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**Revised February 21, 2007**

## **FOREWORD**

It is a pleasure to present the revised Faculty Handbook for North Carolina Agricultural and Technical State University. The Faculty Handbook serves as a guide for shared governance between faculty and the University. The document includes topics such as the organization structure of the University, faculty governance, faculty senate responsibilities, employment policies, benefits and University regulations and procedures.

As with any document, the Faculty Handbook will require periodic revisions and updates based on the development of new procedures, the modification of existing policies, or policy changes by The University of North Carolina General Administration. Until such time that revisions are deemed necessary, the policies contained in this Faculty Handbook will govern the University.

On behalf of the University community, I would like to express sincere appreciation to the individuals who worked tirelessly and diligently to complete this document. It is the foundation for governance at North Carolina Agricultural and Technical State University.

Stanley F. Battle  
Chancellor



# CHAPTER I

## INTRODUCTION

### THE UNIVERSITY OF NORTH CAROLINA SYSTEM

The University of North Carolina is composed of all the public institutions of higher education in North Carolina that confer degrees at the baccalaureate level or higher. The University was authorized by the State Constitution in 1776, and it was chartered in 1789 by the General Assembly.

The University of North Carolina opened its doors to students at Chapel Hill in 1795. During the latter part of the nineteenth century, the General Assembly of North Carolina established and supported fifteen other public senior institutions. This was done in compliance with Article IX, Section 8, of the Constitution of North Carolina:

*"The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise."*

By 1969, six constituent institutions, governed by a single Board of Trustees, were included under the University of North Carolina. This multi-campus University had its beginnings in legislation enacted in 1931, which defined The University of North Carolina to include the University of North Carolina at Chapel Hill, North Carolina State University at Raleigh, and The Woman's College of the University of North Carolina at Greensboro (now UNCG). In the 1960s three additional campuses were added: The University of North Carolina at Charlotte, The University of North Carolina at Asheville, and The University of North Carolina at Wilmington.

Beginning in 1971, the General Assembly of North Carolina established or acquired ten additional but separately governed state-supported senior institutions of higher education: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, North Carolina School of the Arts, Pembroke State University, Western Carolina University, and Winston-Salem State University. In 1971, the General Assembly redefined The University of North Carolina, and under the terms of that legislation all sixteen public senior institutions became constituent institutions of The University of North Carolina.

The Board of Trustees of the sixteen-campus University of North Carolina was designated the Board of Governors and this body constitutes today The University of North Carolina. The Board of Governors consists of thirty-two voting members elected by the General Assembly. It is charged with "the general determination, control, supervision, management, and governance of all affairs of the constituent institutions." The chief executive officer of The University is the President.

Each constituent institution of The University has its own faculty and student body. The chief administrative officer of each institution is the chancellor, and the chancellors report to the President of the University. The board of trustees is composed of thirteen members: eight elected by the Board of Governors, four appointed by the Governor, and the elected president of the student body, who serves ex officio. (The School of the Arts has two additional ex officio trustees.) The principal powers of these institutional boards are exercised under a delegation of authority from the Board of Governors.

## COMPOSITION OF THE UNIVERSITY

The University of North Carolina is a single, multi-campus university composed of the following constituent institutions:

<b>Institutions Comprising the University of North Carolina</b>	<b>Chartered or Founded</b>	<b>Admitted to the UNC System</b>
Appalachian State University ( <i>Boone</i> )	1899	1972
East Carolina University ( <i>Greenville</i> )	1907	1971
Elizabeth City State University	1892	1971
Fayetteville State University	1867	1972
North Carolina Agricultural and Technical State University ( <i>Greensboro</i> )	1891	1972
North Carolina Central University ( <i>Durham</i> )	1909	1972
North Carolina School of the Arts ( <i>Winston-Salem</i> )	1963	1972
North Carolina School of Science and Mathematics ( <i>Durham</i> )	1980	2007
North Carolina State University ( <i>Raleigh</i> )	1887	1931
The University of North Carolina at Pembroke	1887	1972
The University of North Carolina at Asheville	1927	1969
The University of North Carolina at Chapel Hill	1789	1789
The University of North Carolina at Charlotte	1946	1965
The University of North Carolina at Greensboro	1891	1931
The University of North Carolina at Wilmington	1946	1969
Western Carolina University ( <i>Cullowhee</i> )	1889	1972
Winston-Salem State University	1892	1972

## **EQUALITY OF OPPORTUNITY**

The University of North Carolina and all of its constituent institutions are committed to equality of opportunity, and rules are consistent with the provisions of state and federal law. In general, there shall be no discrimination within The University against applicants, students, or employees on the basis of race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's status.

## CHAPTER II

### NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

#### HISTORICAL BACKGROUND

North Carolina Agricultural and Technical State University was established as the Agricultural and Mechanical College for the "Colored Race" by an act of the General Assembly of North Carolina ratified March 9, 1891. The act read in part:

*"The leading objective of the institution shall be to teach practical agriculture and the mechanical arts and branches of learning as related thereto, not excluding academic and classic instruction."*

The College began operation during the school year of 1890-1891, before the passage of the state law creating it. This circumstance arose because Congress in 1890 earmarked the proportionate funds to be allocated in bi-racial school systems to the two races. The Agricultural and Mechanical College for the white race was established by the State Legislature in 1889 and was ready to receive its share of funds provided by the Morrill Act in the fall of 1890. Before the college could receive these funds, however, it was necessary to make provisions for colored students. Accordingly, the Board of Trustees of the Agricultural and Mechanical College in Raleigh was empowered to make temporary arrangements for these students. A plan was worked out with Shaw University in Raleigh where the College operated as an annex to Shaw University during the years 1890 through 1893.

The law of 1891 also provided that the college would be located in the city or town that made suitable proposition for location to the Board of Trustees. A group of interested citizens in the City of Greensboro donated fourteen acres of land for a site and \$11,000 to aid in constructing buildings. This amount was supplemented by an appropriation of \$2,500 from the General Assembly. The first building was completed in 1893, and the College opened in Greensboro during the fall of that year. In 1915 the institution name was changed to The Agricultural and Technical College of North Carolina by an Act of the State Legislature.

The scope of the College program had been enlarged to accommodate new demands. The General Assembly authorized the institution to grant the Master of Science degree in education and certain other fields in 1939. The first master's degree was awarded in 1941. The School of Nursing was established by an Act of the State Legislature in 1953, and the first class graduated in 1957.

The General Assembly repealed previous acts describing the purpose of the college in 1957, and redefined its purpose as follows:

*"The primary purpose of the College shall be to teach the Agricultural and Technical Arts and Sciences and such branches of learning as related thereto; the training of teachers, supervisors, and administrators for the public schools of the State, including the preparation of such teachers, supervisors, and administrators for the master's degree. Such other programs of a professional or occupational nature may be offered as shall be approved by the North Carolina Board of Higher Education, consistent with the appropriations made therefore."*

The General Assembly of North Carolina voted to elevate the College to the status of a Regional University effective July 1, 1967. On October 30, 1971, the General Assembly ratified an act to consolidate the institutions of higher learning in North Carolina. Under the provisions of this act, North Carolina Agricultural and Technical State University became a constituent institution of The University of North Carolina effective July 1, 1972.

Since its founding in 1891, the Institution has been led by nine presidents or chancellors. They are Dr. J. O. Crosby, President (1892-1896); Dr. James B. Dudley, President (1896-1925); Dr. F.D. Bluford, President (1925-1955); Dr. Warmouth T. Gibbs, President (1956-1960); Dr. Samuel D. Proctor, President (1960-1964); Dr. Lewis C. Dowdy, President (1964-1972) and Chancellor (1972-1980); Dr. Cleon F. Thompson, Interim Chancellor (1980-1981); Dr. Edward B. Fort, Chancellor (1981-1999); Dr. James C. Renick, Chancellor (1999-2006); Dr. Lloyd V. Hackley, Interim Chancellor (2006-2007); and Dr. Stanley F. Battle (2007-present).

## **GENERAL STATEMENT OF EDUCATIONAL MISSION**

North Carolina Agricultural and Technical State University is one of the state's two land-grant institutions and is a Comprehensive University I offering degree programs at the baccalaureate, masters and doctoral levels. It has one of three engineering schools in the University of North Carolina through which it offers a broad range of programs at the baccalaureate, masters, and doctoral levels. It is also a participating institution in the Microelectronics Center of North Carolina. It has one of the two existing schools of agriculture in the state. Its teaching and research programs in animal science have been developed to prepare students to pursue careers in veterinary medicine. In these and other specialized areas of science and technology, North Carolina A & T State University conducts major sponsored research programs and activities.

In 2001 the University decided to become an interdisciplinary university. The vision states: "North Carolina A&T is a learner-centered community that develops and preserves intellectual capital through interdisciplinary learning, discovery, engagement, and operational excellence." Themes derived from the vision are 1) a responsive learning environment 2) distinctive, visionary interdisciplinary programs and centers, 3) globalization, 4) strategic partnerships, and 5) enhanced and diversified resources.

## **UNIVERSITY GOALS**

**To become the premier interdisciplinary university in North Carolina and America, the university has five strategic goals.**

1. To establish and ensure an interdisciplinary focus for North Carolina A&T that mandates overall high quality, continued competitiveness, and effective involvement of global strategic partners in marketing and delivery of programs and operations.
2. To deliver visionary and distinctive interdisciplinary learning, discovery, and engagement that include global collaborations and partnerships as part of the learning experience.
3. To foster a responsive learning environment that utilizes an efficiently integrated administrative support system for high quality programs, research and collegial interactions, and effectively disseminates consistent information to University stakeholders.
4. To provide superior, readily available student services and programs that recognize and respond to diverse student needs.
5. To enhance and diversify the University's resource base through effective fundraising, entrepreneurial initiatives, enhanced facilities, and sponsored research programs.

## **CHAPTER III**

### **ADMINISTRATIVE ORGANIZATION**

#### **BOARD OF TRUSTEES**

The 1971 General Assembly provided that, effective July 1, 1973, the Board of Trustees shall consist of thirteen members: (1) eight elected by the Board of Governors; (2) four appointed by the Governor; and (3) the President of the student government, ex-officio. The term of office of all trustees, except the ex-officio member, shall be four years.

#### **THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES**

The Board of Trustees shall promote the sound development of the institution with the functions prescribed for it, helping it to serve the people of the State in a way that will complement the activities of the other institutions and enable it to perform at a high level of excellence in every area of endeavor. The Board of Trustees shall serve as advisor to the Board of Governors on matters pertaining to the institution and shall also serve as advisor to the Chancellor concerning the management and development of the Institution.

#### **CENTRAL ADMINISTRATION ORGANIZATION**

##### **THE CABINET**

The Cabinet is composed of the Chancellor, Provost and Vice Chancellor for Academic Affairs, Vice Chancellor for Business and Finance, Vice Chancellor for Information Technology and Telecommunications, Vice Chancellor for Research and Economic Development, Vice Chancellor for Development and University Relations, Vice Chancellor for Student Affairs, General Counsel for Legal Affairs, and Vice Chancellor for Human Resources. This group meets and acts in an advisory role with the Chancellor.

##### **CHANCELLOR**

The Chancellor is the chief executive officer of North Carolina Agricultural and Technical State University and is selected by the Board of Trustees and the President of the University of North Carolina General Administration. The Chancellor reports to the Board of Trustees for the operation and management of the University.

As the University's chief executive officer, the Chancellor is authorized by the Board of Trustees to develop and maintain efficiency and operational excellence within the University. The Chancellor is charged with recommending policies for the board's consideration and approval and is responsible for implementing these policies once they have been approved. The Chancellor has the final authority to approve, reject or modify recommendations of the faculty and administrative staff on matters that do not require board action. The Chancellor is the official spokesperson for the University.

## **PROVOST AND VICE CHANCELLOR FOR ACADEMIC AFFAIRS**

The Provost and Vice Chancellor for Academic Affairs is the chief academic officer and is responsible for the administration of the University's eight schools/colleges including the School of Agriculture and Environmental Sciences, College of Arts and Sciences, School of Business and Economics, School of Education, College of Engineering, School of Nursing, School of Technology, School of Graduate Studies, as well as University Studies, the F. D. Bluford Library and other administrative areas related to the academic enterprise. The academic deans report to the Provost and Vice Chancellor for Academic Affairs, as do three associate vice chancellors, two assistant vice chancellors and a special assistant for budget.

The Provost and Vice Chancellor for Academic Affairs serves as the chairperson of the Deans Council, which advises on academic matters. The office of the Provost is the source of recommendations to the Chancellor regarding academic policies as well as personnel policies affecting faculty. This office is responsible for resource allocation, monitoring faculty workloads, and coordination of recruitment and retention. The Provost reviews recommendations of the academic deans and department heads regarding appointments, salary increments, promotions, tenure, reappointments, and termination of faculty and academic staff, then transmits them to the Chancellor with recommendations.

## **VICE CHANCELLOR FOR BUSINESS AND FINANCE**

The Vice Chancellor for Business and Finance is the chief financial officer and is responsible for the general financial operation of the University, including accounting and auditing of financial records, financial reporting, preparation of the University budget and the biennial (expansion budget), legislative appropriation requests and budget control. The Vice Chancellor for Business and Finance assists the chancellor in allocating University funds, managing properties, capital improvement and debt financing, managing property acquisition, and representing the University's interests and relationships with state and other governmental agencies. The Vice Chancellor for Business and Finance is also responsible for fiscal operations including accounting, auxiliary services, purchasing, human resources, and campus safety. The division of business and finance operates under policies and procedures consistent with state, federal and The University of North Carolina General Administration laws, policies and procedures. Under the Vice Chancellor for Business and Finance's leadership, staff is responsible for conducting training and assistance to the University to ensure effective fiscal management.

## **VICE CHANCELLOR FOR INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS/CHIEF INFORMATION OFFICER**

The Vice Chancellor for Information Technology and Telecommunications is the chief information officer and is responsible for managing, strengthening and supporting the University's instructional, research, and administrative programs by providing central services and infrastructure for University-wide access to information technology and telecommunications resources. The Vice Chancellor for Information Technology and Telecommunications is the primary architect for updating information technology. Other responsibilities include technical support for distance education and other alternative instructional technological delivery systems; development and management of fiscal operations for information technology and telecommunications; development of policies related to this area; and licensing and security of information technologies.

## **VICE CHANCELLOR FOR RESEARCH AND ECONOMIC DEVELOPMENT**

The Vice Chancellor for Research and Economic Development is responsible for the administration of all research and sponsored-program activity at the University. The Vice Chancellor for Research and Economic Development also interacts with external agencies on behalf of the University and develops administrative and operational policies and procedures for complying with agency regulations and for handling comprehensive pre- and post- award functions. The Vice Chancellor for Research and Economic Development also administers the protection and disposition of intellectual property and the establishment of mechanisms for technology transfer and economic growth of the region.

## **VICE CHANCELLOR FOR DEVELOPMENT AND UNIVERSITY RELATIONS**

The Vice Chancellor for Development and University Relations is responsible for developing and securing philanthropic opportunities through alumni giving and partnerships with corporations and other public or private sources. The Vice Chancellor provides leadership for strategic planning and execution of major campaigns. The Vice Chancellor plays a vital role in building and maintaining relationships with donors. Creating a positive image of the University and managing publicity through media are important responsibilities of the Vice Chancellor for development and university relations.

## **VICE CHANCELLOR FOR STUDENT AFFAIRS**

The Vice Chancellor for Student Affairs is responsible for the supervision of all areas related to student life. The Vice Chancellor for Student Affairs' office provides programs and activities that complement the academic mission of the University and contribute to the intellectual, social, moral, cultural, and personal development of students. The Vice Chancellor for Student Affairs provides oversight and coordination of units such as residential life, counseling, health and medical services, food services, services for veterans and students with disabilities, and career services. This administrator serves as an advocate for students to the administration and interprets University policies to students to assure and maintain quality student life.



## **GENERAL COUNSEL FOR LEGAL AFFAIRS**

The General Counsel for Legal Affairs reports directly to the Chancellor and is a member of the senior administrative Cabinet. The General Counsel for Legal Affairs represents the University as legal counsel and coordinates all litigation with the Attorney General of North Carolina as well as any other legal administrative duties. The General Counsel manages the university trademark-licensing program, serves as a governmental relations liaison with the state and local government, and provides timely and accurate legal advice and information to university administrators, faculty and staff. In addition, the General Counsel is responsible for oversight of the Equal Employment Opportunity (EEO), Affirmative Action and compliance functions.

## **VICE CHANCELLOR FOR HUMAN RESOURCES**

The Vice Chancellor for Human Resources reports to the Chancellor and serves as one of the senior-level administrative positions constituting the Chancellor's Cabinet. The Vice Chancellor for Human Resources is responsible for all aspects of human resources administration and daily operations including recruitment, compensation, employee relations, benefits, workers' compensation, professional development and training, performance management, staff communications, employee orientation, and recognition programs. While the Office of the Provost has sole responsibility for the appointment, promotion, and tenure of the faculty, all other human resources functions related to employees are supported by this position. It is important that the Vice Chancellor for Human Resources translate institutional priorities into a vision for human resource programs that are responsive to the University's needs.

## **DEANS**

The Deans are responsible for the overall administration and management of the schools/colleges/library. Deans are responsible for providing a vision, direction and oversight for strategic planning. Other administrative responsibilities include budget management and resource allocation, program development and planning, accreditation oversight, faculty and staff development, faculty hiring and appointments, reappointments, promotion and tenure and post-tenure review, and enforcing academic policies and regulations. Academic deans provide curricular supervision and coordination. The deans also represent the faculty, students, and librarian's perspectives in University planning as well as communicate and develop relationships with external constituencies and internal units.

## **DEANS COUNCIL**

The Deans Council is composed of deans of the College of Arts and Sciences, School of Agriculture and Environmental Sciences, School of Business and Economics, School of Education, College of Engineering, School of Nursing, School of Technology, F. D. Bluford Library, University Studies and the School of Graduate Studies. This Council makes recommendations to the chancellor through the Provost and Vice Chancellor for Academic Affairs on broad categories of academic issues such as faculty employment guidelines and other

areas related to faculty development, implementation and discontinuance of academic programs and activities, admission criteria, retention and graduation.

## **DEPARTMENT CHAIRPERSONS**

The department heads report to the Provost and Vice Chancellor for Academic Affairs through the deans of the designated schools/colleges. The department chairpersons are responsible for the leadership and administration of the academic departments. Engaging faculty in the strategic planning process for the academic unit is an important role. Each department head is responsible for budget development, management and allocation. Primary responsibilities of the department heads in personnel management include recruitment, hiring, faculty assignments and workload, evaluation, reward, development and professional guidance, and participation in the reappointment, promotion and tenure and post-tenure review process.

Facilities management duties include coordination and oversight of classroom and laboratory usage. The department head oversees accreditation and curricular and program development, secures external funding, and supports faculty research, teaching and service.

## **CHAPTER IV**

### **FACULTY GOVERNANCE**

#### **ARTICLE I**

#### **AUTHORITY**

##### **FACULTY**

The Faculty of North Carolina Agricultural and Technical State University, hereinafter designated as the Faculty, shall be governed by the rules set forth in this document entitled "Faculty Governance."

##### **CHANCELLOR**

The Faculty recognizes and accepts that the authority and responsibility for the governance of North Carolina Agricultural and Technical State University by law are vested in the Chancellor, subject to policies established by the Board of Governors and the Board of Trustees, to the direction of the President, and to such authority as the Chancellor may define for faculties, councils, committees, and officers of North Carolina Agricultural and Technical State University.

#### **ARTICLE II**

##### **PURPOSES**

##### **THE CODE OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA**

Faculty governance takes place within the guidelines, set forth in The Code of the Board of Governors of The University of North Carolina, which stipulate that the Chancellor is responsible for the campus and in turn is responsible to North Carolina Agricultural and Technical State University's Board of Trustees, the President and the Board of Governors of the University of North Carolina. To the extent that any of these sections may be inconsistent with The Code, as it may be amended from time to time, said Code shall control.

##### **PURPOSES**

The Purposes of Faculty Governance are as follows.

- A. To promote the conceptualization of University governance as a cooperative responsibility of administration, faculty, students, and other groups concerned with the growth and development of the University.

- B. To define clearly the responsibilities delegated to each constituent group.
- C. To assure the active participation of faculty members in committee assignments.
- D. To provide for and facilitate effective communication among interested groups in the immediate and ever-widening University community.
- E. To give full recognition to the Chancellor of the University who has the ultimate authority and responsibility for administrative action according to the policies of this document.

### **ARTICLE III**

#### **ORGANIZATION**

The name of this organization shall be the Faculty Senate of North Carolina Agricultural and Technical State University.

### **ARTICLE IV**

#### **FACULTY SENATE**

##### **GOVERNANCE**

The Faculty Senate shall be the main body of faculty governance of North Carolina Agricultural and Technical State University.

##### **PURPOSES**

The purposes of the Faculty Senate are:

- A. To be the legislative body of the faculty.
- B. To recommend requirements for admission, courses of study/curricula and requirements for undergraduate and graduate degrees.
- C. To recommend academic policies that impact respective educational programs of study.
- D. To recommend and/or endorse the establishment or discontinuance of undergraduate and/or graduate degree programs.

- E. To recommend faculty to serve on University-wide committees.
- F. To nominate and elect faculty to serve on (1) the Faculty Grievance Committees, (2) the Hearing and Reconsideration Committee, (3) the Faculty Reappointments, Promotions, and Tenure Committee for the Library, School of Nursing, and other Programs, and to serve as (4) delegates to the University of North Carolina Faculty Assembly.
- G. To recommend education programs designed for service to the immediate and ever-widening community.
- H. To recommend short-term and long-term planning for the academic growth and development of the University.
- I. To recommend changes to the faculty handbook and maintain the faculty handbook.

## **MEMBERSHIP**

Each academic department, The School of Graduate Studies, and the library shall elect one Senator and one Alternate to the Faculty Senate. The Chancellor and the Provost/Vice Chancellor for Academic Affairs are ex officio members.

- A. Each Senator and Alternate is elected for a three-year term. A Senator may serve a maximum of two consecutive terms. A Senator who has served two consecutive terms may seek election again after sitting out at least one term. The Alternate does not automatically elevate to the status of Senator if the Senator is not re-elected or is ineligible to serve another term.
- B. Only Senators and Alternates make motions and vote.
- C. Election of the Senator and Alternate should occur during the month of March. The names of these elected representatives should be forwarded to the Faculty Senate President and Secretary not later than the third Tuesday in April. Newly elected Senators and Alternates shall commence their terms at the beginning of the following academic year.
- D. Only full time faculty who are at least in their second year at North Carolina Agricultural and Technical State University may be elected as a Senator or Alternate.
- E. Individuals with administrative appointments (including Department Chairpersons, Directors, Assistant/Associate Deans, and Deans) are ineligible to serve as Senators or Alternates.

## **RESPONSIBILITIES OF SENATORS**

- A. Each Senator is expected to attend all regular and call meetings of the Faculty Senate.
- B. In the event the Senator is unable to attend a meeting, the Alternate should be notified by the Senator and attend the meeting.
- C. Senators and Alternates are to represent and report the interests and concerns of their departmental faculty.
- D. Senators should report the business of the Senate to their respective departments.
- E. Each Senator must serve on at least one (1) standing committee of the Faculty Senate.

## **OFFICERS**

The officers of the Faculty Senate shall be the President, Vice President, Secretary, and such other officers as deemed necessary.

- A. The officers shall be elected from the elected membership of the Faculty Senate at the last meeting of each year and shall assume responsibility as newly elected officers at the beginning of the following academic year.
- B. The officers shall serve an initial one year term and may be re-elected for an additional one year term.
- C. Elected officers may serve two consecutive terms.

## **DUTIES OF THE OFFICERS**

- A. The duties of the President shall be as follows;
  - 1) To preside at all meetings of the Faculty Senate and the Executive Committee of the Faculty Senate.
  - 2) To appoint standing committees and other committees as necessary; to attend Board of Trustees meetings; and to execute other duties incumbent with that office.
- B. The duties of the Vice President shall be as follows:

- 1) In absence of the President, the Vice President acts in the official capacity of the President and performs all the duties of that office.
- C. The duties of the Secretary shall be as follows:
- 1) To record Minutes of all Faculty Senate meetings and prepare copies of the Minutes for distribution to the members of the Faculty Senate.
  - 2) To notify all Senators of meetings.
  - 3) To record Minutes of the Executive Committee meetings.

### **MEETINGS – QUORUM – VOTING**

There shall be a regular meeting of this organization once during each month of the academic year. The Faculty Senate may not meet during the months of December and May.

- A. Special meetings may be called by the President or at the written request of one-third of the Faculty Senate membership.
- B. A special meeting shall be called by a written notice or by telephone in cases of an urgent nature.
- C. A quorum for conduct of Business in the Senate shall consist of a majority of the academic departments represented in the Faculty Senate.
- D. Robert's Rules of Order, Newly Revised, shall be observed in the conduct of business.
- E. Absentee and proxy voting are not permitted.
- F. Disposition of motions shall be determined by majority vote of the members present.
- G. Copies of minutes and action taken by the Faculty Senate shall be deposited in the Office of the Provost and Vice Chancellor for Academic Affairs, and the Reserves Section of the Library.

### **STANDING COMMITTEES**

The Standing Committees of the Faculty Senate shall be the Constitution Committee, Education Policy Committee, Faculty Welfare Committee, Nominating Committee, and the Committee on New Programs and Curricula. All of the standing committees present reports and recommend their committee actions to the Senate for approval. The duties of the standing committees are as follows:

- A. Constitution Committee** - This committee shall review periodically the Constitution and make recommendations for necessary changes.
- B. Education Policy Committee** - This committee shall study and recommend new policies or changes in existing policies relating to the academic programs of the University.
- C. Faculty Welfare Committee** - This committee shall be concerned with matters pertaining to employment, appointments, tenure, benefits, and professional development.
- D. Nominating Committee** - This committee shall consist of one member of the Faculty Senate from each of the colleges/schools and the library. This committee should submit a slate of nominations in April for Senate officers, faculty grievance committee members (Grievance and Hearing and Consideration) school/college representatives, and Faculty Assembly delegates. In conjunction with the Executive Committee of the Senate, the Nominating Committee should identify faculty to be named to various University-wide committees to be appointed by the Chancellor, Provost, or a Vice Chancellor.
- E. Committee on New Programs and Curricula** - This committee shall review, analyze and approve all proposed curricular changes and new programs recommended by academic departments or other representative individuals or groups. The Senators from the School of Graduate Studies and the Library shall serve on the New Programs and Curricula Committee. Additionally, a representative from the Teacher Education Council will serve as an ex officio member of the committee.
- F. Academic Calendar Committee** – This committee shall review the Academic Calendar each year to ascertain accuracy and fairness before the Calendar is officially printed. Its operations will be in accordance with The Code of the Board of Governors of the University of North Carolina (Section 400.1.6) which defined the number of class days per semester and reports the date for approved calendar submission – namely, October 15 for the following academic year.
- G. Faculty Handbook Committee** – This committee shall review the University Faculty Handbook annually and/or deliberate on issues pertaining to the Faculty Handbook as directed by the Senate, and make recommendations to the Senate for approval of any changes deemed necessary to the Faculty Handbook. It is the responsibility of this committee to update the Faculty Handbook with changes approved by the Senate.



## **COMMITTEE APPOINTMENTS – HEARING AND RECONSIDERATION AND GRIEVANCE**

Faculty appointed to the Hearing and Reconsideration Committee and the Grievance Committee have a duty to provide input at committee meetings that reflects the interest of the faculty. The (faculty) committee member should submit and/or present a written report to the Faculty Senate. Information should be presented in a timely manner.

## **EXECUTIVE COMMITTEE**

The Executive Committee shall consist of the President, Vice President, Secretary, and Chairpersons of each Standing Committee. It shall be the duty of the President of the Faculty Senate to convene meetings of the Executive Committee, as necessary, to handle matters where it would not be expedient or possible to call a meeting of the Faculty Senate. It shall be the power and duty of the Executive Committee to act on behalf of the Faculty Senate when the Senate is not in session.

## **METHODS OF SUBMITTING BUSINESS MATTERS TO THE FACULTY SENATE FOR CONSIDERATION**

Business matters may be brought before the Faculty Senate by academic departments, committees, elected representatives of the Senate, school/college faculty, or administrators.

## **CHAPTER V**

### **COMMITTEES OF THE FACULTY**

#### **A. COMMITTEES OF THE FACULTY - ELECTED**

Any faculty member appearing before any committee at the University which will make a decision or recommendation concerning that faculty member has the right to an impartial consideration. Faculty members have the right to challenge the participation of a committee member based on a showing of a conflict of interest that may affect the impartiality of that committee member. Such challenges should be made before the committee in question. That committee must decide by majority vote the validity of the challenge before consideration is given to the issue before the committee.

An applicant for promotion who is serving on the promotion and tenure committee may not participate in the deliberation on his/her application.

##### **1. Faculty Reappointments, Promotions, and Tenure – University**

The University Committee on Reappointments, Promotions, and Tenure is responsible for reviewing all recommendations from all School/College Deans and the Dean of The Library with respect to reappointments, promotions, and tenure, and shall recommend appropriate action to the Provost and Vice Chancellor for Academic Affairs. The University Committee on Reappointments, Promotions, and Tenure shall consist of thirteen (13) faculty members, each of whom shall have permanent tenure and shall be elected by faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, school/college dean, or other administrative officer may serve on this committee.

In relation to applications for tenure, this review is not for the purpose of judging the professional qualifications of the applicant. The scope of this review is restricted to determining whether the University has the resources to support the application, and whether a positive recommendation concerning the application is consistent with current University goals. Such factors as the following are considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. In regards to application for promotion, the University Committee is to review, following review by the School/College Committee, the applicant's professional qualifications in relation to the comparability of qualifications with previous applicants and consistency with those at the same rank throughout the University.

The Committee shall elect from its membership a chairperson, a vice chairperson, and a secretary.

The number of Committee members allotted to each School/College and the Library staff is as follows:

<b>SCHOOL OR UNIT</b>	<b>NUMBERS OF MEMBERS</b>
Arts and Sciences	3
Education	1
Agriculture	1
Business and Economics	2
Engineering	2
Nursing	1
Library	1
Technology	2
<b>Total Number of Members</b>	<b>13</b>

## **2. Faculty Reappointments, Promotions, and Tenure – School/College**

Each School/College Committee on Faculty Reappointments, Promotions, and Tenure is responsible for reviewing all recommendations from department chairpersons within the school/college with respect to the academic merits of the faculty member, taking into consideration criteria published in other parts of the Handbook (specifically Appendices C and D) and/or other relevant criteria as promulgated by the individual school/college. The committee shall then recommend to the school/college dean appropriate action with respect to reappointments, promotions, and tenure.

The review of this Committee is restricted to the evaluation of the faculty member's application with respect to satisfying the criteria for reappointment, promotion, and tenure. The scope of this review is limited to the professional qualifications, professional performance, and potential professional contributions to the University.

Each School/College Committee on Faculty Reappointments, Promotions, and Tenure shall consist of a minimum of five (5) faculty members. The selection of Committee members shall be within the province of the faculty of the school/college. Each committee member shall have permanent tenure and shall be elected by the school/college faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, school/college dean, or other administrative officer may serve on this committee.

The Committee shall elect from its membership a chairperson, a vice chairperson, and a secretary.

If the School/College Committee on Faculty Reappointments, Promotions and Tenure, and the dean, need further information related to the applicant, they should consult a source qualified to provide the required information.

### **3. Faculty Reappointments, Promotions, and Tenure – Department**

Each department within a school/college shall have a Committee for Reappointments, Promotions, and Tenure that is responsible for reviewing all applications for Reappointments, Promotions, and Tenure from within the department. The Committee shall use the criteria published in the handbook (See Appendices B-1, B-2, C-2, and C-3), and the current published standards for Reappointments, Promotions, and Tenure of the department for its review. The Committee shall be comprised of the department chairperson and a maximum of six tenured faculty members who shall be elected by the department faculty from the following professorial ranks: professor, associate professor, and assistant professor. If the department has more than six tenured faculty members, then six candidates will be elected by the departmental tenured and tenure-track faculty. In the case of small numbers, the Committee may contain four or a minimum of two tenured faculty members, excluding the chairperson. This number must always be odd. If the department does not have two tenured faculty members to serve on the Committee, tenured and tenure-track faculty of the department will elect one or two eligible tenured faculty from other departments in their school/college to serve on their departmental Committee. The department chairperson will participate in the evaluation of all other departmental applications except his/her own. For the evaluation of the department chairperson, an alternate tenured faculty member will be elected from the eligible tenured faculty of the department or of the other departments in the school/college. The Committee shall elect a chairperson from its membership.

### **4. Faculty Reappointments, Promotions, and Tenure – Third Review Committee for the Faculty of the Library, School of Nursing, and Other Programs**

The professional Library faculty, the School of Nursing, and all other programs without three recommending bodies at the School/College/Division level will undergo a third review in case of a tied vote.

- A three-member standing committee of tenured faculty drawn from a slate of five tenured faculty nominated by the Faculty Senate will serve as the voting body.
- The slate of nominees will be submitted to the affected divisions by the Faculty Senate.
- This committee will be elected by the tenured and tenure track faculty members of the affected units.

### **5. Post-Tenure Review Committee**

Tenured faculty in all departments in all schools/colleges shall constitute the pool eligible to serve as members of a Performance Review Committee (PRC). While reviewees may select tenured faculty who are undergoing PTR that year, they may not serve on one another's PRCs that same year. Administrative tenured faculty are ineligible to serve on a PRC. The Office of the Provost/Vice Chancellor for Academic Affairs shall verify annually the eligibility of all committee members and maintain records of the members of the University-wide PRCs. From this pool, three faculty members shall be selected to serve on the PRC for a tenured faculty member who has been identified for a performance review. Two of the three committee members shall be selected by the reviewee, and one member shall be selected by the tenured faculty from

the reviewee's department. Reviewees shall notify their Department Chairperson of their two PRC selections by the last Friday in October. Once the reviewees have notified the Department Chairperson of their selections, the Department Chairperson shall forward these selections to the department's most senior tenured faculty member. The Department Chairperson shall ask this senior faculty member to convene a meeting of the department's tenured faculty for the purpose of selecting the third member of the PRCs and shall remind the faculty that they are not restricted to choosing a third PRC member from among department faculty. The Department Chairperson will not attend this meeting. Tenured faculty who are undergoing PTR should participate in such a meeting, but should leave the room when the discussion involves the selection of their third PRC member. When there are two or fewer tenured faculty in the department, the senior faculty in the department shall participate in the selection of the third committee member.

