

## FACULTY HEARING COMMITTEE PROCEDURAL CHECKLIST

The following checklist is designed to provide guidance to the Hearing Committee Chair as well as other Committee members to ensure compliance with Chapter 100.1, Section 603 of the UNC Code.

### Pre-Hearing Procedure

\_\_\_ Set and conduct Preliminary Meeting of the Hearing Committee.

\_\_\_ Elect Committee Chair: \_\_\_\_\_ (*Chair convenes initial mtg, serves as presiding officer, facilitates the orderly proceedings consistent with Sec. 603, compiles official record*).

\_\_\_ Check/identify potential or actual conflicts for all Committee members (*members should voluntarily recuse themselves if circumstances exist that would appear to render them incapable of an impartial decision*).

\_\_\_ Set the Schedule (available times and dates) enabling members to be present and participate.

\_\_\_ Communicate dates to the respective parties to set an agreed date and time for Hearing.

\_\_\_ Evidence Exchange: Chair **must** inform the parties to exchange witness lists and documents that they each expect to introduce at the Hearing at least 10 days before the Hearing. The exchange is between the parties, NOT the Committee and the parties.

\_\_\_ Instruct the parties to bring 10 copies of all documents to be introduced (*1 copy for opposing party, 1 copy for Official Record, 1 copy for each of the Committee Members*).

\_\_\_ Notify Office of General Counsel (OGC) of Hearing Date as well as any changes to the Date (*OGC will arrange for Court Reporter*).

\_\_\_ Notify Vice Provost of Hearing Date (*Vice Provost's Ofc shall arrange for a room to conduct the Hearing*).

### Procedure for the Conduct of the Hearing

\_\_\_ Following receipt of the written notice of intention to discharge or impose serious sanctions upon the faculty member, with written specifications of the reasons and a recitation of rights to a hearing upon request, the faculty member has 14 calendar days (*excluding date of notice receipt, Sat, Sun, and holidays*) to make a written request for a hearing. Absence such a request, the faculty member may be discharged or serious sanction imposed without recourse to any grievance or appellate procedures.

\_\_\_ The faculty member shall have at least 30 calendar days from the date of receipt of the written notice to prepare a defense to the specifications and the reasons cited therein. For good cause shown, the date for the hearing may be extended, however, every effort should be made to complete the hearing within 90 days except under unusual circumstances.

\_\_\_ A complete record of all evidence heard, considered, or received at the Hearing must be preserved for the Official Record. The Court Reporter shall collect any documentary evidence and submit it to the Chair along with the Transcript of the Hearing.

\_\_\_ The Official Record consists of an indexed record (table of contents) of all evidence, documents, correspondence, transcript of testimony, and/or other information considered by the Committee.

\_\_\_ Hearing is a personnel activity and is therefore closed to the public; only the Committee, the parties, their attorneys, and Court Reporter are allowed in the Hearing Room during the Hearing.

\_\_\_ Witnesses shall be sequestered and kept from the Hearing Room until called to testify.

\_\_\_\_ ALL Hearings shall begin with Chair reading the specifications against the faculty member, and the faculty member providing a response for the Record, admitting or denying the specification charges.

\_\_\_\_ The Chair may determine or set time limits for opening and closing statements.

\_\_\_\_ The Provost, Provost's designee and/or legal counsel may participate in the hearing, examine documents and evidence, present testimony and evidence as relevant to support the specifications, and make arguments; the faculty member or their counsel may then cross examine the witnesses. Redirect may be conducted; rebuttal and surrebuttal may also be permitted. The faculty member or their counsel may then present relevant testimony and documentation to refute the specifications. The Committee may also pose questions directly to witnesses and the parties.

\_\_\_\_ No Exparte Communications. Other than the Hearing itself, Committee members shall not communicate with the parties or prospective witnesses, directly or indirectly, concerning the merits or substance of the subject case.

\_\_\_\_ The Chair shall have authority over the conduct of the Hearing – *(including but not limited to considering or admitting oral or written evidence, the relevance of particular testimony, immateriality, or unduly repetitious information or evidence)* – the Chair may consult with the attorney charged with advising the Committee on procedural issues or questions regarding the process.

\_\_\_\_ All documentary evidence must be marked and made part of the Record. Evidence excluded from consideration shall be marked as such, maintained and included in the Official Record.

\_\_\_\_ The Provost must demonstrate by a 'clear and convincing' evidence the institution has met its burden and that there are permissible grounds for serious sanctions or discharge and those grounds are the basis for the recommended action.

\_\_\_\_ The Committee shall consider only evidence presented at the hearing and such written or oral arguments that the Committee allowing during the hearing. At the conclusion of the Hearing, the Committee shall meet in Executive Session and deliberate to reach their Findings of Fact and Recommendations on the specifications.

\_\_\_\_ The Chair shall prepare or request the preparation of the Committee's Report and forward to the Chancellor within 14 days of the conclusion of the Hearing. The Report must be signed by all consenting members and identify dissenting members, if any.

\_\_\_\_ Any dissenting member, or all dissenting members collectively, may file Minority Report(s). If prepared, the Minority Report(s) shall contain the reasons for the dissenting opinion(s) and shall be signed by those members subscribing to the Minority Report(s).

\_\_\_\_ If the Chancellor concurs in the Committee's recommendation favorable to the faculty member, the Chancellor's decision is final. If instead the Chancellor either declines to accept a Committee recommendation that was favorable to the faculty member OR concurs in a recommendation unfavorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees.

\_\_\_\_ The appeal from an unfavorable decision shall be transmitted through the Chancellor and addressed to the Chair of the BOT within 14 calendar days after the faculty member received the Chancellor's decision.

\_\_\_\_ The appeal shall be decided by the full BOT unless the Board appoints an ad hoc committee to hear the appeal. The ad hoc committee must consist of at least 3 members of the BOT. The BOT's review shall be based solely on the written record unless the Board determines it wishes to hear other evidence. The decision shall be issued as soon as reasonably possible.

\_\_\_\_\_ The BOT's decision is final unless appealed by written request within 14 days of the receipt of the BOT's decision by the faculty member. The notice of appeal shall be by certified mail, return receipt requested, or other means demonstrating proof of delivery, to the Board of Governors, citing one or more specified provision of the Code of the UNC that have been violated. The appeal shall be transmitted through the President.

\_\_\_\_\_ Upon request, the Transcript shall be furnished the faculty member at the University's expense.