**Non-Tenure Track Faculty Ranks and Appointments**

**INTRODUCTION**

The Code of the Board of Governors of the University of North Carolina (the Code) and NCSU POL05.20.01 - Appointment, Reappointment, Promotion and Permanent Tenure authorize the
establishment of special faculty appointments. NC State uses the term “non-tenure track faculty” rather than special faculty and the term “contracts” rather than appointments to distinguish fixed-term non-tenure track faculty contracts from the appointments of probationary tenure-track faculty members. This regulation addresses non-tenure track faculty contracts and appointments used at NC State, and the criteria, terms and conditions of employment.

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2. ACADEMIC TENURE

2.1 Section 602 of The Code establishes academic tenure. The purpose of academic tenure is to promote and protect the academic freedom of the faculty. It also assists the University in attracting and retaining faculty members of high quality. Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment, in particular the protection from involuntary discharge from, or termination of, employment, and from imposition of serious sanctions, except upon grounds and in accordance with procedures set forth in Sections 12 and 13 of this policy.

2.2 Academic tenure is distinguished from permanent tenure in that probationary tenure-track and fixed term non-tenure track faculty have the rights and protection of academic tenure only during their contract, whereas holders of permanent tenure have the rights and protection of academic tenure until resignation, discharge, termination, retirement or death.

3. NON-TENURE TRACK FACULTY CONTRACTS

3.1 The university may designate non-tenure track faculty as set forth in Section 610 of The Code. Non-tenure track faculty are not eligible for consideration or conferral of permanent tenure. Non-tenure track faculty may receive a subsequent contract or appointment, which is distinguished from reappointment of a probationary tenure-track faculty member.
3.2 Whether paid or unpaid, non-tenure track faculty are not covered by Section 604 of The Code and that section does not accord them rights to additional review of a decision not to grant a subsequent contract when their contract ends. During the term of their employment, non-tenure track faculty members are entitled to seek recourse under Section 607 of The Code as set forth in NCSU POL05.25.01 - Faculty Grievance and Non-Reappointment Review Policy.

3.3 Non-tenure track faculty contracts and appointments are generally limited in duration because of (1) the purpose for which the individual is appointed, (2) the availability of funding, or (3) other valid institutional reasons.

4. NON-TENURE TRACK RANK AND TITLES

4.1 Non-Tenure Track Faculty with Professorial Rank

4.1.1 Full-time non-tenure track faculty with professorial rank are appointed with the expectation that they may be promoted to higher faculty ranks. Although these faculty are assigned primarily to one of the areas of faculty responsibility described below, they may also have assignments in one or more additional areas of responsibility (see NCSU POL05.20.01 - Appointment, Reappointment, Promotion and Permanent Tenure, Section 5, Academic Tenure In Relation To Ranks).

4.1.2 Part-time non-tenure track faculty who have the qualifications for rank described in Section 5 may be appointed with the appropriate professorial rank. Part-time faculty with professorial rank are not eligible for promotion.

Non-tenure track professorial rank of Assistant Professor, Associate Professor or Professor must have one of the following modifiers, which may only be used to modify the professorial ranks. These titles can also be modified by “adjunct” (see Section 4.3).

4.1.3 Clinical: A full-time (≥.75 FTE) or part-time (<.75 FTE) contract with a principal responsibility in clinical practice or clinical research.

4.1.4 Extension: A full-time (≥.75 FTE) or part-time (<.75 FTE) contract with a principal responsibility in extension and engagement.

4.1.5 Research: A full-time (≥.75 FTE) or part-time (<.75 FTE) contract with a principal responsibility in research.

4.1.6 Teaching: A full-time (≥.75 FTE) or part-time (<.75 FTE) contract with a principal responsibility in teaching.

4.1.7 Of the Practice: A full-time (≥.75 FTE) or part-time (<.75 FTE) contract with a practitioner with significant experience in his or her field.

4.2 Lecturer and Senior Lecturer

Lecturers and senior lecturers are appointed with primarily instructional responsibilities.
4.2.1 Lecturer: A full-time (≥0.75 FTE) or part-time (<.75 FTE) contract held by a person employed by NC State meeting the qualifications for Lecturers in Section 5.2.

4.2.2 Senior Lecturer: a full-time (≥0.75 FTE) or part-time (<.75 FTE) contract held by a person employed by NC State who meets the qualifications for Senior Lecturers in Section 5.3.