The Office of the Provost/Vice Chancellor for Academic Affairs shall endeavor to provide a training session for PRC members relative to peer review. See Appendix B-3 for detailed procedures of Post-Tenure Review.

## **6. Faculty Grievances**

The Faculty Grievance Committee shall be authorized to hear, mediate, and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the person directly involved in a grievance, to mediate voluntary resolution by the parties, and to advise resolution by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the department chairperson, dean or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time, not to exceed ten (10) working days.

"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 the institution. However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member or is within the jurisdiction of another standing committee of the faculty may be considered by the committee.

The Committee on Faculty Grievances shall consist of seven (7) faculty members elected by the faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, school/college dean, or other administrative officer may serve on this committee.

The committee shall elect from its membership a chairperson, a vice chairperson, and a secretary.

The Nomination Committee of the Faculty Senate shall recommend persons for election to the Faculty Grievances Committee. The Chancellor shall appoint members based on these recommendations. For Information concerning regulations on Faculty Grievance, Policy and Procedures, see Appendix F-2.

## **7. Hearing and Reconsideration**

The Hearing and Reconsideration Committee is responsible for conducting a proper hearing to determine the facts concerning charges (such as incompetence; neglect of duty; serious ethical misconduct; discrimination based on race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's status.; and other violations of faculty policy brought against a faculty member and render a judgment in accordance with specific findings of fact with regard to the charges.

The Committee on Hearing and Reconsideration shall consist of seven (7) faculty members elected by the faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department head, division director, school/college dean or other administrative officer may serve on this committee.

The committee shall elect from its membership a chairperson, a vice-chairperson and a secretary. The Nomination Committee of the Faculty Senate shall recommend persons for election to the Faculty Hearing and Reconsideration Committee.

Hearings shall be conducted in accordance with Section 603 of **The Code** of the Board of Governors of The University of North Carolina.

In accordance with Section 6 B (5) of the North Carolina Agricultural and Technical State University Regulations on Academic Freedom, Tenure and Due Process, the faculty member may, in certain circumstances, request from the Faculty Hearing and Reconsideration Committee a reconsideration of an unfavorable decision. Please see Appendix B-2.

## **B. COMMITTEE OF THE FACULTY – STATE-CERTIFIED VOLUNTEERS**

### **Mediation**

Faculty members may seek redress concerning employment-related grievances through the intervention of State-certified employment mediators. The goal of the mediation procedure is to reach a consensual resolution of the dispute and, if that fails, to determine whether the contested decision was materially flawed, in violation of applicable policies, standards or procedures. This process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions. Due to potential conflicts of interest, mediators on a given campus are not allowed to hear cases of their fellow campus employees. Consequently, only intercampus mediation services are to take place. See Appendix F-1 for additional information on the mediation procedures.

## **C. COMMITTEES OF THE FACULTY – APPOINTED**

### **1. Admissions and Retention**

The Committee on Admissions and Retention is responsible for recommending admission and retention policies for the University and for assisting in the implementation of regulations governing admission and retention.

### **2. Affirmative Action**

The Committee on Affirmative Action is responsible for overseeing the hiring, promotion, termination, and granting of tenure to minorities, women, and persons with disabilities; for insuring that these groups of persons receive fair and equal treatment; for conducting hearings about allegations of sexual harassment; and for assuring that adequate opportunities are available to them in the formulation and implementation of policies on employment and other University benefits.

### **3. Awards and Honorary Degrees**

The Committee on Awards and Honorary Degrees is responsible for selecting and recommending the following: (1) the Outstanding Teacher, (2) the Outstanding Administrator, (3) the Outstanding Alumnus/Alumna and (4) the Outstanding Person(s) to receive Honorary Degrees for recognition at the commencement exercises.

### **4. Banner Steering Committee**

Continuing North Carolina Agricultural and Technical State University's progress towards an interdisciplinary university, we have embarked on a multi-year project of replacing all ERP (Enterprise Resource Planning) systems. The new system, called SCT Banner, replaces all data and subsystems within the current IA-Plus system (Financial Records Systems-FRS, Student Information Systems-SIS, Human Resources System-HRS, and Alumni Development System-ADS) with a more efficiently integrated administrative support system.

Specifically, the charge to the Banner Steering Committee is to guide and provide direction to the project teams on the overall implementation of the following goals:

- To transition to a unified hardware architecture;
- To transition to a relational database environment (Oracle);
- To transition to a new administrative information system (SCT Banner);
- To transition to a campus-wide reporting strategy;
- To advise the Cabinet on new policies that will result from the Banner Implementation.

## **5. Commencement Committee**

The Committee on Commencement is responsible for making plans and complete arrangements for the Commencement Program.

## **6. FUTURES Planning and Resource Council**

The FUTURES Planning and Resource Council is central to the process of advising the Chancellor in planning the future of the University community. Council members will provide important leadership for strategic institution-wide thinking. The Council, together with campus colleagues, students, alumni, and community friends, will consider future challenges and opportunities. The members are challenged to anticipate the major changes, trends, socio-economic and technological movements, i.e., “driving forces,” that will affect North Carolina Agricultural and Technical State University in the next three to five years. Specifically, the charge to the Council in engaging the process of strategic visioning is to: advise the Chancellor, think boldly, ensure campus-wide participation/communication, study the facts/data, and maintain a University-wide perspective.

## **7. Ventures Fund Grant Review Committee**

The purpose of the Ventures Fund Grants is to advance the vision of the interdisciplinary university. Grants will be awarded to support the development of projects, activities and experiences that are directly related to the University’s vision and five goals to build and preserve intellectual capital. The committee reviews proposals submitted for consideration to receive grants. Proposals are then forwarded to the various review teams to ascertain the viability of each project submitted. A list of the best projects is submitted to the Chancellor for seed grants up to \$15,000.

## **8. Governor’s Award for Excellence Committee**

This committee is charged to review and screen all nominees for the Excellence Award submitted by the Vice Chancellors. Nominations may be made for outstanding service or achievements at any level of employment in the following categories: (1) Outstanding State Government Service; (2) Innovations; (3) Public Service; (4) Safety and Heroism; and (5) Human Relations.

## **9. Institutional Animal Care and Use Committee**

The IACUC is advisory to the Vice Chancellor for Research and Economic Development and is responsible for protecting the rights and welfare of animal subjects in research in accordance with the Animal Welfare Act and the Health Research Extension Act of 1985 and subsequent revisions.

## **10. Institutional Biosafety Committee**

The Institutional Biosafety Committee is advisory to the Vice Chancellor for Research and Economic Development and functions in accordance with policies and procedures, as required



by the National Institutes of Health and the Occupational Safety & Health Association (OSHA), to oversee faculty research involving infectious biological agents and Recombinant DNA materials. Thus, the committee is charged to review and approve all research involving biohazardous agents in accordance with North Carolina A&T State University's policy and requirements set forth in the National Institutes of Health's "Guidelines for Research Involving Recombinant DNA Molecules," in OSHA's "Occupational Exposure to Hazardous Chemicals in Laboratories" (referred to as the "Laboratory Standard") and by the Centers for Disease Control (CDC). The committee upholds the University's responsibility for ensuring that research and teaching activities are carried out in a manner that protects students, University employees, and the community.

### **11. Institutional Review Board**

The Institutional Review Board is advisory to the Vice Chancellor for Research and Economic Development and is responsible for protecting the rights and welfare of human subjects in research in accordance with the Public Health Service Act (P.L. 93-348) as implemented by HHS regulation 45 CFR 46. The board shall be responsible for determining for each activity planned and conducted that (1) the rights and welfare of human subjects are adequately protected, (2) the potential benefits to the human subjects outweigh the risks involved, and (3) the informed consent of human subjects will be obtained by methods that are adequate, appropriate, and in conformity with the guidelines established by the federal government concerning the use of human subjects in research.

All research, sponsored and non-sponsored, on human subjects must be reviewed by this committee. It is the responsibility of each faculty member to institute the review process through the department chairperson.

### **12. Insurance Committee**

The Committee on Insurance is responsible for reviewing all insurance proposals that are submitted to the University for consideration and making decisions about insurance products.

### **13. Intellectual Life of the Campus Commission**

The Intellectual Life of the Campus Commission is responsible for assessing the intellectual environment of NC A&T. It is further charged with engaging the campus community in a conversation regarding the current and future intellectual climate on campus, and then recommending ways to continuously enhance the intellectual growth and development of the campus community constituencies – namely, students, staff, and faculty (teaching and non-teaching).

### **14. NCAA Compliance Committee**

This committee is responsible for: (1) Reviewing cases of possible NCAA or Institutional violations and reporting them to the proper authorities; (2) Forwarding the facts and evidence to the MEAC and NCAA if necessary; (3) Recommending institutional action to the Athletics

Director; (4) Evaluating policies and procedures as they relate to compliance and eligibility issues, and (5) Facilitating the education of the campus community on NCAA rules and regulations.

#### **15. Radiation Safety Committee**

The Radiation Safety Committee is advisory to the Vice Chancellor for Research and Economic Development, and is responsible for ensuring that research involving the use of radioactive materials and radiation-producing devices is conducted in accordance with the North Carolina Radiation Protection Act, the North Carolina Administrative Code (15A NCAC 11.0101), Radiation Protection Regulations, and NRC 10 CFR Part 20.

#### **16. Retiree Recognition/Aggie Family Remembrance Committee**

This committee is responsible for recommending an annual program designed to give (1) appropriate University recognition to all retiring members of the University Family, (2) individual certificates of recognition appropriate to length of service to the University, and (3) individual awards appropriate to length of service to the University. Aggie Family Remembrance was added to the charge of the Committee for Retiree Recognition to recognize those members of the Aggie faculty and staff who passed during the academic year before they could be recognized at the end-of-the-year annual recognition of retirees.

#### **17. Safety and Health Committee**

The charge to this committee includes the following duties and responsibilities:

- a. Review all safety and health policies and procedures established by the University.
- b. Review incidents involving work-related fatalities, injuries, or illnesses.
- c. Review employee complaints regarding safety and health hazards.
- d. Analyze the University's work injury and illness statistical records.
- e. Conduct inspections of work sites at least annually and in response to complaints regarding safety and health hazards.
- f. Conduct interviews with employees in conjunction with inspections of the workplace.
- g. Review training records to ensure compliance with regulatory training requirements.
- h. Conduct meetings at least once every three months. Maintain written minutes of such meetings and send copies to each committee member. Copy of minutes shall be posted in the appropriate workplace.
- i. Designate Employee Safety and Health Representative(s) to accompany representatives from regulatory agencies (i.e., NIOSH, NC Department of Insurance, and NC Division of Environmental Management) during safety and health inspections of the workplace.
- j. Make written recommendations on behalf of the committee to the next highest safety and health committee and/or agency head.

## **18. State Employees Combined Campaign Committee**

This committee is responsible for the coordination and management of the SECC, the campaign that allows state employees the opportunity to contribute to charitable organizations in an orderly and uniform process through one annual campaign. Specifically, they are responsible for (1) reviewing and analyzing past campaign results; (2) setting goals for the campaign; (3) determining appropriate campaign strategies; (4) selecting campaign solicitors; (5) promoting the campaign; and (6) implementing the campaign plan.

## **19. Student Residency Classification Appeals Board**

This committee is responsible for the decision-making process concerned with in-state residency determination for NC A&T students. Three primary reference documents used in concert with these discussions are: (1) Administrative Memorandum No. 212 dated January 12, 1985, entitled Amendments to the Policies and Procedures of State Residency Committee; (2) A Manual to Assist Public Higher Education Institutions in the matter of Student Residency Classification for Tuition Purposes; and (3) Updates from the State Residency Committee. Each member is expected to attend one or both of the Residency Classification Workshops held at General Administration during the month of March of each year.

## **20. Teacher Education Council**

The Teacher Education Council is responsible for determining all policies and programs affecting teacher education. The Council has jurisdiction over policies, governing curricula, practices, proposals and procedures relating to all teacher education programs – undergraduate, certification, and graduate. For masters and post secondary baccalaureate teacher education programs, the Council acts upon new program requests and policies that subsequently are sent to the Graduate Council for consideration. Decisions regarding curricula and policies are subject to final approval of the Faculty Senate and Faculty Forum. Each member's role is crucial in ensuring the quality of all teacher education programs.

## **21. Traffic Review Committee**

The Traffic Review Committee is responsible for conducting a proper hearing of appeals from students, faculty members or other University employees whose parking permits are suspended or revoked, or who are fined for violation of any University traffic regulation. The committee shall consist of three members. Two of the members shall be faculty members appointed by the Chancellor and one shall be a student selected by the President of the Student Government Association. All decisions of the committee shall be deemed final under the Traffic Regulations.

## **22. University ITT Advisory Committee (and e-Learning Taskforce)**

The University Information Technology and Telecommunications (IT&T) Advisory Committee is charged to:

- Monitor and evaluate the campus-wide IT&T strategic plan and implementation.

- Advise and recommend information technology and telecommunications policies, processes, procedures and standards for consideration by the division and approval by the Board of Trustees and the Chancellor.
- Advise IT&T administrators on campus-wide information technology and telecommunications needs.
- Advise IT&T administrators regarding budgetary requirements for educational, research, and administrative computing.
- Advise IT&T administrators on policies, procedure, and standards for e-Learning.
- Provide members to act as facilitators and consultants to the campus regarding computing and e-Learning.

### **23. University Judicial Tribunal**

The University Judicial Tribunal reviews timely student appeals arising from punitive action(s) taken by an academic unit in matters related to academic dishonesty. The Tribunal consists of a pool of ten (10) members evenly divided between students and faculty. The Chancellor of the University selects and appoints the members. A majority vote of the panel is required to determine any issue of fact or impose any sanction. A majority of the members of the Tribunal, including the Chairperson, must be present to constitute a quorum.

### **24. University Lyceum Committee**

The University Lyceum Committee is responsible for planning and publishing the Lyceum Programs for each year.

## **CHAPTER VI**

### **POLICIES OF THE UNIVERSITY**

#### **A. ACADEMIC FREEDOM, TENURE AND DUE PROCESS**

For the complete text of the University's Policy on Academic Freedom, Tenure and Due Process, see Appendix B-2.

#### **B. AFFIRMATIVE ACTION**

The Affirmative Action Program is designed to assure and to further employment opportunities for women, members of minority groups, and handicapped persons.

Each vice chancellor, dean, director, department chairperson, and supervisor is responsible for implementing the Affirmative Action Program of the University in his/her administrative unit. This program shall be an important objective of the University as it moves toward its goal of educational excellence. (See Equal Employment Opportunity, Chapter VI, Section G.)

A copy of the Affirmative Action Program of the University is available in the office of the Affirmative Action Officer.

#### **C. APPOINTMENTS TO ADMINISTRATIVE AND SUPERVISORY POSITIONS**

Appointments to administrative and supervisory positions of North Carolina Agricultural and Technical State University do not carry tenure. The tenure policy of the University applies only to tenured and tenure track instructional positions. However, administrators may obtain tenure in their academic discipline.

#### **D. CRITERIA FOR THE EVALUATION OF THE FACULTY**

See Appendix C-2.

#### **F. FACULTY EMPLOYMENT PROCEDURES, ACADEMIC FREEDOM, PROFESSORIAL RANK, TENURE, AND DUE PROCESS**

The employment of persons who are Exempt from the State Personnel Act (EPA) Teaching does not become official until a contract has been signed by both the employee and the Chancellor of the University. For further information concerning the employment of EPA Faculty personnel as regulated by the Board of Governors, please see Appendix C -1.

#### **G. EQUAL EMPLOYMENT OPPORTUNITY**

The Policy on Equal Employment Opportunity is nondiscriminatory and applies to all without regard to race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's

status. This policy covers all conditions of employment, including the following: recruitment, hiring, training, promotion, compensation, fringe benefits, opportunities to serve on committees and decision making bodies, and participation in social and recreational programs.

Each vice chancellor, dean, director, department chairperson, and supervisor is responsible for implementing the Equal Employment Opportunity Policy of the University. This policy shall be an important objective of the University as it moves toward its goal of educational excellence.

The Equal Employment Opportunity Policy of the University is administered through the office of the Affirmative Action Officer. The University has two (2) positions designated: the director of human resources and the assistant vice chancellor for institutional research and planning.

## **H. EXTERNAL PROFESSIONAL ACTIVITIES OF FACULTY AND OTHER PROFESSIONAL STAFF**

See Appendix D-3.

## **I. FACULTY STUDY/DEVELOPMENT GRANT PROGRAMS**

The Academy for Teaching and Learning administers two major faculty development grant opportunities for faculty members at North Carolina Agricultural and Technical State University. The policies and procedures governing these programs are outlined below.

### **1. FACULTY STUDY GRANTS**

Faculty Study Grants are awarded to support full-time faculty members who are working on doctorate degrees in their teaching area. These grants are used to assist eligible faculty members with tuition, fee, and book expenses related to their doctoral education. Applications for Faculty Study Grants should be submitted to the Director of the Academy for Teaching and Learning. Each application should be supported by letters of endorsement from the school/college dean and the department chairperson. The following conditions apply to Faculty Study Grants:

- a. The applicant must be a citizen of the United States or he/she must be able to give reasonable assurance of his/her intention and right to remain in the country.
- b. The applicant must be a full-time faculty member of the University.
- c. The applicant must present evidence to substantiate enrollment in graduate school.
- d. Faculty Study Grants may be applied for and awarded on an ongoing basis, provided that the recipient provides evidence of satisfactory progress toward the doctorate degree during each academic term that assistance is being requested.
- e. Each recipient of a Faculty Study Grant is expected to return to North Carolina Agricultural and Technical State University at the end of the grant period and remain in the employment of the university for a period of two (2) years after the grant period. In no case shall the employment period be less than one academic year.
- f. If the grantee does not return to the services of North Carolina Agricultural and Technical State University immediately following the end of his/her leave for study,

if he/she resigns from the service of the university, or if he/she gives unsatisfactory service to the university, the entire amount of the award shall become due and payable in full.

## **2. FACULTY DEVELOPMENT GRANTS**

Faculty Development Grants are awarded to support faculty attending conferences, workshops, short courses, or other educational training in their field of expertise. This funding is used to offset travel expenses and registration fees. Applications for Faculty Development Grants should be submitted to the Director of the Academy for Teaching and Learning. Conditions governing Faculty Development Grant awards and the application for these grants are provided on the Academy for Teaching and Learning website:

<http://www.ncat.edu/~atl/programs/facultydevelopment/> .

## **J. ANNUAL LEAVE/FACULTY WITH ADMINISTRATIVE APPOINTMENT**

### **1. ANNUAL VACATION**

The University recognizes the importance of rest and recreation as necessary for personnel and essential to their continued vitality and efficiency in carrying out their job assignments. Therefore, the University supports a policy of annual vacation for all EPA personnel paid by State and non-State funds. The following enunciated policy supports this belief and provides an official uniform procedure in awarding and keeping records of annual vacation.

#### **a. Twelve-month Employees**

- i. Personnel with EPA Status, employed regularly on a twelve-month (12) basis, are entitled to annual vacation with pay as established by the EPA Non-Teaching Personnel Policies.
- ii. EPA personnel on a twelve-month (12) basis may accumulate and carry forward from one calendar year to the next the number of vacation days earned in that year. Vacation leave may be accumulated without any applicable maximum until December 31 each year. However, if the employee separates from service, payment for accumulated leave shall not exceed 240 hours.

On December 31 of each year any employee with more than 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January of the next calendar year.

Accumulation for part-time employees shall be prorated.

- iii. Annual vacation for EPA employees on a twelve- month (12) basis whose first and/or final period of employment is fewer than twelve (12) months entitlement will be on a pro-rata basis for the period involved.
- iv. Official University approved holidays are not charged against annual vacation.
- v. The EPA employee on a twelve-month (12) basis will arrange the particular time of his/her vacation with his/her immediate supervisor, and obtain the approval of the chief administrative officer of the unit (Vice Chancellor/Chancellor).
- vi. Annual Leave Report Forms for EPA Personnel on a twelve-month (12) basis must be signed by the immediate supervisor and the chief administrative officer of the unit to which the employee reports. A copy of the Annual Leave Report Form must be filed with Human Resources or Salary Administration of the University, with the chief administrator of the unit, and with the Vice Chancellor of Academic Affairs.

**b. Eleven-month Employees**

Personnel with EPA status, employed regularly on an eleven-month (11) basis, are given a contract from July 1 through June 30. This requires the Chancellor to inform these employees of their vacation period each year based on the academic year and summer term sessions. There is a total of thirty (30) days involved. Employment on Federal Grant projects is permissible during this off-period, excluding a two (2) week period (fifteen days including weekends) when vacation must be taken unless otherwise authorized. This two-week vacation period will be at the choice of the faculty member and must be coordinated through the department chairperson, school/college dean, and the Vice Chancellor for Academic Affairs.

**2. EXTENDED LEAVE OF ABSENCE**

Extended leave of absence for professional growth is granted to full-time tenured members of the faculty for the purpose of study, research, or other professional reasons. These leaves of absences must be approved by the department chairperson, school/college dean, and the Provost and Vice Chancellor for Academic Affairs.

**3. JURY DUTY**

Faculty members who are serving jury duty should arrange for the teaching of their classes with the department chairperson.



#### **4. PERSONAL LEAVE**

Request for a leave of absence for personal reasons must be approved by the department chairperson and the school/college dean.

#### **K. NEPOTISM**

The following restrictions, designed to avoid the possibility of favoritism based on family relationship, shall be observed with respect to institutional personnel who are not subject to the State Personnel Act.

**1. For items 2, 3, and 4 below, the expression "related persons" shall include any of the following:**

- a. Parent and child
- b. Siblings
- c. Grandparent and grandchild
- d. Aunt and/or uncle and niece and/or nephew
- e. First cousins
- f. Step-parent and step-child
- g. Step-brothers and step-sisters
- h. Husband and wife
- i. Parents-in-law and children-in-law
- j. Brothers-in-law and sisters-in-law
- k. Guardian and ward

Related persons shall not serve concurrently within the institution in any case where one such relative would occupy a position having responsibility for the direct supervision of the other related person.

With respect to proposed employment decisions which would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), a relative may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.

With respect to the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment) neither relative shall be permitted, either individually or as a member of a faculty or a member of a committee of a faculty, to participate in the evaluation of the other relative.

An annual report on the status of nepotism shall be made to the Board of Trustees.

#### **L. OUTSIDE WORK ON A CONSULTING OR CONTRACTUAL BASIS**

See Appendix D-3, External Professional Activities of Faculty and Other Professional Staff.

## **M. PAYROLL FOR EPA FACULTY PERSONNEL**

All full-time permanent faculty members are paid on the last day of each month in twelve (12) equal installments.

## **N. POLITICAL ACTIVITIES OF UNIVERSITY EMPLOYEES**

See Appendix D-1.

## **O. PROCUREMENT OF CONSULTANT SERVICES**

The 1975 session of the North Carolina General Assembly enacted legislation that prohibits the employment of consultants by state agencies without prior written gubernatorial approval where state funds are used. For further information concerning Rules, Regulations and Procedures for Procurement of Consultant Services, see Appendix D-2.

## **P. REQUIREMENTS AND GENERAL CRITERIA FOR PROMOTION IN RANK AND/OR PERMANENT TENURE**

See Regulations on Academic Freedom, Tenure and Due Process, approved by the Board of Governors, The University of North Carolina, March 1, 1976, Appendices C-2 and C-3.

## **Q. CONFIDENTIALITY OF PERSONNEL RECORDS**

According to North Carolina law (G.S. 126-23), each institution of the State must make the following information items about each of its employees available for public inspection: name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. At NC A&T State University, Human Resources is responsible for maintaining this information and providing access upon request.

All other personnel information related to an individual's application, selection or nonselection, promotions, demotions, transfers, leave, salary, suspension, performance evaluation forms, disciplinary actions, and termination of employment wherever located and in whatever form are confidential. (G.S. 126-22)

Specific information regarding who may have access to confidential personnel files and the penalties for improperly providing access can be provided by Human Resources or Legal Counsel or can be found in G.S. 126-24.

## **R. RETIREMENT OF FACULTY AND REAPPOINTMENT BEYOND NORMAL DATE OF RETIREMENT**

See Appendix B-2.

## **S. SENIOR ADMINISTRATIVE OFFICERS**

The duties and responsibilities of the President and the Chancellors and their respective senior staffs and their relationships to one another, to the Board of Governors, to the Board of Trustees, and to all other officers and agencies within and without the University are set forth in comprehensive terms in Chapter Five of The Code. To complement the provisions of Chapter Five of The Code and further clarify these duties, responsibilities, and relationships, the regulations set out below are adopted by the Board of Governors.

"Senior Officer(s) of the University," as used herein, shall refer to the President and the President's senior staff and the Chancellors and the senior academic and administrative officers of the constituent institutions, including persons at the rank of vice chancellor, provost, or dean and other officers of equivalent rank and responsibility.

1. A senior officer of the University who desires an official leave of absence for an interval of 90 days or fewer shall obtain the approval of the President, who shall report all such arrangements for leave to the Board of Governors. Leave for a longer period shall require approval of the Board of Governors.
2. A senior officer of the University may, with the approval of the Board of Governors, accept appointment to a full-time state or federal position for a period not exceeding one year. Appointment of a senior officer of the University to a full-time state or federal position for a period exceeding one year is presumed to constitute an interference with the performance of duties assigned to this officer by the University and the acceptance of such an appointment shall terminate the officer's administrative status, unless specific exemption is granted by the Board of Governors prior to the acceptance of the appointment.
3. Candidacy by a senior officer of the University for any federal or state public office will, upon public announcement of the officer's candidacy or at the time of official filing as a candidate, whichever event occurs earlier, terminate the officer's administrative status. Senior officers of the University may run for, be appointed to, or hold any county or municipal position, provided that in the opinion of the President a substantial likelihood of conflict with the officer's official duties and responsibilities in the University does not exist.
4. Senior officers of the University do not have tenure in their administrative positions, but may obtain tenure in their academic discipline with a concurrent faculty appointment. Their appointments as senior officers are subject to the approval of the Board of Governors, or of such other officers or agencies of the University, as the Board of Governors may designate by delegation of authority. Their continuance in office is therefore at all times subject to determination by the appropriate authority, as follows:
  - a. The President's continuance in office is determined by the Board of Governors.

- b. The continuance in office of members of the President's senior staff is determined by the President.
- c. The continuance in office of the Chancellor of a constituent institution is determined by the Board of Governors, which may act to terminate such an appointment upon its own initiative or upon recommendation of the President. The Board of Governors shall in all instances consult the appropriate Board of Trustees prior to terminating the appointment of a Chancellor.
- d. The continuance in office of vice chancellors, provosts, deans and other senior academic and administrative officers of the constituent institutions shall be determined by the Chancellor of the institution; however, these officers may have recourse from the Chancellor's action to the appeal of grievances set forth in Section 609 of The Code.
- e. Notwithstanding the provisions of (2) and (4) above, the Board of Governors, in accordance with the provisions of Section 501 B (6) of The Code, reserves the right to initiate action to terminate appointment of those officers when it deems such action to be necessary in the best interest of the University.

It is understood that tenure status as a member of the faculty of a constituent institution held concurrently by any senior officer of the University is separate and distinct from his/her administrative status, and faculty tenure status is governed by the tenure policies and regulations of the institution, as approved by the Board of Governors.

## **T. STUDENTS' RIGHTS AND RESPONSIBILITIES**

The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn without censorship or coercion is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allowed functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities; encouraging their increasing wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional and social responsibilities.

No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

All students shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process set forth in the Student Handbook.

## **U. IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES**

The University does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) when the employee is responsible for evaluating or supervising the affected student; (2) when the student is a minor, as defined by North Carolina law. It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

### **1. Definition of Terms**

- a.** "Amorous relationship." An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.
- b.** "Related by blood, law or marriage" means:
  - i.** Parent and child
  - ii.** Brother and sister
  - iii.** Grandparent and grandchild
  - iv.** Aunt and/or uncle and niece and/or nephew
  - v.** First cousins
  - vi.** Stepparent and stepchild
  - vii.** Husband and wife
  - viii.** Parents-in-law and children-in-law
  - ix.** Brothers-in-law and sisters-in-law
  - x.** Guardian and ward
- c.** "Evaluate or supervise" means:
  - i.** To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or;
  - ii.** To oversee, manage or direct one's academic or other institutionally prescribed activities.

### **2. Corrective Action**

Violations of the provisions of Section A shall be addressed in accordance with remedial measures prescribed by the university, up to and including discharge; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting misconduct charges against members of the class of employment of which the affected employee is a member. Faculty

disciplinary action shall be brought in accordance with Section B-2, Section 4: **DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS.**

## **V. WEAPONS**

North Carolina law prohibits any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or any other weapon, not used solely for instructional or school sanctioned ceremonial purposes, on any property owned, used or operated by any public or private educational institution.

## **CHAPTER VII**

### **CONDITIONS OF EMPLOYMENT AND GUIDELINES FOR PROFESSIONAL CONDUCT**

In order to pursue its purpose with vigor and implement its educational programs with optimum effectiveness, the University subscribes to the belief that there should be mutual understanding between administration and faculty on the question of faculty responsibilities and professional ethics. The statements which follow were prepared and approved by the faculty and the Board of Trustees and form the working guidelines accepted for employment and obligations assumed by members of the faculty.

#### **GENERAL CONDITIONS OF EMPLOYMENT**

Initial faculty appointments are explained in the publication entitled Regulations on Academic Freedom, Tenure and Due Process. See Appendix B-2.

All full-time permanent faculty members are paid on the last day of each month in twelve (12) equal installments.

Persons on a nine-month (9) contract who are to be employed in the summer school are issued a separate summer school contract in letter form and are paid on a separate basis.

All full-time employees are required to participate in the Retirement and Social Security programs. Insurance plans for hospitalization, disability, or life are provided under a group plan on a voluntary basis.

If, for any reason, the person does not begin his/her term of employment as indicated on the contract, payment shall be made for the time of actual service. Also, where an employee, for any reason, ceases his/her service with the University prior to completing his/her term of employment, payment will not be made for the uncompleted term.

Faculty members who are employed for eleven (11) and twelve (12) months are committed to summer employment and are to teach in the summer school.

North Carolina Agricultural and Technical State University is committed to the American ideal of equal and fair treatment of the individual irrespective of basis of race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's status.

No academic or personnel decision shall be made on the basis of a granting or a denial of sexual favors. See Appendix C-6.

It is misconduct, subject to disciplinary action, for faculty, to engage in sexual activity with any enrolled student of the institution, other than his/her own spouse, who is a minor below the age of 18 years.

It is misconduct, subject to disciplinary action, for a faculty member incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage, to evaluate or supervise any enrolled student of the institution with whom he/she has an amorous relationship or to whom he/she is related by blood, law or marriage.

No employee of the University should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties in the public interest. Faculty who wish to engage in external professional activity for pay shall submit the completed form, "Notice of Intent to Engage in External Professional Activity for Pay," to his/her department head for approval in advance of undertaking the activity. The Notice of Intent should be submitted not less than ten calendar days before the date the proposed activity is to begin. Faculty are also required to submit a Conflict of Interest Disclosure Form annually. Consult the Board of Governors of The University of North Carolina's "Policy on External Professional Activities of Faculty and Other Professional Staff" for details of the UNC System's conflict of interest policy.

The conditions of employment and the policies governing promotion and tenure of the faculty are described fully in the publication entitled Regulations on Academic Freedom and Due Process. See Appendix B-2.

## **GUIDELINES FOR PROFESSIONAL CONDUCT**

A faculty member of the University is expected to:

1. Develop and improve scholarly competence and exercise critical self-discipline and judgement in using, extending, and transmitting knowledge to students.
2. Respect the opinions of colleagues and exercise high professional judgement in relationships with the faculty.
3. Demonstrate competence in conducting classes, seminars, lectures; leading discussions; making appropriate assignments of work; organizing the general program of courses; and evaluating student achievement. Command of subject matter and continuous growth in the scholarship of the major field are expected.
4. Assist students, individually as well as in groups, by providing academic guidance and by stimulating intellectual curiosity and growth.
5. Develop and use adequate teaching aids, course outlines, syllabi, textbooks, charts, and other materials sufficient to insure an effective instructional program.



6. Demonstrate professional growth by participating in professional organizations, presenting professional papers, and publishing articles or books which may be the result of research or creative work, or by giving performances or holding exhibits.
7. Participate regularly in the school/college, division, and department meetings.

## **FACULTY-STUDENT RELATIONS**

### **STUDENTS' FREEDOM TO LEARN**

Freedom to teach and freedom to learn are inseparable features of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. As members of the academic community, North Carolina Agricultural and Technical State University students are encouraged to develop the capacity for critical judgement, and to engage in a sustained and independent search for truth.

### **FREEDOM OF ACCESS TO HIGHER EDUCATION**

No student may be barred from admission to North Carolina Agricultural and Technical State University on the basis of race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's status.

### **FREEDOM IN THE CLASSROOM**

The instructor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

### **FREEDOM OF EXPRESSION**

Students should be free to take reasonable exception to views offered in any course of study and to reserve judgement about matters of opinion. However, they are responsible for learning the content of any course of study in which they are enrolled.

### **ACADEMIC EVALUATION**

Students should have protection through orderly procedures against prejudices or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established by the instructor at the beginning of each course in which they are enrolled.

