access fee as a condition of employment. The Student Affairs Division will determine the access fee and this information will be forwarded to employees each fiscal year.
- Temporary Part-Time, Temporary Full-Time and Hourly SPA (SPA Exempt) Employees, Fixed Term, Adjuncts, Part-Time and Visiting Lecturer Faculty Employees
All temporary part-time or hourly employees, fixed term, adjuncts, part-time and visiting lecturer faculty may choose to participate in the services offered at HS, however these employees are not required to pay the monthly access fee and will be charged for office visits and other ancillary charges at the time of service.
- Spouse, children or other dependents of employees and retirees of WCU are not eligible for services.

2. Available Services

The monthly fee allows the employee access to the department's services. Additional fee-for service charges may be incurred during the course of care provided at health services. These charges are typically for lab work performed and medications prescribed and dispensed in HS. Often the charges for these items are less than office co-pays to primary care providers.

- Convenient Care
Health Services is designed for convenient care for employees including sick visits, urgent care assessments, treatments and procedures. This includes, but is not limited to, the management of colds, flu, stomach bugs, minor suturing of wounds, basic immunizations, brief physicals, and performing basic laboratory and diagnostic procedures.

Health Services cannot, and should not serve as the employee's primary physician for acute and/or chronic medical conditions. Employees will be provided a list of local primary physicians upon request.

Health Services clinicians cannot provide medical advice, treatment, assessment or prescriptions over the telephone or through e-mail. All medical contacts must be done in person in Health Services located in the Bird Building on the upper part of campus

Each employee is entitled to three free medical provider visits per calendar year. The free provider contacts only include the medical contact. Lab work, procedures and some medical diagnostic tools will have a charge. Upon the employee's fourth medical provider contact, an additional charge will be incurred for the office visit.

Services that do not have an associated charge are as follows: routine blood pressure checks, travel clinic assessment and basic medical assessments by the nursing staff.

- Allergy Clinic

Employees are also allowed to utilize allergy clinic services in HS. If the employee is receiving immunotherapy injections as part of an ongoing allergy treatment plan, HS nursing staff can work with the prescribing physician/allergy specialist to administer the allergy shots on campus.

There is a fee for the injection service and allergy clinic visits are not included in the three visits per year calculation. Employees can obtain receipts and claim forms that will allow the employee to file charges on his or her insurance policy.

- Laboratory Services

Employees are allowed to utilize the convenience of lab services on campus for routine/standing labs that may be ordered by outside health care providers. HS lab will service as the specimen collection site, order the lab testing with the outside reference lab, obtain results and coordinate results with the ordering provider.

Signed orders are required from the outside provider to utilize this service, and the employee can choose to have the reference lab file the lab testing charges to the insurance company if needed.

Lab collection services are not calculated in the three visits per year.

- Worker's Compensation Claim

HS serves as the initial medical contact site for worker's comp injuries during normal business hours. Worker's Compensation medical contacts will be charged directly to the department in which the employee works as outlined in the fee-for-service schedule.

Employees are responsible for following university and departmental policies and procedures for reporting these claims and the medical contacts.

Further information is available in Western Carolina University's Safety and Health Program Manual or by contacting the Director of Safety and Risk Management.

3. General Information

- Telephone calls and e-mail requests for medical advice, treatment and requests for prescription medicines are prohibited.
- All medical contacts and health records are strictly confidential and are maintained securely in compliance with all HIPAA regulations.
- Health Services is open to faculty and staff Monday-Friday from 8:00 a.m. to 5:00 p.m. During holidays and scheduled breaks, the department's hours are subject to change and will be updated on the HS website at healthservices.wcu.edu

B. Speech and Hearing Clinic

The Speech and Hearing Clinic is the primary clinical training site for students in the Communication Sciences and Disorders Department. Students in the training program receive supervision by American Speech Language and Hearing Association certified speech-language pathologists and audiologists. In order to accomplish this training mission, the clinic offers speech, language, and hearing evaluations and follow-up treatment for individuals for all ages (birth through geriatric) with known or suspected communication disorders. The clinic also offers a broad range of consultative services to individuals and agencies in western North Carolina.

C. Off Campus Partners

The Student Affairs Division has entered into an agreement with Off-Campus Partners to list off-campus housing opportunities. OCP provides a site to link potential tenants with potential landlords/property managers. Users are provided with a variety of online services, including but not limited to the capability to search a database of off-campus properties, to post properties for rent or sale and to post and search messages on message boards. The link to this service is available at: <http://www.wcu.edu/offcampus/>

D. Hunter Library

Hunter Library employees collaborate with students and faculty to find, obtain, and use quality information for their research, teaching, and learning. Faculty and students have access to more than 2.6 million items of intellectual content, including books, journals, serials, government documents, microforms, computer files, manuscripts and archives, audiovisual materials (cartographic, graphic, audio, film and video, etc.), as well as photographs and other resources documenting the history of western North Carolina and Southern Appalachia, the history of the Cherokee Indians, literary works and papers of authors residing in or native to western North Carolina. The library also provides library materials to Western Carolina University's courses and programs offered at its Biltmore Park location in Asheville.

