

THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
FACULTY SENATE

Senate Document Number 7915S
Date of Senate Approval 04/30/15

Statement of Faculty Senate Action:

FWDC 16: Revisions to Hearings Committee Procedures

Effective date: Fall 2015

Summary: This document makes a series of revisions and clarifications to UNC Asheville personnel policies, mostly procedural. These include:

- 1) A review and appeal process for faculty members who believe that the denial of their application for promotion to full professor was unjust. This document defines procedures for cases of this kind which are parallel to those for cases of non-reappointment.
- 2) Clarification that the Hearings Committee makes its recommendation to the Chancellor, not the Provost, and inclusion of an option to appeal to the Board of Governors in cases of nonreappointment, consistent with the UNC Policy Manual.
- 3) Clarification that allowable attendance at Hearings includes legal counsel.
- 4) Editorial changes to (a) ensure consistency with the UNC Code and Policy Manual, particularly Sections 101.3.1, 603, and 604, including expansion of protected categories, and (b) remove gendered language. In addition, the count of days allowed for each step is changed from business days to calendar days, consistent with the UNC Code and Policy Manual.

Rationale:

- 1) Currently, the Faculty Handbook offers no guidance on actions for faculty members to take if their application for promotion was denied, made apparent upon inquiry by a member of the faculty. Similarly, while the UNC Code and Policy Manual provide clear direction for procedures to be followed in tenure and reappointment decisions, there is none for promotion, because employment status is not in question in the case of promotion decisions. Because the decision procedures for promotion are similar to those for reappointment and tenure, this document establishes appeal and review processes for denial of promotion that are likewise similar to those for non-reappointment and denial of tenure. This implies that the Hearings Committee is the appropriate body to hear appeals of unfavorable promotion decisions.
- 2-4) Necessary for compliance with the UNC Code and Policy Manual; some change are made for clarity rather than for compliance. Note that some of these changes necessary for compliance were passed by the Faculty Senate in 2009 (Senate Document 1109S), but changes were not entered into the Faculty Handbook; this document includes substantive changes proposed in that document necessary to bring us into compliance with the current UNC Code and Policy Manual, and thus supersedes that document.

I. Revise 14.2 as follows:

14.2 UNCA Tenure Policies and Regulations

TENURE POLICIES AND REGULATIONS
The University of North Carolina at Asheville

Approved: Board of Trustees - July 17, 1980

Board of Governors - August 8, 1980

Section I. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY

- A. The University of North Carolina at Asheville 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 or external restraints that would unreasonably restrict their academic endeavors.
- B. The University of North Carolina at Asheville shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.
- C. 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.

Section II. ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY

- A. It is the policy of The University of North Carolina at Asheville to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of this institution. 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 spokesmen for The University of North Carolina at Asheville.
- B. The University of North Carolina at Asheville will not penalize or discipline members of the faculty because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

Section III. ACADEMIC TENURE (amended by SD1089S)

- A. General Considerations.
 - 1. Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment. More specifically, it refers to the protection of a faculty member against involuntary suspension or discharge from employment or reduction in rank except upon specified grounds and in accordance with the procedures provided in Section IV or against termination of employment except as provided for in Section V.
 - 2. The purpose of according the protection of academic tenure to faculty members is to secure their academic freedom and to help the institution attract and retain faculty members of the high quality it seeks. While academic tenure may be withheld on any grounds except those specifically stated to be impermissible under Section III.J.1., its conferral requires an assessment of the faculty member's demonstrated professional competence, his or her potential for future contribution, and the institution's needs and resources.

B. Tenure, Notice, and Reappointment.

1. Tenure. Whether contractual or permanent in nature, the tenure conferred on a faculty member is held with reference to employment by The University of North Carolina at Asheville, rather than by The University of North Carolina.
2. Conferral of Permanent Tenure. Permanent tenure may be conferred only by action of the President and the Board of Trustees of The University of North Carolina at Asheville. Because promotion to the rank of Associate Professor or Professor confers permanent tenure from the effective date thereof, any such promotion must be approved by the President and Board of Trustees as stated above.
3. Reappointment Decisions. All reappointment decisions provided for herein shall be made and communicated as provided in Section III.D.
4. Early Tenure Requests. A faculty member may request a review for tenure before the contractually specified time. A negative tenure decision in this case is equivalent to a decision to not reappoint the faculty member after completion of the current probationary term. Because a promotion implies tenure, a request for a review for promotion from a non-tenured faculty member has the same consequences.
5. Notice of Nonreappointment. Failure to give required notice of a decision not to reappoint a faculty member has the same effect as a decision at that time to offer a terminal appointment at the same rank for the following year,¹ except explicitly stated otherwise herein.

C. Faculty Ranks.

Academic tenure, as herein described, pertains exclusively to the employment of faculty members by appointment to specified faculty ranks. Such appointments may be for fixed terms of employment, automatically terminal when they expire ("fixed term appointment"); or they may be for probationary terms ("probationary term appointment"); or they may be continuous until retirement, death, or resignation except as provided in Sections IV and V herein ("appointment with permanent tenure").