### **IMPROPER DISCLOSURE**

Information about students' views, beliefs, and political association which faculty members acquire in the course of their work as instructors, advisors, and counselors is considered

confidential under the Federal Education Rights and Privacy Act (FERPA) (See Appendix G.). Protection against improper disclosure is an important professional obligation. Anyone who improperly discloses confidential information shall be subject to disciplinary action.

### **FREEDOM OF ACCESS TO CLASSES AND TEACHERS**

Students have the right to select from the sections of a course offered except when a section has been filled. Students shall have the privilege of changing from one curriculum or major to another as long as they meet the minimum academic standards of the department or school/college concerned.

### **UNREALISTIC AND EXCESSIVE ACADEMIC REQUIREMENTS**

It is the responsibility of students to know the major requirements of their curriculum. If a student elects to meet the requirements of a catalogue other than the one in force at the time of original entrance, the student must meet all requirements of the catalogue elected. Students cannot be held to requirements other than those in the catalogue.

### **STUDENT EXPLOITATION AND STUDENT INVOLVEMENT IN EXPERIMENTS**

A student shall not be asked to serve as an assistant to a faculty member or as a subject for research except on a voluntary basis or when the research activity is directly related to the course. (Whenever a student is to be a subject for research, prior approval must first be obtained from the Institutional Review Board (Committee on Human Subjects). Students, graduate and undergraduate, shall not teach classes unless prior approval has been given by the academic dean of the school/college concerned.

### **POLICY ON MAKE-UP OF REQUIRED COURSE WORK**

The administration, faculty, and staff recognize that there are circumstances and events which require students to miss classes and required course work which may be performed or due on the day of an absence. Also, they recognize that required course work is needed to give each student an adequate performance evaluation. Therefore, whenever reasonable (specifically described below), students should be allowed to make up required work.

The following definitions will apply with respect to this policy:

- a. Required course work - All work which will be used in the determination of final grades (e.g., examinations, announced quizzes, required papers and essays, required assignments).
- b. Instructor - Person responsible for the course and providing instruction and evaluation.

- c. Permissible reasons for requesting make-up of required work are sickness; death of relatives (immediate family); participation in approved University related activities; acting in the capacity of a representative of the University (band, choir, sports-related travel, etc.); extraordinary circumstances (court appearance, family emergency, etc.). NOTE: Other reasons for requesting make-up of required course work are not acceptable.
- d. Documentation - Verification of sickness requires a signed statement of a physician or a duly authorized staff member of the Health Center.

Verification of death requires a signed statement from the minister or funeral director.

Verification of participation in University-related activities requires a signed statement from the Office of the Vice Chancellor for Student Affairs.

Verification of other reasonable circumstances (for example: court appearance, family emergency, etc.) requires a signed statement from an appropriate official (e.g., court official, parent or guardian, etc.).

**THE POLICY REGARDING MAKE-UP OF REQUIRED COURSE WORK IS AS FOLLOWS:**

- a. A student may petition an instructor to make up required course work whenever the student has a permissible reason for absence.
- b. The student will be required to present documentation which verifies absence was due to a permissible reason.
- c. Whenever possible, a student should consult with the instructor prior to an absence which will result in the failure to do required course work. Arrangements for make-up should be discussed and agreed upon at this time.
- d. A student must petition for make-up of required course work within three (3) days of the date the work was missed, unless extenuating circumstances, which must be justified, exist.
- e. If permission is granted to make-up required course work, the instructor and the student should agree on an acceptable date for accomplishing make-up of missed required course work.
- f. Failure to comply with item (d) (the student must petition for make-up of required course work within three days of the date the work was missed) may result in the denial of the make-up option.

**INSTRUCTORS SHOULD SCHEDULE MAKE-UP WORK AT A TIME THAT IS CONVENIENT TO BOTH THE INSTRUCTOR AND THE STUDENT.**

## **RESIGNATION**

When considering the interruption or termination of service to the University, the faculty member should recognize the effect of their decision upon the program of the institution and due notice of intentions should be given. If the termination of service is to occur the succeeding school year, notice should be given by March 1; if termination of service is to occur during the current academic year, notice should be given a semester in advance.

All notices of resignation should be in writing and addressed to the Chancellor of the University, with a copy to the Provost and Vice Chancellor for Academic Affairs, a copy to the school/college dean, and a copy to the department chairperson.

## **CHAPTER VIII**

### **FRINGE BENEFITS**

#### **INTRODUCTION**

New employees should attend the New Employee Orientation Program. The Benefits Office presents this program, which is designed to welcome each new employee to the university and to provide the new employee with information about the university's benefits. Assistance with the enrollment process and more detailed information are also provided during this session.

#### **A. HEALTH INSURANCE**

The State of North Carolina provides health care benefits for eligible faculty members, retirees and their eligible dependents. The North Carolina General Assembly determines benefits for the State Health Plan and has the authority to change benefits. Each person who enrolls will receive a booklet, issued by the State that describes benefits and limitations in detail.

If you wish to enroll, you must apply within 30 days from the date you begin work in order to receive benefits for any pre-existing health conditions. If you apply after the 30-day period, there may be a 12-month waiting period for pre-existing health conditions. The effective dates for health insurance are normally the first day of the month following the hire date.

Coverage for your spouse and dependents is paid entirely by you. The additional payment can be deducted from your paycheck each month.

In the event you should leave employment with North Carolina Agricultural and Technical State University prior to retirement, you have the right to continue health coverage for 18 months. If you leave the University to accept a position with an employer outside of North Carolina State Service, you may need certification of prior health coverage to assure credit toward a new employer's pre-existing condition period.

#### **1. Flexible Benefits Program: NC Flex**

Flexible Benefit Arrangement allows you to set aside money before any taxes are deducted for insurance plans and flexible spending accounts for health care plans and dependent day care. This means you never pay federal, state, or social security taxes on money you set aside in a Flexible Spending Account, or on premiums you pay via payroll deduction that are under a flexible benefit arrangement. This account can be used to pay deductibles for vision care, dental care, accident insurance, and supplemental medical plans.

- a. **Dental Plan** – You can take advantage of comprehensive dental coverage at a discounted cost compared with an after tax plan
- b. **Supplemental Medical** – This plan, also known as Health Care Plus, is designed to supplement your medical plan by providing benefits for physician's office visits and inpatient hospital stays. Benefits are paid directly to you. Please note this plan is not a replacement for comprehensive medical coverage.

- c. **Vision Care Plan** – This provides comprehensive vision care services including eyeglasses, contact lenses and eye examinations.
- d. **Dependent Day Care Flexible Spending Account** – You may set aside money before taxes to pay for care of a dependent child under age 13, an incapacitated spouse or a dependent adult. A dependent care FSA can pay for school care, home care and housekeeping services, among other things.
- e. **Health Care Flexible Spending Account** – You may set aside money before taxes to pay various out of pocket health expenses ranging from co-payments and prescriptive medicine to braces and contact lenses. When you have an expense that qualifies for payment you may use the NCFlex Convenience Card, a debit card, and submit a claim or simply submit a claim and receive a tax-free check reimbursing you.
- f. **Cancer Insurance** – This insurance helps to pay for cancer-related expenses.
- g. **Group Term Life Insurance** – This insurance pays a benefit to your beneficiary(ies) if you die while covered under the policy. Please note that this is strictly a life insurance policy that provides a benefit if you die. There is no accumulated cash value.
- h. **Accidental Death & Dismemberment Insurance** – AD&D pays a benefit if you suffer a loss as the result of an accident while covered (with certain exclusions). It also pays a benefit if you suffer certain disabling injuries while covered.

NCFlex updates and annual open enrollment packages are available to employees each year during October and November. For more information log on to [www.ncflex.org](http://www.ncflex.org).

## **B. LIFE INSURANCE**

Active full-time employees of the University may participate in a University-approved group life insurance plan. There are a number of insurance policies to consider. The names and phone numbers of these plans are available from the Benefits Office. The Benefits Office suggests that you talk with financial planners before you buy insurance because these professionals should be able to come up with a total package (type of insurance and amount) that best meets your personal needs. There are no special enrollment periods for these post-tax payroll deduction policies.

## **C. LONG TERM CARE INSURANCE**

Long-term care insurance is a benefit that provides nursing home care, care within an Assisted Living Community, or Home Health Care through a Visiting Nurse Association. Health plans or Medicare usually do not cover this custodial care of the chronically ill or elderly.

This coverage is available to active or retired faculty or staff members, their spouses, children, parents, parents-in-law, grandparents, and grand parents-in-law regardless of where they live. Information about long term care insurance providers is available from the Benefits Office.

## **D. UNEMPLOYMENT INSURANCE**

### **Eligibility**

Since 1978, the North Carolina General Assembly has provided Unemployment Insurance (UI) coverage for most state employees. This is a fringe benefit that is financed by the institution, i.e., there is no cost to the employee.

## **E. WORKER'S COMPENSATION BENEFITS**

### **1. Eligibility**

All University employees, whether full-time, part-time, or temporary, are eligible for Workers' Compensation benefits. Workers' Compensation benefits are available to any employee who suffers disability through accident or occupational disease arising out of, and in the course of, his/her employment, according to the provisions of the North Carolina Workers' Compensation Act. Employees are eligible on the first day of employment and there is no cost to the employee.

### **2. Benefits**

Workers' Compensation benefits include the following:

- a. Medical Benefits
- b. Leave Benefits
- c. Short-term Disability Benefits
- d. Long-term Disability Benefits
- e. Permanent Disability Benefits
- f. Death Benefits

### **3. How to Apply**

When injury occurs, the employee and his/her supervisor must complete an accident report and forward it to the Benefits Office within three working days of the accident or injury. Employees should seek medical assistance through Prime Care. In order for the employee to obtain medications, this paperwork must be completed. The Benefit's Office will notify the pharmacy. The Benefit's Office will also report the injury to the director of Environmental Health & Safety.

If your job-related injury results in time lost from work, you must be placed on worker's compensation leave after the required waiting period, and you will receive weekly compensation benefits.

For additional information or assistance, contact the Benefits Office or the Department of Human Resources, or visit the website at <http://www.osp.state.nc.us/>

## **G. DISABILITY INCOME PLAN OF NORTH CAROLINA**

Disability insurance provides partial replacement income for eligible employees who become temporarily or permanently disabled for the performance of their regular duties. There is no cost to employees for the basic disability plan. The Disability Income Plan is provided to you at no cost through your retirement plan.

After one year of membership in the Teachers' and State Employees' Retirement System (TSERS) OR Optional Retirement Plan (ORP), you are automatically covered under the Short Term Disability Benefit. Benefits are payable only after the end of a 60 continuous calendar day waiting period following the disability. To obtain benefits the employee must apply with the Benefits Department. The Medical Review Board of TSERS and the university determine disability and eligibility for Short Term benefits based on certification of the employee's physician.

**Short Term** benefits are equal to 50 percent of 1/12<sup>th</sup> of the annual base rate of compensation, including longevity pay to a maximum of \$3,000 per month. Any Workers' Compensation monthly payments will reduce this benefit. Short Term disability benefits may be extended for as many as 365 days beyond the short term period in cases where the TSERS Medical Board determines that the disability continues to be temporary and likely to end during the extended period.

**Long Term** disability benefits become payable after five years of membership in the Retirement System. This five-year period is earned within 96 calendar months prior to the end of the Short Term disability period. The Long Term disability benefit continues as long as you are permanently disabled until you first qualify for an unreduced service retirement allowance. If you become disabled, you must apply through the Benefits Office. The TSERS Medical Board determines your disability and eligibility for Long Term benefits.

Long Term benefits are equal to 65 percent of 1/12<sup>th</sup> of annual base rate of compensation including longevity pay to a maximum of \$3,900 per month. Workers' Compensation payments and primary Social Security disability benefits reduce this Long Term benefit. Following the first 36 months of the Long Term disability period, your primary Social Security benefit will offset the amount of your disability benefits.

If your retirement selection is the Teacher's and State Employees' Retirement Program, you are not eligible for supplemental disability.

If your retirement selection is the **Optional Retirement Program (ORP)**, then **The Standard Disability Supplemental Plan** offers the coordinating disability supplement. This disability supplement will not only provide payments to you while you are disabled, it will also make the necessary contributions to your retirement plan. In doing so, you can depend on a retirement income when you reach a normal retirement age. The Standard is designed to supplement the basic benefits from the Disability Income Plan after the 90<sup>th</sup> day of disability. If Social Security will not provide benefits to you, the Standard will fill the gap. **You must enroll in The Standard within 30 days of your hire date.**



For further information, contact the Benefits Office.

## **H. DIRECT DEPOSIT**

The university encourages permanent employees who regularly work 20 hours or more each week to have their net payroll earnings deposited directly into a North Carolina financial institution (bank, credit union, savings and loan) of their choice.

## **I. CREDIT UNIONS**

**Credit Unions** may offer lower loan interest rates and higher dividends on savings accounts than commercial banks offer.

- a. State Employees Credit Union, 720 Summit Avenue, 1030 West Market Street, 5320 Liberty Road
- b. Friendship Federal, 6712 West Market Street
- c. Member's Credit Union, 4160 Piedmont Parkway, High Point

## **J. U.S. SAVINGS BONDS**

Savings Bonds can be purchased through payroll deduction. The minimum deduction per pay period is \$25.00 per month.

## **K. RETIREMENT PROGRAMS**

Through enabling legislation enacted by the 1971 General Assembly of North Carolina, selected faculty now have a choice between two retirement programs--The Teachers' and State Employees' Retirement System (TSERS) and Optional Retirement Program (ORP). All participants contribute 6% of pre-tax income, participation is mandatory. You become vested after 5 years of service.

The employee is eligible to choose between the two retirement programs if the employee holds faculty rank of instructor or above in a North Carolina public senior college or university. The two options are:

1. **Teachers' and State Employees' Retirement Systems (TSERS)** is a defined benefit plan. The benefit when you retire will be determined by a formula based on your age at retirement, your years of service, the highest consecutive 4 years of your salary and the retirement multiplier set by the State legislature. This benefit cannot be transferred to another university outside of the state of North Carolina.

If you should die while in active service or within 180 days of your last paid day after one year as a contributing member, your beneficiary will receive a single lump sum payment. The payment equals the highest 12 months' salary in a row during the 24 months before you die. This amount is at least \$25,000, but no more than \$50,000. This benefit is not transferred if you leave state service.

**2. Optional Retirement Program (ORP)** is a defined contribution plan. Contributions made to your retirement plan are defined at the outset (6% from the employee and 6.84% from the University). The results are determined by investment carriers, each offering several investment funds. This plan is portable to another institution of higher learning that has a plan similar to the UNC ORP. Employees have total control of their contributions. The carriers participating in the ORP are Fidelity, Lincoln National, TIAA-CREF and VALIC.

**Social Security** – State employees contribute a set amount each month to the Social Security System. This amount is matched by the state. For more information, contact your local Social Security Office.

**Deferred Compensation Programs** – There never seems to be enough money to cover daily living expenses, pay for child or elder care, family medical care and still put money aside toward retirement savings. The state offers a number of programs you can pay for before taxes are taken from your salary. The amount you set may be deducted from your pay. Unlike the state retirement plan, the state does not contribute financially to these plans.

Tax deferred programs [401(k), 403 (b), and North Carolina Public Employees' Deferred Compensation Plan (457) provide a way for you to build your own retirement fund to supplement the state retirement plan.

Money placed into a plan is not counted as your taxable income for that year, thereby, lowering your income tax in that current year. Money is only taxed when you withdraw it. If you take it out after you retire, you may be in a lower tax bracket and will be paying less in taxes.

## **L. FREE TUITION FOR FACULTY**

Full-time employees of the University may receive a waiver of tuition for one course per academic term, and one course during the summer (a total of three courses) [lift from the actual policy] at any of the constituent institutions of the University of North Carolina, subject to the supervisor's approval, if enrollment does not interfere with normal employment obligations. Forms requesting tuition waiver may be obtained from the office of the Provost and Associate Vice Chancellor for Academic Affairs. See Appendix E-2.

## **M. DEFENSE OF STATE EMPLOYEES ACT**

Members of the faculty and staff are protected against personal liability for acts or omissions that occur in the performance of their work. These protections are defined in the Defense of State

Employees Act. Generally, the North Carolina Attorney General's Office provides defense based on the recommendation of the University attorney. Defense may be refused in the event the employee committed fraud, corruption or actual malice. Defense may also be refused if the act was completely outside the course and scope of the individual's university employment, or if two employees are suing each other.

#### **N. STATE EMPLOYEES ASSOCIATION OF NORTH CAROLINA (SEANC)**

Membership in the State Employees Association of North Carolina (SEANC) is available to university employees. In addition to being a voice for State Employees in the State Assembly, SEANC offers members a host of discount buying opportunities.

#### **O. DEATH OF AN EMPLOYEE OR DEPENDENT**

The Benefits Office should be notified when an employee or dependent dies. The Benefits Office can provide assistance in securing university benefits entitlements and final compensation when an employee or dependent dies. There are several steps involved in securing these benefits and receiving prompt payment such as obtaining necessary legal documents and completion of claim forms.

#### **P. LEAVE TYPES**

1. Military Leave
2. Community Service Leave
3. Civil Leave and Job Related Proceedings
4. Serious Illness & Disability Leave for Faculty
5. Family and Medical Leave
6. Family Illness Leave

Faculty leave is prescribed in 300.2 of The Code of the Board of Governors. Faculty leave provisions may differ from SPA leave provisions. See Appendix C-5 for policy on Serious Illness and Disability Leave for Faculty.

#### **Q. PAYDAY**

Faculty is paid on the last day of the each month of in the same manner as all other university employees. Payday will be on the preceding business day, if this day falls on a Saturday, Sunday, or a holiday.

#### **R. EXIT INTERVIEW**

A permanent employee who is regularly scheduled to work 20 or more hours per week and plans to terminate employment will complete an exit interview with the Benefits Office. The employee's department is responsible for scheduling the interview appointment at least one week prior to the effective date of the leave or termination. The employee may also contact the Benefits Office to schedule the exit interview.

For additional information or assistance, contact the Benefits Office.

**SOURCES:**

**Human Resources Website**  
**[www.osp.state.nc.us](http://www.osp.state.nc.us)**

## **CHAPTER IX**

### **UNIVERSITY REGULATIONS**

#### **A. ACADEMIC REGULATIONS**

##### **1. ACADEMIC REGALIA**

Faculty members are required to wear appropriate academic regalia at the commencement exercises and for all formal convocations sponsored by the University.

Rental or purchase of academic regalia may be secured through the University Bookstore located in Brown Hall.

##### **2. ADMISSION TO CLASS**

Members of the faculty shall permit only those students who have completed official registration to attend classes. Official registration is determined by official class rosters sent from the Registrar's Office. The Student's copy of his/her validated class schedule may be used as a temporary class registration until the official class roster is received from the Registrar's Office.

##### **3. ATTENDANCE AT PROFESSIONAL MEETINGS**

Members of the teaching, research, administrative, and extension staffs are encouraged to attend professional meetings deemed beneficial to both the individual and to the University. Brief leaves from official duties will be granted for attendance at such meetings when circumstances permit. Applications for leave for attendance at professional meetings must be approved in advance by the appropriate administrative personnel. When funds are available, the University will budget funds for travel of faculty members to professional meetings. Travel funds must be distributed in an equitable manner.

##### **4. AUDITING COURSES**

Full-time members of the faculty and staff may audit, free of charge, courses offered by the University. Registration is not necessary to audit a course by full-time faculty and staff. However, approval forms must be obtained from the Office of the Provost and Assistant Vice Chancellor for Academic Affairs. Members of the faculty and staff may not audit, free of charge, courses offered during the summer. Faculty taking courses for credit see Appendix E-1.

##### **5. COMMENCEMENT**

Faculty and staff are expected to attend and to participate in the commencement exercises.

## **6. CONDUCTING CLASSES - FACULTY**

Members of the faculty are expected to convene assigned classes on a timely basis. A member of the faculty who finds it necessary to be absent from class will notify his/her department chairperson or dean. Department chairpersons who are absent will notify their deans. Deans who are absent will notify the Provost and Vice Chancellor for Academic Affairs. Students are expected to wait at least fifteen (15) minutes for an instructor who is late for class.

## **7. OFFICE HOURS**

Faculty members teaching full-time are expected to reserve a minimum of ten (10) office hours per week for conferences with students. Office hours should be scheduled for mornings and afternoons.

School/college deans and department chairpersons may establish more specific regulations concerning required office hours within these guidelines to meet the needs of their situation.

## **8. POSTING GRADES**

Faculty members may not post student grades. For additional information about the Family Educational Rights and Privacy Act of 1974, see Appendix G.

## **9. RESEARCH AND CREATIVE ACTIVITIES**

The University recognizes the importance of teaching and public service in carrying out its mission. Research (funded and/or non-funded) and creative activities constitute another significant aspect of the program of the institution. Faculty members are encouraged and expected to engage in research and creative endeavors that will enhance their effectiveness as teachers.

For further information concerning the development of research or special projects, contact the Office of Research Administration and the A&T University Foundation. See Appendix C-4.

## **10. SERVICE TO THE UNIVERSITY**

It is expected that all faculty members will devote sufficient time to fulfill the teaching assignments, committee work, advisement, research and related activities deemed appropriate as service to the University.

## **11. TEACHING LOAD**

In determining what the teaching load should be for each faculty member, the department chairperson should consider not only the number of credit hours taught but also such

additional factors as whether the courses taught are graduate-level, whether the courses taught involve more than the usual number of contact hours, whether the faculty member is directing a graduate thesis, whether the faculty member is engaged in research, and whether the faculty member has extensive committee responsibilities. Normal teaching loads are as follows:

- a. Undergraduate program – 12 credit hours per semester.
- b. Graduate program – 9 credit hours per semester.
- c. Departmental chairpersons – 6 credit hours per semester.
- d. School/college deans – 3 credit hours per semester.

All assignments are made by the department chairperson and approved by the school/college.

## **B. ADMINISTRATIVE REGULATIONS**

### **1. CLOSING OF ADMINISTRATIVE OFFICES AND INSTRUCTIONAL SUPPORT SERVICES DURING INCLEMENT WEATHER OR FOR OTHER REASONS**

When a decision is made to close the University because of inclement weather or for other reasons, this information will be relayed to each administrative office by the Chancellor or the Provost and Vice Chancellor for Academic Affairs. Unless otherwise instructed, school/college deans, division directors, department chairpersons, and other officers of the University are directed to keep their offices open and classes in session.

The University will remain open during adverse weather conditions unless employees are otherwise officially notified by the Chancellor, via media or internal reporting mechanisms. Official notice regarding temporary closing of the University will consist of the following:

#### **a. Before Start of the Working Day**

Official notification of closing will be made by the Chancellor between the hours of 6:00 a.m. and 7:00 a.m. When the University is open, employees who are absent or report late will have time lost charged to vacation leave. When it has been determined that the University will be closed, time lost will be charged to vacation leave, unless otherwise designated by the chancellor.

#### **b. During the Working Day**

If adverse weather conditions develop during the working day, notification of closing will be given utilizing appropriate University reporting mechanisms. When the decision is to remain open, employees anticipating special problems in

transportation should be permitted and encouraged to avail themselves of vacation leave privileges in leaving early. If leave has been exhausted, employees, in accordance with State policy, will be on leave-without-pay (LWOP).

When operational needs allow, supervisors may arrange schedules whereby employees may be given an opportunity to make up time not worked (either by suspension of services or voluntary action by employee) rather than charging it to leave. State and Local Governments are, however, subject to the Fair Labor Standards Act. Any make-up time worked will therefore be subject to overtime compensation

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account with no provision for make-up time.

## **2. RELOCATION OF EQUIPMENT**

Permission must be obtained from the appropriate administrator for relocating University equipment.

## **3. SOLICITATIONS**

All solicitations, sales activities, and distribution of literature on campus must be approved by the Chancellor of the University. Classroom activities and routines must not be interrupted.

## **4. TRAFFIC, PARKING, AND THE REGISTRATION OF MOTOR VEHICLES**

Copies of the appropriate regulations can be obtained from the University Police Department.

## **5. TRAVEL**

Travel regulations and other relevant information are contained in the operation manual of the Office of Business and Finance. The manual is available to faculty members.



## CHAPTER X

### UNIVERSITY SERVICES AND AUXILIARIES

#### ACADEMY FOR TEACHING AND LEARNING

**Location:** Dowdy Building

**Website:** <http://www.ncat.edu/~atl/>

The Academy for Teaching and Learning (ATL) promotes continuing faculty development and enhanced student learning through the development of scholarly teaching and the scholarship of teaching and learning. The activities and resources of the ATL focus on (1) encouraging innovative teaching pedagogies and effective uses of instructional technology grounded in research on student learning; (2) promoting faculty involvement in the scholarship of teaching and learning, including classroom-based research, sponsored research, and scholarly activity such as presentations and journal articles; and (3) facilitating campus-wide discussion of issues related to teaching and learning. In addition, the ATL coordinates new faculty orientation activities and supports ongoing student learning assessment projects, departmental teaching and learning initiatives, and graduate student teaching assistant training.

Specific activities of ATL include:

- Increasing awareness of new research on effective teaching practices, formative and summative assessment processes, effective use of instructional technology, and student learning through the ATL listserv, workshops, conferences, training sessions, and individual consultations.
- Promoting innovation in curricular design, pedagogical practices, and assessment processes that promise to enhance student learning.
- Building community within and across disciplines by bringing faculty together regularly to discuss and share issues related to teaching and learning.
- Increasing recognition and faculty rewards for engaging in activities that enhance student learning and promote the scholarship of teaching and learning by active participation in campus-level administrative policy decision-making.
- Encouraging continual faculty professional development aimed at increasing student learning in and out of the classroom through a targeted faculty development grant program.
- Developing a community of teacher-scholars intentionally engaged in the scholarship of teaching and learning.
- Implementing training activities for graduate student teaching assistants involved in classroom or online teaching.

- Supporting the successful implementation of university-level initiatives focused on student learning and faculty development.

## **BOOKSTORE**

**Location: Brown Hall**

The University Bookstore is located in Brown Hall. The bookstore offers the following services: complete textbook-ordering service; textbook rentals for students; purchase and delivery of departmental office supplies; student supplies, manuals, and workbooks; and maintenance of required equipment.

Desk copies of textbooks are ordered from the publisher. These are the property of each department and should remain with each chairperson for proper distribution. Desk copies may also be purchased from the bookstore. If the faculty member subsequently obtains a desk copy from the publisher and gives the copy to the bookstore, the purchase price will be refunded. Special order of books or supplies may also be made through the bookstore.

## **CAREER PLANNING AND PLACEMENT CENTER**

**Location: Murphy Hall Website: [www.careerserv.ncat.edu](http://www.careerserv.ncat.edu)**

The Career Planning and Placement Center, located in Murphy Hall, is responsible for placement activity for all schools/colleges, divisions, and departments of the University. The Center provides services for all seniors and graduate students, as well as for other students seeking employment. The Center offers a continuing service to students and alumni. Placement services for seniors and graduate students include individual and group conferences, career counseling, and the arrangement of interviews between interested students and company representatives on campus.

## **THE CENTER FOR ACADEMIC EXCELLENCE**

**Location: Hodgin Hall**

**<http://www.ncat.edu/~tcss>**

The Center for Academic Excellence promotes the academic success of undeclared students by providing academic support in an intellectual setting which delivers quality advising, facilitates choice of major and career direction, and promotes student satisfaction with, integration in, and adjustment to the university community. Additionally, this academic unit promotes the achievement of students in basic skills development and has significant involvement in the orientation of first-year students.

The objectives of The Center for Academic Excellence are:

- To increase the retention of students admitted to the University.
- To enhance current academic advising practices.
- To prepare undeclared students for their prospective majors.
- To implement curricula that will promote academic adjustment to and integration into the university environment.

- To enhance students' reading and mathematics skills.

### **CHILD DEVELOPMENT LABORATORY**

**Location: Price Hall Annex**

The Child Development Laboratory, located in the Price Hall Annex, is designed to serve as a demonstration pre-school program for children aged three to five years. It is maintained on campus as an integral part of the instructional program of the Department of Home Economics. It is also used as a resource for faculty and students of the University, and for other persons and agencies in the community interested in the various aspects of Child Development and Early Childhood Education.

### **COUNSELING AND TESTING CENTER**

**Location: Murphy Hall**

The Counseling and Testing Center, located in Murphy Hall, provides counseling, testing, and guidance for all students. The Center conducts testing programs that are required or desired by the departments of the University. The Center offers students the opportunity to discuss with professional counselors or clinical psychologists any concerns that may occur during the college year. These concerns may pertain to education, career-planning, or emotional adjustment.

The following services are available through the Counseling and Testing Center:

- Personal and social counseling in individual and group sessions.
- Academic and career/vocational counseling.
- Individual test administration and interpretation covering the areas of intelligence, aptitude, personality, interest, and achievement, as well as other areas required by special needs.
- University Diagnostic and Placement Testing Program for all freshmen to assist in the planning of their educational and vocational careers and other programs required or desired by departments of the University.
- College Level Examination Program (CLEP) for course credit by examination.
- National Testing Program which includes administration of the Graduate Record Examination, National Teacher Examination, Graduate Management Admission Test, Veterinary Aptitude Test, and other standardized examinations.
- Graduate student internship training laboratory.
- Graduate school information, and cooperation in the placement of graduates who desire to pursue graduate studies.
- Exit interviews for students withdrawing from the University.
- Outreach counseling programs and activities.

All counseling is voluntary, free of charge, private, and confidential.

## **DEVELOPMENT AND UNIVERSITY RELATIONS**

### **Location: Dowdy Building**

The Office of Development and University Relations, located in the Dowdy Building, is maintained by the University to assist with the overall institutional development. The mission is to enhance and diversify financial resources, and raise good will, understanding, and volunteer support among our many constituencies through an effective program of internal and external relations. This office promotes and maintains interest in the University among alumni, parents, friends, foundations, corporations, and other segments of the national community. It encourages annual alumni giving and deferred giving, and conducts special-fund campaigns. This office embraces the following areas of operation: alumni affairs, cooperative education, public information, industry cluster, fund raising, publications, public relations, legislative relations, industrial liaison, sports publicity, and special educational products and community relations. In addition, this office operates in conjunction with the A&T University Foundation.

## **DINING SERVICES**

### **Location: Williams Cafeteria**

Dining services are offered at Williams Cafeteria for all students, faculty, and University guests. The following services are available:

- **Cafeteria:** Individuals can go through the regular cafeteria line by paying cash for their meals at a reasonable price or by Purchase Order number prior to events. If a group is larger than ten persons, prior arrangement should be made.
- **Commons:** This area is open Monday through Friday for lunch on a cash-only basis. Occasionally, this area is restricted to use by a special luncheon group. If a group is to meet, special arrangements should be made in advance.
- **Banquets and Dinners:** With certain exceptions, any group desiring to use Williams Cafeteria for banquets and dinners can make arrangement for use of the commons area. The cost is based on the menu. The time allowed for functions is two to two-and a half hours. There will be a small fee for luncheons that last longer than the designated time. For a function to be scheduled, notice must be given to Williams Cafeteria at least three days in advance, and the function must involve at least forty persons. If a function is held in a place other than Williams Cafeteria and is catered by Williams Cafeteria, there will be an additional charge.
- **Refreshment Service:** Refreshment will be delivered to designated areas, and guests will serve themselves. Personnel will be provided, for an extra charge, upon request.
- **Formal and Informal Receptions:** Food, beverages, and personnel for each function are provided according to individual needs. Various ice carvings are available upon request at an extra charge.

- **Picnic and Bag Lunches:** Many food items can be provided according to individual needs.

## **FARM**

**Location: 3136 McConnell Road**

The University Farm, including several modern farm buildings, is located on McConnell Road and covers 564 acres. The farm serves as a resource center to support the instructional programs in agriculture, animal science, and the biological sciences. The farm is the site for agricultural research, dealing with such diverse areas as outdoor recreation, soil and water pollution, and various projects in animal science.

## **FOUNDATION**

**Location: Alumni-Foundation Events Center**

The A&T University Foundation, Incorporated, chartered by the State of North Carolina separate and apart from the University, was established for the purpose of assisting in the solicitation of funds to improve the many cultural, educational, and research programs of the University.

Foundation funds have been used for research, student scholarships, faculty improvements, distinguished chairs, endowment funds, and cultural and historical programs.

## **GALLERIES**

**Location: Dudley Building**

The North Carolina A&T State University Galleries are comprised of two main galleries and their corresponding art collections: the Mattye Reed African Heritage Gallery and the H.C. Taylor Art Gallery. The galleries and collections are housed in the historic Dudley Building located behind the A&T Four Monument on campus.

The Mattye Reed African Heritage Gallery (also known as the Mattye Reed African Heritage Center) evolved from student activism during the 1960s. The Reed collection consists of hundreds of artifacts that include sculptures, masks, figures, musical instruments, textiles, and household implements. More than thirty-five African and Caribbean countries are represented in this collection including Ethiopia, Ghana, Haiti, and Nigeria. This collection is one of the southeast's largest repositories of artifacts of the African Diaspora.

The H.C. Taylor Art Gallery was named for Henry Clinton Taylor, who founded the Art Department and a small gallery in the basement of the original Bluford Library. It was originally set up to display graphic and plaster works of African American artists. The H.C. Taylor Gallery primarily features the work of A&T students and faculty, as well as that of renowned African-American artists through rotating exhibitions.

## **GREENHOUSE, REID**

**Location: Between Carver and Ward Halls**

The Reid Greenhouse is an important teaching, research, and demonstration facility of the Department of Natural Resources and Environmental Design. This 4,000 square foot greenhouse facility is used to grow and maintain horticultural and agronomic plants for laboratory classes, research experiments, and extension demonstrations.

## **INDUSTRY CLUSTER**

**Location: 408 Dowdy Building**

The purpose of the University's Industry Cluster is to aid the university in ensuring that its students are prepared to meet business/industry's needs, enhance the university teaching community relevant to the needs in the work place, and to promote research and the exchange of information needed to continually develop the best practices for student employability. The Cluster is a branch of Career Services and consists of twenty-two diverse companies, government agencies, and cities that are committed to students making a successful transition to the business world.

