

## **Procedures for Review of Graduate Faculty Appointments or Reappointments**

### **I. Basic Policy and Definitions.**

- A. Recommendations, determinations and decisions pertaining to appointment or reappointment to the Graduate Faculty of UNC Charlotte are the responsibility of the officers of administration authorized to make them, acting in accordance with procedures prescribed for the appointment and reappointment of Graduate Faculty. In exercising their judgment, whether in the first instance or in review of recommendations, such officers may take into account and use as the basis of decision, in whole or in part, any factors deemed relevant to total institutional interests, except that in no event may an unfavorable decision be based upon Impermissible Grounds or Material Procedural Irregularities as defined below.
- B. In this document, “Impermissible Grounds” means basing an unfavorable decision on (1) exercise by the individual of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, (2) the race, color, creed, sex, disability, sexual orientation, religion, age, or national origin of the Faculty Member or because of the person’s honorable service in the armed services of the United States; or (3) personal malice.
- C. In this document, “Material Procedural Irregularities” means departures from prescribed procedures governing appointment or reappointment to the Graduate Faculty that cast reasonable doubt upon the validity of the decision not to appoint or reappoint.
- D. In this document, “days” means calendar days.

### **II. Review of Unfavorable Graduate Faculty Decisions**

- A. If an individual is denied appointment or reappointment to the Graduate Faculty of UNC Charlotte, there is an opportunity for review and appeal of that decision. The hearing process and other procedures described in this document are applicable to all categories of Graduate Faculty.
- B. A negative determination and the rationale for such determination on appointment or reappointment to the Graduate Faculty made by the appropriate unit officer (department chair, graduate program director, or graduate dean) must be provided promptly and in writing to the individual to whom it pertains. That individual has access to all documents that are part of the decision-making process, unless such access is prohibited by applicable law.

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- III. Procedures Where There Are No Allegations of Impermissible Grounds or Material Procedural Irregularities
- A. When a department recommends not to appoint or reappoint an individual to the Graduate Faculty based on total institutional interests (including the professional relevance of the individual's qualifications to be a member of the Graduate Faculty), and when there is no allegation that the decision is based on Impermissible Grounds or Material Procedural Irregularities, the Dean of the Graduate School will review the departmental recommendation and make the final decision to appoint/reappoint or to not appoint/reappoint. There is no further review or appeal of this decision.
- B. When a department makes a positive recommendation regarding appointment or reappointment, but the Graduate Dean does not approve that appointment or reappointment based on a review of the individual's professional record or consideration of the interests of the University, the Chair of the department that made the positive recommendation, but not the faculty member himself/herself, may appeal the Dean's negative decision to the Chair of the Graduate Council. The appeal must be filed in writing within 15 days of receipt of notice of the Dean's negative decision. In such cases, the Chair of the Graduate Council will have access to all documents that are part of the decision-making process. The Chair of the Graduate Council will, within 15 days, appoint a Hearing Committee to review the matter and make recommendations as described below. The Hearing Committee will consist of three Graduate Faculty members currently serving on the Graduate Council. One member of the Hearing Committee must be a Council member from the college of the individual who has been denied appointment/reappointment. The Chair of the Council appoints the other two members of the Hearing Committee. After the Hearing Committee is established, a committee chair will be named who will then consult with the parties to schedule a hearing. Within 15 days of the hearing, the Hearing Committee Chair will forward the Hearing Committee's recommendation to the Chair of the Graduate Council who, within 15 days, forwards it to the Graduate Dean with or without comment or his/her own recommendation. The Dean of the Graduate School then makes the final decision within 30 days. This decision must be in writing, and a copy will be sent to the individual being considered for membership on the Graduate Faculty.
- IV. Procedures Where There Are Allegations of Impermissible Grounds and/or Procedural Irregularities
- A. If the individual under consideration believes the decision not to appoint or reappoint is based on Impermissible Grounds or Material Procedural Irregularities, he or she may appeal to the Chair of the Graduate Council, which constitutes the beginning of the appeal process. The appeal must be in writing and must be made within 15 days of the individual's receipt of the decision that is being appealed.