The library is generally open every day of the academic semester. During the final two weeks of the semester, the library is open 24/7. Librarians provide research and instructional assistance for every course of study offered at Western Carolina University. Research assistance is also available online, via IM, telephone, chat, and email. The library provides wireless internet connectivity and its website is accessible via mobile devices. Students and faculty enjoy the use of quiet study spaces in Hunter Library, the presentation practice rooms, group study rooms, film viewing rooms, and the hospitality of a Java City lounge. The Coulter Faculty Commons and the Technology Commons are also conveniently located in the library. For information on services provided to all faculty, see our web page "For Faculty and Staff" <http://www.wcu.edu/library>, or call 227-7465.

E. Technology Support

Technology Support has been specifically designed around services. Faculty can find all services they need at this page: <http://www.wcu.edu/academics/campus-academic-resources/it/itservices/index.asp>. Services are available in the following areas: academics and instructional support, accounts and access, Banner and MyCat, email, calendaring and collaboration, servers and storage, training, research, security, web, video and event support, hardware and software, network and internet.

F. Services for Retired Faculty and Staff

1. **Parking.** Upon request, the Office of University Police will provide parking stickers to retired faculty and staff at no charge.
2. **Library.** Retired faculty and staff have the same library privileges as active faculty and staff. However, priority is given to students and active faculty and staff. A book checked out by a retired member is subject to recall if it is needed by a student or active faculty or staff member. Carrels are available for annual assignment on a space available basis after the needs of students and active faculty or staff has been addressed. Guidelines are established in consultation with the Library Committee for assignment of these study carrels.

3. **Athletic Activities and University Events.** Athletic activities are available on the same basis as to active faculty and staff. For paid events, prices are the same for both retired and active faculty and staff. Free activities are equally open to both retired and active faculty and staff and participation is welcomed.
4. **Athletic Facilities.** Retired faculty and staff have the same privileges as active faculty and staff. The policies and procedures governing use of the swimming pool, tennis courts, and other facilities make no distinction between the two groups of persons.
5. **Personnel Services.** The Human Resources staff provides retired faculty and staff with assistance upon request regarding insurance, death claims, and new regulations or legislation affecting retired persons, and with their medical insurance coverage, which continues to be paid (for retiree only) by the state after retirement.
6. **Identification Cards.** A permanent ID card is available for retired faculty and staff; requests should be addressed to the CatCard Office.

G. CatCard Office

1. The CatCard Office is responsible for producing WCU's faculty and staff identification card, the CatCard. Faculty members may obtain a CatCard photo ID in the CatCard Office, 135D Killian Annex. The CatCard provides WCU faculty members with proof of employment and access to a variety of campus-wide services and systems.
2. Faculty members use the CatCard for employment identification, to utilize Library services, to receive treatment at University Health Services, and to enter the Campus Recreation Center (once Campus Recreation Center fees are paid). The CatCard can also be used to make purchases (as a debit card) at various locations across campus. These locations presently include: IT Services, Health Services, vending machines, copiers and printers, the University Bookstore, Catamount Clothing & Gifts, all food service locations, and the University Center (tickets, outdoor rentals, copies, faxes, etc.).
3. Faculty members may take advantage of the Cat Card's debit function by depositing money at the OneStop Student Services Center counter located in Killian Annex or online using a debit or credit card at <https://itapp.wcu.edu/BannerUPay/>. Funds may also be added to the CatCard debit account at Add-Value stations in Hunter Library Technology Commons, Hinds University Center, Health and Human Sciences Bldg., Killian Annex and the Courtyard Dining Hall lobby.
4. Value remaining in an employee's debit account is carried forward until the conclusion of employment. A refund may be requested at any time. A processing fee of \$5.00 is charged for all refunds.

5. Cardholders are responsible for safeguarding their CatCard. If a CatCard is lost, either accidentally or by theft, the card owner should notify the CatCard Office at 227-7003 during normal business hours (8 am to 5 pm) Monday through Friday. After 5:00 P.M. and on weekends you should notify University Police at 227-7301. Upon notification, the lost card will be electronically deactivated, thereby preventing any further use. A replacement card can be obtained by paying the replacement fee at the OneStop Student Services Center counter and bringing the receipt to the CatCard Office in 135D Killian Annex. A replacement fee is due when the new card is made. The University cannot accept responsibility for unauthorized use of a lost card prior to deactivation.