## **INFORMATION SERVICES**

**Location: Garrett House**

The Office of University Relations, located in the Garrett House, provides information to the press, radio, television, other public information agencies, and the many publics served by the University concerning activities, events, and programs of the University. The services of this office are available to the administration, faculty, staff, students, and organizations of the University.

## **INSTITUTIONAL PLANNING, ASSESSMENT AND RESEARCH**

**Location: Dowdy Building**

The Office of Institutional Research and Planning, located in the Dowdy Building, has responsibility for the following:

- Collection, assessment, and dissemination of data.
- Production of studies and reports for and about the University.
- Provision of research analysis for the development and implementation of administrative decisions affecting the growth and improvement of the University.
- Provision of support services to the various units of the University.

## **LANGUAGE LABORATORY**

**Location: Crosby Hall**

The language laboratory, located in Crosby Hall, is designed to help students develop and improve language skills. The facility is equipped with booths for individual work as well as for large or small group instruction. The language laboratory is available to students enrolled in

foreign language, speech, and reading courses. Moreover, the facility is available to all students of the University. The language laboratory houses many of the Department of Foreign Languages' holdings, which include master tapes of course texts, tapes of supplementary texts and materials, recordings, texts and readers, films, filmstrips, slides, projectors, tape recorders, and record players.

### **LEARNING RESOURCES CENTER**

#### **Location: Bluford Library**

The Learning Resources Center, located on the lower level of Bluford Library, is a collection of print and non-print instructional materials which supports the curricula and disciplines represented in the Teacher Education Program of the University. It provides professional resources such as curriculum guides and instructional software.

The collection includes books for children and young people, elementary and secondary basal and trade books, and professional-education tools.

Audiovisual equipment is available for use by teacher trainees and faculty. The Center provides assistance in the selection and use of its materials, and serves as a resource center for methods and media courses.

### **LIBRARY, THE FERDINAND DOUGLASS BLUFORD**

#### **Location: Bluford Library**

F. D. Bluford Library is the intellectual heart of the campus, providing a place for interaction, collaboration, study and reflection. Its mission is to support discovery, engagement, and use of knowledge by providing timely access to quality information and learner-centered services.

Students have access to services such as group and individualized library instruction, virtual reference, document delivery and electronic course reserves. The facility offers wireless access throughout the four levels, study rooms to encourage group collaboration and access to laptop and desktop computers.

The library maintains a balanced collection of print and non-print materials with an ever growing collection of electronic databases, e-journals and e-books. The library also has an expanding collection of audio-books available for download to PDA's or MP3 players. Microforms, videotapes and other non-print resources further enhance the collection. The library maintains special collections in Archives, Black Studies and teacher education materials, and is an officially designated partial depository for United States Government and North Carolina publications.

General stack access to the collection, a highly qualified staff, an online catalog, electronic indexes and full-text databases, and ample study facilities make it easy for students and faculty to use the library's extensive resources.

During the regular academic year, the library opens on Sunday at 2:00 p.m. with 24-hour service until Friday at 8:00 p.m. and on Saturday from 10:00 a.m. to 7:00 p.m. Variations in this schedule are posted at the front entrance of the library and on the library's website under "Hours."

### **LOST AND FOUND AND BUILDING INFORMATION**

#### **Location: Each Campus Building – Building Representative's Office**

The lost-and-found service for each campus building is usually located in the office of the administrator who has primary responsibility for that building. Articles found and turned in to the lost-and-found service will be returned to the owner upon proper identification.

### **MAIL AND DELIVERY SERVICE**

#### **Location: Brown Hall**

The University post office, located in Brown Hall, handles incoming, outgoing, campus, and courier service mail.

To avoid delay in delivery of mail on campus, you should provide on your correspondence the following information for both sender and addressee:

Full name  
Department  
School/College or Division  
Campus Building  
N. C. A&T State University  
Greensboro, NC 27411

### **MAINTENANCE SERVICES**

#### **Location: DeHuguley Service Center**

The Physical Plant Department, located in the DeHuguley Service Center, provides maintenance services for all campus buildings and equipment. Maintenance services include air conditioning, electric repair, heating and power, landscaping, locksmith, moving and storage, painting, plumbing, renovation, and general repairs.

For emergency maintenance service, available twenty-four hours per day, call 334 -7016. For emergency heating service, also available twenty-four hours per day, call 334 -7025.

### **MEMORIAL STUDENT UNION**

#### **Location: Memorial Union**

The Memorial Student Union functions as the "Community Center" for the University and its constituency by providing a diversity of services, activities and amenities. The "Union" serves as the headquarters for the Student Government Association, the Student Union Advisory Board, Aggie Escort Shuttle Service, Aggie Sit-In (food court), the Yearbook Office, Intramural Sports



and Recreation, the University Events Center, “Aggie Underground” (recreation area), the Commuter Center and the Aggie One Card services. Additionally, the Memorial Union offers room accommodations and setup services for events that vary from small group meetings to large banquets, as well as a variety of workshops and displays. Also included are comfortable lounge areas, a computer lab with internet access, an elaborate conference room, an Information Center, a Convenience Store, an outdoor courtyard, Wachovia ATM service and a fax/copier corner. The Aggie Fitness & Wellness Center is a satellite facility under the Union’s organizational structure that provides the latest cardiovascular and strengthening equipment. The Union provides employment opportunities for over 25 students during the school year.

A primary goal of the Memorial Union is to promote an involved community through the various services, amenities and programs that are made available to the campus. The Union’s location in the heart of the north campus provides an excellent co-curricular community for students, faculty members, alumni and guests served by the university. Additionally, the programming and recreational activities of the Student Union Advisory Board have a unique focus on the cultural and social development of participants.

## **MULTIMEDIA SERVICES**

### **Location: New Classroom Building – Central Location**

Multimedia Services supports faculty, staff and students by integrating best practices in new technologies through professional development and training. This unit has enabled the university to experience new opportunities by utilizing the power of information technology to create, support, and manage physical and intellectual resources. Multimedia Services consists of three units, namely the Television Studio, Radio Station and Audio Visual Services the following is list of services they provide.

#### Television

Multimedia Services provides managerial and technical support for the university television facilities. The primary function of the television facilities is the training of broadcast production students in the Department of Journalism and Mass Communications. Multimedia Services provides video production services that support university-wide academic and administrative programs. The contact number is 334-7599.

The services provided are:

- Video taping of university related events and programs
- Video editing of university related events and programs
- Training for basic camera operations
- Technical assistance for video projects
- Limited video duplication services

#### Radio

WNAA-FM, located in Price Hall, is the University's public radio station. The station is owned by the University and operated by professionals from the Division of Information Technology &

Telecommunications, along with selected faculty within the Department of Journalism and Mass Communication.

WNAA-FM is a member of the National Association of Broadcasters (NAB) and currently operates on frequency of 90.1 megahertz with a power of 10,000 watts. The station operates 24 hours a day throughout the calendar year. WNAA-FM offers educational programs on science, technology, business, health, and public affairs. These educational programs are blended with news and sportscasts and a specially tailored format of Black Contemporary, R&B, Jazz, Gospel, and Reggae music to form one of the most unique college radio formats in the State. The station is used primarily as a training laboratory for students interested in developing their skills in radio announcing, production and broadcast journalism.

### Audio/Video Services

Multimedia Services is responsible for providing technical assistance and support for Audio/Visual services campus-wide. A/V services promote the effective use audio/visual technology for teaching and learning. The contact number is 334-7599.

The services provided are:

- Training in the set-up and operation of AV equipment
- Training in the operation of the Smart Classrooms
- Set-up and operation AV equipment for major university events
- Perform maintenance and minor repair of AV equipment
- Technical advice for the purchase or rental of AV equipment

### **SCHEDULING MEETINGS**

**Location: Memorial Student Union**

Rooms in a campus building may be reserved for authorized meetings and social functions by contacting the events and building scheduler at (336) 256-2058.

### **STUDENT HEALTH CENTER**

**Location: Sebastian Health Center**

The Student Health Center, located in Sebastian Infirmary, provides on-campus medical care for students. The entire operation of the center – including drugs, supplies, and equipment – is solely dependent upon income received from the Student Health Fee. Emergency first aid is available for University employees, and allergy vaccinations are given for a fee.

### **SWIMMING POOL**

**Location: Corbett Gymnasium**

The swimming pool is available for use by faculty, staff, and students of the University for academic and recreational purposes. Certified lifeguards must supervise the pool when it is being used.

## **TEACHING AND LEARNING SYSTEMS**

**Website:** <http://www.ncat.edu/~tls1/training>

Teaching and Learning Systems addresses faculty, staff, and student professional development and training in the area of technology proficiency. TLS works closely with the Academy for Teaching and Learning and the Center for Distance Learning to help faculty and students effectively leverage technology in the teaching and learning enterprise.

## **TENNIS COURTS**

**Location:** Corner of Market and Booker Streets

The all-weather, lighted tennis courts are exclusively for the use of the students, faculty, and staff of the University. The following rules govern the use of the tennis courts:

1. Courts are reserved for students, faculty, and staff.
2. Non-University persons may use the courts with permission from the chairperson of the Department of Health, Physical Education, and Recreation.
3. No unauthorized use of the courts is permitted.
4. Permission to use the courts must be obtained from the Department of Health, Physical Education, and Recreation.
5. Willful abuse of the courts, nets, fence, or lights may result in limiting the use of the courts to class instruction.

## **THEATRE, THE PAUL ROBESON**

**Location:** Paul Robeson Theatre (next to Crosby Hall)

The Paul Robeson Theatre houses the Richard B. Harrison Players, the varsity theatre guild of the University. It has a proscenium stage and a seating capacity of 352. The theatre houses a box office, make-up room, executive director's office, costume room, and storage room.

## **THEATRE, STUDIO**

**Location:** Crosby Hall

The Studio Theatre, located in Crosby Hall, serves as the laboratory for all theatre students' experimental works. This theatre has a seating capacity of seventy-five.

## **TRANSPORTATION INSTITUTE**

**Location:** Merrick Hall

The Transportation Institute, located in Merrick Hall, draws faculty, staff members, and students from a number of different departments to create an interdisciplinary unit that conducts training and research programs in the field of transportation. It also serves as a resource for planners,

social scientists, public officials, and community groups in helping them solve transportation problems.

The Institute is a regional center which offers seminars, workshops, and short courses designed to provide instruction in current techniques and transportation concepts. These programs are designed for individuals outside the University who have an interest in transportation.

### **URBAN AFFAIRS INSTITUTE**

**Location: Department of Sociology**

The Urban Affairs Institute had its origin in the Department of Sociology and Social Work during the 1969-70 school years. Its primary objective is to bring together students, teachers, social technicians, and governmental authorities to address local, regional, and national issues that impact on the young, aged, poor, and disenfranchised. Founded soon after the national riots of 1968, the Institute was the first in the state to bring "Town and Gown" together to discuss how to alleviate social ills such as unemployment, inadequate housing, racism, police brutality, and student unrest. The Institute continues as an annual event with participation from students enrolled in courses offered by the Department of Sociology and Social Work.

## Appendix A

The following table of contents is provided for your convenience in obtaining sources of given University policy. Although the entries here are not active links the actual document corresponding to the contents may be accessed electronically at [www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual\\_100\\_1.htm](http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual_100_1.htm).

# ***THE CODE*** **OF** **THE BOARD OF GOVERNORS** **THE UNIVERSITY OF NORTH CAROLINA**

**JULY 1, 2001**

**Revised November 8, 2002**

**Revised May 13, 2003**

**Revised June 18, 2003**

**Revised January 1, 2004**

**Revised January 9, 2004**

**Revised February 13, 2004**

**Revised August 12, 2005**

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**THE CODE  
BOARD OF GOVERNORS  
THE UNIVERSITY OF NORTH CAROLINA**

**CHAPTER VI**

**ACADEMIC FREEDOM AND TENURE**

**SECTION 600. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY.**

(1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University 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.

(2) The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.

(3) Faculty and students of the University of North Carolina 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 601. ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY.**

(1) It is the policy of the University of North Carolina to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of the constituent institutions. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with the University and their position as men and women of learning. They should not represent themselves, without authorization, as spokespersons for the University of North Carolina or any of its constituent institutions.

(2) The University and its constituent institutions shall not penalize or discipline members of its faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

**SECTION 602. ACADEMIC TENURE.**

(1) To promote and protect the academic freedom of its faculty, the board of trustees of each constituent institution shall adopt policies and regulations governing academic tenure. Policies adopted by a board of trustees regarding academic tenure and promotion shall be effective upon review by the senior vice president for academic affairs and the vice president and general counsel, and approved by the president. The chancellor shall review the constituent institution's tenure policies periodically, but at least every five years, and shall report to the president whether or not amendments or revisions are appropriate. The chancellor shall involve the faculty in this review.

(2) In all instances, the tenure conferred on a faculty member is held with reference to

employment by a constituent institution, rather than to employment by the University of North Carolina.

(3) The tenure policies and regulations of each constituent institution shall prescribe the procedures by which decisions concerning appointment, reappointment, promotion, and the conferral of permanent tenure shall be made. The length of terms of appointment that do not carry permanent tenure and those faculty ranks or titles whose holders shall be eligible for permanent tenure shall be prescribed. The institutional policies and regulations also shall prescribe the intervals at which the review of candidates for reappointment and promotion, including the conferral of permanent tenure, shall occur. The tenure policies and regulations of each institution, which shall include the complete text of Chapter VI of *The Code*, shall be published by the institution and distributed to its faculty members.

(4) The tenure policies and regulations of each institution shall set forth the general considerations upon which appointment, reappointment, promotion, and permanent tenure are to be recommended. The institutional regulations shall provide that these considerations shall include an assessment of at least the following: the faculty member's demonstrated professional competence, the faculty member's potential for future contribution, and institutional needs and resources.

(5) The institutional policies and regulations shall specify that permanent tenure may be conferred only by action of the president and the Board of Governors, or by such other agencies or officers as may be delegated such authority by the Board of Governors.

(6) Institutional tenure policies and regulations shall distinguish among the following:

- (a) the nonreappointment (or nonrenewal) of a faculty member at the expiration of a specified term of service;
- (b) the discharge or suspension of a faculty member with permanent tenure or of a faculty member appointed to a specified term of service before that term expires for reasons based on 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;
- (c) the termination of employment for reasons of institutional financial exigency or major curtailment or elimination of a teaching, research, or public-service program of a faculty member who has permanent tenure, or of a faculty member who has been appointed to a specified term of service before that term expires; and
- (d) retirement for physical or mental disability.

(7) Institutional tenure policies and regulations shall provide that the 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. The institutional tenure policies and regulations may make one or more of the following exceptions to the foregoing contingency requirement:

- (a) That such a contingency shall not be included 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.
- (b) That such a contingency shall not be attached to the faculty member's contract if the faculty member held permanent tenure in that institution on July 1, 1975, and the contract was not contingent upon the continuing availability of sources other

than continuing state budget or permanent trust funds.

- (c) That such a contingency may be waived for health affairs faculties because of the unusual dependence of programs in the health professions on income from sources such as clinical receipts.

If a faculty member's appointment is terminated because of the nonavailability of these funds, the institution will make every reasonable effort to give the same notice as set forth in Section 605 B (1). This notice shall include the pertinent data upon which the termination is based.

(8) The tenure policies and regulations of each institution shall be subject to approval by the president. The president periodically shall review and re-evaluate these policies and regulations and report findings and recommendations, if any, to the Committee on Personnel and Tenure and through the committee to the Board of Governors.

**SECTION 603. DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS.**

(1) 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. 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 604) or termination of employment (Section 605).

(2) The chief academic officer of the institution, however titled, shall send the faculty member a written statement of intention to discharge the faculty member by a method of mail or delivery that requires a signature for delivery. 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 an elected standing faculty committee on hearings.

(3) If, within ten days after receiving the notice referred to in paragraph (2) above, the faculty member makes no written request for either a specification of reasons or a hearing, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.

(4) If, within ten days after receiving the notice referred to in paragraph (2) above, the faculty member makes written request, by a method of delivery that requires a signature for delivery, for a specification of reasons, the chief academic officer shall supply such specification in writing by a method of delivery that requires a signature for delivery, within ten days after receiving the request. If the faculty member makes no written request for a hearing within ten days after receiving the specification, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.

(5) If the faculty member makes a timely written request for a hearing, the chief academic officer shall ensure that the hearing is accorded before an elected standing committee of the institution's faculty. The hearing shall be on the written specification of reasons for the intended discharge. The hearing committee shall accord the faculty member 20 days from the time it receives the faculty member's written request for a hearing to prepare a defense. The hearing committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member.

(6) The hearing shall be closed to the public unless the faculty member and the hearing

committee agree that it may be open. 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. 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.

(7) The chief academic officer, or counsel, may participate in the hearing to present evidence, cross-examine witnesses, and make argument.

(8) In reaching decisions on which its written recommendations to the chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The committee shall make its written recommendations to the chancellor within ten days after its hearing concludes.

(9) If the chancellor concurs in a recommendation of the committee that is favorable to the faculty member, the chancellor's 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 of the board. Notice of appeal shall be filed within ten 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 hearing committee, but it may, in its discretion, hear such other evidence as it deems necessary. The board of trustees' decision shall be made within 45 days 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 days after receiving the trustees' decision, file a written petition for review with the Board of Governors if the faculty member alleges that one or more specified provisions of the *Code of the University of North Carolina* have been violated. Any such petition to the Board of Governors shall be transmitted through the president, and the board shall, within 45 days, 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 45 days after it has notified the faculty member that it will review the petition.

(10) When a faculty member has been notified of the institution's intention to discharge the faculty member, the chancellor may suspend the individual 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 604. APPOINTMENT, NONREAPPOINTMENT AND REQUIREMENTS OF NOTICE AND REVIEW.**

**604 A. Notice of Reappointment or Nonreappointment.**

*Effective January 1, 2004, for appeals of decisions not to reappoint made on or after January 1, 2004, 604 A shall read as follows;*

(1) The decision not to reappoint a faculty member at the expiration of a fixed term of service shall be made by the appropriate institutional faculty and administrative officers early enough to permit timely notice to be given. For full-time faculty at the rank of instructor, assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:

- (a) during the first year of service at the institution, the faculty member shall be given not less than 90 calendar days' notice before the employment contract expires;
- (b) during the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days' notice before the employment contract expires; and
- (c) after two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months' notice before the employment contract expires.

(2) Notice of reappointment or nonreappointment shall be written. If the decision is not to reappoint, then failure to give timely notice of nonreappointment will oblige the chancellor thereafter to offer a terminal appointment of one academic year.

**604 B. Impermissible Reasons for Nonreappointment.**

In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) the faculty member's race, sex, religion, national origin, age, disability, or honorable service in the armed services of the United States, or (c) personal malice.

**604 C. Special Faculty Appointments.**

All appointments of visiting faculty, adjunct faculty, or other special categories of faculty such as lecturers, artists-in-residence, or writers-in-residence shall be for only a specified term of service. That term shall be set forth in writing when the appointment is made, and the specification of the length of the appointment shall be deemed to constitute full and timely notice of nonreappointment when that term expires. The provisions of Sections 602 (4) and 604 A shall not apply in these instances.

**604 D.** Subject to limitations contained in the Policies of the Board of Governors, a faculty member may appeal to the Board of Governors the decision of a chancellor not to reappoint the faculty member.

**SECTION 605. TERMINATION OF FACULTY EMPLOYMENT.**

**605 A. Definition.**

The tenure policies and regulations of each institution shall provide that the employment of faculty members with permanent tenure or of faculty members appointed to a fixed term may be terminated by the institution because of (1) demonstrable, bona fide institutional financial exigency or (2) 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 605 C(1), subject to the concurrence by the President and then approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member may not be met, the employment of the faculty member may be terminated in accordance with institutional procedures that afford the faculty member a

fair hearing on that decision.

**605 B. Timely Notice of Termination.**

(1) 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:

- (a) one who has permanent tenure shall be given not less than 12 months' notice; and
- (b) one who was appointed to a fixed term and does not have permanent tenure shall be given notice in accordance with the requirements specified in Section 604 A(1).

(2) When a faculty member's employment is to be terminated because of financial exigency, the institution will 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 605 B(1).

(3) For a period of two years after the effective date of termination of a faculty member's contract for any of the reasons specified in Section 605 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 a method of delivery that requires a signature for delivery, and the faculty member will be given 30 calendar days after attempted delivery of the notice to accept or reject the offer.

**605 C. Institutional Procedures.**

*Effective January 1, 2004, for terminations arising on or after January 1, 2004, 605 C. shall read as follows;*

The institution shall establish regulations governing termination procedures. These regulations shall include provisions incorporating the following requirements:

(1) If it appears that the institution will experience an institutional financial exigency or needs seriously to consider a major curtailment or elimination of a teaching, research, or public-service program, the chancellor or chancellor's delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

(2) In determining which faculty member's employment is to be terminated for reasons set forth in Section 605 A, the chancellor shall give consideration 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.

(3) An individual 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 general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data upon which the decision was based.

(4) A reconsideration procedure shall be provided that affords the faculty member whose employment is to be terminated a fair hearing on the termination if the faculty member alleges that the decision to terminate was arbitrary or capricious.

(5) The institution, when requested by the faculty member, shall give reasonable assistance in finding other employment for a faculty member whose employment has been terminated.

(6) A faculty member whose employment is terminated pursuant to this Section 605 may appeal the reconsideration decision to the board of trustees of the constituent institution.

#### **SECTION 606. RETIREMENT OF FACULTY.**

Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes ("Retirement System of Teachers and State Employees").

#### **SECTION 607. FACULTY GRIEVANCE COMMITTEE FOR CONSTITUENT INSTITUTIONS.**

(1) The chancellor of each constituent institution shall provide for the establishment of a faculty grievance committee. The faculty grievance committee shall be elected by the faculty with members elected from each professorial rank. No officer of administration shall serve on the committee. For purposes of this section, "officer of administration" shall be deemed to include department chairs and department heads.

(2) The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance, to facilitate 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 given to the chancellor only after the dean, department head, or other administrative official most directly empowered to adjust it 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 the constituent 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) If any faculty member has a grievance, the faculty member may petition the faculty grievance committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom the grievance is directed. It shall contain any information that the petitioner considers pertinent to the case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

(5) If, before this section is established, the faculty of an institution has adopted a faculty grievance procedure that in its judgment is adequate to its needs, it may retain that procedure in place of the one specified above.

(6) If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member, then the faculty member may appeal to the board of trustees of the constituent institution. The decision of the board of trustees is final.



**SECTION 608. STUDENTS' RIGHTS AND RESPONSIBILITIES.**

(1) The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allotted functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

(2) All students shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

(3) In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process as set forth in Section 502 D(3) of this *Code*.

**SECTION 609. APPELLATE JURISDICTION OF THE BOARD OF GOVERNORS.**

**609 A. Discretionary Review.**

Nothing contained in Chapter VI, or any other chapter of the *Code*, shall be construed to limit the right of the Board of Governors to make such inquiry and review into personnel actions as it may from time to time deem appropriate.

**609 B. Hearings.**

The Board of Governors may in its sole discretion conduct hearings. Any hearing, whether before the full board or a designated standing or special committee of the board, shall be limited to such matters as the Board of Governors shall deem appropriate.

**609 C. Appeals by Non-Faculty Exempt Employees**

A non-faculty employee who is exempt from the State Personnel Act whose employment is terminated and who alleges that the termination was illegal or violated a Policy of the Board of Governors may appeal the decision in accordance with procedures established by the constituent institution. If the employee is a professional member of the president's staff, as provided for in Section 500 A(2) of this *Code*, then the employee may appeal to the president. Subject to limitations contained in the Policies of the Board of Governors, an employee who alleges that the termination of the employee's employment was illegal or in violation of Board of Governors Policy may appeal the final decision of the constituent institution, or the decision of the president, to terminate the employment to the Board of Governors.

**609 D. Transmission of Appeals**

All appeals addressed to or requests for hearings by the Board of Governors, from whatever source, shall be transmitted through the president.

## **Appendix B-2**

### **REGULATIONS ON ACADEMIC FREEDOM, TENURE AND DUE PROCESS**

**PREPARED IN ACCORDANCE WITH THE PROVISIONS IN THE  
THE UNIVERSITY OF NORTH CAROLINA CODE, JANUARY, 1999**

**APPROVED BY THE BOARD OF TRUSTEES ON APRIL 19, 2004**

**REVISED NOVEMBER 28, 2006**

**APPROVED BY THE BOARD OF TRUSTEES ON February 21, 2007**

#### **SECTION 1. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY**

- A.** North Carolina Agricultural and Technical State University 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.** North Carolina Agricultural and Technical State University 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 2. ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY**

- A.** It is the policy of North Carolina Agricultural and Technical State University 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 North Carolina Agricultural and Technical State University.
- B.** North Carolina Agricultural and Technical State University will not penalize or discipline members of the faculty because of the exercise of academic freedom in the lawful pursuits of their respective areas of scholarly and professional interest and responsibility.

## **SECTION 3. ACADEMIC TENURE**

### **A. In General**

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 by North Carolina Agricultural and Technical State University except upon specified grounds and in accordance with the procedures provided in Section 4 of these regulations or against termination of employment except as provided for in Section 6.

The intended purposes of according the protection of academic tenure to faculty members are 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 other than those specifically stated to be impermissible under Section 5. A, its conferral requires an assessment of the faculty member's demonstrated professional competence; his/her potential for future contributions; his/her commitment to effective teaching, research, or public service; and the needs, resources, and the mission of the institution.

### **B. In Relation to Faculty Ranks**

Academic tenure, as herein defined, pertains exclusively to the employment of faculty members by appointment to specified faculty ranks. Such appointments may be for fixed terms of employment, automatically terminable when they expire ("fixed term appointment"); or they may be for probationary terms ("probationary term appointment"); or they may be continuous until retirement<sup>1</sup>, death, or resignation ("appointment with permanent tenure").

The faculty ranks to which appointments may be made and the incidents of academic tenure applicable to each are:

- 1. Assistant Professor.** The initial appointment to the rank of assistant professor shall be for a probationary term of two years. Unless at any point the assistant professor is not reappointed, he/she will be reappointed to a second two-year term and then to a three-year term before a decision is made to recommend permanent tenure and promotion to higher rank or not to reappoint.

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<sup>1</sup> Retirement for reasons of disability shall be in accordance with the Federal Americans with Disabilities Act (ADA) and 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.

At least 180 days before the end of the first two-year appointment, the assistant professor shall receive written notice whether he/she will be reappointed at that rank for a two-year term or not reappointed when his/her current term expires. At least 180 days before the end of the second consecutive two-year appointment, the assistant professor shall receive written notice whether he/she will be reappointed at the rank of assistant professor for a three-year term or not reappointed when his/her current term expires. Before the end of the second year of the three-year term, the assistant professor shall receive written notice indicating whether he/she will be reappointed when his/her current term expires, recommended for permanent tenure at the same or higher rank, or not reappointed. If the assistant professor is reappointed with permanent tenure at the same rank, his/her status shall be reviewed at least once every three years.

Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3. D.

Promotion at any time from the rank of assistant professor to that of associate professor (without conferral of permanent tenure) constitutes an initial appointment to the three-year term at the latter rank, with the incidents described for that term in Section 3.B.3.

2. **Associate Professor.** When a faculty member's initial appointment by the institution is to the rank of associate professor, the appointment is to a probationary term of two years. Unless at any point the associate professor is not re-appointed, he/she will be re-appointed to a three-year term before a decision is made whether to recommend permanent tenure at the same or higher rank or to give notice of a terminal one-year appointment. At least 180 days before the end of the two-year appointment, the associate professor shall receive written notice of whether, when his/her current term expires, he/she will be reappointed at the rank of associate professor for a three-year term or not reappointed. Before the end of the second year of the three-year term, the associate professor shall receive written notice whether, when his/her current term expires, he/she will be recommended for permanent tenure at the same or higher rank or not be reappointed.

Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3.D.

A promotion at any time from the rank of associate professor to the rank of professor confers permanent tenure from the effective date of the promotion. Both the President and the Board of Governors must approve this action since the promotion confers tenure.

3. **Professor.** When a faculty member's initial appointment by the institution is to the rank of professor, the appointment is to a single probationary three-year term. Before the end of the second year of the three-year term, the professor shall receive written notice whether, when his/her current term expires, he/she will be recommended for permanent tenure or not be reappointed.

Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3. D.

### **C. Committees of the Faculty - Elected**

Any faculty member appearing before any committee at the University, which will make a decision or recommendation concerning that faculty member, has the right to an impartial consideration. Faculty have the right to challenge the participation of a committee member based on a showing of a conflict of interest that may affect the impartiality of that committee member. Such challenges should be made before the committee in question. That committee must decide by majority vote the validity of the challenge before consideration is given to the issue before the committee. The faculty member in question cannot participate in this vote. An applicant for promotion who is serving on the promotion and tenure committee may not participate in the deliberation on his/her application.

The committee composition for faculty reappointments, promotion, and tenure may be found in Chapter V, Section A (Committees of the Faculty – Elected). The following additional guidelines are provided for the faculty Reappointments, Promotions and Tenure committees at all three levels, i.e., University, School/College, and Department:

- Where numbers permit, all committee members will be elected to two-year terms.
- The terms of the committee members will be staggered so that approximately half of the committee members will be newly elected each year.
- Where numbers permit, each member will be allowed to serve a maximum of two consecutive terms.
- For departments with limited number of tenured faculty members, to satisfy the requirement of one member per department on the School/College committee, an individual might be required to serve more than two consecutive two-year terms. In such a case, the requirement of one member per department on the School/College committee will not apply.
- Where numbers permit, a faculty member will be allowed to review a candidate only on time, as a member of only one of the three committees.
- No tenured faculty member who is an applicant for promotion will be allowed to serve on any of the three committees. If an individual has already been elected to one of these committees prior to his/her decision to apply for promotion, a replacement (only for that year) will be elected by the same faculty body that elected the original member.

- The above provisions, as they apply to various units, must be published by the corresponding unit and made available to all the faculty members in that unit.

#### **D. Evaluation Procedures for Reappointments, Promotions, and Tenure**

- 1. Initiation, Review, and Approval of Reappointments, Promotions, and Conferral of Tenure.** The applicant will initiate his/her candidacy for reappointment, promotion, and/or tenure by submitting an appropriate application to the department chairperson. The candidate may seek (1) an appointment with a fixed or probationary term for two years or longer, (2) promotion in rank, (3) reappointment to a fixed term, and/or (4) reappointment as an assistant professor, associate professor, or professor, whether or not the reappointment recommends the conferral of permanent tenure. The relevant dates for the reappointment promotion and tenure process will be published in the annual academic calendar which is available no later than May 1 of each year.

The department chairperson shall convene the department RPT committee. The committee will elect a chairperson. The committee will deliberate on the application, and reach a positive or a negative decision by a majority vote. The committee members will use the department's current published standards for reappointments, promotion and tenure for their evaluations. The committee will also prepare a written recommendation that reflects the collective and individual evaluations of all committee members. A document containing the voting record and the written recommendation will be signed by all committee members and added to the candidate's application package. The department chairperson will provide a copy of the document to the applicant, who will be given an opportunity to give his/her response. The applicant's response will be added to the package, and the department chairperson, then, will submit the application to the School/College Dean.

The Dean shall convene the School/College RPT committee. The committee will elect a chairperson. The committee will deliberate on the application, and reach a positive or a negative decision by a majority vote. The committee will use the School's/College's current published standards for reappointments, promotion and tenure for their evaluations. The committee will prepare a document that includes the voting record and a written recommendation that reflects the collective and individual evaluations of all committee members. The document will be signed by all committee members and submitted to the Dean.

The Dean shall review the applicant's package. In relation to applicants for reappointment and tenure, the Dean's review will not be limited to only judging the professional qualifications of the applicant, but also to determining whether the School/College will have the resources to support the application, and whether a positive recommendation concerning the application will be consistent with the current School/College goals. Such factors as the following will be considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. The Dean shall make his/her decision to approve or decline the application. A document containing this decision with statements of justification, and signed by the Dean will be added to the application package.

Of the three bodies (the department RPT committee, the School/College RPT committee, and the Dean) who have evaluated the application, if two or all three bodies support the application, the application shall be forwarded to the Provost, with a positive recommendation. If two or all three bodies do not support the application, the application shall be forwarded to the Provost with a negative recommendation. Any unit without three recommending bodies at the School/College/Division level, in case of a tied vote, will undergo a third review by the elected standing committee as outlined in Section C-4. In either case, the Dean will provide the candidate copies of all the documentation leading to the recommendation within a week after the package is forwarded to the Provost.

If the School/College recommendation is negative, the Provost may ask for additional justification and reconsideration by the three School/College bodies. Through the process of justification and reconsideration, if the School/College recommendation is reversed, the Provost will forward the application to the University Committee for review. If the School/College recommendation is still negative, the Provost will forward the application to the Chancellor, who will send an unelaborated written statement to the candidate denying his/her application. This decision is final except as it may later be reviewed in accordance with the provisions of Section 5.

The Provost shall convene the University committee. The university committee reviews all applications with positive recommendations in relation to the published university standards. The University committee is to review the applicant's professional qualifications in relation to the published University standards. The committee will reach a decision by a majority vote of all its members and prepare a document containing the voting record. A written recommendation signed by all the committee members will be submitted to the Provost.

The Provost shall review the application and the University committee's recommendation. In relation to applicants for reappointment and tenure, the Provost's review will not be limited to only judging the professional qualifications of the applicant, but also to determining whether the University will have the resources to support the application, and whether a positive recommendation concerning the application will be consistent with current University goals. Such factors, as the following will be considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. If the Provost will decide not to support the application, a letter stating the recommendation with a brief explanation, and signed by the Provost will be added to the package. If the Provost will decide to support the application, a letter of support signed by the Provost will be added to the package. The package will then be submitted to the Chancellor. In either case, the Provost will provide the candidate copies of all the documentation leading to the decision within a week after the Provost's review. If the Provost's positive recommendation is in contradiction to the University committee's recommendation, the Provost will send a letter to the University committee explaining the reasons for his/her

decision. If a negative tenure decision is reached because of factors other than the professional qualifications of the applicant, the Provost might make a recommendation to the Chancellor with special arrangements to prolong the employment of the applicant at the University.