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- B. Once an appeal process has been initiated, the Chair of the Graduate Council will form a Hearing Committee, in accordance with the procedure set out above in Section III. B., above. The Hearing Committee will make one of the following decisions: (1) that a hearing will not be granted because \_\_\_\_\_, (2) that, after a hearing, the individual has not established by a preponderance of the evidence that the unfavorable decision was based on Impermissible Grounds or Material Procedural Irregularities, or (3) that the unfavorable Graduate Faculty decision was based on Impermissible Grounds or Material Procedural Irregularities.
- C. Within 15 days of receiving the written statement requesting the review of a negative Graduate Faculty decision, the Chair of the Graduate Council will form the Hearing Committee and that Committee shall meet to consider the request and decide whether to grant a hearing. The Hearing Committee shall grant a hearing if it determines that the statement contends that the unfavorable decision was based on Impermissible Grounds or Material Procedural Irregularities and the facts outlined, if established, might support the contention.
- D. If the Hearing Committee decides not to grant a hearing, it shall immediately provide written notice of that decision and its rationale to the individual and to the Graduate Dean (Provost if the unfavorable decision was made by the Graduate Dean). Such a ruling confirms the Unfavorable Graduate Faculty Decision. The individual may request that the Graduate Dean (Provost if the Graduate Dean is an administrator who would be involved in the hearing) review the Hearing Committee's decision. If such a request is made, the Graduate Dean will make an independent review of the Hearing Committee's decision, in accordance with Section V, below.
- E. If the Hearing Committee grants a hearing, the Chair of the Hearing Committee will notify the individual and the Graduate Dean (Provost if the Graduate Dean is an administrator who would be involved in the hearing) of the intent to conduct a hearing. Such notification shall identify the membership of the committee. After the Hearing Committee is established, the chair shall consult with the parties to schedule a hearing.
- F. Within 15 days of the hearing, the Hearing Committee will provide the individual and the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) written notice of its decision and the rationale for that decision, with a copy to the Provost or Graduate Dean. An unfavorable Hearing Committee decision confirms the original unfavorable Graduate Faculty appointment/reappointment decision. The Individual may request that the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) review the Hearing Committee's decision. If such a request is made, the Graduate Dean will make an

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independent review of the Hearing Committee's decision in accordance with Section V, below.

### V. Post-Hearing Procedures

- A. Upon receiving an individual's request for review of an unfavorable Hearing Committee decision, the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) shall thoroughly review the record of evidence from the hearing, if a hearing was held, and the decision and rationale of the Hearing Committee.
- B. If the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) is considering taking an action that is inconsistent with a decision or recommendation of the Hearing Committee, the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) may first consult with the Hearing Committee in person or in writing, to discuss any concerns he or she may have.
- C. The Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) must provide written notice of his or her decision, and such decision should be made within 30 days of the request for review. If the hearing process results in a determination that the decision was based on Impermissible Grounds or on Material Procedural Irregularities, and if the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) agrees with this determination, the Graduate Dean (Provost if the Graduate Dean is an administrator involved in the hearing) will decide on appropriate remedial action, typically reconsideration through a review process conducted by an individual or group who did not participate in the original unfavorable Graduate Faculty appointment/reappointment decision.
- D. The Graduate Dean's written notice of decision in the case of a non-appointment or non-reappointment decision to the Graduate Faculty through the procedure described above, may be appealed to the Provost, but only on the basis that the denial of his/her application to the Graduate Faculty was based on Impermissible Grounds or on Material Procedural Irregularities.
- E. The Provost's decision is final and cannot be appealed on the merits. An individual may seek further review under the UNC Charlotte "[Procedures for Resolving Faculty Grievances Arising from Section 607\(3\) of The Code of The University of North Carolina.](#)"