

Report on Technical Corrections to *The Code* /UNC Policy Manual

<i>The Code</i> /UNC Policy Manual	UNC Policy Manual - Chapter	Policy/ Regulation/ Guideline	Section	Technical Correction(s)	Effective Date (Posted to Webpage)
UNC Policy Manual	Chapter 100, <i>The Code</i> and Policies of the University	Policy	101.3.2, Policy on Grievances Filed Pursuant to Section 607 of <i>The Code</i>	Technical corrections in section VI., Other Matters, incorrectly refers to "regulation" rather than "policy" in standard language insertion used for policies.	2/24/2021
UNC Policy Manual	Chapter 400, Academic Programs	Policy	400.3.6, University Teaching Awards	Style Guide corrections consistent with later amendments to the UNC Policy Manual.	2/24/2021
UNC Policy Manual	Chapter 400, Academic Programs	Guideline	400.3.6.1[G], Guidelines on University Teaching Awards	Update teaching award amount from \$7,500 to \$12,500 to align with Section 400.3.6 II.B. of the UNC Policy Manual; other Style Guide corrections consistent with later amendments to the UNC Policy Manual.	2/24/2021

Policy on Grievances Filed Pursuant to Section 607 of *The Code*

I. Purpose of the Grievance Procedure. Section 607 of *The Code* provides a process for faculty members to seek redress concerning employment related grievances. The function of the grievance procedure is to attempt to reach a consensual resolution of the dispute and, if that fails, to determine whether the contested decision was materially flawed, in violation of applicable policies, standards or procedures. The grievance process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

II. Initiation of the Grievance Process

A. Any faculty member who has a grievance, as defined in Section 607(3) of *The Code*, may file a petition for redress in accordance with the procedure established by the constituent institution. The petition of the faculty member shall be in writing and shall set forth in detail the nature of the grievance and against whom the grievance is directed. The petitioner shall set forth any information that he or she considers pertinent to the grievance. The faculty member shall deliver a copy of the petition to the respondent administrator by certified mail or by another means that provides proof of delivery.

B. When a decision not to promote is made at the same time as a decision not to reappoint a faculty member, all challenges to those decisions will proceed pursuant to Section 101.3.1 of the UNC Policy Manual. When a decision not to promote is not made as a part of a reappointment decision, campus policy shall determine which faculty committee has jurisdiction to hear such disputes.

C. 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 faculty grievance committee shall refer the matter for mediation in accordance with the policies of the constituent institution.

III. Mediation of Grievances

A. Mediation is a procedure in which disputing parties enlist the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings or litigation. Any such mediated agreement that the parties are able to negotiate will be embodied in a written agreement.

B. The appropriate functions of a mediator are to assist the parties in defining, clarifying, communicating about, and ascertaining the substantiality and relevance of the issues that appear to divide the parties and to aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute.

C. Each constituent institution will have a policy either that requires the parties to a dispute made under Section 607 to participate in mediation as a prerequisite to access to the formal faculty grievance process or that permits the parties voluntarily to do so. While there can be no requirement that forces a party to reach a mediated agreement, a constituent institution may have a policy that require the parties to participate in a mediation process about the dispute. If a constituent institution requires participation in mediation, the mediator may assess the value of continuing the mediation. If the

mediator determines that the parties are not amenable to a settlement, then the mediator may end the mediation, and the formal grievance hearing process will then begin.

D. Each constituent institution will have a mediation process available which:

1. Has available the number of campus mediators necessary based on the size of the campus and the estimated need. Mediators may be trained members of the faculty or staff, outside mediators from the community, or mediators from other campuses within the University. Mediators may not be members of the faculty hearing committee that hears Section 607 grievances.
2. Requires every mediator to 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 mediation specifically designed for use in a university setting.
3. Determines under what circumstances, if any, attorneys will be allowed to participate in the mediation process.
4. Assures the parties that a decision by either party not to pursue mediation beyond the campus required minimum will not be held against that party in any way and that no blame will be attached to either party if mediation does not produce a settlement.
5. Provides that no record of a failed mediation process will be produced by the mediator other than an unelaborated written statement to the appropriate authority necessary to invoke the next step in the grievance process, i.e., that mediation was attempted but settlement was not reached.
6. Prohibits the mediator from being called as a witness in any subsequent proceeding, and prohibits anything done or said by either party during a mediation process from being referred to or used against a party in any subsequent proceeding.