If the Chancellor shall decide not to recommend a reappointment, promotion, or permanent tenure, he/she shall send the candidate a letter with a simple, unelaborated, statement of the decision. This decision is final except as it may later be reviewed in accordance with the provisions of Section 5.

If the Chancellor shall concur in a recommendation that will confer permanent tenure, he/she shall consult with the Board of Trustees and, unless dissuaded, forward the recommendation to the President and Board of Governors for final approval. All other favorable recommendations by the Chancellor in regard to appointments, reappointments, and promotions shall be forwarded by him/her to the Board of Trustees for final approval unless that Board delegates the authority to give final approval. A letter approving appointment, reappointment, promotion or tenure will be sent to the candidate by the Chancellor.

The procedure outlined above applies to all resident tenure-track and tenured faculty, to candidates for new appointment at the ranks of Associate Professor or Full Professor, and to candidates for new appointments being considered for conferral of tenure. For a candidate for new appointment, timetable for review will be set consistent with the needs of the new appointment.

2. **Early Promotion and Tenure.** Nothing in these regulations shall be construed to preclude a faculty member from being recommended for permanent tenure and/or promotion at any time.
3. **Terms and Conditions of Appointments.** The terms and conditions of each initial appointment and of each reappointment to the faculty shall be set out in writing. A copy of the terms, signed by the Chancellor, shall be delivered to the faculty member and the Chancellor shall retain a copy. The general terms and conditions of such appointments, including those provided herein, shall be either 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.

Any special terms and conditions shall be clearly stated in the written appointment. Except as herein provided, no special terms or conditions may be included that vary the general terms and conditions stated herein. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the Chairperson who recommends the appointment.



4. **Continued Availability of Special Funding.** The 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 sources. This contingency shall not be included in a faculty member's contract in either of the following situations:
- a. 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,
  - b. If the faculty member held permanent tenure in the institution on July 1, 1975, and his/her contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

The federal funds provided to the North Carolina Agricultural Extension Service through the Smith-Lever Act shall be considered to be permanent trust funds. Faculty who are funded in whole or in substantial part from these funds shall not be subject to the contingency provisions of this section.

5. **Provisions for Less than Full-Time Employment.** Special terms for less than full-time employment with commensurate compensation, or for relief from all employment obligations for a specified period, 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 childbirth or child care, or similar 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 the full-time employment obligation. Such special terms must be expressly stated in initial appointment documents or, if added by memorandum of amendment, must be approved by signature of the Chancellor and the faculty member, with a copy to be retained by each. Except as may be otherwise expressly provided in the document of appointment, all appointments to any faculty rank are on the basis of a full-time employment obligation and confer the full incidents of academic tenure pertinent to the particular appointment.

These provisions do not apply to informal temporary adjustments of the regularly assigned duties of faculty members by the department Chairperson who is responsible for their direct supervision; nor to the university's granting of extended leaves of absence with or without compensation.

#### **D. Resignation**

A faculty member shall give prompt written notice of his/her resignation with its effective date to the Chancellor. Copies should go to the Provost, the School/College Dean, and his/her department chairperson. A professor or associate professor should ordinarily give

at least four months' notice and an assistant professor or instructor at least three months' notice of resignation.

#### **SECTION 4. DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS**

- 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. 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 non-reappointment (Section 5) or termination of employment (Section 6).
- B.** The Provost/Vice Chancellor for Academic Affairs shall mail the faculty member, written statement of intention to discharge him/her. 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 Hearing Committee as provided for in the Faculty Handbook.
- C.** If, within ten days<sup>2</sup> after he/she receives the notice referred to in paragraph B above, the faculty member makes no written request for either a specification of reasons or a hearing, and he/she may be discharged without recourse to any institutional grievance or appellate procedure.
- D.** If, within ten days after he/she receives the notice referred to in paragraph B above, the faculty member makes written request, by registered mail,<sup>3</sup> return receipt requested, for a specification of reasons, the Chancellor or his/her delegate shall supply such specifications 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/she receives the specification, the faculty member may be discharged without recourse to any institutional grievance or appellate procedure.
- E.** If the faculty member makes a timely written request for a hearing, the Chancellor or his/her delegate shall insure that the hearing is accorded before the Faculty Hearing Committee. The hearing shall be on the written specification of reasons for the intended discharge. The Hearing Committee shall accord the faculty member twenty days from the time it receives

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<sup>2</sup> The word "day" as used in Sections 4, 5, and 6, shall mean, except where calendar day is specified, any day except Saturday, Sunday, or an institutional holiday. In computing any period of time, the day which notice is received is not counted but the last day of the period so computed is to be counted.

<sup>3</sup> Acceptable delivery methods include those that must have a signature, with proper notification of unobtainable signatures to be retained in institutional records as outlined in Section 101.3.3 (A and C) of The Code of the Board of Governors of the University of North Carolina.

his/her written request for a hearing to prepare his/her defense. The Hearing Committee may, upon the faculty member's written request and for good cause, extend this time by written notice to the faculty member.

- F.** The hearing shall be closed to the public unless the faculty member and the Hearing Committee agree that it may be open. The faculty member shall have the right to counsel, to present the testimony of witnesses with knowledge related to the written specification and other evidence related to the written specification, to confront and cross-examine adverse witnesses, to make argument, and to examine all documents and other adverse demonstrative evidence. The burden of proof shall be on the administrator to satisfy by a preponderance of evidence that his or her contention is true. 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.** The Chancellor, or his/her delegate or counsel, may participate in the hearing to present testimony of witnesses and other evidence, cross-examine witnesses, examine all documents, and make argument.
- H.** In reaching decisions of which its written recommendations to the Chancellor shall be based, the Committee shall consider only the evidence presented at the hearing and such written and oral arguments as the Committee, in its discretion, may allow. The Committee shall make its written recommendations to the Chancellor within ten days after its hearing concludes.
- I.** If the Chancellor concurs in a recommendation of the Committee that is favorable to the faculty member, his/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 Chairperson of the Board.

Notice of appeal shall be filed within ten 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 Hearing Committee, but it may, in its discretion, hear such other evidence as it deems necessary. The Board of Trustees' decision shall be made within forty-five days 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 days after receiving the Trustees' decision, file a written petition for review with the Board of Governors if he/she alleges that one or more specified provisions of The Code of The University of North Carolina have been violated. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board that has jurisdiction of the subject matter of the grievance. The Board will issue its decision within 90 days after receipt of the notice of appeal; provided, that if the grievant fails

to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 days, the Board in its discretion may extend the period for decision or it may dismiss the appeal.

- J. When a faculty member has been notified of the institution's intention to discharge him, the Chancellor may suspend him/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 5. NONREAPPOINTMENT OF FACULTY MEMBERS ON PROBATIONARY TERM APPOINTMENT**

### **A. Permissible and Impermissible Grounds for Non-reappointment**

The decision whether to reappoint a faculty member when a probationary term of appointment expires may be based on any factor considered relevant to the total institutional interests, but it must consider the faculty member's demonstrated professional competence, his/her potential for future contributions, and institutional needs and resources. These considerations may form, in whole or in part, the basis of the ultimate decision, except that a decision not to reappoint may not be based upon (1) 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; (2) discrimination based upon the faculty member's race, gender, religion, or national origin, age, disability, and honorable service in the armed services; or (3) personal malice. The burden of proof is upon the aggrieved faculty member to establish by the preponderance of the evidence that his or her contention is true.

### **B. Conference with Dean**

Within five days after receiving a written notice of non-reappointment, a faculty member may in writing request a private conference with the dean of his/her school to discuss the reasons for non-reappointment. This request shall be granted and the conference held forthwith, within five days after receipt of the request if possible.<sup>4</sup>

Within five days after the conference, the dean shall give the faculty member a simple, unelaborated, written statement of whether the original decision remains in effect.

### **C. Conference with the Provost/Vice Chancellor for Academic Affairs**

Within five days after receiving notice that the original decision remains in effect, the faculty member may in writing request a conference with the Provost/Vice Chancellor for Academic Affairs. This request shall be granted and the conference held forthwith, within five days after receipt of the request if possible.

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<sup>4</sup> If the Provost/Vice Chancellor for Academic Affairs makes the initial decision not to reappoint, substitute her/his name for that of dean wherever the latter appears. If the initial decision not to reappoint is made by the Chancellor or Board of Trustees, the faculty member who is not to be reappointed may seek review of that decision in accordance with the procedure set out in Section 604 of The Code.

Within ten days after this conference, the Provost / Vice Chancellor shall send a written evaluation of the matter to the faculty member, the dean, and the department Chairperson. The evaluation may be in the form of an unelaborated concurrence with the decision; an expression of disagreement with the decision, with or without supporting reasons; or a recommendation for reconsidering the decision, with or without suggestions for specific procedures in doing so. Whatever form the evaluation may take, it is merely recommendatory and is not binding upon the dean or final as to the faculty member.

Within five days after receiving an evaluation that disagrees with the decision or recommends it reconsideration, the dean shall give the faculty member and the Provost/Vice Chancellor for Academic Affairs his/her response in writing.

#### **D. Request for Review by Faculty Hearing Committee; Scope of Review**

Within five days after he/she receives notice of an unfavorable action resulting from the conference with the Vice Chancellor, the faculty member may request that the Faculty Hearing Committee review the decision. This review is limited solely to determining whether the decision not to reappoint was based on any grounds stated to be impermissible in Section 5. A.

The request for review shall be written and addressed to the Chairperson of the Committee. It shall specify the grounds upon which the faculty member contends that the decision was impermissibly based, with a short and plain statement of facts that the faculty member believes support the contention.

Such a request constitutes on the faculty member's part: (1) a representation that he/she can support his/her contention by factual proof, and (2) an agreement that the institution may offer in rebuttal of his/her contention any relevant data within its possession.

The Committee shall consider the request and grant a hearing if it determines that (a) the request contains a contention that the decision was impermissibly based under this section, and (b) the facts suggested, if established, will support the contention. A denial of the request finally confirms the decision. If the request is granted, a hearing shall be held within ten days after the request is received; the faculty member shall be given at least five days' notice of the hearing.

#### **E. Conduct of Hearing**

The hearing shall be conducted informally and in private. Only the members of the Committee, the faculty member, the department Chairperson, the dean, and such witnesses as may be called may attend, except that the faculty member and the dean may each be accompanied by a person of his/her choosing. A quorum for the hearing is a simple majority of the Committee's total membership. Committee members who hold an appointment in the faculty member's department, who will testify as witnesses, or who have any other conflict of interest are disqualified. If the faculty member requests it, a transcript of the proceedings shall be made and provided to the faculty member. 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. The Committee

members, the faculty member, and the dean or the representative of the faculty member or dean may question all witnesses. Except as herein provided, the conduct of the hearing is under the committee Chairperson's control.

#### **F. Hearing Procedure**

The hearing shall begin with the faculty member's presentation of contentions, which shall be limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer. When the faculty member has concluded this presentation, the Committee shall recess to consider whether he/she has established a prima facie case. If it determines that the contention has not been so established, it shall so notify the parties to the hearing and thereupon terminate the proceedings. Such termination confirms the decision not to reappoint. If it determines that rebuttal or explanation is desirable, it shall so notify the parties and the hearing shall proceed. The dean may then present in rebuttal of the faculty member's contentions, or in general support of the decision not to renew, such testimonial or documentary proofs as he/she desires to offer, including his/her own testimony.

At the end of such presentation, the Committee shall consider the matter in executive session. The burden of proof is upon the aggrieved faculty member to establish by the preponderance of the evidence that his or her contention is true.

#### **G. Procedure After Hearing**

If the Faculty Hearing Committee determines that the faculty member's contention has not been established, it shall, by a simple unelaborated statement, so notify him, the department Chairperson, the dean, and the Provost/Vice Chancellor for Academic Affairs. Such a determination confirms the decision not to reappoint. If the Committee determines that the faculty member's contention has been satisfactorily established, it shall so notify him, the department Chairperson, the dean, and the Provost/Vice Chancellor for Academic Affairs by a written notice that shall also include a recommendation for corrective action by the dean.

Within five days after receiving such a recommendation, the dean shall notify the faculty member, Vice Chancellor, and the Chairperson of the Faculty Hearing Committee what modification, if any, he/she will make with respect to the original decision not to reappoint.

If the dean fails to make a recommended modification in the original decision, the Faculty Hearing Committee shall submit a report to the Chancellor containing the Committee's findings and recommendation and what it considers to be appropriate action by the Chancellor to resolve the matter. The chancellor must base his/her decision on a thorough review of (i) the record evidence from the hearing and (ii) the report of the faculty hearing committee. While the chancellor should give appropriate deference to the advice of the faculty 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 hearing committee, the Board of Governors strongly encourages the chancellor to communicate or consult with the hearing committee, either in person or in writing, regarding the chancellor's concerns before making a decision. The

chancellor shall notify the faculty member and relevant administrators of the chancellor's decision in writing.

#### **H. Notice of Appeal Rights:**

A faculty member who has adequate grounds for appeal may appeal the chancellor's decision not to reappoint the faculty member to the Board of Governors. The chancellor's notice to the faculty member of the decision concerning the faculty member's case must inform the faculty member: (1) of the time limit within which the faculty member may file a notice of appeal with the President requesting review by the Board of Governors, (2) that a simple written notice of appeal with a brief statement of its basis is all that is required within the ten-day period and, (3) that, thereafter, a detailed schedule for the submission of relevant documents will be established if such notice of appeal is received in a timely manner. The notice of the decision is to be conveyed to the faculty member by certified mail, return receipt requested, or by another means that provides proof of delivery. See UNC Policy Manual 101.3.1

#### **I. Appeals to the Board of Governors**

A faculty member who wishes to appeal the chancellor's decision must file 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, within 10 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. If the Board agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee or sub-committee of the Board which has jurisdiction of the subject matter of the appeal. If the faculty member fails to comply with the schedule established for perfecting and processing the appeal, the Board in its discretion may extend the period for complying with the schedule or it may dismiss the appeal. The Board of Governors will issue its decision as expeditiously as is practical.

### **SECTION 6. TERMINATION OF FACULTY EMPLOYMENT**

#### **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 probationary or fixed term may be terminated by North Carolina Agricultural and Technical State University because of (1) demonstrable, bona fide institutional financial exigency, or (2) 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 6.A.2. This determination is subject to concurrence by the President and the approval by the Board of Governors.

If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with the institutional procedures set out in Section 6.B.

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/her delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

## **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 6. 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, he/she shall be given timely notice as follows:
    - i. One who has permanent tenure shall be given not less than twelve months' notice and
    - ii. One who was appointed to a fixed term and does not have permanent tenure shall be given notice in accordance with the requirements specified in Section 3 of these regulations.
  - 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 6. B.2a.
3. **Type of Notice to be Given.** The Chancellor or his/her delegate shall send the faculty member whose employment is to be terminated a written statement of this fact by 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 the Reconsideration Committee if he/she alleges that the decision to terminate him/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/she receives the notice required by Section 6. B (3), the faculty member makes no written request for reconsideration hearing, his/her employment shall be terminated at the date specified in the notice given pursuant to Section 6. B (3), and without recourse to any institutional grievance or appellate procedure.
5. **Request for Reconsideration Hearing.** Within ten days after receiving the notice required by Section 6. B (3), the faculty member may request by mail, return receipt requested, a reconsideration of the decision to terminate his/her employment if he/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/her employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention.

Submission of such a request shall constitute on the faculty member's part:

- a. A representation that he/she can support his/her contention by factual proof, and
  - b. An agreement that the institution may offer in rebuttal of his/her contention any relevant data within its possession.
6. **Jurisdiction of Reconsideration Committee.** If the faculty member makes a timely written request for a reconsideration of the decision, the Chancellor or his/her delegate shall insure that the hearing is accorded before the Reconsideration Committee, the composition of which is set out in Chapter V, Section A.6 of the Faculty Handbook. 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 accord the faculty member five days from the time it receives his/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 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 North Carolina Agricultural and Technical State University that were used in making the decision to terminate the faculty member after the decision was made that some faculty members' employment must be terminated. If the faculty

member requests it, a transcript of the proceedings shall be given the faculty member 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. Committee members may question all witnesses. Except as herein provided, the conduct of the hearing is under the Committee Chairperson's control.

A quorum for purposes of the hearing is a simple majority of the Committee's total membership. No person shall serve on the Reconsideration Committee who holds an appointment in the faculty member's department, participated directly in the decision to terminate this individual faculty member, or has any other substantial conflict of interest.

- 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/she desires to offer.

The Chancellor or his/her representative may then present in rebuttal of the faculty member's contentions, or in general support of the decision to terminate his/her employment, such testimonial or documentary proofs as he/she desires to offer, including his/her own testimony.

At the end of this presentation, the Reconsideration 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/her contention is true to a substantial certainty.

- 9. Procedure After Hearing.** If the Reconsideration Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify him/her and the Chancellor. The faculty member may then appeal the decision to terminate his/her employment in the manner provided by Section 605 C.6 of The Code of The Board of Governors.

If the Reconsideration Committee determines that the contention of the faculty member has been satisfactorily established, it shall so notify him and the Chancellor by a written notice that shall also include a recommendation for corrective action by the Chancellor.

Within ten day after receiving the recommendation, the Chancellor shall send written notice to the faculty member and 'the Chairperson of the Committee what modification, if any, he/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 the termination in the manner provided by Section 605.C.6 of The Code of the Board of Governors. If the Chancellor concurs in a recommendation of the Committee that is favorable to the faculty member, his/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/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 Section 6. 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 mail<sup>3</sup>, return receipt requested, to the faculty member's last known address, and the faculty member will be given thirty calendar days after attempted delivery to accept or reject the offer.

## **SECTION 7. RETIREMENT OF FACULTY**

### **A. Retirement Policy for Members of the Faculty**

Faculty may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes ("Retirement System of Teachers and State Employees").

## **SECTION 8. SPECIAL FACULTY APPOINTMENTS, NEW HIRES WITH EXEMPLARY CREDENTIALS, AND INSTRUCTORS**

### **A. Special Faculty Appointments**

Appointments may be made to fixed term faculty ranks with title designations "lecturer," "artist in residence," "writer in residence," and any faculty rank designation provided in paragraphs one (1) through four (4) of this subsection with the prefix-qualifier "adjunct," "clinical," or "research" under the conditions and with the incidents herein provided. Such an appointment, using any of the foregoing title designations, is appropriate for one who has unusual qualifications for teaching, research, academic administration, or public service, but for whom neither the professorial ranks nor the instructor rank is appropriate because of the limited duration of the mission for which the appointment has been made or because of concern for continued availability of special funding for the position, or for other valid institutional reasons.

Initial appointments may be for a fixed term of from one to three years. Subsequent appointments to fixed terms of from one to five years duration may be made either in direct succession or at intervals. Each is considered an initial appointment. North Carolina Agricultural and Technical State University is not obliged to give any notice before a current term expires as to whether appointment will be offered for a succeeding term. Thus, the specification of the length of the appointment shall be deemed to constitute full and timely notice of non-reappointment when that term expires. But the appropriate school dean or division director, upon the faculty member's written request made not later than 90 days before a current

term expires, shall within 20 days after he/she received the request give the faculty member a written decision whether an offer of reappointment will be made and, if so, its terms. Failure to communicate a decision constitutes notice that no offer will be made. The decisions herein required shall be made as provided in Section 3.D.

### **B. New Hires with Exemplary Credentials**

In exceptional cases an academic unit might hire a candidate with exemplary credentials to associate or full professor rank with tenure. In such a case, the candidate's credentials must be reviewed by the University's tenure policy, and the process must result in a positive decision before an offer of permanent tenure can be made to the candidate. The candidate will be asked to prepare a package of his/her credentials and apply for tenure. The Provost will call upon the relevant tenure committees and the Dean to expedite the review process (as outlined in Section 3.D) and reach a positive or negative recommendation in a timely fashion. The decision of the tenure process will be communicated to the candidate and it may result in an offer for hire with or without tenure.

### **C. Instructors**

The rank of instructor is appropriate for one who is appointed to the faculty in the expectation that he/she will progress toward the professorial rank (assistant professor, associate professor, or professor) but lacks, when appointed, one or more qualifications expected by his/her department<sup>5</sup> or school for appointment to professorial rank. When he/she meets all those qualifications, the faculty member will be considered for promotion to assistant professor and then either promoted or given timely notice of non-reappointment.

The initial appointment to the rank of instructor is for a probationary term of one year. The instructor may be reappointed successively for six additional one-year terms, or a total of seven such terms. At least 90 days before the end of the first term and 180 days before the end of the second consecutive term, the instructor shall be given written notice whether, when his/her current term expires, he/she will be reappointed to the rank of instructor for another term, promoted to the rank of assistant professor, appointed to a fixed term as provided in Section 3. B(5), or not reappointed. During the last 180 days of the second consecutive year of employment, the institution may notify the instructor that his/her employment will be terminated at the end of the third year of employment. Before the end of the third consecutive term, the instructor who has not been notified that his/her employment will be ended in that year as provided in the preceding statement shall receive written notice whether, when his/her current term expires, he/she will be reappointed to a fourth consecutive term, promoted to the rank of assistant professor, appointed to a fixed term as provided in Section 3. B (5), or offered a terminal one-year appointment at the end of the current term. Decisions shall be made with respect to these same options before the end of the fourth, fifth, and sixth consecutive terms. No reappointment to the rank of instructor may be made after seven consecutive years of

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<sup>5</sup> "Department" is used herein as a generic term for departments, professional schools, the library, and any other academic units to which faculty reappointments are made; "chairperson," as a generic term for department chairperson, deans of professional schools, director of the library, and any other heads of academic units to which faculty reappointments are made.

employment at that rank. The failure to give the required notice of a decision not to reappointment at any point herein required has the same effect as a decision at that time to offer a terminal appointment at the same rank for one academic year. The decisions herein required shall be made as provided in Section 3. D.

Promotion at any time from the rank of instructor to that of assistant professor constitutes an initial appointment at the latter rank, with the incidents described in Section 3. B (2).

## **APPENDIX B-3**

### **NORTH CAROLINA A & T STATE UNIVERSITY**

#### **POST TENURE REVIEW POLICY<sup>6</sup> PREPARED IN ACCORDANCE WITH PROVISIONS IN THE UNIVERSITY OF NORTH CAROLINA CODE, JULY, 1997 APPROVED BY THE BOARD OF TRUSTEES ON APRIL 15, 2004**

#### **I. PREAMBLE**

The Post Tenure Review (PTR) process outlined herein is part of North Carolina Agricultural & Technical State University's, as well as the University of North Carolina System's effort, to ensure faculty development and to promote faculty vitality. It is implemented to meet a 1997 mandate from the Board of Governors. The first recommendation adopted by the Board of Governors was: "The purpose of the review shall be to support and encourage excellence among tenured faculty by recognizing and rewarding exemplary faculty performance." While slightly more than half of this document is devoted policies related to deficiencies, it is important to keep that disproportion in perspective. Two perspectives are offered: (1) as noted above the primary function of PTR is to reward excellence; and (2) in 1999-2000 and 2000-2001 a total of 52 tenured faculty at NCA&T underwent PTR evaluations, five were judged deficient in 1999-2000, none was judged deficient in 2000-2001.

Teaching is North Carolina Agricultural and Technical State University's primary mission. While certainly not ignoring faculty responsibilities in the areas of research and service, Post Tenure Review (PTR) is above all aimed at encouraging and maintaining excellence in the classroom. The primacy of quality teaching is evident in the quite distinct ways in which the PRT policies address a deficiency in teaching performance and a deficiency in research:

- A faculty member who is judged deficient in teaching performance must establish a three-year plan for enhancing the quality of his/her teaching.
- A faculty member who is judged satisfactory or exemplary in teaching performance but deficient in research, rather than establishing a three-year plan to bolster his/her research, the faculty member's strength in teaching may be capitalized upon by assigning the faculty member teacher-mentoring responsibilities or additional teaching responsibilities.
- A faculty member who is not successful in bringing his/her teaching performance up to a satisfactory level by the end of his/her three-year plan faces possible sanctions.
- A faculty member who was judged satisfactory or exemplary in teaching performance and is not successful in bringing his/her research performance up to a satisfactory level by the end of his/her three-year plan may be assigned teacher-mentoring responsibilities or additional teaching responsibilities in the place of facing possible sanctions.

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<sup>6</sup> Approved by the Faculty Senate March 23 2004. Original policy dated July 1998.

Post tenure review is intended to assure continuous improvement in the performance of the faculty as they carry out the institutional mission of teaching, research, creative work and service.<sup>7</sup> The objectives of a performance review are to identify and reward exemplary faculty performance, and to identify and plan to improve less than satisfactory faculty performance. Performance review is also a means of enhancing performance of tenured faculty by stressing formative as well as summative evaluation. These evaluations should lead to effective and useful feedback, appropriate intervention, and timely and positive assistance to ensure that every tenured faculty member continues to experience professional development and accomplishments during the faculty member's career. A fundamental purpose supporting post tenure review is to enable the faculty member to engage in a peer-coordinated performance evaluation to assess level of performance, productivity, and/or career development over a longer term than is usually provided by an annual review. North Carolina A&T State University's PTR will help to continually ensure a distinguished faculty in all degree programs at the baccalaureate, master's and doctoral levels. This policy will be reviewed every five years.

## II. PTR EVALUATION PROCEDURES

PTR evaluations are based on performance standards developed by the department faculty.

### A. Standards for Performance

Department faculty shall establish initial standards following adoption of the policy. Tenured and tenure-track faculty within each department shall develop a narrative statement of the department's standards for performance by tenured faculty.<sup>8</sup> Standards for Exemplary and Satisfactory shall be established for **each** of the areas: (1) Teaching Performance, (2) Research Performance, Professional Growth and Related Activities and (3) Service to the University. Departments may establish their standards for Deficient and/or Satisfactory in one of two ways:

- Standards that give the Performance Review Committee (PRC) flexibility in assessing a faculty member's overall strength when judging whether performance is Satisfactory.
- Standards that when met in a given area the PRC is required to judge the performance as Satisfactory in that area.

Departments wishing to give the PRC flexibility to judge the overall portfolio should establish standards for Satisfactory and for Exemplary for each of the areas: (1) Teaching Performance, (2) Research Performance, Professional Growth and Related Activities and (3) Service to the University. The department should also establish standards for Distinctly Deficient for each of the three areas. The department should also write a narrative that makes it clear that when a portfolio is judged to fall between Distinctly Deficient and Satisfactory in one area, that shortfall *may* be offset by a strength in another area. For example, being judged between Distinctly

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<sup>7</sup> As the University moves forward with its Futures Mission/Vision statement subsequent PTR policies may refer to teaching, research, creative work and service as "learning, discovery and engagement."

<sup>8</sup> Department Chairpersons are considered administrators. As such they are not subject to PTR evaluation but rather to an administrator's evaluation. The writing of the department performance standards is a faculty task and as such the Department Chairpersons may not participate.

Deficient and Satisfactory for Research Performance, Professional Growth and Related Activities shall require a Teaching Performance that is above Satisfactory in order for the Research Performance, Professional Growth and Related Activities to be judged Satisfactory. The narrative should provide guidelines PRCs are to employ when allowing a strength in one area to offset a between Distinctly Deficient and Satisfactory judgment in another area. When there is no offsetting strength then a portfolio that is judged to fall between Distinctly Deficient and Satisfactory in one area will be judged Deficient in that area. Furthermore, being judged Distinctly Deficient in one area may **not** be offset by strengths elsewhere in the portfolio. Service, while important, is a tertiary faculty responsibility. The department narrative should make it clear whether or not an above Satisfactory judgment in service will be allowed to offset a judgment of between Distinctly Deficient and Satisfactory in teaching or in research. The department narrative should also make it clear whether or not being judged between Distinctly Deficient and Satisfactory in two areas can be offset by a strength in the third area. The department needs to establish standards for Exemplary, standards that specify a level of performance that must be met or exceeded in order for the faculty member to be judged Exemplary in a given area.

Alternatively, departments may elect to circumscribe the PRC's judgements. In such cases departments shall establish standards for Satisfactory and for Exemplary in each of the three areas. Failure to meet a standard for Satisfactory in a given area shall result in the PRC's being required to judge the faculty member as Deficient in that area regardless of strengths elsewhere in the portfolio.

Regardless of the approach taken by the department, its standards shall be consistent with the Faculty Handbook, and shall reflect the standards of excellence and appropriate balance of teaching, research or other creative activity, and service as prevail in the discipline and the department. In addition, these statements shall be consistent with standards used for annual performance evaluations. The University shall provide reasonable resources needed by the faculty to achieve the required level and quality of performance.

These statements shall be as specific as possible without unduly restricting the recognition of diverse valuable contributions of individual faculty members. The department standards criteria give the department the opportunity to specify what evidence it considers essential for the portfolio. For example, including criteria for faculty scores on student evaluations would mean portfolios should include student evaluations, while not specifying criteria for faculty scores on student evaluations would leave it up to the reviewees to decide whether they wished to include student evaluations in their portfolio.

These statements should be approved by the departmental tenured and tenure-track faculty. These departmentally approved standards shall, with the exception of the School of Nursing, be reviewed by a School/College committee. The tenured and tenure-track faculty of each department shall elect a representative to this School/College committee. The School/College committee, with input from the Dean, will seek to assure some uniformity of standards across departments and to assure that faculty performance standards are consistent with the established mission and do not fall below those standards of the School/College. For those departments that elected to give the PRC flexibility in assessing a faculty member's overall strength, the



School/College committee shall also attempt to assure consistency in the department narratives regarding how the PRC shall balance a strength in one area with a between Distinctly Deficient and Satisfactory judgment in another area. The statement of standards, approved by the departmental tenured and tenure-track faculty and the School/College committee, shall be the basis for evaluating a tenured faculty member's performance. The Department Chairperson shall forward the statement of standards to the Provost/Vice Chancellor for Academic Affairs. The forwarded standards should include a check sheet on which the Department Chairperson verifies that the standards have (1) been written and approved by the tenured and tenure-track departmental faculty; and (2) have been approved by the School/College standards committee. The standards shall also be distributed to all current faculty. At the beginning of each Fall semester the standards shall be distributed to new faculty.

As the mission of the Department, School/College, or University changes, or the standards of excellence and appropriate balance of teaching, research or other creative activity, and service as prevails in the discipline and the Department change, Department standards may also change. Departments shall reconsider their standards at least once every five years. The revised statement of standards, approved by the departmental tenured and tenure-track faculty and the School/College committee, will be the basis for evaluating a tenured faculty member's performance. The Department Chairperson shall forward the revised statement of standards to the Provost/Vice Chancellor for Academic Affairs. The forwarded standards should include a check sheet on which the Department Chairperson verifies that the standards have (1) been written and approved by the tenured and tenure-track departmental faculty; and (2) have been approved by the School/College standards committee. The new standards shall also be distributed to all current faculty. At beginning of each Fall semester the new standards shall be distributed to new faculty.

Because it would be inappropriate to subject faculty to stricter standards immediately prior to their post tenure review, faculty shall undergo their subsequent post tenure reviews under the standards that were in place in the first year of the five-year cycle of post tenure reviews. This gives faculty a four years lead-time.

## **B. Schedule of Evaluation**

Faculty tenured prior to 1998-1999 shall undergo PTR five years following their latest review. Faculty tenured since 1998-99 shall undergo their first post tenure review five years after receiving tenure. Five years after the year of the initial review, the cycles will repeat with new names added in the appropriate year, as they become eligible for review. A successful application for a promotion after a faculty member receives tenure results in the five-year counting process beginning anew. Similarly, a faculty member who establishes a Performance Development Plan following a PTR evaluation shall undergo his/her next PTR evaluation five years after completing his/her Performance Development Plan.<sup>9</sup> The five-year counting process shall be put on hold for a faculty member while on an official leave of absence and shall resume when the leave is over. The same holding and restarting shall apply to faculty members who

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<sup>9</sup> Both a successful application for promotion and a successful completion of a Performance Development Plan are cumulative reviews and satisfy the Guideline in the General Administration Memorandum 371, dated June 24, 1997, that faculty undergo "a cumulative review no less frequently than every five years."

move from their teaching position to an administrative one and then return to the teaching faculty. This means, for example, that when a faculty member moves into an administrative position after 1999-2000 and returns to the teaching faculty, he/she will come up for a PTR evaluation in the number of years he/she had pending to his/her next PTR evaluation before moving into an administrative role. This also means that for an individual who was in an administrative role in 1999-2000, upon returning to the teaching faculty, his/her PTR evaluation shall be in the number of consecutive years he/she was in an administrative role prior to 1999-2000, with five years being the maximum allowed.

A faculty member may request postponement of a scheduled performance review for extenuating circumstances, such as health problems or returning to faculty status from an administrative position. The request must be in writing, and be approved by the faculty member's Department Chairperson, Dean and the Provost/Vice Chancellor for Academic Affairs. Faculty who have submitted to their Department Chairperson and Dean a certified letter of irrevocable intent to retire and/or resign, effective within three years of their scheduled PTR, may elect not to undergo a PTR.<sup>10</sup>

### **III. PTR EVALUATION PROCEDURES**

The calendar for PTR evaluation procedures shall be:

- First department meeting in the Fall: Department Chairperson shall distribute department standards to new faculty and make standards available to returning faculty requesting a copy.
- Last Friday in September: the Department Chairperson shall notify the faculty member in writing that a performance review will be conducted.
- Last Friday in October: the faculty member shall notify his/her Department Chairperson of his/her two PRC selections.
- Last Friday in November<sup>11</sup>: the faculty member shall submit his/her portfolio to the Department Chairperson, who forwards it to the PRC.
- Last Friday in January<sup>12</sup>: the PRC submits its report.