The full-time faculty ranks to which appointments may be made are:

1. Non Tenurable Ranks.

- a. Instructor. The rank of instructor is appropriate for a person who is appointed to the faculty in the expectation that he or she will soon progress to a professorial rank but who lacks, when appointed, the necessary terminal degree for appointment to a professorial rank. Initial appointment to the rank of instructor shall be for one year, with one additional year of instructor rank allowable so as to complete the required degree. (The candidate can be offered a terminal one-year appointment following the two-year allowance.) Effective on completion of the necessary degree, advancement to the rank of Assistant Professor begins the following fall semester and initiates the first four-year probationary term (except for foreign nationals, who, because of immigration law, may not be appointed to the rank of Assistant Professor without an additional search). No person holding a position as an instructor may be appointed to permanent tenure at that rank. Notice to an instructor of the decision concerning reappointment shall be given according to this schedule:
 - i. during the first year of service as an instructor, no less than 90 days² before the end of that year;
 - ii. during the second year of service as an instructor, no later than 180 days² before the end of that year with reference to a third year of service.
- b. Lecturer. The rank of lecturer is reserved for persons who are appointed to non-tenure track full-time faculty positions of specifically contracted length. Initial appointment to the rank of Lecturer shall be for one year. After completion of at least three one-year appointments, terms may be extended to three or five years. Reappointment requires

successful performance by the Lecturer and continuing need for this type of position in the department or program. Lecturers are not eligible for tenure. Notice to a Lecturer of the decision concerning reappointment for the following academic year should be given before the end of the spring semester.

- c. Other Special Faculty Appointments. Special fixed-term appointments with the title designations of "artist in residence," or "writer in residence," or with any faculty rank when accompanied by the qualifying prefix "adjunct," "clinical," or "research," may be made as provided herein. Such an appointment is appropriate for a person who has unusual qualifications for research, academic administration, or public service but for whom neither a Professorial rank nor the instructor rank is appropriate because of the limited duration of the mission for which he or she is appointed, because of concern for continued availability of special funding for the position, or for other valid institutional reasons. An initial special appointment shall be for fixed terms of one to five years and may be made either in direct succession or at intervals. Individuals with this type of appointment are not eligible for tenure. The "notice" provisions of Section III.B.4. do not apply to special faculty appointments, and a faculty member holding such an appointment is not entitled to any notice concerning offer of any subsequent appointment at any rank or title or for any term.
- d. Visiting Faculty Appointments. Persons other than regular members of the faculty may receive fixed-term appointments as visiting members of the faculty with rank designations, prefixed by the word "visiting," appropriate to their status in their regular employment. Such an appointment shall be for a term of not more than one year; one subsequent appointment may be made for a term of not more than one year. The "notice" provisions of Section III.B.4. do not apply to visiting appointments, but during the term of appointment a visiting faculty member enjoys the protections afforded by Section IV.

2. Tenurable Ranks. To be eligible to hold a tenurable rank a person must hold the terminal degree (usually the doctorate) in his or her discipline.

- a. Assistant Professor. Initial appointment to this rank shall be for a probationary term of four years. In the third year of this term following a review, the person may be appointed for a second four-year probationary term in the following academic year. An unfavorable review allows the fourth year of the first term to serve as a grace year of employment with faculty status. Reappointed persons on tenure track will normally be evaluated for tenure and promotion to Associate Professor in the sixth year of the full probationary period. Candidates awarded tenure will begin a permanent contract in the following year of employment. Candidates not awarded tenure may not be reappointed beyond the seventh year of employment. Notice to an Assistant Professor of the decision concerning reappointment shall be given no less than twelve months before the end of the individual's then-current term.
- b. Associate Professor. For untenured faculty, the initial appointment to this rank shall be for a probationary term of four years. Appointments will normally be evaluated for tenure in the third year of the term. Candidates awarded tenure will begin a permanent contract in the fourth year of employment. Candidates not awarded tenure may not be reappointed beyond the fourth year of the term. Notice to an associate professor of the decision concerning reappointment shall be given no less than twelve months before the end of his or her probationary term.
- c. Professor. For untenured faculty, the initial appointment to this rank shall be for a probationary term of four years. Appointments will normally be evaluated for tenure in the third year of the term. Candidates awarded tenure will begin a permanent contract in the fourth year of employment. Candidates not awarded tenure may not be reappointed beyond the fourth year of the term. Notice to a Professor of the decision concerning reappointment shall be given no less than twelve months before the end of his or her probationary term.

D. Initiation, Review, and Approval of Promotion and Reappointment Decisions.

1. Initiation of Review. In the case of a contractually required review (i.e., a reappointment or tenure review), the Provost and VCAA begins the process by sending a notice of review to each candidate with a copy to the faculty member's Chair. The notice of review specifies the documents to be prepared and the timetable for the review process. In the case of a requested review (i.e., a promotion or early tenure review), the candidate initiates the process, notifying his or her department Chair of the request for review.
2. Chair's Evaluation.
 - a. Each decision concerning reappointment or promotion in rank (whether or not the decision concerns a recommendation for conferral of permanent tenure) requires an evaluation by the department Chair after consulting with the department's assembled tenured faculty. When the faculty member under review serves as a department Chair, the Provost and VCAA, ~~or designated Associate VCAA~~, in consultation with the program area Dean and the faculty member being evaluated, will assign a tenured faculty member to serve in the role of Chair. The designated Chair will have a tenured faculty appointment outside the department (or program) and within the division (or divisions). After consulting with the tenured department members, and reviewing all materials in the evaluation file, the Chair writes an evaluation of the faculty member under review, including the vote of the assembled tenured department members, and the date of that meeting, as well as the Chair's own recommendation regarding the faculty member.
 - b. If the department has fewer than three tenured faculty members, the Chair will consult with faculty members outside the department chosen in consultation with the program area Dean and the candidate ~~and as~~ approved by the Provost and VCAA. No fewer than three tenured faculty members shall participate fully in the departmental review process. The following are faculty appropriate to consider for inclusion:
 1. Tenured faculty members in Departments where the faculty member has taught courses.
 2. Chairs or Program Directors in Departments where the faculty member has taught courses.
 3. Tenured faculty members in other Departments who are familiar with the faculty member's work.
 - c. If the Chair intends to recommend reappointment or promotion, he or she shall notify the faculty member and shall submit to the ~~Vice-Chancellor~~Provost and VCAA a written recommendation which shall include an assessment of the faculty member's demonstrated professional competence and his or her potential for future contributions.
 - d. When the Chair intends to make a negative recommendation, he or she shall communicate that intention to the Provost and VCAA and the faculty member privately by a simple, unelaborated written statement. Within five days after receipt of that notice the faculty member may request a conference with the Chair and the opportunity to provide the Chair, for inclusion in the faculty member's record, additional written evidence or views bearing on the faculty member's demonstrated professional competence and potential for future contributions. Any such request shall be granted and any conference or submission shall be accomplished within five days of the date the request is made. If the faculty member does not make timely request for the opportunities set forth above, or after any such opportunity is afforded the faculty member, the Chair within five days thereafter shall submit to the Provost and VCAA the written recommendation described in Section III.D.1.
3. ~~Vice-Chancellor~~Provost's Favorable Recommendation.