E. The adopted mediation policy of each constituent institution must provide that any mediation agreement that obligates the university must be signed by a university official with the authority to bind the university concerning the particular agreement.

F. Any time limit adopted by a constituent institution or by Board of Governors policy concerning the formal resolution of Section 607 grievances will be suspended for the duration of a mediation process being held pursuant to this policy.

IV. Administrative Decision

A. If the grievance is not resolved through the mediation process, then the matter will be reviewed by the faculty grievance committee established pursuant to Section 607(1) of *The Code*.

B. Standard for determining contested grievances. In order to prevail in the grievance process, a faculty member must establish that the faculty member experienced a remediable injury attributable to the alleged violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment. Examples would be if the decision-maker disregarded an established standard for evaluation, relied on impermissible considerations such as race or sex, or failed or refused to consult with or receive information from mandated advisory bodies.

C. If mediation fails to produce a voluntary resolution, the faculty grievance committee must decide whether a hearing should be held in response to the petition. The submission of a petition shall not result automatically in an investigation of or hearing on the petition. The committee shall determine whether the facts alleged merit a detailed investigation. The committee is to consider the content of the grievant's petition. Assuming the truth of the information contained in the petition, the committee is to determine whether the contentions advanced by the grievant justify a hearing. A petition properly is dismissed if the grievant fails to allege an injury that would entitle the faculty member to relief in accordance with the standard set out in paragraph IV.B., above. Dismissal is also required if the petition addresses a problem that is not within the committee's jurisdiction.

D. If the petitioner has presented an apparently substantial issue within the purview of the committee's responsibility, the committee will hold an evidentiary hearing. At the hearing, which is to be attended by the grievant and the respondent, the faculty member is to present evidence in support of the faculty member's contentions and the person charged with wrongdoing is to be given an opportunity to respond. The committee is to maintain a complete transcript of all evidence received. Only the evidence so compiled is to form the basis for committee conclusions about the case and any resulting advice to the responsible administrator and the chancellor. The burden is on the grievant to establish by a preponderance of the evidence that the faculty member has experienced an injury that would entitle the faculty member to relief in accordance with the standard set out in paragraph IV.B., above.

E. If, after hearing the matter, the faculty hearing committee determines that an adjustment in favor of the aggrieved faculty member is appropriate, the faculty grievance committee shall so advise the faculty member and the dean, department head, or other respondent administrator. If the relevant administrator does not make the recommended adjustment, or a different adjustment satisfactory to the faculty member, within a reasonable period of time, the faculty grievance committee shall advise the chancellor of its recommendation that an adjustment is appropriate.

F. If, after reviewing the petition or hearing the matter, the faculty grievance committee determines that no adjustment in favor of the grievant is appropriate, it shall so advise the faculty member and the chancellor.

G. The chancellor shall base his or her decision on the recommendation of the faculty committee and the record from the faculty grievance committee hearing. The chancellor may, in his or her discretion, consult with the faculty grievance committee before making a decision. The decision of the chancellor is the final administrative decision.

H. The chancellor shall notify the faculty member and the respondent administrator in writing of the chancellor's decision. The notification shall include a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information specified in paragraph V.C.2., below.

I. The faculty grievance process is a process available to current members of the faculty of a constituent institution. A faculty member whose employment is terminated during the pendency of a grievance proceeding is not entitled to continue to pursue the grievance. If the employment of a faculty member is terminated after the grievance is filed, the chancellor may, however, in the chancellor's discretion, determine that it is in the best interest of the institution to continue the grievance process.

V. Appeal to the Board of Trustees

A. Decisions which may be appealed.

1. If the faculty grievance committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the chancellor is final and may not be appealed.

2. If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member, then the faculty member may appeal to the board of trustees of the constituent institution. The decision of the board of trustees is final.

B. The board of trustees may delegate to a designated committee the authority to make procedural decisions and to make final decisions on behalf of the board concerning appeals of faculty grievances submitted pursuant to section 607 of *The Code*.