4.3 Adjunct

4.3.1 Adjunct appointments are unpaid part-time (<0.75 FTE) appointments generally held by:

(a) a NC State University employee whose primary appointment is as EPA or SPA non-faculty who has the qualifications for rank as set forth below in Section 5.1, 5.2 or 5.3. The appointment process must follow the procedures set forth in Section 8 below.

(b) a person employed primarily outside the university who provides academic service to the university (such as teaching, service on doctoral committees, or an advisory role). Faculty from other universities will generally be given adjunct titles at the same rank they hold at their home institutions; adjunct appointments may be made to others whose degrees or professional credentials qualify them for appointment at an appropriate non-tenure track professorial rank (see Section 5.1).

4.4 Visiting

Visiting appointments are limited to faculty who are in residence at NC State and who retain their status in a position at another institution of higher education, research organization, or other entity with a significant research or educational mission. Visiting faculty from other higher education institutions will generally be appointed at the rank held at their home institution. Other visiting faculty who meet the qualifications for non-tenure track professorial ranks, lecturer, senior lecturer, and librarian may be appointed with these titles.

4.5 Other Non-Tenure Track Appointments

4.5.1 A NC State University employee whose primary position is EPA non-faculty who has the qualifications for rank as set forth below in Section 5 may be appointed part-time (<0.75 FTE) for pay to a non-tenure track position with one of the titles listed in Sections 4.1 or 4.2. Paid appointment of a university employee must comply with NCSU REG05.20.14 - Supplemental Pay for EPA Employees.

4.5.2 Library employees with the title “Librarian” are non-tenure track faculty.

4.5.3 Field Faculty are non-tenure track extension employees holding the title of Associate Agent or Agent. Field Faculty who serve as County and District Extension Directors maintain their non-tenure track appointments.

4.5.4 Federal personnel with academic rank are employed by the United States Department of Agriculture, the United States Forest Service, or similar federal agencies, are located at the university, work under the supervision of the university’s academic administration, and have
been granted academic rank by the university. These Federal employees do not receive contracts and are not subject to provisions for University-employed faculty. They are not eligible for permanent tenure and are not eligible to participate in NC State employee benefits.

4.6 Contracts Supported by Non-Continuing Funds

4.6.1 The initial contract, subsequent contract or promotion of a non-tenure track 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 be contingent upon the continuing availability of such funds.

4.6.2 The federal funds provided to the North Carolina Agriculture Research Service through the Hatch Act and the McIntire-Stennis Act, and to the North Carolina Cooperative Extension Service through the Smith-Lever Act are considered as permanent trust funds, and faculty whose positions are funded in whole or in substantial part from these sources shall not be subject to the contingency provisions in this section.

5. QUALIFICATIONS FOR NON-TENURE TRACK APPOINTMENTS

In addition to qualifications required for academic rank, NC State has published guidelines for the credentials required for faculty teaching all course levels. For faculty who teach, departments must have documentation that each faculty member is qualified to teach the course, either based on degrees attained or alternative credentials. For these guidelines and instructions on how to document credentials, see "Documenting Compliance with SACS and University Qualifications for Teaching Assignments" on the Office of the Provost website.

5.1 Non-tenure track Clinical, Extension, Research, and Teaching faculty and faculty of the Practice with professorial rank. (See NCSU REG05.20.18 - Qualifications for Rank)

5.1.1 Assistant Professor

(a) Ability or definite promise in the mutually agreed upon realms of responsibility

(b) Potential for directing activities in the mutually agreed upon realms of responsibility

(c) Ability and willingness to participate in department, college and university affairs

(d) A doctor's degree, an equivalent degree, or equivalent professional experience

5.1.2 Associate Professor

(a) Recognized ability and potential for distinction in the mutually agreed upon realms of responsibility

(b) Demonstrated ability to direct activities in the mutually agreed upon realms of responsibility

(c) Demonstrated ability and willingness to participate in department, college and university affairs
(d) A doctor's degree, an equivalent degree, or equivalent professional experience

5.1.3 Professor

(a) Distinguished achievement in the mutually agreed upon realms of responsibility
(b) Demonstrated ability to direct activities in the mutually agreed upon realms of responsibility
(c) Established reputation in the individual's profession or field of scholarly or germane creative activity
(d) Demonstrated ability and willingness to participate in department, college and university affairs
(e) A doctor's degree, an equivalent degree, or equivalent professional experience

5.2 Lecturer

(a) Ability or potential in the mutually agreed upon realms of responsibility
(b) A master's degree, an equivalent degree, or equivalent professional experience