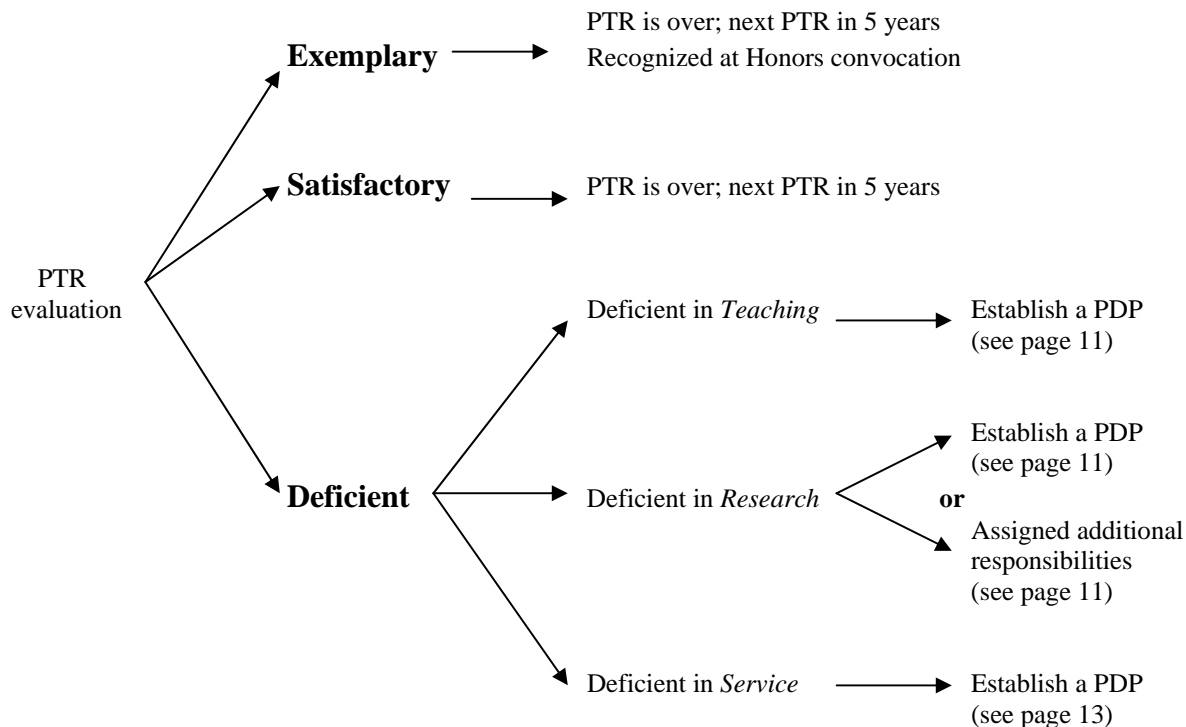
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<sup>10</sup> Faculty members who have entered into a Phased Retirement Program with the University, as part of their agreement have relinquished tenure and consequently are not subject to PTR.

<sup>11</sup> Or 60 days after receiving the letter of notification from the Department Chairperson or a negotiated and agreed upon submission date, whichever is the later date.

<sup>12</sup> Or 50 days after the PRC receives the portfolio.

## OVERVIEW OF PTR OUTCOMES



### A. Notification of Review

The Department Chairperson shall, by the last Friday in September, notify the faculty member in writing that a performance review will be conducted by a Performance Review Committee (PRC). The notification letter shall include the following quote from the PTR policy: "Tenured faculty in all departments in all Schools/Colleges shall constitute the pool eligible to serve as members of a PRC. While reviewees may select tenured faculty members who are undergoing PTR that year, they may not serve on one another's PRCs that same year. Administrative tenured faculty are ineligible to serve on a PRC. ... Two of the three committee members shall be selected by the reviewee, and one member shall be selected by the tenured faculty from the reviewee's department." Furthermore, the notification letter should include the Website addresses of the University's PTR policy and a copy of the PTR submission form. (See Form A.)

### B. Selection of Performance Review Committee

Tenured faculty in **all** departments in all Schools/Colleges shall constitute the pool eligible to serve as members of a Performance Review Committee (PRC). While reviewees may select tenured faculty who are undergoing PTR that year, they may not serve on one another's PRCs that same year. Administrative tenured faculty are ineligible to serve on a PRC. The Office of the Provost/Vice Chancellor for Academic Affairs shall verify annually the eligibility of all committee members and maintain records of the members of the University-wide PRCs. From

this pool, three faculty members shall be selected to serve on the PRC for a tenured faculty member who has been identified for a performance review. Two of the three committee members shall be selected by the reviewee, and one member shall be selected by the tenured faculty from the reviewee's department. Reviewees shall notify their Department Chairperson of their two PRC selections by the last Friday in October. Once the reviewees have notified the Department Chairperson of their selections, the Department Chairperson shall forward these selections to the department's most senior tenured faculty member. The Department Chairperson shall ask this senior faculty member to convene a meeting of the department's tenured faculty for the purpose of selecting the third member of the PRCs and shall remind the faculty that they are not restricted to choosing a third PRC member from among department faculty. The Department Chairperson will not attend this meeting. Tenured faculty who are undergoing PTR should participate in such a meeting, but should leave the room when the discussion involves the selection of their third PRC member. When there are two or fewer tenured faculty in the department, the senior faculty in the department shall participate in the selection of the third committee member.

The Office of the Provost/Vice Chancellor for Academic Affairs shall endeavor to provide a training session for PRC members relative to peer review.

### **C. The Review Portfolio**

While all reviewees are expected to use the PTR submission form, this does not preclude departments from establishing their own guidelines for the review portfolio. Departments wanting to set their own portfolio guidelines should (a) elect a committee of tenured and/or tenure-track faculty to draft the guidelines and (b) have the guidelines approved by the department's tenured and tenure-track faculty.

The faculty member selected for review shall submit a review portfolio to his/her Department Chairperson by the last Friday in November or 60 days after receiving the letter of notification from his/her Department Chairperson, whichever is the later date. If the faculty member needs additional time, he/she may request an extension from his/her Department Chairperson. The new deadline, and the reasons for the extension, shall be put in writing and signed by the faculty member and the Department Chairperson. The Department Chairperson shall send a copy of such an extension agreement to the Dean. If the Dean has reservations about the extension, he/she shall meet with the faculty member and the Department Chairperson to arrive at a resolution.

The faculty member has the right and obligation to provide all the documents, materials, and statements relevant and necessary for review, and all materials submitted shall be included in the portfolio. The documentation shall include evidence of teaching, research, creative work, professional growth and service to the University. Other materials, at the discretion of the faculty member, may include a maximum of three letters of support from NCA&TSU colleagues attesting to the faculty member's performance, and a maximum of three additional letters from persons external to the university. The portfolio shall be submitted in one three-ring notebook binder with a table of contents, and tabbed sections for ease in locating sections and materials. The faculty member has final determination regarding the contents of the review portfolio.

When a faculty member fails to submit a portfolio by the appropriate deadline (the last Friday in

November or 60 days after receiving written notification from the Department Chairperson or the approved extension), the Department Chairperson shall consult with the faculty member to determine the reason for noncompliance and shall notify the Dean of the situation. The Dean shall schedule a meeting with the faculty member and the Department Chairperson. At that meeting the Dean shall advise the faculty member, in writing, that failure to submit a portfolio on a timely basis may result in disciplinary actions.<sup>13</sup> If the meeting results in the submission of the portfolio by an agreed upon time the matter of the delay is dropped.

#### **IV. THE REVIEW PROCESS**

The performance review focuses on the faculty member's (1) Teaching Performance, (2) Research Performance, Professional Growth and Related Activities and (3) Service to the University, based on the department standards.

##### **A. Evaluation of Portfolio**

Upon receiving a portfolio the Department Chairperson shall forward it to the member of the PRC who was selected by the department faculty. The Department Chairperson shall ask that PRC member to convene the initial meeting of the PRC. The first order of business of this meeting shall be the committee's selection of its chairperson. The PRC shall conduct its performance review and shall submit its report by the last Friday in January or within 50 days receiving the portfolio.

The PRC shall render a judgement of Exemplary, Satisfactory or Deficient in **each** of the three areas. Additionally, the review is to provide informed and candid feedback to the faculty member concerning the quality of his/her contributions, as well as any weaknesses or deficiencies in the portfolio, along with constructive recommendations for improvement. The PRC, after reaching its decisions, shall collectively draft its findings. The PRC is expected to write a minimum of 75 words in support of its findings for **each** of the three areas. The chairperson of the PRC shall write a finished version of the committee's report and circulate it to committee members for agreement and/or suggested changes. Finalized copies of the report shall be signed by each of the three committee members. By the last Friday in January or within 50 days after the PRC receives the portfolio, the chairperson of the PRC shall, on the same day, give the report to the reviewee and a copy to the Department Chairperson.

##### **B. PTR Overall Assessments**

The performance review shall result in one of three possible overall assessments: Exemplary, Satisfactory, One or More Deficiencies. An overall assessment of Exemplary or Satisfactory concludes the reviewee's PTR for that year. An overall assessment of One or More Deficiencies

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<sup>13</sup> Included in such actions is the possibility of dismissal, suspension of employment, reduction in rank or reduction in rank with commensurate reduction in salary. If the faculty member fails to submit the portfolio, the Dean shall so advise the Provost/Vice Chancellor for Academic Affairs. Penalties may be imposed only in accordance with the procedures prescribed in Appendix B, Section 4 - **Faculty Handbook** and with Chapter VI of **The Code** of the Board of Governors of the University of North Carolina. (See the **APPEAL** section.)

shall result in the reviewee's having to address the deficiencies. The overall assessments are outlined as follows:

1. Exemplary - An overall judgment of Exemplary requires that the faculty member is judged Exemplary in Teaching Performance and in Research Performance, Professional Growth and Related Activities and is Exemplary or Satisfactory in Service to the University. Letters of commendation, written by the Department Chairperson and by the Dean, shall be placed in the faculty member's personnel file housed in the Office of the Provost/Vice Chancellor for Academic Affairs. The Board of Governors wrote, as its first point regarding PTR, that the "purpose of the review shall be to support and encourage excellence among tenured faculty by recognizing and rewarding exemplary faculty performance." In recognition of this mandate to reward excellence, the University shall honor an exemplary faculty member with special recognition to include, but not limited to, a monetary award subject to availability of funds as part of the Honors Convocation. The faculty member's performance shall also be recognized or rewarded in one or more of the following ways:

- the faculty member will be considered for a professional development grant, i.e., a monetary award, which may be used for such things as travel to professional meetings, professional association memberships, computer hardware/software, office supplies, etc.;
- the faculty member may be recommended for priority consideration for a one-semester three-hour teaching load reassignment as approved by the Department Chairperson and Dean;
- the faculty member will be recommended by the Department Chairperson for consideration by the School/College Awards Committee/University Awards Committee, including the UNC Board of Governor's Excellence in Teaching Award Committee.

2. Satisfactory - An overall judgment of Satisfactory requires that the faculty member is judged at least Satisfactory in Teaching Performance and in Research Performance, Professional Growth and Related Activities and in Service to the University.

3. One or More Deficiencies - An overall judgement of One or More Deficiencies requires that the faculty member is judged Deficient in one or more of Teaching Performance or Research Performance, Professional Growth and Related Activities or Service to the University.

### **C. Department Chairperson and Dean Responses to a PRC Report**

The Department Chairperson shall write a letter to the faculty member, with copies to the PRC members, indicating his/her agreement or disagreement with the PRC's findings. A copy of the letter and the PRC report shall be forwarded to the Dean. When the Department Chairperson disagrees with the PRC's findings, the faculty member and the members of the PRC – individually or collectively – may respond in writing to the Department Chairperson's disagreement, with copies to the Dean.

The Dean shall write a letter to the faculty member, with copies to the PRC members and the Department Chairperson, indicating his/her agreement or disagreement with the PRC's findings. The Dean shall send a copy of this letter, along with a copy of the PRC report and any correspondence from the reviewee, the Department Chairperson and members of the PRC to the Provost/Vice Chancellor for Academic Affairs. When the Dean disagrees with the PRC's

findings, the faculty member and the members of the PRC – individually or collectively – may respond in writing to the Dean's disagreement, with copies to the Provost/Vice Chancellor for Academic Affairs.

When the Dean disagrees with the PRC report he/she may consult with the faculty member, the PRC, and the Department Chairperson. The Dean's consultation with PRC shall be done with all three PRC members present and should be construed as the Dean's seeking clarification on the PRC's assessment. The Dean may seek to influence the PRC to reconsider its findings under two circumstances:

- The Dean provides evidence that the faculty member's portfolio, upon which the PRC based its report, contains untruthful claims.
- The Dean believes the PRC has flagrantly misapplied a standard. For example, the PRC has judged the faculty member Satisfactory on Research Performance, Professional Growth and Related Activities when the standard calls for at least one publication in a refereed journal and the faculty member has none.

## **V. NEXT STEP IN THE PTR EVALUATION PROCESS**

When the faculty member is judged Exemplary or Satisfactory there is no next step for such an overall assessment ends the PTR process for the current five-year cycle. When the faculty member is Deficient in One or More Areas, the PTR process is not yet over for the faculty member needs to address each deficiency. Whether a deficiency requires the establishment of a Performance Development Plan (PDP) or calls for the assignment of additional responsibilities depends on the area of the deficiency and a consultation involving the faculty member, the Department Chairperson and the Dean.

### **A. Third Party Input**

The School/College Committee on Reappointment, Promotion and Tenure (CRP&T) and two tenured department faculty members shall be brought into the assessment process under the following conditions:

- The faculty member, the Department Chairperson and the Dean cannot come to consensus regarding whether to assign additional responsibilities or to develop a PDP
- The Department Chairperson and the Dean disagree regarding the acceptance of a PDP

The tenured and tenure-track faculty in the reviewee's department shall elect two tenured departmental faculty members to participate in the deliberations. When, besides the reviewee, there are two or fewer tenured faculty members in the Department, the senior faculty in the Department shall participate in selecting and serving as the two departmental faculty. The CRP&T shall elect three of its members to participate in the deliberations. The Department Chairperson shall provide the elected faculty members with the appropriate documents. The Dean shall call a meeting of the faculty member, the Department Chairperson and the two tenured department faculty members and the three members of the CRP&T. If after due deliberation the Dean, the Department Chairperson, the two elected tenured Department faculty

and the three CRP&T faculty, cannot reach a unanimous decision, then the decision at hand shall be determined by a vote. The Dean shall have one vote. The Department Chairperson and the two tenured department faculty shall have one vote. When the Department Chairperson and the two tenured department faculty are not in agreement, the one vote shall reflect the majority view of the three. The CRP&T as a whole shall have one vote. In the event the three CRP&T representatives are not in agreement, the CRP&T's vote shall reflect the majority view of the CRP&T representatives. While the faculty member may actively participate in the meeting, he/she has no vote. The Dean shall give the faculty member a written statement of the meeting's outcome with copies to the other parties at the meeting and a copy to the Provost/Vice Chancellor for Academic Affairs.

## **B. Additional Responsibilities or a Performance Development Plan**

A faculty member who is Deficient in Teaching Performance shall develop a Performance Development Plan (PDP). A faculty member who is Deficient in Research Performance, Professional Growth and Related Activities, but is Satisfactory or Exemplary in Teaching Performance, shall be assigned additional responsibilities **or** shall formulate a PDP. A faculty member who is Deficient in Service to the University shall develop a PDP.

### *1. Deficient in Teaching Performance*

In such instances the faculty member is required to devise a PDP in consultation with his/her Department Chairperson. The PDP should be formulated within 30 days of the faculty member's receiving the PRC report. The PDP shall be designed for completion within a three-year period. Although each PDP is tailored to individual circumstances, the PDP will:

- identify specific strengths and weaknesses of the faculty member's performance
- define specific goals or outcomes necessary to remedy the deficiencies
- outline the activities to be undertaken to achieve the necessary outcomes
- set appropriate time lines for accomplishing the activities and achieving intermediate and ultimate outcomes
- indicate appropriate criteria by which the faculty member could monitor progress
- identify institutional resources to support the PDP.

Failure of the faculty member and the Department Chairperson to reach an agreement on a PDP shall necessitate mediation by the Dean.

The Department Chairperson shall submit the PDP to the Dean. When the Dean accepts the PDP, the faculty member and the Department Chairperson are so informed in writing by the Dean, who also forwards a copy to the Provost/Vice Chancellor for Academic Affairs. When the Dean does not accept the PDP, the two elected tenured Department faculty and the three CRP&T faculty are brought into the process. (See the Third Party Input section above.) The Dean in particular and the University in general shall endeavor to make resources available to allow the faculty member to improve his/her Teaching Performance. This may include working with mentors, on and off campus, working with the Academy for Teaching and Learning and facilitating the faculty member's attending teaching workshops.



## *2. Deficient in Research Performance, Professional Growth and Related Activities*

When a faculty member is also Deficient in Teaching Performance, he/she shall develop a PDP to address the deficiencies. (See above section Deficient in Teaching Performance for details about developing a PDP.)

When a faculty member who is Deficient in Research Performance, Professional Growth and Related Activities, but who is Satisfactory or Exemplary in Teaching Performance, in such instances the faculty member, Department Chairperson and Dean shall consult. The consultation may result in an agreement to assign additional responsibilities **or** in a decision to develop a PDP. When the faculty member requests an opportunity to demonstrate his/her professional ability to overcome a deficiency in research and related activities by formulating a PDP, the Department Chairperson and the Dean shall accept such a request. When the faculty member, the Department Chairperson and the Dean cannot come to consensus regarding the assignment of additional responsibilities **or** the requirement of a PDP, the three CRP&T faculty shall be brought into the process. (See the Third Party Input section above.)

When the decision is to assign additional responsibilities, the tenor of determination of what additional responsibilities are most appropriate should be one of working to the faculty member's strengths and determining how the University's interests and the career development of the faculty member can best be meshed. The spirit should not be one of punishment of a faculty member who has become less active in the area of Research Performance, Professional Growth and Related Activities. The additional responsibilities shall be the faculty member's new career plan designed to lead to improvement in overall professional services rendered to the University.

The additional responsibilities may include, among other things, the assignment of significant administrative and/or other responsibilities and/or the assignment of an increased teaching load. When the faculty member is judged Exemplary or well above Satisfactory in Teaching Performance, he/she might be assigned responsibilities in the Academy for Teaching and Learning and/or prescribed mentoring tasks. The challenge is to be creative in using the strengths of the faculty member. A faculty member might, for example, while mentoring a junior faculty member also be assigned responsibility for some of the grading tasks in order to allow the junior faculty member to devote more time to his/her class preparation and/or research.

The amount of time associated with the additional responsibilities should be commensurate with the amount of time faculty in the department typically devote to research. In particular, when the additional responsibilities involve an increased teaching load, several factors should be kept in mind:

- Any increase in teaching load besides being commensurate with the amount of time faculty in the School/College and/or department typically devote to research, should also take into account the faculty member's normal teaching load and typical class sizes. The assignment of additional teaching may range from an additional course each semester in a setting where the normal teaching load is three courses coupled with significant research expectations, to one additional course every two or three years in a setting where normal teaching load is four courses and class sizes are large.
- The assignment of an increased teaching load refers only to the Fall and/or Spring semesters,

not to a Summer Session.

The assignment of additional responsibilities shall result in a three-part written understanding that takes the place of a PDP. One part shall be a clear delineation of the faculty member's new responsibilities. Another part shall specify the criteria by which the faculty member shall be judged in regard to meeting his/her additional responsibilities. When the faculty member is judged Satisfactory in Teaching Performance, the written agreement may specify Teaching Performance standards that are more demanding than the department standards for Satisfactory, but that are less demanding than the department standards for Exemplary. When the faculty member is judged Exemplary in Teaching Performance, the written agreement may include the expectation that the faculty member maintain an Exemplary rating in Teaching Performance. The third part shall be a statement that in future PTR evaluations, future PRCs shall **not** judge Research Performance, Professional Growth and Related Activities as Satisfactory so long as the faculty member has successfully performed his/her additional assignments which are part of his/her new career plan. When the assignment of additional responsibilities takes the place of a PDP, the expectation is that such additional responsibilities shall continue for the duration of the faculty member's career **or** until such time as the faculty member negotiates establishing a PDP rather than continuing the additional responsibilities. The written understanding shall be signed by the faculty member, the Department Chairperson and the Dean. A copy of the understanding shall be sent to the Provost/Vice Chancellor for Academic Affairs.

The outcome of the consultation among the faculty member, the Department Chairperson and the Dean may be the decision to formulate a PDP. In such instances the faculty member's future PTR evaluations shall continue to include being judged on Research Performance, Professional Growth and Related Activities. (See above section *Deficient in Teaching Performance* for details about developing a PDP.)

### *3. Deficient in Service to the University*

In such instances the faculty member is required to develop a PDP in consultation with the Department Chairperson. (See above section *Deficient in Teaching Performance* for details about developing a PDP.)

## **VI. ASSESSMENT**

Assigned additional responsibilities and/or a PDP require periodic assessment.

### **A. Third Party Input**

The School/College Committee on Reappointment, Promotion and Tenure (CRP&T) and two tenured department faculty members shall be brought into the assessment process under the following conditions:

- The Department Chairperson and the Dean disagree in their assessment regarding whether additional responsibilities have been successfully carried out **or** whether the objectives of a PDP have been successfully met.

- The outcome of a decision regarding the successful carrying out of additional responsibilities **or** the successful meeting of the objectives of a PDP may result in the faculty member's facing possible sanctions or being assigned additional responsibilities.

The tenured and tenure-track faculty in the reviewee's department shall elect two tenured departmental faculty members to participate in the deliberations. When, besides the reviewee, there are two or fewer tenured faculty members in the department, the senior faculty in the department shall participate in selecting and serving as the two departmental faculty. The CRP&T shall elect three of its members to participate in the deliberations. The Department Chairperson shall provide the elected faculty members with the appropriate documents. The Dean shall call a meeting of the faculty member, the Department Chairperson and the two tenured department faculty members and the three members of the CRP&T. If after due deliberation the Dean, the Department Chairperson, the two elected tenured department faculty and the three CRP&T faculty cannot reach a unanimous decision, then the decision at hand shall be determined by a vote. The Dean shall have one vote. The Department Chairperson and the two tenured department faculty shall have one vote. When the Department Chairperson and the two tenured department faculty are not in agreement, the one vote shall reflect the majority view of the three. The CRP&T as a whole shall have one vote. In the event the three CRP&T representatives are not in agreement, the CRP&T's vote shall reflect the majority view of the CRP&T representatives.<sup>14</sup> While the faculty member may actively participate in the meeting, he/she has no vote. The Dean shall give the faculty member a written statement of the meeting's outcome with copies to the other parties at the meeting and a copy to the Provost/Vice Chancellor for Academic Affairs.

## **B. Assessment of Additional Responsibilities**

The faculty member and Department Chairperson shall meet semiannually to review the faculty member's satisfactory completion of his/her additional responsibilities. A progress report shall be forwarded to the Dean by the second Friday in April.

When the Department Chairperson and the Dean agree that the additional responsibilities are being successfully carried out, the additional responsibilities and their assessment shall continue. The faculty member may request a consultation with the Department Chairperson and Dean to redefine his/her additional responsibilities. Similarly, the Department Chairperson or Dean may call for a three-way consultation to redefine the additional responsibilities.

When the Department Chairperson and the Dean disagree that the additional responsibilities are being successfully carried out or they agree that the additional responsibilities are not being successfully carried out, the CRP&T shall be brought into the process. (See the above *Third Party Input* section.) The faculty member, the Department Chairperson, the Dean and the CRP&T shall meet by the last Friday in April. When the outcome of the meeting is that the

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<sup>14</sup> This three-way voting procedure parallels the three-way voting procedure prescribed in the promotion and tenure process adopted in 2002.

additional responsibilities are being successfully carried out, the additional responsibilities and their assessment shall stand.

When the outcome of the meeting is that the additional responsibilities are not being successfully carried out, the faculty member shall be required to develop a PDP and to follow the procedures associated with a PDP. (See above section Deficient in Teaching Performance for details about developing a PDP.) The faculty member may appeal this decision. (See the **APPEAL** section.)

### **C. Assessment of Completion of a PDP for a Deficiency Other than in Teaching Performance**

The faculty member and the Department Chairperson shall meet semiannually to review the faculty member's progress toward remedying the identified deficiencies. A progress report shall be forwarded to the Dean at the end of the academic year. In the third year of the PDP the Department Chairperson shall make a final report by the first Friday in April. The final meeting and report may come earlier if the faculty member is ahead of schedule in completing his/her PDP. The PDP is a cumulative review and the faculty member's next PTR evaluation shall come five years after this cumulative review.

When the Department Chairperson concludes that the objectives of the PDP have been met, the Department Chairperson shall make a final report to Dean and send a copy to the faculty member. When the Dean accepts the report, the faculty member and the Department Chairperson are so informed, by the second Friday in April, and a copy is forwarded to the Provost/Vice Chancellor for Academic Affairs. This ends the PDP process.

When the Department Chairperson and the Dean disagree that the objectives of the PDP have been met, or agree that the objectives of the PDP have not been met, the two elected tenured Department faculty and the CRP&T are brought into the process. (See the above Third Party Input section.) The faculty member, the Department Chairperson, the Dean and the CRP&T shall meet by the third Friday in April. When the conclusion of the meeting is that the objectives of the PDP have been met, the Dean shall write a letter to the faculty member with copies to the Department Chairperson, the PRC and the Provost/Vice Chancellor for Academic Affairs.

When the conclusion of the meeting is that the objectives of the PDP have not been met, the meeting shall next decide whether or not failure to meet the objectives constitute good cause for the University to take action. When the decision is that, while the PDP objectives were not met, that they do not constitute good cause for the University to take action, the Dean shall write a letter to the faculty member with copies to the Department Chairperson and the Provost/Vice Chancellor for Academic Affairs. When the decision is that failure to meet the PDP objectives constitutes good cause for the University to take action, the meeting shall choose between two options: (1) assign the faculty member additional responsibilities **or** (2) recommend that the University impose sanctions. The faculty member may appeal this decision. (See the **APPEAL** Section.)

When the decision is to assign additional responsibilities, the faculty member, the Department Chairperson and the Dean shall consult. The tenor of the consultation is to arrive at a productive

meshing of the University's interests and the career development of the faculty member. The spirit, particularly if the faculty member has made a good faith effort during the three years of the PDP, should not be one of punishment of a faculty member who has become less successful in the area of Research Performance, Professional Growth and Related Activities. (See the above section Additional Responsibilities or a Performance Development Plan for a discussion of the assignment of additional responsibilities.)

When the decision is that sanctions should be imposed, the Dean shall, by the first Friday in May, recommend an appropriate sanction to the Provost/Vice Chancellor for Academic Affairs and forward all the relevant reports. The Dean shall send copies of his/her letter to the faculty member, the Department Chairperson, and the chairperson of the CRP&T. The Provost/Vice Chancellor for Academic Affairs shall, by the third Friday in May, write a letter to the Dean supporting his/her recommended sanction or replacing it with an alternative sanction. When the Provost/Vice Chancellor for Academic Affairs recommends an alternative sanction, the Dean may ask to consult with the Provost/Vice Chancellor for Academic Affairs to resolve their differences. The Provost/Vice Chancellor for Academic Affairs shall send copies of his/her letter to the faculty member, the Department Chairperson, and the chairperson of the CRP&T. The faculty member may appeal the sanction. (See the **APPEAL** section.)

#### **D. Assessment of Completion of a PDP for a Deficiency in Teaching Performance**

For the first two years of the PDP the faculty member and Department Chairperson shall meet semiannually and the Department Chairperson shall send a progress report to the Dean, with a copy to the faculty member, at the end of the academic year. In the third year the faculty member and the Department Chairperson shall meet by the last Friday in February. When the Department Chairperson concludes that the objectives of the PDP have been met, the Department Chairperson shall make a final report to Dean and send a copy to the faculty member. When the Dean accepts the report, the faculty member and the Department Chairperson are so informed, by the first Friday in March, and a copy is forwarded to the Provost/Vice Chancellor for Academic Affairs. This ends the PDP assessment process.

When the Department Chairperson and the Dean disagree that the objectives of the PDP are being met or agree that the objectives are not being met, the two elected tenured Department faculty and the CRP&T are brought into the process. (See the above Third Party Input section.) The faculty member, the Department Chairperson, the Dean and the CRP&T shall meet by the second Friday in March.<sup>15</sup> When the conclusion of the meeting is that the objectives of the PDP have been met, the Dean shall write a letter to the faculty member with copies to the Department Chairperson, the PRC and the Provost/Vice Chancellor for Academic Affairs. This ends the PDP assessment process.

When the conclusion of the meeting is that the objectives of the PDP have not been met, the meeting shall next decide whether or not failure to meet the objectives constitute good cause for the University to take action. When the decision is that, while the PDP objectives were not met, that they do not constitute good cause for the University to take action, this ends the PDP assessment process. The Dean shall write a letter to the faculty member with copies to the

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<sup>15</sup> Or the third Friday when the second Friday occurs during Spring Break.

Department Chairperson and the Provost/Vice Chancellor for Academic Affairs.

When the decision is that failure to meet the PDP objectives constitutes good cause for the University to take action, the Dean shall initiate an administrative review. Copies of the letter shall be sent to the faculty member, the Department Chairperson and the chairperson of the CRP&T. The faculty member may appeal this decision. (See the **APPEAL** Section.)

### **E. An Administrative Review**

The administration shall use peer review to obtain additional information regarding the quality of the reviewee's teaching performance. The calendar for the collection of additional information shall be:

- First Friday in April: Peer Review Team Reports due
- Third Friday in April: Third Peer Review Team Report due, if needed
- Last Friday in April: CRP&T report due
- First Friday in May: Dean notifies relevant parties of the final decision regarding whether the PDP objectives have or have not been met.
- Third Friday in May: Provost/Vice Chancellor for Academic Affairs decides about PDP and writes the appropriate parties

The Department Chairperson and the chairperson of the CRP&T shall randomly draw four tenured and/or tenure-track faculty from the reviewee's department. In the event there are fewer than four tenured and tenure-track faculty in a department, tenured faculty from other departments may be randomly selected. The Department Chairperson shall establish two peer review teams of two persons each from the randomly selected four faculty members. The Department Chairperson shall assign one team of peer reviewers to one of the reviewee's courses or sections and the other team to a different course or section. Each team shall conduct two peer reviews, that is, attend two class sessions. Both team members should visit the same class sessions so as to have shared experiences. The peer reviewers shall give the faculty member at least 24 hours notice of a class visit. After its second visit each team shall write a report on the reviewee's teaching performance and submit it to the Department Chairperson by the first Friday in April. These reports should make reference to the department standards for Teaching Performance and provide elaborated reasons for concluding that the standards have or have not been met. When the reviewee's department has given PRCs flexibility in assessing the overall strength of a portfolio, now that only Teaching Performance is being assessed, the faculty member must surpass the standard for Satisfactory. The report should be signed by both team members. Should one team report conclude that the faculty member is Satisfactory in Teaching Performance and the other that the faculty member is Deficient, the Department Chairperson and the chairperson of the CRP&T shall randomly select a third team. That team shall make two visits to yet a third course or section and submit an elaborated and signed report to the Department Chairperson by the third Friday in April.

The Department Chairperson shall coordinate the administering of the student evaluations in all of the reviewee's courses and sections. The reviewee may invite his/her Department Chairperson and/or Dean to sit in on a class.

Upon receiving the team reports, the Department Chairperson shall forward them along with his/her final PDP report and the student evaluations to the chairperson of the CRP&T. Members of the CRP&T may visit the reviewee's classes. The CRP&T shall write an elaborated report regarding the reviewee's Teaching Performance and submit it to the Dean by the last Friday in April. The report shall be signed by all Committee members.

When the Dean concurs with the CRP&T report, the Dean shall, by the first Friday in May, so notify the Provost/Vice Chancellor for Academic Affairs in writing, with copies to the faculty member, the Department Chairperson and the chairperson of the CRP&T. The Dean shall forward copies of all the relevant reports to the Provost/Vice Chancellor for Academic Affairs. When the CRP&T and the Dean agree that the faculty member has not satisfied his/her PDP, the Dean's letter shall recommend an appropriate sanction. The Provost/Vice Chancellor for Academic Affairs shall, by the third Friday in May, write a letter to the Dean supporting his/her recommended sanction or replacing it with an alternative sanction. When the Provost/Vice Chancellor for Academic Affairs recommends an alternative sanction, the Dean may ask to consult with the Provost/Vice Chancellor for Academic Affairs to resolve their differences. The Provost/Vice Chancellor for Academic Affairs shall send a copy of his/her letter to the faculty member, the Department Chairperson, and the chairperson of the CRP&T. The faculty member may appeal the sanction. (See the **APPEAL** section.)

When the Dean does not concur with the CRP&T report, the Dean shall, by the first Friday in May, recommend an appropriate action, that is, recommend no sanction or recommend a specific sanction, to the Provost/Vice Chancellor for Academic Affairs. The Dean shall forward all the relevant reports and send copies of his/her letter to the faculty member, the Department Chairperson, and the chairperson of the CRP&T. The CRP&T may submit a letter to the Provost/Vice Chancellor of Academic Affairs supporting its report. The Provost/Vice Chancellor for Academic Affairs shall reach a decision regarding whether the PDP has been satisfied and what sanction, if any, is appropriate. This deliberation may include consultation with the Dean, the Department Chairperson, the chairperson or all members of the CRP&T, and/or anyone else the Provost/Vice Chancellor for Academic Affairs deems appropriate. By the third Friday in May, the Provost/Vice Chancellor for Academic Affairs shall write a letter to the faculty member, the Dean and the chairperson of the CRP&T with his/her decision. When the Provost/Vice Chancellor for Academic Affairs judges that the PDP has not been satisfied, his/her letter shall also include a sanction. The Dean may ask to consult with the Provost/Vice Chancellor for Academic Affairs in the event they disagree regarding the PDP and/or the sanction. The faculty member may appeal the sanction. (See the **APPEAL** section.)