After receiving the department Chair's recommendation the Provost and VCAA shall consult the Committee of the Tenured Faculty which consultation shall include review both of the

Chair's recommendation and of institutional needs and resources. A committee member who holds an appointment in the faculty member's department or has a conflict of interest shall withdraw from the deliberations and voting on that case after consultation with the committee Chair and the Chair of the Faculty Senate. The Provost and VCAA may involve the Associate Vice Chancellor(s) of Academic Affairs-program area Dean in a consultative role so as to help assure equity of standards. Except where the Vice Chancellor Provost and VCAA intends to decide that a faculty member shall not be reappointed, the Vice Chancellor Provost and VCAA then shall notify the faculty member and send his or her written recommendation, together with the Chair's recommendations and written statements of the views of the Committee of the Tenured Faculty, to the Chancellor.

4. ~~Vice Chancellor's~~Provost's Decision not to ReappointUnfavorable Recommendation.

When the Vice ChancellorProvost and VCAA intends to decide that the faculty member shall not be reappointed and/or promoted, he or she shall communicate that intention to the faculty member privately by a simple, unelaborated written statement. Within five-seven calendar days after receipt of that notice the faculty member may request a conference with the Vice ChancellorProvost and VCAA, either alone or together with the Committee of the Tenured Faculty; any such request shall be granted and the conference shall be within five-seven calendar days of the date the request is made.

- a. If the faculty member does not make timely request for such a conference, or after any such conference is held, the Vice ChancellorProvost and VCAA within five-seven calendar days shall either recommend to the Chancellor that the faculty member be reappointed or promoted as provided in paragraph 3, or notify the faculty member of the decision that the faculty member shall not be reappointed and/or promoted. Notice of a decision not to reappoint and/or promote shall be made by a simple, unelaborated written statement, a copy of which is sent to the Chancellor; no other materials shall be transmitted to the Chancellor.
- b. The faculty member may seek review of the Vice ChancellorProvost and VCAA's decision before the Faculty Hearings Committee in accordance with Section III.J. herein if the faculty member alleges that the decision is based on a ground prohibited by Section III.J.1 or affected by the material procedural irregularities as defined by III.J.2.

5. Chancellor's Decision.

The Chancellor shall make a decision on each favorable recommendation submitted by the Provost and VCAA and on each appeal as provided in Sections III.J. within 20-28 calendar days of receipt of the recommendation or appeal. When the Chancellor makes a favorable decision, he or she shall forward it to the Board of Trustees for final approval (unless that Board has delegated approval authority to the Chancellor), provided that pursuant to Section III.B.2., in any case involving a recommendation for conferral of permanent tenure, if the Board of Trustees concurs with the Chancellor's recommendation he or she shall forward that recommendation to the President and Board of Governors for approval. If the Chancellor's decision is unfavorable, he or she shall so notify the faculty member by a simple, unelaborated written statement, and within 10-14 calendar days thereafter the faculty member may appeal to the Board of Trustees pursuant to Section 501C(4) of the Code. A positive decision regarding tenure or promotion becomes effective on July 1 of the year in which the decision is made.

- E. Resignations. A faculty member shall give prompt written notice of his or her resignation, including the effective date, to the department Chair and to the Provost and VCAA.
- F. Leave of Absence During Probationary Terms. If a probationary faculty member receives a one-year leave of absence, that year will not be counted as part of the faculty member's probationary

service and the term of his or her probationary contract will be extended one year. A probationary faculty member who receives a one-semester leave of absence normally does not stop the tenure clock. However, the faculty member may request a one-year term and timetable extension from the Provost and VCAA. A leave of absence due to maternity or primary care duties (as prescribed by the Family Leave and Medical Act) automatically extends the probationary period by one year unless otherwise requested by the faculty member and authorized by the Provost and VCAA.