5.3 Senior Lecturer

(a) Ability or potential in the mutually agreed upon realms of responsibility
(b) A master's degree, an equivalent degree, or equivalent professional experience
(c) At least five years college-level teaching experience
(d) Other criteria as established by departmental rules

5.4 Librarians

(a) Ability or potential in the mutually agreed upon realms of responsibility
(b) A master's degree, an equivalent degree, or equivalent professional experience

5.5 Field Faculty

(a) Ability or potential in the mutually agreed upon realms of responsibility

(b) A master's degree, an equivalent degree, or equivalent professional experience

6. TERMS FOR INITIAL AND SUBSEQUENT CONTRACTS

6.1 Except for Visiting appointments, paid non-tenure track faculty receive fixed term contracts that may not exceed five (5) years. Subsequent contracts, with terms of service not to exceed five (5) years, may be awarded.
6.2 Unpaid non-tenure track faculty may be appointed at will or, subject to approved by the dean, may be awarded contracts for a fixed term of service that may not exceed three (3) years. Subsequent contracts, with terms of service not to exceed three (3) years, may be awarded.

6.3 A Visiting appointment, paid or unpaid, may not exceed two (2) consecutive years. Subsequent visiting appointments may be made three (3) years after the end date of the most recent visiting appointment.

6.4 The specified term of the contract constitutes full and timely notice of the expiration date as specified under the terms of Sections 604C, 610, and 611 of The Code. However, as a courtesy, departments may provide notice to faculty on multiple-year contracts similar to that provided to EPA Professionals, e.g., 1) during the first year of service, not less than 30 days notice prior to discontinuation of employment; 2) during the second and third years of service, not less than 60 days notice prior to discontinuation of employment; and 3) during the fourth and all subsequent years of service, not less than 90 days notice prior to discontinuation of employment.

6.5 Appointment or contract letters for non-tenure track faculty members will address:

(a) the type of appointment

(b) beginning/end dates (if applicable)

(c) rank

(d) FTE

(e) annual salary (if applicable)

(f) assigned duties

(g) provisions for annual performance review

In addition, any sick leave and annual leave entitlement and any contingency due to source of funds will be included in the contract.

7. CONTRACT EXPECTATIONS

7.1 Full-time (.75-1.0 FTE) non-tenure track faculty with multi-year contracts must complete a Statement of Mutual Expectations (SME).

7.2 For full-time (.75-1.0 FTE) non-tenure track faculty with one-year contracts and part-time (<.75 FTE) non-tenure track faculty, the contract should include a specific statement of goals and objectives on which the faculty member will be evaluated.

7.3 Librarians and Field Faculty must have an appointment letter or similar document signed by the head of the department/unit and appointee and maintained in the departmental personnel files. The academic department or unit maintains these documents in its departmental personnel files.
7.3.1 Librarians must complete an annual goals and objectives form to be signed by the head of the department/unit and the appointee.

7.3.2 Field Faculty must document the goals and objectives section in their annual performance plan.

7.4 Non-tenure track faculty shall be reviewed annually by the head of the department/unit or designee according to NCSU REG05.20.03 - Annual Reviews of Faculty Members. Documentation submitted for the review shall reflect the scope of the faculty member’s areas of responsibility as identified in the Statement of Mutual Expectations or contract or, in the case of librarians and field faculty, other equivalent documentation.

8. PROCEDURE FOR INITIAL CONTRACT AND SUBSEQUENT CONTRACTS AT THE SAME RANK

Initial contracts and subsequent contracts at the same rank, except for Librarians and Field Faculty, are initiated by the head of an academic department based upon appropriate documentation prepared in accordance with university guidelines established by the Provost. Documentation shall be assembled by the Department Head in cases of initial contracts and by the candidate in consultation with the Department Head in cases of subsequent contracts. To receive a subsequent contract at a higher rank, the faculty member must have gone through the promotion process (see Section 9).

8.1 Consultation

8.1.1 Decisions for non-tenure track initial and subsequent contracts are dependent on recommendations by the Department Voting Faculty (DVF) and/or Department Head to the Dean, who is responsible for these decisions. Decisions for initial and subsequent contracts of up to 2 years may be delegated to the department head according to departmental procedures approved by the DVF (see also 8.2.2).