## **VII. APPEAL**

A faculty member may appeal the following:

- a decision that the additional responsibilities are not being successfully carried out, when the faculty member has been required to develop a PDP and to follow the procedures associated with a PDP
- a decision that failure to meet the PDP objectives constitutes good cause for the University to take action

- a decision that failure to meet the PDP objectives constitutes good cause for the University to take action and the Dean initiates an administrative review
- if the faculty member believes the performance review process and/or decision has been unjustly or arbitrarily applied.

Within five days after receiving a written notice of a decision the faculty member wishes to appeal, he/she may in writing request a private conference with the Dean. This request shall be granted, and the conference held forthwith, within five days after receipt of the request, if possible.

Within five days after the conference, the Dean shall give the faculty member an unelaborated, written statement of whether the original decision remains in effect.

Within five days after receiving notice that the original decision remains in effect, the faculty member may in writing request a conference with the Provost/Vice Chancellor for Academic Affairs. This request shall be granted, and the conference held forthwith, within five days after receipt of the request, if possible.

Within ten days of this conference, the Provost/Vice Chancellor for Academic Affairs shall send a written evaluation of the matter to the faculty member, the Dean and the Department Chairperson. The evaluation may be in the form of an unelaborated concurrence with the decision; an expression of disagreement with the decision, with or without supporting reasons; or a recommendation for reconsidering the decision, with or without suggestions for specific procedures in doing so.

Within five days of receiving an evaluation from the Provost/Vice Chancellor for Academic Affairs that disagrees with the decision or recommends its reconsideration, the Dean shall give the faculty member and the Provost/Vice Chancellor for Academic Affairs a response in writing.

If there is further grievance pertaining to this process, then the faculty member may follow the mediation process of the University as prescribed by the Faculty Handbook and Policy Manual of the University of North Carolina in Chapter 10 (Grievances filed pursuant to Section 607 of the Code).



FORM A: SUBMISSION FORM

**North Carolina A&T State University  
Submission for Faculty Post Tenure Review**

**1. Teaching Performance**

- a. Summarize evidence of effectiveness in teaching in the last five years. This may include:
  - Brief discussion of teaching methods used in classroom
  - Summary of student evaluation results with discussion of additional efforts to collect student evaluations
  - Attendance at workshops, seminars and conferences in specialty area
  - Relationships maintained with other professionals in specialty area
- b. Summarize special contributions to course and curriculum development, experimentation with new methods, materials, etc. in the last five years. This may include:
  - Description of courses developed and taught
  - Use of appropriate technologies in the classroom
  - Use of other materials (e.g., journal articles, study guides, etc.)
  - Innovative approaches to teaching
  - Other devices used to enhance the learning experience (e.g., field trip)
- c. Summarize evidence of effectiveness in academic advising and counseling.

**2. Research Performance, Professional Growth and Related Activities.**

- a. List in bibliographic form publications in the last five years OR describe creative works/performances in the last five years
- b. Summarize evidence from last five years of funded research
- c. Summarize evidence of professional growth with the past five years. This may include:
  - Professional meetings/conferences/workshops/seminars attended
  - Professional memberships/registrations maintained

**3. Service to the University**

- a. List significant committee and administrative responsibilities and contributions. Provide evidence of level of participation/contribution.
  - Department
  - School/College
  - University
- b. Indicate significant contributions to the broader community outside the University.
  - Consulting/professional activities outside of the University
  - Other contacts with and/or participation in professional organizationsWorkshops/seminars conducted

## APPENDIX C-1

### EMPLOYMENT PROCEDURES

The following procedures must be followed before persons exempt from the State Personnel Act (EPA) are officially employed by the University.

#### 1. Use of State Funds Only

The department chairperson and/or the School/College Dean shall initiate Form PD-105, for employment of faculty members. The Chancellor, Vice Chancellor, or School/College Dean shall initiate Form PD-105 for the employment of staff members.

The Form PD-105 for the employment of faculty members must be forwarded through the following channels for approval:

- a. Office of the School/College Dean
- b. Office of the Provost/Vice Chancellor for Academic Affairs
- c. Office of the Salary Administrator

#### 2. Use of Federal or Special Funds Only

The principal investigator shall initiate Form PD-105 for employment of persons exempt from the State Personnel Act (EPA).

The Form PD-105 must be forwarded through the following channels for approval:

- a. Department chairperson
- b. Office of the School/College Dean
- c. Office of the Director of Research Administration or the Executive Director of the A&T University Foundation, whichever is applicable
- d. Office of the Director of Contracts and Grants
- e. Office of the Provost/Vice Chancellor for Academic Affairs
- f. Office of the Salary Administrator

Form PD-105 replaces the following forms: (1) State Personnel Action Form PD-105, (2) Recommendation for Payroll Authorization, (3) Request for Payroll Authorization, (4) Request for Faculty Payroll Authorization, and (5) Payroll Authorization.

### **3. Use of State Funds Together with Federal and/or Special Funds**

The department chairperson shall initiate Form PD-105 for the employment of persons exempt from the State Personnel Act (EPA).

The Form PD-105 must be forwarded through the following channels for approval:

- a. The principal investigator
- b. Office of the School/College Dean
- c. Office of the Director of Research Administration or the Executive Director of the A&T University Foundation, whichever is applicable
- d. Office of the Director of Contracts and Grants
- e. Office of the Provost/Vice Chancellor for Academic Affairs
- f. Office of the Salary Administrator

### **4. EPA Salary Administrator and Personnel**

The unit shall process Form PD-105 as follows:

- a. Review the form for accuracy
- b. Obtain the signature of the Chancellor when appropriate.
- c. Forward to the Office of State Personnel.
- d. Receive the approved form from the Office of State Personnel.
- e. Distribute copies of Form PD-105 to designated parties.
- f. Use these copies as authorization to effectuate employment of a prospective employee.

## **APPENDIX C-2**

### **CRITERIA FOR THE EVALUATION OF THE FACULTY**

#### **A. TEACHING PERFORMANCE**

Effective teaching has many manifestations. In addition to well planned, meaningful lectures and demonstrations, it includes the total range of faculty-student relationship through which learning is achieved. In evaluating teaching performance, consideration should be given to a number of items. These include, but are not limited to the following:

1. Conducting classes, seminars and other group discussions. Competence in this area is related to one's preparation for his/her subject and his/her continuous growth through study and productive scholarship in his/her field. It includes evidence of the ability to organize the general program or course, the ability to make appropriate assignments, and evidence of the ability of the faculty member to evaluate student achievement.
2. Developing productive relations with students, individually and in groups. Consider the extent to which the faculty member works with students in extra-class activities and makes himself available for counseling.
3. Developing or securing and using adequate teaching aids. These include up-to-date course outlines, syllabi, supplementary textbooks, demonstration kits, laboratory equipment, films, charts, filmstrips and other aids to reinforce learning.

#### **B. RESEARCH PERFORMANCE AND PROFESSIONAL GROWTH**

The nature and value of research and professional activity vary according to the academic fields or disciplines. For this reason, each distinct subdivision of the University should adapt this section of the criteria to its purpose and use. In undertaking a general assessment of Research Performance and Professional Growth:

1. Consideration should be given to scholarship as indicated by (1) the ability to secure grants for research, (2) published research articles, and (3) evidence of other creative activity of high quality and significance. In certain fields such as art, architecture, music, drama and literature, creative activity should receive consideration equivalent to distinction attained in research associated with the natural and social sciences. In evaluating artistic works, originality, scope, richness, and depth of creative expression should be considered.
2. Consideration should be given to professional growth and activity as evidenced through (1) advanced study in a specific field in a regionally accredited institution, (2) citations received for scholarly achievement, (3) membership and participation in professional organizations, and (4) travel for professional improvement.

3. Recognition should be given to the research contribution made by the faculty member as an individual or as a member of a group. The supervision of research conducted by graduate students should be considered. Publications and other completed creative work may be regarded as the primary source of evidence. However, a faculty member's total research program should be recognized also.

### **C. SERVICE TO THE UNIVERSITY**

The faculty has an important role to play in formulating policies and administering the program of the University. In evaluating one's service to the University:

1. Recognition should be given to persons who have made outstanding contributions to the University participating regularly, effectively and imaginatively in University governance and the formulation of department, school and University policies. Consider evidence of participation on committees and special administrative assignments.
2. Consideration should be given to the faculty member's sense of responsibility and reliability as evidenced by the execution of assigned tasks on time. These include meeting classes on time, accepting departmental assignments, keeping accurate records and preparing reports.

It should be remembered that this descriptive statement is not intended to be a complete or comprehensive guide to cover all types of evidence to be considered under the criteria.

## APPENDIX C-3

### **POLICIES CONCERNING THE MINIMUM REQUIREMENTS AND GENERAL CRITERIA FOR PROMOTION IN RANK AND/OR PERMANENT TENURE**

The following general criteria for promotion are intended to constitute a minimum standard for the total University and do not preclude the establishment of additional criteria where appropriate:

#### **A. Criteria Related to Formal Training and Experience**

- 1. ASSISTANT PROFESSOR** Promotion to an assistant professor may be based upon potential. However, the candidate should meet the following minimum requirements:
  - a. Should have earned the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);
  - b. Demonstrated evidence of promise as a teacher;
  - c. Demonstrated evidence of promise in research and/or creative activity;
  - d. Demonstrated ability to relate effectively to peers and students.
  
- 2. ASSOCIATE PROFESSOR** Promotion to the rank of associate professor is based on actual performance as well as future potential. The candidate should meet the following minimum requirements:
  - a. Should have earned the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);
  - b. A good record as a teacher;
  - c. A promising record of performance in research and/or creative activity;
  - d. Normally a minimum of four years in rank as an assistant professor at North Carolina A&T State University;
  - e. Demonstrated ability to relate effectively to peers and students.
  
- 3. PROFESSOR** Promotion to full professor requires that the individual is recognized by his/her associates and students as a capable teacher, researcher and scholar. The candidate should meet the following minimum requirements:

Resolution on Tenure Policies and Regulations adopted by the Board of Trustees of North Carolina Agricultural and Technical State University on February 20, 1974.

- a. Should have completed the requirements for the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);
- b. An established record as a teacher;
- c. An established record in research and/or creative activity;
- d. Normally a minimum of five years in rank as an associate professor at North Carolina A&T State University;
- e. Demonstrated ability to relate effectively to peers and students.

## **B. General Criteria**

The following general criteria should be considered for promotion and/or permanent tenure at North Carolina A&T State University:

1. Membership in appropriate professional organizations and societies;
2. Participation in professional meetings;
3. Offices held in state, regional or national professional organizations and societies;
4. Service on University, school/college and departmental committees;
5. Publications;
6. Unpublished research or research activities of a significant nature;
7. Service with or research for a government or other agency;
8. Listing of an individual faculty member in one or more such publications as Directory of American Scholars, American Men of Science, Leaders in Education;
9. Community Service (evaluate with discretion);
10. Professional certifications where applicable;
11. Industrial and/or related experience;

12. Other criteria.



## APPENDIX C-4

### RESEARCH POLICIES AND PROCEDURES

<http://www.ncat.edu/~divofres/>

#### A. THE GRANT APPLICATION

A faculty member interested in developing a research or special project should pursue the following procedures:

1. Consult with the department head and the Director of Research Services to determine that the project is within the scope of the purpose of the University.
2. Determine whether the project can be completed successfully.
3. Determine whether the University can make available physical and other resources needed for the successful completion of the project.
4. Determine whether the project meets the State guidelines which govern the acceptance of outside grants for research and educational programs.

All tenure-track faculty members may submit proposals for support of research and scholarly projects. All proposals and Principal Investigators (PIs) must be approved by a faculty member's unit or department head and Dean before submission to the Vice Chancellor for Research and Economic Development (DORED) for final campus approval. Non-tenure-track faculty members and employees with termed appointments may submit proposals with prior approval of their Dean and the Vice Chancellor for Research.

#### B. THE PRELIMINARY PLAN

After a decision has been definitely made that a proposal will be submitted, a Notice of Intent (NOI) should be submitted to the Division of Research & Economic Development (DORED). NOI forms are available on their website at <http://www.ncat.edu/~divofres/programs/forms/intent.doc>.

Only the Division of Research & Economic Development can submit research and research-related proposals on behalf of the University. As such, all research and research-related proposals to foundations, government agencies, public and private entities must be submitted through DORED. Sufficient time must be allotted for the Vice Chancellor and DORED staff to review, suggest revisions if needed, and sign off on the proposal. Therefore, all research and research-related proposals should be submitted to DORED **two weeks prior to the closing date** of the solicitation.

All research proposals must have an approved Internal Processing (IP) Form (<http://www.ncat.edu/~divofres/forms/index.php>). This form must be completed with appropriate signatures (Principal Investigator, Department Chair and School Dean) prior to DORED

submitting the proposal on behalf of the University. Any proposal submitted to any entity outside of these procedures will not be considered an official proposal on behalf of the University and as such, imposes no responsibilities or encumbrances on the University.

All proposals must be accompanied by a copy of the sponsor's announcement, solicitation, RFP, RFQ or guideline document that specifies what the requirements are for the proposal. This is to give Sponsored Programs the required information to review the proposal for compliance with University and sponsor requirements.

### **C. PREPARATION OF THE BUDGET**

The budget must include the following categories:

#### **1. Personnel Services**

Personnel are classified in three categories: academic, non-academic, and students. Adequate funds should be requested for all categories for the duration of the project.

#### **2. Contractual Services**

These include the following items: consultant fees, guest lecturers, survey costs, computer services, etc. All contractual services must be budgeted under direct costs.

#### **3. Travel**

All funds allocated for travel are subject to the University Travel Regulations.

#### **4. Equipment**

All equipment to be purchased with project or University funds must be included in the budget. Unless otherwise specified by the sponsoring agency, purchases with project funds will be inventoried as University property.

#### **5. Supplies**

All needed supplies must be included in the budget.

#### **6. Communications**

Anticipated communication expenses must be included in the budget.

#### **7. General Expenses**

Anticipated general expenses must be included in the budget.

## **8. Indirect Costs**

Charges for indirect costs must be used by the University to meet overhead expenses involved in the operation of the project. The University has a Facilities & Administrative (F&A) Rate Agreement which specifies the indirect costs percentages. These rates are to be used unless the sponsoring agency identifies a rate in the solicitation.

Forms may be found on the DORED website  
(<http://www.ncat.edu/~divofres/programs/forms.php>).

### **D. EXTENDED TIME (FUNDED RESEARCH)**

If an employee of the University is working on a grant or project under conditions that require additional time over and above his/her regular duties at the University, he/she would qualify for extended time.

No extended time will be paid to project personnel unless it is specifically stated in the contract, the approved proposal, or prior approval from the sponsoring agency. Pay for extended services by faculty members shall not exceed the monthly rate of the individual faculty member's base salary in the University.

If you have any questions concerning extended time activities, contact the Director of the Office of Sponsored Programs.

### **E. RELEASE TIME (FUNDED RESEARCH)**

Release time will be used in order for faculty members to provide a replacement for the proportion of time employed on a research or special project. All faculty release time must be paid to persons working on the project and not to the person hired to replace the faculty member in his/her position. The person hired to replace the faculty member will be placed on the University payroll and paid from funds provided in the University budget and will cover the proportion of time during which he/she is substituting for the faculty member.

Pay for release time services by substitutes shall not exceed the monthly rate of the faculty member's salary in the University.

If you have any questions concerning release time activities, contact the Director of the Office of Sponsored Programs.

### **F. COMPLIANCE THE CARE AND USE OF ANIMALS IN RESEARCH**

North Carolina A&T State University is committed to compliance with the National Institutes of Health "Principles for the Care and Use of Laboratory Animals," "The Guide for the Care and Use of Laboratory Animals," the "Guide for the Care and Use of Agriculture Animals in Agriculture Research and Teaching," the provisions of the Animal Welfare Act, and the Good Laboratories Practice Act. To ensure institutional compliance, the university established an

Institutional Animal Care and Use Committee (IACUC) to review activities involving the use of vertebrate animals for research, teaching, production, demonstration, or another use. Protocols for proposed activities will be submitted on the proper form to the IACUC and must be approved by the IACUC prior to animal acquisition and initiation of the activity. The committee will review proposed protocols and procedures involving the use of vertebrate animals in accordance with the Public Health Service Policy, federal law and institutional guidelines, whether the proposed activity is to be funded or not.

These policies were developed to assist A&T State University faculty and staff in complying with institutional policy with regard to animal-use activities. For additional information concerning the university's policy for care and use of animals, contact the Coordinator for Laboratory Animal Science, B.C. Webb Hall Rm. 107, Benbow and Market Street, (336) 334-7720, extension 2003, or the Institutional Animal Care Program office, or the Compliance Officer at (336) 334-7995.

## **REGULATIONS AND GUIDELINES**

The University has a number of regulations and guidelines regarding the care and use of animals. We have on file with OLAW of the Public Health Service an assurance of compliance with regulations. We have also filed a description of our program with USDAAPHIS.

An important part of A&T State University's policy is the requirement that an Animal Use Review Form for all vertebrate animal-related activities be submitted by investigators for consideration by the IACUC. This process is the central, most important mechanism by which the institution oversees animal use in biomedical research, teaching, and demonstration programs. Please review the policies and procedures and responsibilities of the Principal Investigators on the website.

## **HUMAN SUBJECTS IN RESEARCH**

It is the policy of North Carolina A&T State University that all research, involving human subjects, must be reviewed and approved by an Institutional Review Board (IRB), as required by Title 45, Part 46, of the Code of Federal Regulations, prior to commencement of the project in order to protect the rights of human subjects participating in biomedical, behavioral or other research. In order to address these concerns, the University has developed procedures for the continuing review of all research activities involving the use of human subjects, and has established an Internal Review Board (IRB) to conduct the required review. These procedures are codified in the University's Federal wide Assurance of Compliance with Department of Health and Human Service Regulations (DHHS) for the Protection of Human Research Subjects. This policy applies to all research involving human subjects and all other activities, which in whole or in part, involve human subjects if the research is sponsored by this University; or

- conducted by or under the direction of any employee or agent of this University in connection with his/her University responsibilities; or
- conducted by or under the direction of any employee or agent of this University using any property or facilities of this University; or

- the research involves the use of this University's non-public information to identify or contact human research subjects or prospective subjects.

In reviewing research applications, the IRB will assure the following:

- that no human subject is exposed to an unreasonable risk to health, welfare, or privacy;
- that the rights of human subjects are adequately protected;
- that participation of human subjects is based upon legally effective informed consent which is freely given; and
- that the potential benefits to the subject and society so outweigh the risk to the subject that the decision to allow the subject to accept the risk is warranted.

This policy does not apply to research that is designated exempt according to 45 CFR 46. Proposals for research in exempt categories must still be forwarded to the IRB, which will audit them to ensure that they fit the letter and spirit of the designated exempt categories. Copies of the Code of Federal Regulations Title 45, Part 46, are available from the Division of Research and the following Internet website: <http://www.nih.gov:80/grants/oprr/humansubjects/45cfr46.htm>.

### **Principal Investigator's Responsibility**

It is the personal responsibility of each investigator who proposes research involving human subjects to submit an IRB Application to define the risks to which the human subjects will be exposed during the conduct of the research, to show that the significance of the proposed research warrants exposing the human subjects to the defined risk, to detail safeguards and procedures which will be employed to minimize the risk to those human subjects, to describe how the human subjects will be informed of the research risk, and to explain how the human subjects' consent will be obtained. The investigator must submit the IRB Application in accordance with the review procedures established by the Institutional Review Board in order to obtain approval of the proposed research prior to its initiation.

### **Researchers Not Affiliated With NCA&TSU**

This policy also applies to researchers not affiliated with North Carolina A&T State University (NCA&TSU) who wish to conduct human subjects research at NCA&TSU who solicit the help of NCA&TSU's faculty, staff, or students to recruit or gain access to human subjects. The protocols (using NCA&TSU's application materials) must be submitted to the IRB and must have a NCA&TSU faculty member as the Principal Investigator (PI) or as Faculty Sponsor. Therefore, the non-affiliated researcher must contact a NCA&TSU faculty member to have them agree to serve as the PI or Faculty Sponsor for the purpose of over-site of the research. The researcher must also, provide evidence of their institutions IRB approval.

In all cases, it is the responsibility of the researcher to request IRB review prior to the initiation of any human subjects research activities. All applications for IRB review must be submitted to the Division of Research, attention IRB Coordinator. Applications will be forwarded to the Institutional Review Board.

Detailed information about Compliance can be found at the website for the Division of Research and Economics: <http://www.ncat.edu/~divofres/>.

## **G. TECHNOLOGY TRANSFER**

### **INTELLECTUAL PROPERTY PROCEDURES**

**These procedures have been developed to implement The University of North Carolina System Intellectual Property Policies (dated 1984 and revised 2004) and apply to all employees and students of North Carolina Agricultural & Technical State University, both full and part time, and visitors.**

In this context, intellectual property includes inventions and discoveries, copyrights, trade and service marks, proprietary information, and tangible research property. Each of these is addressed in separate sections that provide definitions of terms, describe the roles and responsibilities of University personnel, and outline the procedures for various administrative actions for intellectual property dispositions.

The aim of the intellectual property procedures is to promote the progress of science and the useful arts by utilizing the benefits of the patent system consistent with the purposes for which it was established by the Constitution of the United States.

As defined by the University System Policies, North Carolina A&T State University has an interest in all inventions or discoveries of University faculty, staff and students that are conceived or first actually reduced to practice as a part of or as a result of University research or activities within the scope of the inventor's employment by the University, or that involve the use of University time, facilities, staff, materials or funds administered by the University. Faculty, staff, and students, whose inventions are made on their own time and without the use of University facilities, materials, or resources and which inventions are, therefore, their exclusive property as specified by the Intellectual Property Policies, may avail themselves of the opportunity to submit the invention to the University for possible patenting and/or commercialization and management under terms to be agreed between the inventor and the University.

The provisions of the Intellectual Property Procedures are subject to any applicable laws, regulations or specific provisions of the grants or contracts which govern the rights in inventions made in connection with sponsored research. Under the terms of certain agreements between the University and various agencies of government, private and public corporations and private interests, the University may be required to assign or license all patent rights to the sponsor. The University retains the right to enter into such agreements whenever such action is considered to be in its best interest as well as in the best interest of the public. Ordinarily, the University will not agree to assign rights in future inventions to private corporations or businesses.

### **INVENTIONS AND DISCOVERIES: PATENT OWNERSHIP**

The Intellectual Property Policies of the University of North Carolina, as amended from time to time, shall be deemed to be a condition of employment and/or enrollment at North Carolina A&T State University. With the exception of "Inventions Made On Own Time", every invention or discovery that results from research or other conditions covered by these Policies shall be the

property of North Carolina A&T State University.

In the event there is a question as to whether the University has an ownership claim to an invention, the invention should be disclosed according to the procedures. Such disclosure is without prejudice to the inventor's ownership claim. In determining ownership interest in an invention, the Office of Outreach & Technology Transfer (OTT) may determine that the University has no property interest in an invention because its conception and reduction to practice was unrelated to the inventor's duties as a University employee, involved only insignificant use of University resources (such as office space or libraries normally available to all faculty and staff), or other such reasons as may be set forth in the procedures. The inventor will receive a written statement confirming the University's property interest.

All faculty, staff, and students, and visitors engaged in University related or sponsored research are subject to the Intellectual Property Policy of North Carolina A&T State University. However, if the student should make an invention which is, or may be, subject to University ownership in accordance with the Intellectual Property Policies, the student shall disclose the invention to the University as provided under these procedures, and the University, together with the student, shall determine an equitable resolution of ownership rights.

#### **CONSIDERATION FOR RESEARCH SPONSORS**

Research agreements with private sponsors shall provide that all inventions which are conceived or reduced to practice by University employees as a part of the sponsored research shall belong to the University. The sponsor may receive an option to license such inventions on terms to be negotiated, said option to be exercised within a specified period following the disclosure of an invention or the filing of a patent application. When the nature of the proposed research allows identification of a specific area of technology or application which is of interest to the sponsor, the University may accept research agreements with terms and conditions which entitle the sponsor to specific commercial rights within the defined field of interest.

#### **REVENUE SHARING**

The University shall share revenue which it receives from patents or inventions with the inventors. As noted in earlier sections, specific provisions of grants or contracts may govern rights and revenue distribution regarding inventions made in connection with sponsored research; consequently, revenues the University receives from such inventions may be exclusive of payments of royalty shares to sponsors or contractors. Moreover, the University expects to contract with outside persons or organizations for the obtaining, managing and defending of patents, and any royalty shares or expenses contractually committed to such persons or organizations may be deducted before revenues accrue to the University.

The revenues (net, if applicable per the preceding paragraph) which the University receives from a patent or invention will be applied first to reimburse the University for any incremental expenses incurred by it in obtaining and maintaining patents and/or in marketing, licensing and defending patents or licensable inventions. **After provision for such expenses, the inventor's share of such revenues shall be as follows: 50% of the net revenue.** In the case of co-

inventors, each such percentage share shall be subdivided equally among them, unless the Vice Chancellor of Research and Economic Development in its sole discretion determine a different share to be appropriate.

## **EXTERNAL CONSULTING**

Employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with the Intellectual Property Policy, University Conflicts of Interest Policy or with the University's contractual commitments. Such employees should make their University obligations known to others with whom they make such agreements and should provide other parties to such agreements with a statement of University policies on patents and copyrights.

All members of the NC A&T community --including visiting scientists and fellows --who participate in either sponsored research or University-funded research or who use significant funds or facilities administered by the University must abide by the terms of NC A&T's Intellectual Property Policy. By accepting such funds or using such significant facilities, the individual agrees to assign to NC A&T his/her title to intellectual property created through the use of such funds or facilities.

## **COPYRIGHTS**

The policy of the University with regard to copyrightable works is intended to foster the traditional freedoms of the University faculty, staff, and students in matters of publication, through a fair and reasonable balance of the equities among authors, sponsors, and the University. At the same time, it is intended to ensure that copyrightable materials in which the University has a legitimate interest are utilized in a manner consistent with the public interest.

Detailed information about the Office of Technology Transfer can be found on the website for the Division of Research and Economic Development: <http://www.ncat.edu/~divofres/>.



## Appendix C-5

**Serious Illness and Disability Leave for Faculty**  
**Approved by the Faculty Senate on March 22, 2005**  
**Approved by the Board of Trustees on February 2006**  
**Revised January 24, 2007**  
**Approved by the Board of Trustees on February 21, 2007**

**In compliance with the request of the General Administration, the following policy on serious illness and disability leave for faculty at North Carolina Agricultural and Technical State University has been approved for implementation.**

### **I. Coverage**

This policy applies to persons holding regular faculty appointments (tenured, tenure track, or non-tenure track) who are eligible for participation in either the North Carolina State Retirement System or the Optional Retirement Program and who are eligible under the provisions of the Family Medical Leave Act (FMLA). It does not apply to twelve month appointments annually; these persons are covered under a separate leave policy of the Board of Governors. It does not apply to persons with adjunct faculty appointments.

### **II. Eligibility**

The eligible conditions under these guidelines are the following, consistent with qualifying conditions under FMLA:

- Serious health condition of the employee that prevents the employee from performing the essential functions of his/her job;
- Serious health condition of an employee's child, spouse, or parent, that requires the employee's care;
- The birth of a child and to care for the newborn child after birth; (Note: An expectant mother may take FMLA leave before the birth of a child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule.);
- The placement of or to care for a child placed with the employee for adoption or foster care (Note: FMLA leave may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.).

### **III. Use of Leave**

The period of leave provided under this policy may be used for medically verifiable sickness or injury which prevents the faculty member from performing usual duties including temporary disability connected with childbearing and recovery. A faculty member who anticipates the need for a temporary disability leave should notify the Department Chairperson in writing as soon as possible.

Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. Disabilities resulting from pregnancy shall be treated the same as any other temporary disability. The type and nature of the faculty member's duties during such condition shall be determined by the Department Chair in consultation with the faculty member and upon advice from the faculty member's physician.

#### **IV. Administration of Benefit**

It is the responsibility of the faculty member to request the use of leave provided by this policy as soon as possible upon learning of the need for leave. This request will normally be made in a letter to the Department Chair. The University may request medical verification of the faculty member's illness or disability, including a physician's statement about the probable length of absence from normal duties; the same as would be required under FMLA. If the request is for the purpose of caring for a faculty member's family member or dependent, the department or designee of the University may also request medical verification of the illness or disability of that person and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties. To facilitate the gathering of necessary verification, the Department Chair may request the assistance of the Benefits Office in the Department of Human Resources. A faculty member who has a medically verifiable extended illness or serious disability is entitled to a salary continuation for up to sixty calendar days, starting from the first day of the related absence.

The Department Chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the department are at the discretion of the Department Chair with the approval of the Dean and are subject to departmental and institutional needs and resources.

The cost of substitute personnel is the department's responsibility. In recommending leave to the Provost, the Department Chair or Dean will certify that he/she is prepared to develop a plan to cover the responsibilities of the faculty member for the duration of the leave.

(Note: Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset).

Paid leave provided under this policy has no effect on the faculty member's other employment benefits.

All periods of paid leave under this policy will be construed as family and medical leave under the FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.

The North Carolina Family Illness Act allows for an extension of up to 52 weeks of leave without pay during a five-year period in cases of a serious illness of a child, spouse or parent.

The faculty member may apply to the Benefits Office in the Department of Human Resources for salary continuation through the Disability Income Plan of North Carolina and through the optional disability plan, if eligible.

#### **V. Appeals**

A Dean's decision not to grant a request for leave under this policy may be appealed to the Provost.

#### **VI. Confidentiality**

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records.

#### **VII. Record Keeping**

Since this policy provides an important financial benefit, accurate records on its invocation must be maintained. The Benefits Office of the Department of Human Resources will be responsible for maintaining the medical certification or other documentation that must accompany requests for leave, consistent with FMLA and answering any questions.

#### **VIII. Coordination with Other Policies**

The "Regulation on Academic Freedom, Tenure and Due Process" provide that "At the time a request for leave is granted, the faculty member, the department head, the Dean and the Provost will agree in writing whether time spent on a leave of absence will count as probationary service. In the absence of an agreement or if the parties fail to reach an agreement, time spent on leave of absence will count as "probationary service."

A faculty member granted leave under this policy may have his/her five-year post-tenure review delayed by a period agreed upon by the faculty member, the department head and the Dean. Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.

The terms of this policy pertain only to a leave with full pay for a specified period of illness or disability.

Leave offered under this policy is not allowable as terminal leave payment when the faculty member leaves the employment of the University. It may not be used to extend years of creditable state service for retirement benefits. However, it may be exhausted prior to participation in the Disability Income Plan provided to state employees. Employees with a balance of accrued leave from a previous 12-month appointment should be asked to exhaust that leave under this policy.

## APPENDIX C-6

### SEXUAL HARASSMENT POLICY

The policy of North Carolina Agricultural and Technical State University is that all employees and students, regardless of race, national origin, color, creed, religion, sex, age, physical or mental disability, or veteran's status, shall be free from sexual harassment from any University employee in connection with any University relationship or activity. No academic or personnel decisions shall be made on the basis of a granting or denial of sexual favors. All employees and students are guaranteed the right to work and/or study in an environment free from sexual harassment.

Sexual harassment is defined as deliberate, unsolicited and unwelcomed verbal, non-verbal and/or physical conduct of a sexual nature or with sexual implications which has or may have direct employment or academic consequences resulting from the acceptance or rejection of such conduct. Verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic or student status, or
- b. submission to or rejection of such conduct by an individual is used as the basis for employment, academic or other institutional decisions affecting such individual, or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic activities, or student experience or creating an intimidating, hostile or offensive working, academic or student life environment. (Adapted from 29CFR1 604.1 1 (a)).

### GRIEVANCE AND ADMINISTRATIVE PROCEDURES

#### A. Grievance Committee

##### 1. Structure

The North Carolina Agricultural and Technical State University Affirmative Action Committee shall consist of women and men faculty members and minority representation. The Chairperson and all members shall be appointed by the Chancellor.

##### 2. Function

The Affirmative Action Committee is authorized to hear, mediate and advise with respect to the adjustments of grievances related to sexual harassment filed by any member of the University community which requires a formal hearing.

### 3. Meetings

Meetings shall be called by the Chairperson as necessary. A quorum shall consist of at least 50 percent of the members.

#### B. Process

All claimants shall utilize the internal grievance process described herein; however, this does not foreclose the option of a claimant taking a grievance directly to The Equal Employment Opportunity Commission.

##### 1. Internal Grievance Procedures

The Affirmative Action Office shall be responsible for receiving and processing any and all complaints of alleged sexual harassment. Any member of the University community (including, but not limited to, students, prospective students, employees, prospective employees, and persons entitled to the services of the University) may file a complaint. Complaints may be formal or informal and may be made orally or in writing. Informal complaints may be made orally to the Affirmative Action Officer whereas formal complaints shall be filed on the Sexual Harassment Complaint Form in consultation with the Affirmative Action Officer. The initial investigation may lead to one of several steps:

- a. The attempt to resolve the question informally through confidential mediation by the Affirmative Action Officer.
- b. Based on the initial discussion between the complainant and the Affirmative Action Officer, the complainant shall be referred to designated personnel in the University's Counseling and Testing Center for consultation and/or discussion of possible alternatives to filing a formal complaint.
- c. If the complaint has not been resolved satisfactorily, through the Counseling Center within five working days, a formal complaint may be filed with the Affirmative Action Officer by completing the **Sexual Harassment Complaint Form** in triplicate, of which two copies shall be submitted to the Affirmative Action Office of this University and the third copy shall be retained by the claimant. The written complaint shall set forth in detail the nature of the grievance and against whom the grievance is directed.
- d. If the complaint has not been resolved by the Affirmative Action Officer within ten (10) days, the complaint shall then be forwarded to the Affirmative Action Committee for recommended Action.
- e. The complaint may be judged as valid or it may be dismissed once an investigation by the Affirmative Action Officer has taken place.