- G. Terms and Conditions of Appointment. The terms and conditions of each initial appointment and of each reappointment shall be set out in writing; the faculty member and the Chancellor each shall receive a copy thereof signed by both parties. Each document of appointment shall state that the appointment is subject to these Tenure Policies and Regulations of The University of North Carolina at Asheville and to The Code of the Board of Governors of the University of North Carolina. Any other terms and conditions of appointment 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.
- H. Continued Availability of Special Funding. Appointment, reappointment, or promotion of a faculty member 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 permanent tenure, shall be contingent upon the continuing availability of such funds. This contingency shall not be included in a faculty member's contract in either of the following situations:
1. In a promotion to a higher rank, if before the effective date of that promotion, the faculty member had permanent tenure and no such condition is attached to the tenure.
 2. If the faculty member held permanent tenure in the institution on 1 July 1975 and his or her contract was not then contingent upon the availability of sources other than continuing state budget or permanent trust funds.
- I. Provisions for Less Than Full-Time Employment. Special terms for less than full-time employment or for relief from all employment obligations for a specified period, with commensurate changes in compensation, may be included in an appointment or reappointment to any faculty rank, or may be added by a written memorandum of amendment during the term of an appointment. For compassionate reasons of health or requirements of child care, or for other compelling reasons, such terms may, with the concurrence of the faculty member, include extensions of the period of a current probationary term of appointment to coincide with the extent and duration of the relief from full-time employment obligation; such terms shall include such extensions for requirements of maternity leave as are provided for by federal and state legislation. Such special terms must be expressly stated in initial appointment documents or, if added by a memorandum of amendment, must be approved by signature of the Chancellor and the faculty member. Except as may be otherwise expressly provided in the documents of appointment, all appointments to any faculty rank are on the basis of full-time employment obligation. These provisions do not apply to informal temporary adjustments of the regularly assigned duties of faculty members by the department Chair who is responsible for their direct supervision. Faculty members who drop to part-time employment due to maternity or primary-care duties for any part of the academic year are entitled to extend the probationary period by one year upon request to the Provost and VCAA.
- J. ~~Nonreappointment of Faculty Members on Probationary Term Appointments. Review and Appeal of Unfavorable Decisions~~
1. Permissible and Impermissible grounds for nonreappointment and/or non-promotion. The decision whether to reappoint a faculty member when a probationary term of appointment expires or whether to promote a tenured faculty member to a higher rank must consider ~~the faculty member's demonstrated professional competence, his or her potential for future contributions, institutional needs and resources, and all factors considered relevant to the total institutional interests~~ only the criteria described in Section 3 of the Faculty Handbook. A

decision not to reappoint or promote may not be based upon: (a) 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; (b) discrimination based upon the faculty member's race, sex, religion, or national origin~~race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status~~; or (c) personal malice, as defined in the UNC Policy Manual 101.3.1, Section II.B.

2. Request for review by the Faculty Committee on Hearings; scope of view.
 - a. Within thirty calendar days after receiving notice from the Provost and VCAA of a decision of nonreappointment or non-promotion, the faculty member may request that the Faculty Committee on Hearings review that decision. This review is limited solely to determining whether the decision not to reappoint and/or promote was based upon any of the grounds stated to be impermissible in Section III.J.1, or (2) affected by material procedural irregularities. Whether material procedural irregularities occurred shall be determined by reference to those procedures which were in effect when the initial decision not to reappoint was made and communicated. For purposes of Section J.2, "material procedural irregularities" means departures from prescribed procedures governing reappointment that cast reasonable doubt upon the validity of the original decision not to reappoint.
 - b. The request for review shall be written and addressed to the ~~chairman~~ Chair of the Hearings Committee. It shall specify the grounds upon which the faculty member contends that the recommendation was impermissibly based or affected by material procedural irregularities and be accompanied by a short, plain statement of facts that the faculty member believes support the contention. Such a request constitutes, on the faculty member's part, representation that he or she can prove his/her contention and agreement that the institution may offer in rebuttal of his/her contention any relevant data within its possession.
3. Initial disposition by Hearings Committee.
 - a. The Hearings Committee shall grant a hearing if it decides that the request contends that the decision was impermissibly based or effected by material procedural irregularities, and that the facts suggested, if established, will support that contention. The Hearings Committee shall inform the faculty member of whether it has granted a hearing within ~~40~~ 14 calendar days of receiving the faculty member's request.
 - b. If a hearing is granted, it shall be held no less than ~~40-14 calendar~~ 14 calendar days nor more than ~~20~~ 28 calendar days after the faculty member is so notified by the Hearings Committee.
 - c. If a hearing is not granted, there shall be no further proceedings before the Hearings Committee. The faculty member then may make written appeal to the Chancellor within ~~five-seven calendar~~ five days after receiving notice from the Hearings Committee, and the Chancellor shall decide the appeal on its merits as provided in paragraph 7.
4. Conduct of Hearing. The hearing shall be conducted informally and in private. Only the members of the Hearings Committee, the faculty member, the Provost and VCAA⁵ and such witnesses as may be called may attend, except that the faculty member and the ~~Vice Chancellor~~ Provost and VCAA each may be accompanied by a person of their own choosing, who may be legal counsel. In addition, if the faculty member alleges that his or her recommendation was impermissibly based or affected by material procedural irregularities at the department level, the department Chair may attend as well. A quorum for the hearing is a simple majority of the total committee membership. Committee members who hold an appointment in the faculty member's department who will testify as witnesses are disqualified. A committee member who has a conflict of interest shall withdraw from the hearing of that case after consultation with the committee Chair and the Chair of the Faculty Senate.

~~If the faculty member requests it and the chairman of the Hearings Committee approves, a transcript of the proceedings shall be made and provided to the faculty member.~~ The Committee may consider only the evidence offered that it considers fair and reliable. All

witnesses may be questioned by the Committee members, the faculty member, the ~~Vice Chancellor~~ Provost and VCAA and the representatives of the faculty member and ~~Vice Chancellor~~ Provost and VCAA. Except as herein provided, the conduct of the hearing is under the Committee ~~chairman's~~ Chair's control. A transcript of the hearing shall be produced to maintain a record of the documents and testimony received by the committee. Any such record must be treated with appropriate confidentiality. Only the immediate parties to the hearing, responsible administrators, legal counsel, and member of University governing boards and their respective committees and staffs are permitted access to such materials as needed.