C. Timeline for Appeals

1. A grievant who seeks to appeal the chancellor's disposition of his grievance must file written notice of appeal with the board of trustees, by submitting such notice to the chancellor, with adequate evidence of delivery, within 10 days after the grievant's receipt of the chancellor's decision. The notice shall contain a brief statement of the basis for the appeal. If the board agrees to consider the appeal, it will do so on a schedule established by the chancellor, subject to any instructions received from the board or from a committee of the board which has jurisdiction of the subject matter of the grievance. The board will issue its decision as expeditiously as is practical. If the grievant fails to comply with the schedule established for perfecting and processing the appeal, the board in its discretion may extend the time for compliance or it may dismiss the appeal.

2. If the chancellor's decision is appealable, the chancellor's notice of the disposition of a grievant's case must inform the grievant: (a) of the time limit within which the grievant may file a petition for review by the board of trustees, (b) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (c) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of relevant documents will be established. All such notices of decision are to be conveyed to the grievant by a method which produces adequate evidence of delivery.

3. To ensure full understanding by the faculty, the appropriate informational document regularly published by the institution (e.g., the faculty handbook), shall include a statement of the time limits established by the Board of Governors or board of trustees policy.

D. Standard of Review. Unless a board of trustees provides by policy for a broader scope of review, in order to prevail before the board of trustees, the faculty member must demonstrate that the chancellor's decision was clearly erroneous, that it violated applicable federal or state law or university policies or regulations, or that the process used in deciding the grievance was materially flawed.