8.1.2

a. The DVF shall consist of all faculty who hold tenured or tenure-track positions at a rank equal to or higher than the rank being considered for appointment. The DVF may develop procedures for consultation concerning initial and subsequent contracts with non-tenure track faculty with rank equal to or greater than the rank under consideration.

b. In departments that appoint faculty only on non-tenure track contracts (currently Music and Health and Exercise Studies), the DVF shall consist of all tenured or non-tenure track faculty with professorial rank equal to or greater than the rank under consideration. The DVF in these departments that appoint faculty only on non-tenure track contracts (currently Music and Health and Exercise Studies)...

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1 The Chancellor has delegated appointment of Librarians to the Director of Libraries in NCSU REG01.20.01 - Delegations of Authority for Appointments, Compensation and Other Personnel Actions for Employees Exempt from the State Personnel Act (EPA).
2 Procedures for Field Faculty are authorized by the Executive Director of Agricultural Programs.
departments may develop procedures for consultation concerning initial and subsequent contracts with other full-time non-tenure track faculty in the department.

8.2 Departmental Consultation

Department consultation for initial and subsequent contracts may take one of the following forms:

8.2.1 The DVF shall have full access to the documentation prepared for each candidate and the opportunity and responsibility to meet as a group with the Department Head to consider the matter confidentially. In each case a vote shall be taken either by secret ballot or open ballot, with the method of voting to be decided by a majority vote of the DVF. Faculty members who cannot attend the meeting shall be expected to vote in accordance with departmental Reappointment, Promotion and Tenure rule.

8.2.2 Based on procedures approved by the DVF, the Department Head may be authorized to issue part-time or full-time initial and subsequent contracts of up to a total of two (2) years to faculty who meet the qualifications for one of the ranks described in Section 5. The Department Head shall report to the DVF on contracts issued to non-tenure track faculty.

8.3 Recommendations and Decisions

8.3.1 Recommendation of Department Head

The Department Head shall make a recommendation and report the vote of the DVF, if applicable, to the Dean.

8.3.2 Dean’s Decision

The Dean’s decision on offering a contract to a non-tenure track faculty member is final.

9. PROMOTION OF NON-TENURE TRACK FACULTY WITH PROFESSORIAL RANK

9.1 Documentation

Each promotion is initiated by the Department Head. Documentation shall be assembled by the candidate in consultation with the Department Head. Dossier instructions that follow refer to the format stipulated in NCSU REG05.20.20 – Reappointment, Promotion, and Tenure Dossier Format Requirements.

9.1.1 The dossier must include:

   Section I. INTRODUCTION (Statement of Mutual Expectations and Brief Resume);

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3 These procedures do not apply to Librarians or Field Faculty. Visiting faculty are not eligible for promotion.
9.1.2 The dossier must include one or more of the following as appropriate for the faculty member's responsibilities:

Section II. TEACHING AND MENTORING OF UNDERGRADUATE AND GRADUATE STUDENTS;

Section III. SCHOLARSHIP IN THE REALMS OF FACULTY RESPONSIBILITY;

Section IV. EXTENSION AND ENGAGEMENT WITH CONSTITUENCIES OUTSIDE THE UNIVERSITY;

Section V. TECHNOLOGICAL AND MANAGERIAL INNOVATION.

Section VI. SERVICE TO THE UNIVERSITY AND PROFESSIONAL SOCIETIES

9.1.3 Section VII. EXTERNAL EVALUATIONS

The Dean must establish for each category of professorially ranked non-tenure track faculty (i.e., teaching, research, extension, clinical, of the practice) whether to require that the dossier include Section VII. EXTERNAL EVALUATIONS. This requirement must apply college-wide for each category of non-tenure track faculty.

9.2 Consultation

Decisions for promotion are dependent on recommendations by the Department Voting Faculty (DVF), Department Head and Dean to the Provost who is responsible for these decisions; except for promotion to Senior Lecturer, for whom the Dean’s decision is final.

9.2.1 Departmental Consultation

9.2.1

a. The DVF shall consist of all faculty who hold tenured or tenure-track positions at a rank equal to or higher than the rank being considered for appointment. The DVF may develop procedures for consultation concerning promotion with non-tenure track faculty of rank equal to or greater than the rank under consideration.

b. In departments that appoint faculty only on non-tenure track contracts (currently Music and Health and Exercise Studies), the DVF shall consist of all tenured or non-tenure track faculty with professorial rank equal to or greater than the rank under consideration.