5. Order of proof.

- a. The hearing shall begin with the faculty member's presentation of his or her contentions, which shall be limited to those grounds specified in the request for a hearing and supported by such proof as he or she desires to offer. When the faculty member has concluded this presentation, the Hearings Committee shall recess to consider whether the faculty member's contentions ~~have been established~~ constitute a prima facie case pursuant to Section III.J.1 and/or Section III.J.2 which ~~justify~~ justifies proceeding with testimony from the Vice Chancellor. If it determines that ~~such contentions have not been established~~ this is not the case, it shall so notify the parties to the hearing and terminate the proceedings; such action confirms the decision not to reappoint or promote. The faculty member then may make written appeal to the Chancellor within five days, and the Chancellor shall decide the appeal on its merits as provided in paragraph 7.
- b. If the Committee determines that ~~explanation a hearing~~ is desirable, it shall so notify the parties and proceed with the hearing. The ~~Vice Chancellor~~ Provost and VCAA may then present in rebuttal of the faculty member's contentions, or in general support of the decision not to reappoint, such testimonial or documentary proofs as he or she desires to offer, including his or her own testimony. The ~~Vice Chancellor~~ Provost and VCAA is subject to questions by Committee members, the faculty member, or representatives of the Vice Chancellor and the faculty member. At the end of the ~~Vice Chancellor~~ Provost and VCAA's presentation the Hearings Committee shall consider the matter in executive session.
- c. The burden of proof is on the faculty member to satisfy the Committee that the preponderance of evidence supports his or her contentions ~~are true~~.

6. Procedure after hearing ~~Recommendation to the Chancellor and the Chancellor's Decision.~~

- a. The Hearings Committee shall make its ~~decision~~ recommendation to the Chancellor within ~~40-14~~ calendar days of the close of the hearing. This recommendation will also be communicated to the faculty member, the Department Chair, and the Provost and VCAA.
- ~~a-b.~~ The Chancellor will thoroughly review (i) the report of the Hearings Committee and (ii) the written transcript of the hearing and issue his or her decision within 28 calendar days of receiving the recommendation from the Hearings Committee. While the Chancellor should give appropriate deference to the advice of the Hearings Committee, the final campus-based decision is the Chancellor's. If the Chancellor is considering taking an action that is inconsistent with the recommendation of the Hearings Committee, the Board of Governors encourages the Chancellor to communicate or consult with the Hearings Committee, either in person or in writing, regarding the Chancellor's concerns before making a decision. The Chancellor shall notify the faculty member, the Department Chair, the Chair of the Hearings Committee, and the Provost and VCAA of his or her decision in writing.
- b. ~~If the Hearings Committee determines that the faculty member's contention has not been established, it shall so notify him, the Vice Chancellor, and the department chairman by a simple, unelaborated written statement. Such action confirms the decision not to reappoint.~~
- c. ~~If the Hearings Committee determines that the faculty member's contentions have been established, it shall so notify him, the Provost and VCAA, and the department chairman through a written report containing its findings and recommendations. The Vice~~

~~Chancellor shall consult with the Committee of the Tenured Faculty and with the department chairman and within 10 days of receiving the Hearings Committee's decision shall provide written notification to the faculty member, the department chairman, and the Chairman of the Hearings Committee of what different decision, if any, he or she makes or recommends to the Chancellor.~~

~~d.c. Within 10 days after receiving the Hearings Committee's determination pursuant to subparagraph (b) or the Vice Chancellor's decision notification pursuant to subparagraph (c), the faculty member may make written appeal to the Chancellor.~~

~~7. Appeal of Nonreappointment to the ChancellorBoard of Governors. The Chancellor's decision regarding promotion shall be final. In cases of nonreappointment, however, the faculty member may appeal by filing a written notice of appeal with the Board of Governors, by submitting such notice to the President, by certified mail, return receipt requested, or by another means that provides proof of delivery, with 14 calendar days after the faculty member's 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 (1) that the campus-based process for reviewing the decision was not materially flawed, so as to raise questions about whether the faculty member's contentions were fairly and reliably considered, (2) that the result reached by the chancellor was not clearly erroneous, and (3) that the decision was not contrary to controlling law or policy.~~

~~7. As provided above, the faculty member may make written appeal to the Chancellor pursuant to paragraph 3.c., 5.a., or 6.d. The appeal shall be in writing and shall state specifically the reasons for which the faculty member believes that the decision not to reappoint was impermissibly based. In considering the appeal the Chancellor shall consider the entire record compiled pursuant to Sections III.D. and III.J. The Chancellor shall make his or her decision within 20 days of receiving the appeal and shall communicate his/her decision within 20 days of receiving the appeal and shall communicate his/her decision in writing to the faculty member, the Provost and VCAA, the department chairman, and the chairman of the committee on Hearings. The Chancellor's decision shall be the final institutional decision, subject to Section 501C (4) of the Code.~~

Endnotes:

- ~~1. Wherever used in Sections III, IV, and V, the word "year" means an academic year.~~
- ~~2. Wherever used in Section III, the word "day" excludes Saturday, Sunday, and any institutional holiday; in computing any period of time, the day on which notice is received is not counted but the last day of the period being computed is counted.~~

Section IV. DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS. (amended by [SD1089S](#))

- A. 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 or suspended from employment or diminished in rank only for reasons of incompetence, neglect of duty, or misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty as specified in the UNC Code and Policy Manual, Section 603.⁶ These penalties may be imposed only in accordance with the procedures prescribed in this section. For purposes of these regulations, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. These procedures shall not apply to nonreappointment (Section III.J) or termination of employment (Section V).
- B. The ~~Chancellor or his or her delegate~~Provost and VCAA shall send the faculty member by registered mail, return receipt requested (or other method of delivery that requires a signature for delivery), a written statement of intention to discharge him or her or to impose a serious sanction, with written specification of the reasons. The statement shall include notice of the faculty

member's right, upon request, ~~to both written specification of the reasons for the intended discharge and a hearing by the Faculty Hearings Committee on Hearings.~~

- C. If, within ~~ten~~ 14 calendar days after he or she receives the notice and specification of reasons referred to in Section IV.B. above, the faculty member makes no written request for ~~either a specification of reasons or a hearing~~, he or she may be discharged or have serious sanction imposed without recourse to any institutional grievance or appellate procedure.