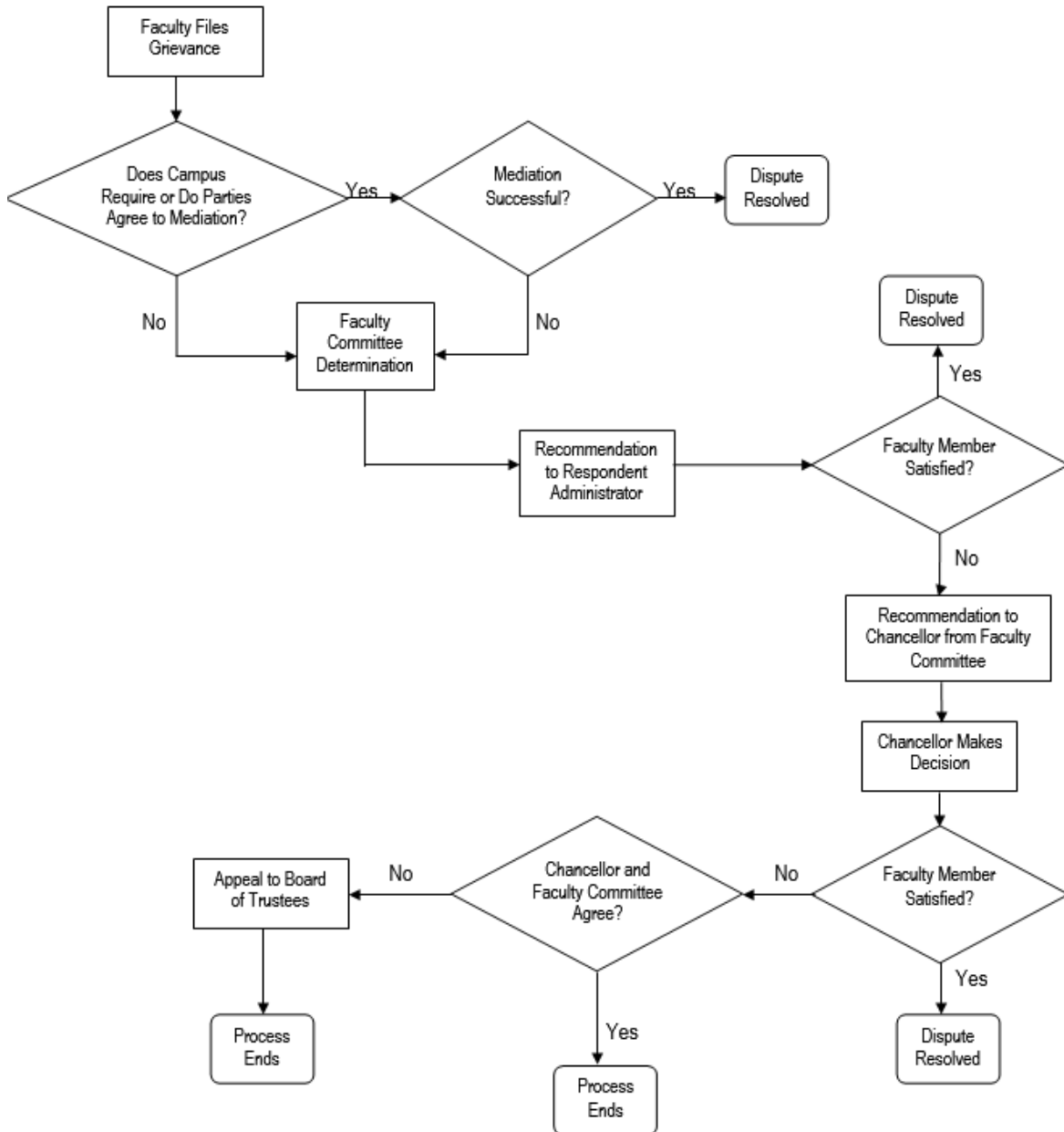
VI. Other Matters

A. Effective Date. The requirements of this regulation policy shall be effective upon the date of its adoption of this regulation by the president by the Board of Governors.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or related to the subject matter of this policy.

CB. Relation to Federal and State Laws and Policies. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or relate to the subject matter of this regulation. Regulations and Guidelines. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

**Appendix for Policy 101.3.2
Process for Faculty Grievances**



400.3.6

Adopted 03/24/94

Amended 09/10/04

Amended 07/01/07

Amended 10/17/08

Amended 06/14/13

Technical Corrections / /21

Policy on University Teaching Awards

Introduction

At its September 1993 meeting, the Board of Governors adopted a report on *Tenure and Teaching in the University of North Carolina*. The report, prepared jointly by the Board's Committee on Personnel and Tenure and ~~its~~ Committee on Educational Planning, Policies, and Programs, reaffirmed the Board's insistence that teaching is the primary responsibility of each of the 17 constituent institutions of the University. To underscore the importance of teaching and to encourage, identify, recognize, reward, and support good teaching within the University, the Board adopted a set of six specific recommendations, including the following:

“That the Board of Governors create annual systemwide teaching awards with monetary stipends which are designated "Board of Governors Awards for Excellence in Teaching.”

I. Annual Awards for Teaching Excellence

A. The Board of Governors will allocate \$352,000 each year for the Awards for Teaching Excellence with approximately one half of the fund (\$217,500) to be used each year for a System-wide awards program and the other half (\$134,500) to be used for allocations to campuses for teaching awards.

B. Each year the chair of the Board of Governors will appoint a special committee, or designate a standing committee such as the Committee on Personnel and Tenure, to provide coordination and oversight for the teaching awards programs.

C. The program of awards will be evaluated and revised periodically.

II. System-Wide Awards

A. Number of Awards. There shall be a total of 17 Board of Governors Awards annually. One recipient shall be nominated from each of the 17 constituent institutions.

B. Nature of Awards and Recognition. Each recipient of a Board of Governors Award for Excellence in Teaching will receive a citation and a one-time award of \$12,500. Presentation of the awards will be made at an appropriate event to be attended by recipients and their guests, members of the Board of Governors, the president and senior vice presidents of the University, the chancellors or their designees, and other guests.

C. Eligibility for Selection. Any faculty member who has earned tenure¹ at the institution and has taught at the institution for at least seven years is eligible. –The recipient must have demonstrated excellent or exceptional teaching ability over a sustained period of time. Potential nominees must be teaching in the academic year in which they are selected.

No faculty member will be eligible to receive this award more than once while teaching at any UNC institution.

III. Institutional Teaching Awards

A. A total of \$134,500 will be allocated each year to the 17 constituent institutions to establish additional faculty awards for teaching excellence.