9.2.2 Departmental Consultation. It is the responsibility of the DVF to participate in consultation at the departmental level. The DVF shall have full access to the documentation prepared for each
candidate and the opportunity and responsibility to meet as a group with the Department Head to consider the matter confidentially. The DVF shall provide a written assessment. A vote shall be taken either by secret ballot or open ballot, with the method of voting to be decided by a majority vote of the DVF. Faculty members who cannot attend the meeting shall be expected to vote in accordance with Department Rules.

9.3 Dean Consultation
9.3.1 Prior to making a recommendation to the Provost for promotion for non-tenure track faculty with professorial rank the Dean shall consult with a duly constituted College Reappointment, Promotion, and Tenure Committee, appointed and charged by the Dean in accordance with college rules approved by the Provost. The committee shall have full access to the documentation and an opportunity to confidentially discuss the case among themselves and shall provide a written assessment. A vote shall be taken either by secret ballot or open ballot, with the method of voting to be decided by a majority vote of the group.

9.3.2 In the Division of Academic and Student Affairs, the Vice Chancellor and Dean shall consult with a duly constituted Division Promotion Committee made up of tenured faculty members from inside and outside the Division with professorial rank equal to or greater than the rank under consideration. The DASA Promotion Committee will be appointed and charged by the VC and Dean in accordance with division rules approved by the Provost. The committee shall have full access to the documentation and an opportunity to confidentially discuss the case among themselves and shall provide a written assessment. A vote shall be taken either by secret ballot or open ballot, with the method of voting to be decided by a majority vote of the group.

9.4 Opportunity for Faculty Response to Written Assessments and Recommendations

The faculty member shall be provided the written assessment and recommendation at both the department and college levels and shall be given an opportunity to provide a timely written response at both levels. These responses shall become part of the documentation of the review for succeeding levels.

9.5 Provost Consultation

9.5.1 The University Reappointment, Promotion, and Tenure Committee, appointed by the Provost in consultation with the Chair of the Faculty, shall advise the Provost in matters relating to the policy and processes involved in promotion of non-tenure track with professorial rank. The committee may confidentially examine all cases in the context of its process review.

9.5.2 The Provost may consult with the committee on individual cases, and in such cases the committee shall provide a written assessment. Unless requested by the Provost, however, the committee does not advise on specific cases.

9.6 Recommendations and Decisions

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4 These procedures do not apply to Librarians or Field Faculty. Visiting faculty are not eligible for promotion.
9.6.1 Recommendation of Department Head

The Department Head shall provide to the Dean or equivalent academic officer the written assessment and vote of the DVF, a written recommendation by the Department Head, and any written response provided by the faculty member in accordance with section 9.4.

9.6.2 Dean’s Decision or Recommendation

The Dean shall provide to the Provost the written assessments, votes, and written recommendations provided from the Department Head along with a written assessment by the college reappointment, promotion, and tenure committee, a written recommendation by the Dean, and any responses provided by the faculty member in accordance with section 9.4.

9.6.3 Provost's Decision and Recommendation

The Provost shall make a recommendation to the Chancellor for all positive decisions after consideration of the faculty member's dossier, vote and assessment of the DVF, and recommendations of the Department Head and Dean. The Provost may consult appropriate university-level academic officers in making these decisions. In the case of negative decisions, the Provost’s decision is final.

9.7 Subsequent contracts at a higher rank must follow the promotion procedures described in this section.

10. PROMOTION FROM LECTURER TO SENIOR LECTURER OR CHANGE TO NON-TENURE TRACK ASSISTANT PROFESSOR

10.1 Promotion to Senior Lecturer may occur during a current contract or at the time of issuing a subsequent contract. Consideration for promotion is initiated by the Department Head for Lecturers with at least five (5) years college-level teaching experience who meet additional criteria as established by the DVF (defined in section 9.2.1). The DVF are encouraged to consult concerning promotion with non-tenure track faculty with rank equal to or greater than the rank under consideration.

10.1.1 Required documentation will be defined by the DVF and assembled by the candidate in consultation with the Department Head.