~~D. If, within ten days after he or she receives the notice referred to in Section IV.B. above, the faculty member makes written request, by registered mail, return receipt requested, for a specification of reasons, the Chancellor or his or her delegate shall supply such specification in writing by registered mail, return receipt requested, within ten days after receiving the request. If the faculty member makes no written request for a hearing within ten days after he or she receives the specification, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.~~

E.D. If the faculty member makes a timely written request for a hearing, the Chancellor or his or her delegate shall insure that the hearing is accorded before the elected Faculty Hearings Committee on Hearings. The hearing shall be on the written specification of reasons for the intended discharge or imposition of serious sanction. The Hearings Committee shall accord the faculty member twenty-30 calendar days from the time it receives his or her written request for a hearing to prepare his or her defense. The Hearings Committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member. The Hearings 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 Hearings Committee cannot be assembled.

F.E. The hearing shall be closed to the public unless the faculty member and the Hearings Committee agree that it may be open. A quorum for the hearing is a simple majority of the Hearings Committee membership. Committee members are subject to the same eligibility restrictions as in Section J.4. The faculty member shall have the right to counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, ~~and to examine all documents and other adverse demonstrative evidence, and to make argument.~~ A written transcript of all proceedings shall be kept; upon request, a copy thereof shall be furnished to the faculty member at the institution's expense.

G.F. The ~~Chancellor~~ Provost and VCAA, or his or her delegate and/or counsel, may participate in the hearing to present testimony of witnesses and other evidence, cross-examine witnesses, examine all documents and other evidence, and make argument.

H.G. In reaching decisions on which its written recommendations to the Chancellor shall be based, the ~~committee~~ Hearings Committee shall consider only the evidence presented at the hearing and such written ~~and or~~ oral arguments as the committee, in its discretion, may allow. The university has the burden of proof. In evaluating the evidence, the committee shall use the standard of "clear and convincing" evidence in determining whether the institution has met its burden of showing that permissible grounds for serious sanction exist and are the basis for the recommended action. The committee shall make its written recommendations to the Chancellor within ~~ten~~ 14 calendar days after its hearing concludes or after the full transcript is received, whichever is later.

I.H. If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, his or her decision shall be final. If the Chancellor either declines to accept a committee recommendation that is favorable to the faculty member or concurs in a committee recommendation that is unfavorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees. This appeal shall be transmitted through the Chancellor and be addressed to the Chair~~man~~ of the Board. Notice of appeal shall be filed within ~~ten~~ 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 members. The Board of Trustees, or its committee, shall consider the appeal on the written transcript of hearings held by the Faculty Hearings Committee on Hearings, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees' decision

shall be made ~~within 120 days*~~ as soon as reasonably possible after the Chancellor has received the faculty member's request for an appeal to the Trustees. This decision shall be final except that the faculty member may, within ~~ten~~ 14 calendar days after receiving the Trustees' decision, file a written ~~petition-notice of appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, for review~~ with the Board of Governors if he or she alleges that one or more specified provisions of The Code of The University of North Carolina have been violated. All such petitions to the Board of Governors shall be transmitted through the President, ~~and the Board shall, within 90 days* after it receives the petition, grant or deny the petition or take such other action as it deems advisable. If it grants the petition for review, the Board's decision shall be made within forty five days after it has notified the faculty member that it will review the petition.~~

~~*Board of Governors, September 14, 1984.~~

- J.I. When a faculty member has been notified of the institution's intention to discharge him or her, the Chancellor may reassign him or her to other duties or suspend him or her at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay.

Section V. TERMINATION OF FACULTY EMPLOYMENT (amended by [SD1089S](#))

A. Reasons Justifying Termination and Consultation Required.

1. Reasons for terminating employment. The employment of a faculty member with permanent tenure or of a faculty member appointed to a fixed term may be terminated by The University of North Carolina at Asheville because of (a) demonstrable, bona fide institutional financial exigency; or (b) major curtailment or elimination of a teaching, research, or public service 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 V.A.2. This determination is subject to concurrence by the President and then approval by the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the institution's contractual obligation to a faculty member cannot be met, the faculty member's employment may be terminated in accordance with the institutional procedures set out in subsection B. below.
2. Consultation with faculty and administrative officers. When it appears that the institution will experience an institutional financial exigency or when it is considering a major curtailment in or elimination of a teaching, research, or public service program, the Chancellor or his or her delegate shall first seek the advice and recommendations of the academic administrative officers and the Executive Committee of the Faculty Senate. If the Chancellor, the academic administrative officers, and the Executive Committee of the Faculty Senate agree that it may be necessary to eliminate faculty positions currently filled, the matter shall then be referred to a meeting of all department ~~chairmen~~ chairs, and this body shall make its recommendation to the Chancellor before any further action is taken. A copy of the recommendation of the department ~~chairmen's~~ chairs recommendation, signed by the presiding officer of their meeting, shall be appended to any proposal the Chancellor may make on this subject to the Board of Trustees, The President, or the Board of Governors.

B. Termination procedure.

1. 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 in Section V.A.1., 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.

2. Timely notice of termination.
 - a. 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 program is not founded upon financial exigency, the faculty member shall be given timely notice as follows: (1) one who has permanent tenure shall be given not less than twelve months' notice; and (2) one who was appointed to a fixed term and does not have permanent tenure shall be given notice in accordance with the requirements of Section 604A of The Code.
 - b. 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 V.B.2. (a).
3. Type of notice to be given. The Chancellor or his or her delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by registered mail, return receipt requested. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by a faculty committee if he or she alleges that the decision to terminate him or her rather than another faculty member was arbitrary or capricious; and a copy of this procedure on termination of employment.
4. Termination if reconsideration not requested. If, within ten days after he or she receives the notice required by Section V.B.3., the faculty member makes no written request for a reconsideration hearing, his or her employment shall be terminated at the date specified in the notice given pursuant to subsection B.3., without recourse to any institutional grievance or appellate procedure.
5. Request for reconsideration hearing. Within ten days after he or she receives the notice required by Section V.B.3., the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate his or her employment if he or she alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor and shall specify the grounds upon which the faculty member contends that the decision to terminate his or her employment was arbitrary or capricious and shall include a short, plain statement of facts that he or she believes support the contention.