B. Each institution should develop procedures for establishing awards and selecting recipients supported by the Board's allocation.

C. In establishing these awards, the Board gave special emphasis to the smaller institutions with more limited resources and to those institutions which did not have teaching awards.

In keeping with this objective the following eight institutions are allocated \$9,500 each: Elizabeth City State University, Fayetteville State University, North Carolina Central University, University of North Carolina at Asheville, University of North Carolina at Pembroke, University of North Carolina School of the Arts,^{2,7} Winston-Salem State University,⁴ and North Carolina School of Science and Mathematics, with the other nine constituent institutions being allocated \$6,500 each for teaching awards.

IV. Guidelines for Implementing the Awards for Teaching Excellence. The president will issue guidelines for the nomination and selection of Ssystem-wide teaching awards and the allocation of funds for institutional teaching awards.

V. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption of this policy by the Board of Governors.

A. Relation to State Laws. The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern the activities of public officials.

B. Regulations and Guidelines. These policies shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

¹At the North Carolina School of Science and Mathematics and the University of North Carolina School of the Arts, a faculty member with a multi-year contract who has taught at the institution for at least seven years is eligible.

²Name changed from North Carolina School of the Arts to University of North Carolina School of the Arts effective -August 1, 2008.

Guidelines on University Teaching Awards

These guidelines contain a summary of the steps to be taken by the constituent institutions to implement Section 400.3.6 of the UNC Policy Manual, the policy amended by the Board of Governors on September 10, 2004, on Policy on University Teaching Awards.

Implementation of Teaching Awards by the Constituent Institutions

I. System-Wide Awards

1A. Each institution should have developed detailed, written procedures for nominating one faculty member annually to receive the Board of Governors Award for Excellence in Teaching.

2B. The selection of the nominee, who must meet the eligibility criteria established by the Board, shall be made by a campus-wide selection committee.

3C. The name of the institution's nominee, along with convincing supportive evidence (e.g., a portfolio), must be submitted to the president through the chancellor of the nominating institution by February 1 of each year.

4F. Portfolios must include:

- 1. A brief written statement which articulates each finalist's teaching philosophy and methods used to achieve educational goals;
- 2. Copies of peer evaluation of teaching;
- 3. Statements by colleagues and former students of the instructor who have provided letters of support for the nominee;
- 4. A copy of the nominee's resume or curriculum vitae; and
- 5. A current photograph of the nominee.
- 6. Other materials may be included in the portfolio at the discretion of the campus.
- 7. These materials will be returned to the campus after the awards ceremony.

5E. The Board of Governors committee charged with overseeing the Teaching Awards process will review the documentation and recommend the names of recipients to the Board of Governors.

~~6F.~~ Once the selection has been made and the recipient of the annual Board of Governors Award for Teaching Excellence has been announced, a summary of the supporting documentation should be made available to all of the campus community. (The documentation could be placed in the campus library.)

~~7G.~~ The ~~\$7,500~~12,500 award paid to a recipient of a Board of Governors Award for Excellence in Teaching must be in addition to, and not in lieu of, any salary increases (for merit or other reasons) to which an individual recipient may be entitled.

II. Institutional Awards

~~1A.~~ The internal allocation of funds provided for institutional awards must be consistent with institutional procedures as required by the Board in ~~Policy-Section~~ 400.3.6. of the UNC Policy Manual. Eligibility criteria for the awards on the various campuses (i.e., length of service and tenure status, etc.) are to be determined by appropriate committees at the appropriate levels.

~~2B.~~ Each institution must file an annual report by June 15 to the Board of Governors through the ~~p~~President on the internal distribution and use of these allocations for teaching awards.

III. Evaluation of Program of Awards. The Board committee responsible for overseeing the Awards for Teaching Excellence will periodically evaluate ~~the policy (400.3.6)~~Section 400.3.6, revise it as appropriate, and recommend changes to these guidelines to the president as appropriate.

IV. Other Matters

A. Effective Date. The requirements of this guideline shall be effective upon the date of the adoption of this guideline by the president.

B. Relation to Federal and State Laws and Policies. The foregoing guideline as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or related to the subject matter of this guideline.