10.1.2 The Department Head will consult with the entire DVF or, based on procedures authorized by the DVF, a group authorized by the DVF to advise the Department Head. The DVF or authorized group shall have full access to the documentation prepared for each candidate and the opportunity and responsibility to meet as a group with the Department Head to consider the matter confidentially and shall provide a written assessment. A vote shall be taken either by secret ballot or open ballot, with the method of voting to be decided by a majority vote of the DVF or authorized group. Faculty members who cannot attend the meeting shall be permitted to vote in accordance with Department Rules.
10.1.3 If a Lecturer or Senior Lecturer attains the qualifications for Assistant Professor rank as set forth in Section 5, a title change to Assistant Professor with one of the modifiers listed in Section 4 may be made if supported by a positive DVF vote, a justification from the Department Head, and approval of the Dean. These faculty are eligible for promotions as described in Section 9. This applies only when the individual’s qualifications have changed and the job duties remain the same. If the job duties change, then it is considered a new position and appropriate procedures must be carried out to fill it.

11. EMPLOYMENT OF A NON-TENURE TRACK FACULTY MEMBER IN A TENURE-TRACK POSITION

Any change of a non-tenure track faculty rank to a regular faculty appointment is governed by the NCSU POL05.20.01 - Appointment, Reappointment, Promotion and Permanent Tenure, i.e., the non-tenure track faculty member must be considered through the procedure for a new appointment as set forth in NCSU POL05.20.01 - Appointment, Reappointment, Promotion and Permanent Tenure. A search waiver may be sought.

12. DISCHARGE OR IMPOSITION OF SERIOUS SANCTIONS

During the contract term, a non-tenure track faculty member may be discharged or subject to the imposition of serious sanctions in accordance with the procedures prescribed in Section 603 of The Code.

12.1 Regulations issued by the Chancellor or Chancellor's designee shall address the composition and appointment of a hearing committee.

12.2 As specified in Section 603 of the Code, discharge or imposition of serious sanctions may be based only upon:

12.2.1 incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time;

12.2.2 neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or

12.2.3 misconduct of such a nature as to indicate that the individual is unfit to serve as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct.

13. TERMINATION OF EMPLOYMENT DURING A CONTRACT DUE TO FINANCIAL EXIGENCY OR PROGRAM ELIMINATION

13.1 During a contract, termination of faculty employment shall occur only because of 1) a demonstrable, bona fide institutional financial exigency, or 2) the major curtailment or
elimination of a teaching, research, or public service program in accordance with the provisions of Section 605 of The Code.

13.2 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 faculties of the departments or other units that might be affected, the academic administrative officers, the Faculty Senate, and the Board of Trustees. In this or any subsequent consultation process, a faculty contract may be terminated only after it is determined by the Chancellor, following careful review of alternatives, that the condition of financial exigency cannot be alleviated by less drastic means. The determination of financial exigency or a major curtailment or elimination of a teaching, research, or public service program is subject to concurrence by the President and approval by the Board of Governors.

13.3 If there must be termination of faculty contracts, the Chancellor shall give consideration to tenure status, years of service at the university, and other factors deemed relevant in determining whose employment is to be terminated. The primary consideration, however, shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the university.

13.4 A faculty member whose employment is to be terminated shall be notified of this fact in writing. This notice shall include a statement of the conditions requiring termination of employment, a disclosure of pertinent financial or other data upon which the termination decision was based, and a general description of the procedures followed in making that decision.

13.5 If a faculty member whose employment is to be terminated alleges that the decision to terminate was arbitrary or capricious, a hearing committee of the Faculty Hearings Panel shall afford the faculty member a fair hearing, according to the procedures of Section 605 of The Code. This hearing shall be limited to the question of whether the decision to terminate was arbitrary or capricious. The Chancellor's final decision may be appealed in the manner provided for by Section 605C (6) of The Code.

13.6 The university, when requested by a faculty member whose employment has been terminated, shall give reasonable assistance in finding other employment. For a period of two (2) years after the effective date of termination the university shall not replace the faculty member without first offering the position to the person whose employment was terminated.

14. BENEFITS

14.1 Except for Federal employees and unpaid non-tenure track faculty, non-tenure track faculty with a recurring, paid contract or appointment of at least nine months and 0.75 FTE or greater are eligible to participate in University sponsored deduction and benefit programs, including retirement. Non-tenure track faculty with recurring contracts for nine or more consecutive months and at least 0.50 FTE (other than adjunct and visiting contracts) are eligible to participate in
University sponsored deduction and benefit programs available to regular part-time faculty. There are no employee paid benefit contributions when FTE is less than .75.

14.2 Faculty members may apply for retirement if and when eligible in accordance with the provisions of North Carolina Statutes (N.C.G.S. §135).

14.3 Faculty members who meet eligibility requirements for medical or disability leave may apply based on the provisions of the applicable disability or medical leave plan.