Submission of such a request shall constitute on the part of the faculty member: (a) a representation that he or she can prove his/her contention, and (b) an agreement that the institution may offer in rebuttal of his/her contention whatever relevant data it may have.
6. Jurisdiction of reconsideration committee. If the faculty member makes a timely written request for a reconsideration of the decision, the Chancellor or his or her delegate shall insure that the hearing is accorded before the elected Faculty Committee on Hearings. This reconsideration shall be limited solely to a determination of the contentions made in the faculty member's request for reconsideration. The reconsideration hearing shall be held promptly, but the committee shall give the faculty member five days from the time it receives his or her written request for a hearing to prepare for it.
7. Conduct of hearing. The hearing shall be conducted informally and shall be closed to the public. The faculty member and the Chancellor have the right to legal counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, and to examine all documents and other adverse demonstrative evidence. The faculty member and the committee shall be given access, upon request, to documents of The University of North Carolina at Asheville that were used in making the decision to terminate the faculty member after the decision was made that some faculty

member's employment must be terminated. At the faculty member's request a transcript of the proceedings shall be ~~given him~~ provided at the institution's expense. The committee may consider only such evidence as is presented at the hearing and need consider only the evidence offered that it considers fair and reliable. All witnesses may be questioned by the committee members. Except as herein provided, the conduct of the hearing is under the ~~committee chairman~~ Hearings Committee Chair's control.

A quorum for purposes of the hearing is a simple majority of the committee's total membership. No one shall serve on this hearing committee who holds appointment in the faculty member's department who participated in the final recommendation to the Provost and VCAA or who will testify as a witness. A committee member who has a conflict of interest shall withdraw from the hearing of that case after consultation with the committee Chair and the Chair of the Faculty Senate.

8. Hearing procedure. The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for hearing and supported by such proof as he or she desires to offer. The Chancellor or his or her representative may then present in rebuttal of the faculty member's contentions, or in general support of the decision to terminate his or her employment, such testimonial or documentary proofs as he or she desires to offer, including his or her own testimony.

At the end of this presentation, ~~the reconsideration committee~~ Hearings Committee shall consider the matter in executive session and shall make its written recommendations to the Chancellor within ten days after its hearing concludes. The burden is on the faculty member to satisfy the committee that his or her contention is true to a substantial certainty.

9. Procedure after hearing. If the ~~reconsideration committee~~ Hearings Committee determines that the faculty member's contention has not been established, it shall, by a simple unelaborated statement, so notify ~~him~~ the faculty member and the Chancellor. The faculty member may then appeal the decision to terminate his or her employment in the manner provided by Section 501 C(4) of The Code of The University of North Carolina.

If the ~~reconsideration~~ committee determines that the faculty member's contention has been satisfactorily established, it shall so notify ~~him~~ the faculty member and the Chancellor by a written statement that includes a recommendation for corrective action by the Chancellor.

Within ten days after he or she receives the recommendation, the Chancellor shall send written notice to the faculty member and the ~~chairman~~ Chair of the ~~reconsideration~~ Hearings Committee what modification, if any, he or she will make with respect to the original decision to terminate the faculty member's employment. If the Chancellor fails to reverse the original decision, the faculty member may appeal termination in the manner provided by Section 501 C(4) of The Code of The University of North Carolina. If the Chancellor concurs in a recommendation of the committee that is favorable to the faculty member, his or her decision is final.

C. Assistance for Faculty Members and Rights to New Positions.

1. Institutional assistance to employees who are terminated. The institution, when requested in writing by an employee whose employment has been terminated, shall give him or her reasonable assistance in finding other employment.
2. First right of refusal of new positions. For two years after the effective date of termination of a faculty member's contract for any of the reasons specified in subsection A., 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 registered mail, return receipt requested, to the address last reported by the faculty member, and he or she shall have thirty calendar days after he or she receives the notice to accept or reject the offer.

Section VI. RETIREMENT (Revised by Provost, 2010)

- A. For information on retirement, faculty members should contact the Office of Human Resources.

Section VII. COMMITTEES OF THE FACULTY

A. Committee of the Tenured Faculty.

Not later than April 15 of each year, the faculty shall elect members to a committee of the Tenured Faculty. The committee's mission is to consult with the Provost and VCAA, on call, in cases requiring decision on reappointment, promotion, and the conferral of permanent tenure. The committee shall elect its own ~~chairman~~Chair. This committee shall be composed of two tenured full or associate professors from each of the areas of Humanities, Sciences, and Social Sciences; no more than one member may come from any subject-matter department. Members of the Faculty Committee on Hearings may not serve on the Committee of the Tenured Faculty or the Grievance Committee. Election to the committee shall be for a term of two years, except that in the first election one faculty member from each of the three academic areas shall be designated to serve only one year. Members may not succeed themselves. New members formally replace outgoing members on the date of the first faculty meeting of the school year.

B. Faculty Committee on Hearings.

Not later than April 15 of each year, the faculty shall elect members to a Faculty Committee on Hearings to conduct hearings as prescribed in this document and in Chapter Six of The Code of the University of North Carolina. This committee shall be composed of two tenured faculty members from each of the areas of Humanities, Sciences, and Social Sciences; only one member may come from any subject-matter department. Members of the Committee of the Tenured Faculty or the Grievance Committee may not serve on this committee. ~~Election to the committee shall be for a term of two years, except that in the first election one faculty member from each of the three academic areas shall be designated to serve only one year.~~ Members may not succeed themselves. New members formally replace outgoing members as of the date of the first faculty meeting of the school year.

