FACULTY GOVERNANCE COMMITTEE:

FINAL MINUTES OF MEETING DATE: 05/14/2014

REGULAR MEMBERS (_X_ IN ATTENDANCE):

EX-OFFICIO MEMBERS (_X_ IN ATTENDANCE):
Sheila Bunch, Chancellor’s Rep _O_, Marilyn Sheerer, Provost / VCAA _O_, Phyllis Horns, VCHS _O_, Ron Mitchelson, VCRGS _O_, Mark Sprague, Faculty Chair _X_, Fac Sen Rep (position open) _O_

PERSON IN ATTENDANCE: Linda Ingalls, Lori Lee

PERSONS PRESIDING: Justiniano

ACTIONS OF MEETING

I. Meeting called to order: 3:05pm

II. Approval of minutes of 5/7/14 (unanimous)

III. Review of Part IX Appellate Structure (starting at 430 in revised document)

Line 430: The Chair of the Hearing Committee, or an elected member by and of the Hearing Panel if the Hearing Committee Chair is unavailable, is responsible for conducting the Hearing Review and for maintaining order during the Hearing Review. If the Hearing Committee chair is unavailable, the panel shall elect a chair from among its membership.

Line 445: administration observer (Vice-Chancellor), Vice-Chancellor or his/her designee

Line 448: The use of electronic devices is prohibited

Line 453: For any Hearing Review from which an appeal may be taken

Line 457: [Combine this paragraph with the previous paragraph about the court reporter.]

Line 463: have been followed.

The chair shall state that he complainant shall have the burden of proof and that the standard applied by the Hearing Panel shall be that the preponderance of the evidence establishes that a basis for the contentions is found in one of the impermissible reasons listed in Section V.A.2.

Line 466: opening statement

Line 478: The chair explicitly will state explicitly

Lines 482-3: “___findings of fact___” (UNC Policy Manual 101.3.1.C) and to make recommendations to the Chancellor (UNC Code 604D.1.a)

Lines 480-492, 494: [change references to Section F]

Line 491: limited to those the impermissible reasons specified in the Request for a Hearing

Line 495: limited to those contentions impermissible reasons specified in the Request for a Hearing

Line 498: Each respondent shall may make offer an affirmative rebuttal of the faculty member’s complainant’s contentions, and supported by such testimonial and documentary proof

Lines 504-505: [Throughout doc, change to “Office of the University Counsel.”]

Lines 506-7: Hearing, nor That attorney will not advise the University administrator(s) regarding the Panel’s action(s) during the Review or any subsequent appeals.

Line 512: two three calendar days

Line 515: the a majority

Lines 516-8: Conclusions are to be based on these enumerated facts and violation of an impermissible reason stated in a contention. In reaching its decisions, the Hearing Panel shall consider only the testimony and other materials entered or presented as evidence during the Hearing. Conclusions shall state the Hearing Panel’s findings of fact, including the impermissible reason(s) established through testimony and other materials entered or presented as evidence during the Hearing.

Line 522: Section V.A.2
Line 538: If the Chancellor does not agree with the Hearing Panel’s report, the Chancellor shall meet with the Hearing Panel to seek a resolution. If the chancellor is considering taking action inconsistent with the committee’s recommendations, the chancellor shall request within 14 calendar days that a joint meeting with the committee occur. At the joint meeting, the chancellor will communicate his or her concerns and the committee will have an opportunity to respond.

Lines 591-4: If the Chancellor is considering taking an action that is inconsistent with the recommendation of the Hearing Panel, the Chancellor shall meet with the Hearing Panel regarding the Chancellor’s concerns prior to making a decision. If the chancellor is considering taking action inconsistent with the committee’s recommendations, the chancellor shall request within 14 calendar days that a joint meeting with the committee occur. At the joint meeting, the chancellor will communicate his or her concerns and the committee will have an opportunity to respond.

Line 584-5: (Reference Section immediately above, Section G.1)
Line 588: record evidence the testimony and other materials entered or presented as evidence during the Hearing.

Lines 546-565: [delete]

Lines 509-: [reorganize section H as follows]

I. Decision of Hearing Panel
   A. Contentions established
   B. Contentions not established

II. Chancellor’s or Board of Trustees Review

III. Appeal to the Board of Governors

Line 615: [strike heading]

Lines 617-19: [move (as its own paragraph) to line 503]

Line 630: [strike]

Lines 638-40: [strike]

Meeting adjourned: 4:50 pm

Respectfully submitted,

Marianne Montgomery