C. Faculty Grievance Committee. (amended by [SD0710F](#), [SD4089S](#))

1. Not later than April 15 of each year, the faculty shall elect members to a Faculty Grievance Committee. This committee shall contain at least one faculty member at each professor rank. Only one member may come from any subject-matter department. No officer of administration shall serve on the committee. For purposes of this section, officers of administration shall be deemed to include department chairs and program directors. Members of the Committee of the Tenured Faculty and members of the Faculty Committee on Hearings may not serve on this committee.
2. The committee shall be authorized to hear, mediate, and advise with respect to the adjustment of grievances of members of the faculty. The committee's power shall be solely to hear representations by the persons directly involved in a grievance, to mediate voluntary adjustment by the parties, and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be sent to the Chancellor only after the department chair or other administrative official most directly empowered to adjust the matter has been given similar advice and has not acted upon it within a reasonable time.
3. "Grievances" within the province of the committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within this institution. However, no grievance that grows out of or involves matters related to a formal proceeding for the suspension, discharge, or termination of a faculty member, or that is within the jurisdiction of another standing faculty committee, may be considered by the committee.
4. Parties to a grievance may participate in mediation in accordance with institutional policies as noted in Section 3.6.3 of the *UNC Asheville Faculty Handbook*. If the parties have not participated in mediation prior to the filing of the petition, the Chair of the Grievance Committee will ask the parties if they wish to voluntarily participate in

mediation, but there is no obligation to do so; a decision not to participate in mediation will not be held against either party in any further proceedings.

5. The Grievance Committee shall organize itself within one week of the Fall Faculty meeting. The Chair of the Faculty Welfare and Development Committee shall call the initial meeting and preside over the election of a Chair and Secretary. After this meeting, the Secretary of the Senate will report the results of the election to the faculty.

D. Committee on Institutional Development.

The Faculty Senate Committee on Institutional Development shall be composed of five members: the Second Vice Chairman of the Senate, who shall chair the Committee, and four members appointed by the Senate Executive Committee. (See University of North Carolina at Asheville Senate Constitution, Section 5, for the composition of this committee.) The committee shall have concern for policy, planning, and initiatives in those areas of institutional development where faculty involvement is proper.

Section VIII. EFFECTIVE DATE: September 5, 1980

- A. These policies and regulations supersede all other institutional documents governing the matters covered herein.
- B. All provisions of these policies and regulations shall become operative (with respect to all existing and all future faculty appointments) on the effective date, which shall be the date 28 calendar days after the day on which these policies and regulations have been approved by the President and the Board of Governors of The University of North Carolina.
- C. The provisions of Section VI shall apply both to all persons who, upon the effective date, have attained normal retirement age and are in continued terms of employment and to those persons who attain normal retirement age after the effective date.

NOTES

¹Wherever used in Sections III, IV, and V the word "year" means an academic year and the word "term" applies to service during the academic year(s) within that term, unless another meaning is set forth explicitly in the contract with the faculty member.

~~²Wherever used in Section III, the word "day excludes Saturday, Sunday, and any institutional holiday; in computing any period of time, the day on which notice is received is not counted but the last day of the period being computed is counted.~~

³~~"Department" is used as a generic term for departments, professional schools, and any other academic unit to which faculty appointments are made; "chairmanChair" as a generic term for department chair~~sman~~, deans of professional schools, and any other heads of academic units to which faculty appointments are made.~~

~~⁴When a faculty member under consideration is a chairman or is in a department that has no chairman, the Provost and VCAA shall make the assessment called for in paragraph 1 and accomplish the consultation and recommendation called for in paragraph 2. If the Vice Chancellor intends to recommend reappointment, he or she shall provide the notice and opportunities called for in paragraph 3.a., together with the Committee of the Tenured Faculty if the faculty member requests, and then shall proceed as in paragraph 3.b.~~

~~⁵And the department chairman, if the faculty member alleges that his or her recommendation was impermissibly based or affected by material procedural irregularities. In such cases references herein to the Provost and VCAA include reference to the department chairman.~~

~~⁶Retirement for reason of disability shall be in accordance with North Carolina statutes and regulations governing retirement for faculty who are members of the state retirement system. A faculty member who is not a member of the state retirement system and who is mentally or physically disabled, but refuses to retire, may be discharged because of that disability only in accordance with the procedures of this section.~~

~~^cIn Sections IV and V the term "days" shall in each instance mean consecutive calendar days. (Board of Governors Time Limits on Appeals, September 17, 1984, Administrative Memorandum, no. 206).~~

I. Revise 10.2.4 as follows:

10.2.4 Faculty Committee on Hearings (FCH) (revised by [SD0212F](#) [SD4191S](#))

Purpose

The committee's mission is to conduct hearings as specified in ~~Chapter Six of The Code~~[Sections 603 and 604 of the UNC Policy Manual and Section 14.2 of the Faculty Handbook.](#) ~~(see [Section 13.1.1](#))~~

Membership

Two tenured faculty members from each of the areas of Humanities, Sciences, and Social Sciences; only one member may come from any subject-matter department. Members of the Committee of the Tenured Faculty, Faculty Grievance Committee, and Post-Tenure Review Committee may not stand for election to this committee. Election to the committee shall be for a term of three years, following the transition plan for 2015-17 described in Senate Document 0314F. Members who have served a full term may not succeed themselves. New members formally replace outgoing members as of the date of the first faculty meeting of the school year.

~~This committee is to be elected as specified by Section VII-B of [UNCA Tenure Policies and Regulations](#) (see [Section 14.2](#)).~~