## **2. Rules of Procedure for Affirmative Action Committee Grievance Hearings**

The Affirmative Action Committee Grievance Hearings are for the purpose of advising and fact-finding. The hearings shall be conducted in such a manner as to do substantial justice and shall not be unduly restricted by the rules of procedure or evidence.

- a. A calendar of the hearings in a sexual harassment grievance proceeding shall be fixed by the Chairperson of the Affirmative Action Committee after consultation with the parties. Herein "parties" includes only the person or persons charging the sexual harassment discrimination and the person or persons so charged.
- b. The hearings shall be confidential and private; unless otherwise agreed upon by both parties.
- c. The charges and the evidence shall be presented by the complainant or a representative. This person may be an advisor or legal counsel and may be a member of the University community or an individual from outside the University. The claimant shall assume all cost(s) for his/her representation. Conversely, any defendant also has the right to be represented by legal counsel or an advisor.
- d. The Committee may address questions to any party to the proceedings or to any witness called by the parties or by the Committee. Either party may request the privilege of presenting witnesses, subject to the right of cross-examination by other parties. The Chairperson may limit the number of witnesses to be heard. Each party is held responsible for notifying his/her witnesses of the date, time and place of the hearings; however, the Chairperson must be notified in writing two weeks prior to the hearing date of the names and addresses of all witnesses who will testify.
- e. The Committee may also request the production of records or other exhibits.
- f. An accurate record of all proceedings shall be made by the secretary for the Affirmative Action Committee. This record shall be made available under the supervision of the Affirmative Action Officer to all parties to the hearing. Records shall be maintained for a minimum of three years and not longer than five years.
- g. At the end of the hearing, the Committee will make its recommendation in the executive session.
- h. The Affirmative Action Committee shall make a report to the Chancellor and to all parties of the hearing within five office days. The report shall consist of: (1) a report of the hearing including a statement of the charges and the evidence presented; and (2) the recommendation of the Committee and reasons therefore.

Final authority for the implementation of recommendations for corrective action shall be with the Chancellor. She/He may accept, reject or modify the decision of the Affirmative Action Committee and the Affirmative Action Officer. The Chancellor shall notify all parties of the decision within ten office days following receipt of the report(s).

### **3. Appeal**

If the Chancellor declines to accept a Committee recommendation that is favorable to the claimant, the claimant may appeal the Chancellor's decision in the manner provided by Section 510C (4) of **THE CODE: BOARD OF GOVERNORS, THE UNIVERSITY OF NORTH CAROLINA**. The first appeal should be made ten (10) office days after the Chancellor renders a decision. All subsequent appeals should be made within ten (10) office days after each decision has been made by the bodies designated in the aforementioned Section of **The Code**.

### **REMEDIAL ACTION**

In an effort to prevent and/or eliminate sexual harassment at this Institution, steps shall be taken to assure that all students and University employees are aware of the existing policy. Steps shall also be taken to assure all students and University employees that sexual harassment will not be condoned and will be met with swift and appropriate discipline. The victim will be protected from reprisals. Furthermore, all students and university employees will be made aware of their right to raise the issue of harassment and of the procedures for filing a complaint.

In the event that the Affirmative Action Committee determines that discriminatory conduct, in the form of sexual harassment, has taken place, it will be the responsibility of the Committee to make recommendations to the Chancellor for appropriate redress for the victim and disciplinary action for the offender.

Contingent upon the nature of the offense, reprisals may range from a formal reprimand to termination of employment. These recommendations shall be included in the Committee's report to the Chancellor. The Chancellor will have final authority for implementing recommendations for remedial action.

### **DISSEMINATION OF POLICY ON SEXUAL HARASSMENT**

The University's policy on sexual harassment can be effective only to the extent that persons are aware of its existence. To this end, the policy on sexual harassment will be made available to the many constituents of North Carolina Agricultural and Technical State University as follows:

1. The policy statement and grievance procedures and all other materials pertaining to sexual harassment will be distributed by the Affirmative Action Officer to all vice chancellors, deans, directors, chairpersons, and all other supervisory personnel having responsibility for employment decisions.



2. The sexual harassment policy and the procedure and practices pursuant thereto will be discussed and interpreted in periodic meetings with vice chancellors, deans, directors, chairpersons, and other supervisory personnel having responsibility for employment decisions.
3. The faculty handbook, student handbook, and all other employees' manuals and publications will include the University's policy statement and procedure on sexual harassment.

The student newspaper shall publicize the policy on sexual harassment at the beginning of each semester. Also, general announcements and leaflets describing the policy and its procedure shall be included in the registration materials at the beginning of each semester.

## APPENDIX D-1

Adopted January 16, 1976  
Amended February 8, 1985

### POLITICAL ACTIVITIES OF UNIVERSITY EMPLOYEES

**WHEREAS**, as private citizens all University employees retain the rights and obligations of citizenship, including freedom to engage in political activities; and

**WHEREAS**, certain types of activities by University employees related to governmental and political processes may be incompatible with the general responsibilities of public employment or with the particular responsibilities of University employment; and

**WHEREAS**, the Board of Governors on September 13, 1974, adopted policies concerning political activities pertaining only to certain designated employees of the University; and

**WHEREAS**, the Board deems it desirable to have one set of policies on this subject that will apply to all University employees, with exception only of those who are subject to the State Personnel System;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA:**

- 1. Definitions.** For purposes of this Resolution, the following words and phrases shall have the meanings indicated:
  - a.** "Employees" means all employees of The University of North Carolina and of the constituent institutions who are exempt from the State Personnel System (Article 1 of Chapter 126 of the General Statutes).
  - b.** "Senior Administrative Officers" means the President and all employees on the President's staff and the Chancellors and senior officials of the constituent institutions, including persons at the rank of vice chancellor, provost, dean, and other positions of equivalent rank and responsibility.
  - c.** "Public Office" means any national, state, or local governmental position of public trust and responsibility, whether elective or appointive, which is created, prescribed, or recognized by constitution, statute, or ordinance (other than within The University of North Carolina).
  - d.** "Compensation Which Is More Than Nominal" means compensation over and above (1) payment in the nature of reimbursements for expenses incurred by the officeholder incident to holding office (whether calculated on an average per diem basis or on an actual expense basis) plus (2) the amount of per diem compensation prescribed by G.S. 138-5(a)(1) (currently established to be \$15 per day).

## **2. Holding Public Offices Concurrent With University Employment**

### **a. Full-Time Public Offices**

Upon election to or acceptance of appointment to a public office requiring full-time service, an employee of the University will be deemed to have resigned from his/her University employment; provided, that if deemed practicable by the University, an affected employee may be granted a full leave of absence from University employment, without pay, to coincide with the period of public service, with such period of leave not to exceed two years in any case; such a request for leave shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate Chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a Chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

### **b. Part-Time Public Offices For Which Compensation Is More Than Nominal**

If a University employee is elected to or accepts appointment to a public office requiring part-time service, for which compensation is more than nominal (including membership in the General Assembly), it shall be presumed that holding such public office creates a conflict of time or interest which interferes with responsibilities owed the University and which requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to assuming the public office the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, holding such public office in fact will not create a conflict of time or interest which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, applicable to the period of public service (if a full leave of absence is deemed necessary and is granted, it shall not exceed two years in any case; if a partial leave of absence is deemed necessary and is granted, the period of leave shall be at the discretion of the University). Such petitions and/or requests for leave by senior administrative officers (and by all other employees if the petition is for service in the General Assembly) shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate Chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a Chancellor, it shall be accompanied by a recommendation of the Board of Trustees); such petitions and/or requests for leave by University employees other than senior administrative officers (with the exception of petitions for service in the General Assembly) shall be addressed to and resolved by the appropriate Board of Trustees and shall be transmitted through the Chancellor. With respect to each such decision rendered by a Board of Trustees, the Chancellor shall transmit to the Committee on University Governance of the Board of Governors a report, containing such information as the Committee may specify, concerning the action of the Board of Trustees.

**c. Part-Time Public Offices For Which Compensation Is Only Nominal**

Election to or acceptance of appointment to a public office requiring part-time service, for which no compensation is paid or for which the compensation paid is only nominal, shall be presumed not to create a conflict of time or interest which interferes with responsibilities owed the University; provided, that if the President (with respect to senior administrative officers) or the Chancellor (with respect to other employees) believes that, contrary to the presumption, there will be a conflict of time or interest in the particular case, the question may be referred for resolution by the Board of Governors or the appropriate Board of Trustees (depending on whether or not the employee is a senior administrative officer). Any employee who files as a candidate for or intends to accept appointment to such a public office must file promptly with his/her immediate supervisor a written statement setting forth the amount of any payments to which the holder of such office is entitled as officeholder.

**3. Candidacy For Elective Public Office**

**a. Full-Time Offices**

The candidacy of a University employee for election to a public office requiring full-time service is presumed to create a conflict of time which interferes with the performance of responsibilities owed the University and requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to announcing his/her candidacy the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, such candidacy in fact will not create a conflict of time which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, to be coextensive with the period of candidacy. Such petitions and/or requests for leave shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate Chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a Chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

**b. Part-Time Offices For Which Compensation Is More Than Nominal**

The candidacy of a University employee for election to a public office requiring part-time service, for which compensation is more than nominal (including membership in the General Assembly), is presumed to create a conflict of time which interferes with the performance of responsibilities owed the University and requires the affected employee either to procure an appropriate leave of absence or to resign from University employment. If prior to announcing his/her candidacy the affected employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, such candidacy in fact will

not create a conflict of time which interferes with responsibilities owed the University, the resignation requirement shall not be applicable; if consistent with the presumption the resignation requirement is found to be applicable, upon request by the affected employee and if deemed practicable by the University the employee may be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, to be coextensive with the period of candidacy. Such petitions and/or requests for leave by senior administrative officers (and by all other employees if the petition concerns candidacy for the General Assembly) shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President and shall be accompanied by a recommendation from the appropriate Chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a Chancellor, it shall be accompanied by a recommendation of the Board of Trustees); such petitions and/or requests for leave by University employees other than senior administrative officers (with the exception of petitions concerning candidacy for the General Assembly) shall be addressed to and resolved by the appropriate Board of Trustees and shall be transmitted through the Chancellor. With respect to each such decision rendered by a Board of Trustees, the Chancellor shall transmit to the Committee on University Governance of the Board of Governors a report, containing such information as the Committee may specify, concerning the action of the Board of Trustees.

**c. Part-Time Offices For Which Compensation Is Only Nominal**

The candidacy of a University employee for election to a public office requiring part-time service, for which no compensation is paid or for which the compensation paid is only nominal, is presumed not to create a conflict of time which interferes materially with responsibilities owed the University; provided, that if the President (with respect to senior administrative officers) or the Chancellor (with respect to other employees) believes that, contrary to the presumption, there will be a material conflict of time in the particular case, the question may be referred for resolution by either the Board of Governors or the appropriate Board of Trustees (depending on whether or not the employee is a senior administrative officer). Any employee who files as a candidate for such a public office must file promptly with his/her immediate supervisor a written statement setting forth the amount of any payments to which the holder of such office is entitled as officeholder.

**4. Political Campaign Activities**

With respect to his/her own candidacy for election to public office or to any other person's candidacy for election to public office, no University employee shall:

- a. Use University funds, services, supplies, vehicles, or other property to support or oppose the candidacy of any person for elective public office;
- b. Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, with respect to any condition or incident of employment over which the

employee has authority, control, or influence, for purposes of inducing support of or opposition to any candidate for elective public office.

Violation of the prohibitions contained in subparagraphs a and b, above, shall be cause for appropriate disciplinary action, including discharge from employment.

## **5. Other Leaves of Absence for Senior Administrative Officers**

A senior administrative officer who desires a leave of absence for purposes other than political candidacy or office holding may petition the University for such a leave in the following manner:

(a) With respect to periods of leave not to exceed 90 days, the petition shall be addressed to and resolved by the President, who shall report to the Board of Governors all such leave arrangements as he/she may grant; (b) with respect to periods of leave to exceed 90 days, the petition shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the appropriate Chancellor in any case pertaining to an institutional employee (if the request for leave pertains to a Chancellor, it shall be accompanied by a recommendation of the Board of Trustees).

## **6. Appeals**

With respect to any decision reached by a Board of Trustees as prescribed in Section 2 and 3 of this Resolution, an employee aggrieved by the decision may appeal to the Board of Governors only on the basis of an allegation that such decision was contrary to the provision of this Resolution. Any such appeal shall be addressed to the Chancellor for transmission to the President, who in turn will transmit the appeal to the Board of Governors.

## **7. Effective Date**

The requirements of this Resolution shall be applicable prospectively only, on and after the date of adoption by the Board of Governors. No change in the employment status of an employee who was an incumbent in a public office as of the adoption date of this Resolution shall be required under the terms of this Resolution for the balance of the term of office being served on the effective date of this Resolution.

## **8. Relation to State Laws**

The foregoing regulations as adopted by the Board of Governors are designed to supplement, and do not purport in any way to supplant or modify, those statutory enactments which may govern or limit the political activities of employees of the State of North Carolina.

## **9. Repeal of Prior Enactments**

With respect to the resolution of the Board of Governors entitled "Policies Concerning Senior Administrative Officers of The University of North Carolina" which was adopted under date of

September 13, 1974, paragraphs 1, 2, and 3 of said resolution are repealed; additionally, the resolution of the Board of Trustees of The University of North Carolina entities "Statement of Policy on Elective Office-Holding" which was adopted under date of November 14, 1969, is repealed.

Adopted by the Board of Governors: January 16, 1976

Amended by the Board of Governors: February 8, 1985

Last Modified by the Board of Governors: February 2, 2005

## APPENDIX D-2

### PROCUREMENT OF CONSULTANT SERVICES

There are several exemptions to the following State regulations for consulting services. These exemptions may apply to academic needs. Accordingly, faculty are advised to discuss prospective consulting needs with the University's Purchasing Department to determine whether the procedures (presented below) for securing consultant services or the procedures for personal service contracts are more appropriate.

#### CONSULTANT SERVICES

**Definition** In accordance with State policy, the employment or securing of services of a consultant requires special approval. Services of a consultant of an advisory nature shall mean work or task(s) performed by State employees or independent contractors possessing specialized knowledge, experience, expertise and professional qualifications to investigate assigned problems or projects and to provide counsel, review, analysis or advice in formulating or implementing improvements in programs or services. This includes, but is not limited to the organization, planning, directing, control, evaluation and operation of a program, agency or department.

**Exemptions** This policy does not apply to contracts for attorneys employed by the State pursuant to the provisions of G.S. 146-17; to contracts for physicians providing direct medical care for the clientele of any State agency or to contracts to provide services without compensation to the provider of the services or to his/her employing agency.

**Justification Required** It is the policy of the State, that State agencies determine the function for which the consultant is retained cannot be reasonably accomplished by the employees of the agency seeking such services; the use of a consultant is reasonably necessary to the proper operation of the State agency; the estimated cost is reasonable as compared with the likely benefits or results; funds are available for such contract; the contract is in the best interest of the State and all rules and regulations of the Division of Purchase and Contracts have been or will be complied with, all as determined by the Governor or his/her designee and the Division of Purchase and Contracts. In acquiring such service competition shall be sought whenever practicable. No agency of state government may contract for the services of a consultant except in accordance with the provisions of these rules.



**Other State Agencies**

Whenever possible, consultant services shall be obtained from other State agencies when the services available from other State agencies substantially meet the reasonable specifications of the requesting agency.

**Authorization**

Before receiving authorization to seek consultant services, the department shall submit to the Purchasing Department written justification for its request. This written justification shall, at a minimum, explain what services the department desires to secure; why the work to be performed by the consultant cannot be reasonably accomplished by employees of the requesting department; how the work to be performed relates to the proper functions of the department; what benefits the department expects to receive from the consultant's services; what the department estimates the cost of the services sought; what potential sources of consultant services, if any, the department has identified and such additional information as may be required. If the department is requesting authority to contract for consulting services outside of State government, it shall also detail what potential sources of those services exist within the State government and explain why the desired services are not available from those sources. The written justification shall be approved by the Department Head or Dean.

**Review**

The documents submitted by the department requesting authority to retain consultants will be reviewed by the Purchasing Department and upon approval forwarded to the State Purchase Department and Contract Division for review. Upon completion of this review, the University will be advised, subject to such conditions as may be prescribed by the State to:

1. Canvas additional sources within State government; or
2. Solicit proposals from private contractors, State agencies, or both; or
3. Execute a negotiated contract(s) without competitive proposals; or
4. Abandon the project for being outside the scope of the department's responsibilities or for having insufficient benefit to the State relative to the potential expenditure of funds.

**Proposals**

Once the University receives approval to solicit proposals for consultant services, the Purchasing Department will proceed with other necessary action in accordance with prescribed policy.

**Invalid  
Contracts**

Any contract executed without the approval of appropriate University officials, the State Division of Purchase and Contracts and the Governor or his/her designee shall be void and no State funds shall be expended pursuant to any such contract. Any employee or official of the State of North Carolina who executes a contract without this approval shall be liable to repay any amount expended pursuant to such contract plus court costs.

APPENDIX D-3

**The Board of Governors of  
The University of North Carolina**

**Regulations on External Professional Activities for Pay by Faculty and  
Non-Faculty EPA Employees  
300.2.2.1[R]**

In accordance with the Board of Governors' policy on Conflicts of Interest and Commitment Affecting Faculty and Non-Faculty EPA Employees (*UNC Policy Manual*, 300.2.2), UNC faculty and non-faculty EPA employees sometimes may engage in compensated activities that are not a part of University employment. Through such opportunities, employees apply their specialized knowledge and experience to activities outside of their University employment, thereby enhancing their own capabilities in teaching and research and contributing significant societal benefits, including economic development through technology transfer. These activities are encouraged if the intended activity complies with Section II, A of the corresponding policy 300.2.2, and do not create a conflict of interest (see definitions, *UNC Policy Manual*, 300.2.2, Section I).

An EPA employee who wishes to engage in external professional activity for pay must adhere to these regulations to provide satisfactory assurances that such activity will not interfere with University employment obligations.

**I. Regulations**

- A. Any EPA employee who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent," see Appendix 1), which shall be filed with the head of the department in which the individual is employed. A separate "Notice of Intent" shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin.
- B. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of 12-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of 9-month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten (10) days before engaging in such activity in the succeeding relevant year.

- C. Except as set out in paragraph D below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the EPA employee, the department head (or appropriate administrator, see definition *UNC Policy Manual*, 300.2.2, Section I, Item F) determines that the proposed activity is not consistent with the policy statements of the institution or Board of Governors, the faculty or other professional staff member shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the department head, the EPA employee shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department chair reports, and then to the chancellor or the chancellor's designee (or, in the Office of the President, to the President). A decision on any such appeal shall be given to the EPA employee within ten (10) calendar days of the date on which the appeal is received. The decision of the chancellor (or of the President) shall be final. Appeals shall be made in writing.
- D. If question 8, question 9a, or question 9b on the "Notice of Intent" is answered in the affirmative, the procedure set out in paragraph 3 above shall be modified as follows: The decision of the department head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the administrative officer to whom the department head reports, and appeal of a disapproval by that officer shall be to the chancellor or the chancellor's designee (or, in the Office of the President, to the President).
- E. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by department heads to the chancellor or the chancellor's designee (or, in the Office of the President, to the President) each July. On or before September 1 of each year, the UNC Office of the President, Office of Research and Sponsored Programs, will initiate the submission of annual summary reports from the chancellors to the President.
- F. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the chancellor or the President.
- G. In addition, senior academic and administrative officers may be subject to special regulations regarding honoraria. Please refer to the *UNC Policy Manual*, 300.2.2.2 [R].
- H. University employees not complying with these procedures will be subject to disciplinary action.

## **II. Special Provision**

These regulations shall not be required of EPA employees serving on academic year contracts, if the external professional activity for pay is wholly performed and completed outside of the academic year, provided that the activity does not conflict with the policy statements of the institution or Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session.

This policy statement was adopted on August 12, 2005.

## APPENDIX E-1

### REGULATIONS GOVERNING WAIVER OF TUITION FOR CERTAIN FACULTY AND STAFF OF THE UNIVERSITY OF NORTH CAROLINA

#### Regulations on Implementing Policy on Waiver of Tuition and Fees for Faculty and Staff

North Carolina General Statute § 116-143(d) provides for a waiver of tuition and fees for faculty and staff under certain conditions. The Board of Governors has delegated to the president the authority to issue regulations. The following regulations are adopted.

1. With respect to the provisions of N.C.G.S. § 116-143(d) the following terms are defined:
  - a. **"Tuition"** shall mean the tuition charged for credit instruction, regardless of when the instruction occurs or by what means it is delivered. Campus policy must specify under what circumstances, if any, a student may receive a waiver for receipts-supported courses.
  - b. **"Fees"** shall mean those student fees required for the course(s) in which the employee is enrolled. Campus policy must specify under what circumstances, if any, a student may receive a waiver for receipts-supported courses.
  - c. **"Full-time faculty member"** and **"full-time staff member"** shall mean a person who is employed by an employing institution in a permanent job position on a recurring basis and who works 30 or more hours per week for nine or more months per calendar year; provided, that the terms "full-time faculty member" and "full-time staff member" shall include (1) personnel of the United States armed forces during the time they are assigned under military orders to an ROTC program of a constituent institution of the University of North Carolina as a permanent change of station and (2) civilian personnel federally employed 30 or more hours per week on a continuing basis in a position adjunct to an ROTC program of a constituent institution of the University of North Carolina.
  - d. **"Employing institution"** shall mean an institution of the University of North Carolina, including the North Carolina School of Science and Mathematics and the University of North Carolina Health Care System, which is the employer of record of the faculty or staff member; provided, that the General Administration shall also be an employing institution.
  - e. **"Period of normal employment"** shall mean that period of time beginning with the undertaking of full-time employment under written or oral contract within The University of North Carolina and ending with the satisfaction or discontinuation of the contract(s) for full-time employment.
  - f. **"Normal employment obligations"** shall mean those services that the faculty or staff member is obligated by written or oral contract to perform for the employing institution.
  - g. **"Year"** shall mean an academic year of fall semester, spring semester, and the summer sessions that follow, or courses taken as distance education.

2. Full time faculty members and full time staff members of an employing institution may, during the period of normal employment, enroll in certain courses free of charge of tuition and fees, all as described in this policy, provided the enrollment does not interfere with normal employment obligations. The waiver of tuition for a faculty or staff member shall be limited to not more than three courses per year. The waiver of fees for a faculty or staff member shall be limited according to institutional policy determined by the Board of Trustees.
3. Tuition-free enrollments by faculty and staff shall not be counted for the purpose of receiving general fund appropriations.
4. Prior to conferral of the privilege of waiver of tuition and/or fees the chancellor of the employing institution, or the chancellor's delegate, or the President, or the President's delegate, shall make an administrative determination that enrollment in the course will not interfere with the satisfactory performance of the faculty or staff member's normal employment obligations.
5. Prior to conferral of the privilege of tuition and/or fee waiver the chancellor of the enrolling institution, or the chancellor's delegate, shall make an administrative determination (1) that the faculty or staff member seeking to enroll under the tuition/fee waiver is academically eligible for admission to the course and (2) that there is space available for that enrollment in the course.
6. Prior to the commencement of a course for which tuition and/or fee waiver is to be requested, the faculty or staff member to receive the waiver, shall:
  - a. Complete and have properly endorsed the application form required by the employing institution.
  - b. Deliver one copy of the completed and endorsed application to: (1) the chancellor, or chancellor's delegate, of the employing institution; and (2) the chancellor, or chancellor's delegate, of the enrolling institution if other than the employing institution.
7. The chancellor of each institution shall establish such procedures and make such delegations of authority, consistent with these regulations, as the chancellor may deem necessary or desirable to implement the faculty/staff tuition/fee waiver privilege.
8. With respect to tuition/fee waiver for staff of the General Administration, the vice president for human resources shall have the authority and the duty to function in all respects as a chancellor under these regulations.
9. The chancellors of the constituent institutions and the vice president for human resources shall provide to the President or his/her delegate copies of any policies or procedures they may establish pursuant to these regulations.

Last Modified: August 16, 2006

## Appendix E-2

### NORTH CAROLINA A & T TUITION WAIVER PROGRAM

All permanent employees who are regularly scheduled to work at least 30 hours each week are eligible to participate in the Tuition Waiver Program (TWP). The purpose of the TWP is to provide an opportunity for eligible employees to take a course and have the tuition waived at North Carolina A & T State University or any of the other 15 constituent institutions of the University of North Carolina. Participation is voluntary. Tuition waiver is allowed for one course per fall and spring semester of the regular academic year and one course during the combined summer sessions (a total of three courses per year).

Correspondence courses, continuing education courses, extension courses, or other instruction principally supported by receipts are "not" covered under the TWP. Also, it does not apply to expenses such as travel, laboratory and material fees. To participate in the program an employee must:

- Maintain permanent employment status and be regularly scheduled at least 30 hours each workweek for the entire semester during which the course is taken. If this status changes during the period of attendance, the employee will be billed for tuition for the entire semester unless he/she officially withdraws from the course.
- Apply and be approved for admission through the appropriate admissions office within the specified deadlines.
- Register for courses in accordance with instructions for the program under which the employee is admitted. A space must exist in the specific class or course.
- Attend class outside of his/her established work schedule. Supervisor may alter an employee's work schedule to permit him/her to attend courses. Attendance at lectures, meetings or other activities associated with the TWP is not counted as work time.
- Continue to meet normal employment obligations. Departments are encouraged to use flextime options to accommodate employee participation.

**An application for tuition waiver must be completed for each semester or summer session a class is taken. Application procedures for an NC A & T employee participation in a course at NC A & T are as follows:**

1. Complete the tuition waiver form for A & T employee.
2. Obtain advance signature approval of the department head. The department head should return the approved (or disapproved) request promptly so that the employee can meet application deadlines.
3. Obtain signature verification of eligibility from the Human Resources Department
4. Submit the form, with appropriate approval to the Office of the Associate Vice Chancellor for Academic Affairs before the first day of class in the semester.



**Application procedures for an NC A & T employee participation in a course at another campus are as follows:**

1. Complete the tuition waiver form for the NC A & T employee.
2. Obtain advance signature approval of the department head. The department head should return the approved (or disapproved) request promptly so that the employee can meet application deadlines.
3. Obtain signature verification of eligibility from the Human Resources Department.
4. Submit the form to the institution at which the course will be taken within the appropriate deadlines for that institution.
5. Comply with any additional regulations of the enrolling constituent institution.

The Office of the Associate Vice Chancellor for Academic Affairs administers the Tuition Waiver Program and is responsible for making available tuition waiver application forms and processing the applications. The Office of Human Resources is responsible for verifying the employee's eligibility status.

## **APPENDIX F-1**

### **MEDIATION POLICY NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY**

**APPROVED BY THE BOARD OF TRUSTEES ON APRIL 21, 2004**

#### **1. PURPOSE OF MEDIATION**

In compliance with the Office of the President, faculty members may seek redress concerning employment-related grievances through the intervention of State-certified employment mediators. The goal of the mediation procedure is to reach a consensual resolution of the dispute and, if that fails, to determine whether the contested decision was materially flawed, in violation of applicable policies, standards or procedures. This process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions.

#### **2. DEFINITION**

Mediation is a procedure in which disputing parties volunteer to enlist the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without resorting to adversarial procedures such as grievance hearings, administrative hearings or litigation. Any such mediated agreement that the parties are able to negotiate will be embodied in a written agreement. The choice of mediation may or may not coincide with the Faculty Grievance process.

#### **3. THE ROLE OF THE MEDIATOR**

The mediator, a neutral party chosen from one of the constituent universities, other than your own, will only assist the parties in defining, clarifying, communicating about, and ascertaining the substantiality and relevance of the issues that appear to divide the parties. Consequently, he/she will aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute. (See The Code, Section 607.III.b)

#### **4. CRITERIA FOR QUALIFIED MEDIATORS**

The mediator should have been certified through the State of North Carolina by either the North Carolina Administrative Office of the Courts or a qualified training agency – for instance, the Carolina Dispute Settlement Services. Additionally, certification must have consisted of the state's required 40 hours of training designed specifically for employees at the state's 16 university campuses. The chairperson of the Faculty Welfare Committee, of the Faculty Senate, will provide names of qualified state-wide mediators.

## **5. SPECIAL CIRCUMSTANCES**

Attorneys for either of the parties involved in the dispute may not participate in the mediation process. Legal counsel shall also not participate during the mediation process heard by the University. After all efforts have been exhausted for University appeal intervention, the process is out of the jurisdiction of any university appeals committee, and thus, where applicable, may be privy to the assistance of an attorney.

Both parties involved in the dispute must agree to present the concern to a mediator. However, no punishment, blame, or accusation of wrong-doing will be applied to the party not in agreement of appearing before a certified mediator. Under such circumstances, the faculty member may appeal his/her case to the Faculty Grievance Committee.

If mediation occurs, but no agreement is met, neither party will be punished, blamed, accused of wrong-doing, or denied an opportunity to seek resolution through the intervention of the Grievance Process.

## **APPENDIX F-2**

### **REGULATIONS ON FACULTY GRIEVANCE**

#### **POLICY AND PROCEDURE**

#### **GRIEVANCE COMMITTEE**

##### **1. COMPOSITION**

The Grievance Committee shall be elected by the Faculty Senate. It shall consist of seven faculty members, with members elected from each of the following full time professorial ranks: assistant professor, associate professor, and full professor. No officer of administration shall serve on the committee. For these purposes "officer of administration" shall be deemed to include department heads, and division heads.

Members of the Nominating Committee of the Faculty Senate recommend persons, as previously recommended through the faculty body for election to the Grievance Committee. All University faculty may recommend candidates or indicate their interest in serving on the Grievance Committee.

The Committee Chairperson shall be elected annually by the Committee members at the initial meeting of the committee during the Fall Semester. The Grievance Committee shall elect from its membership a Chairperson, a Vice Chairperson and a Secretary. No person may serve as Chairperson for more than four years in succession.

##### **2. TERMS OF OFFICE**

Committee members shall be elected to serve two-year terms and may serve not more than two consecutive terms.

Commencing 1977 the terms of office shall begin on the opening date of the Fall Semester and shall end on the ending date of the Summer Session of each academic year.

##### **3. ELECTIONS**

The Faculty Senate, through recommendations of the Faculty Body, shall elect the Grievance Committee members, by ballot, four committee members to serve two-year terms. The remaining three committee members shall be elected to serve one-year terms of office. Successors shall be elected upon the expiration of these terms and every two years thereafter.

If a committee member becomes an "officer of administration" during a term of office, he/she may serve out that term of office.

#### **4. CONFLICTS OF INTEREST, INCAPACITY OR TEMPORARY VACANCY**

A committee member who holds an appointment in the department of a person directly involved in a grievance, who is named as a witness in the petition for redress, who will testify as a witness at the hearing is disqualified and shall not participate as a committee member in the proceedings described in Sections 6 and 7.

The committee chairperson shall not serve when any matter in which he/she has a conflict of interest is being considered; the committee vice chairperson shall serve in place of the committee chairperson in these circumstances. The vice chairperson shall serve as chairperson if the chairperson is incapacitated or absent.

If the committee should have less than four qualified members because of conflicts of interest, incapacity or temporary vacancy, elections shall be held promptly in accordance with Sections 1 and 3 above, to fully staff the committee. (If the need arises during the summer terms, the ruling body of the faculty may appoint alternates to fill vacancies on the committee). If a permanent vacancy occurs, elections shall also be held promptly in accordance with Sections 1 and 3 to fill vacancies for the unexpired term.

#### **5. SCOPE AND POWERS**

The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the department chairperson, dean, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.

"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 the institution. However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member, or is within the jurisdiction of another standing committee of the faculty may be considered by the committee.

#### **6. REQUEST FOR REDRESS**

If any faculty member feels that he/she has a grievance, he/she may petition the Grievance Committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom it is directed. It shall contain any information that the petitioner considers pertinent to his/her case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

If the decision is made to consider the petition further, the committee or a panel thereof shall attempt to mediate the matter. If the mediation is unsuccessful, a formal hearing shall be held;

the person directly involved in the grievance shall be given written notice at least ten days before the hearing. If the decision is made not to consider the petition, the faculty member seeking redress shall be notified in writing of this decision within ten days after the petition is received.

## **7. THE HEARING**

The hearing shall be conducted informally and in private with only the members of the Grievance Committee. The person directly involved in the grievance may be accompanied by a person of his/her choosing. A quorum for the hearing is a simple majority of the total committee membership. If the faculty member requests it, the chairperson shall give him/her a written summary of the hearing. 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 and by the person directly involved in the grievance. Except as herein provided, the conduct of the hearing is under the control of the committee chairperson. At the end of the hearing, the Grievance Committee shall consider the matter in executive session. The burden is on the aggrieved faculty member to satisfy the committee that his/her contention is true. If the contention is not confirmed, the persons directly involved in the grievance shall be notified of this decision in writing within ten days. If the contention is confirmed, the committee shall act with the authority granted it in Section 5 to seek adjustment of the grievance. Furthermore, the committee shall keep the aggrieved faculty member apprised of the status of the mediation and shall give him/her and other concerned parties prompt written notice of any decision related to the case.

## **8. REPORT OF RECOMMENDATIONS**

The Faculty Grievance Committee shall report its recommendations to the department chairperson or other administrative official most directly empowered to adjust it with a copy to the faculty member bringing the grievance. If the chairperson (or other administrative official most directly empowered to adjust it) does not act upon the grievance within a reasonable time and in a way considered appropriate by the Faculty Grievance Committee, the committee may notify the Chancellor of the recommendation it has made to the chairperson (or other administrative official most directly empowered to adjust it) with a copy to the faculty member and the chairperson of the faculty. Within thirty days, the Chancellor shall notify in writing the faculty member and his/her chairperson of the administrative action on the committee's recommendations. If the administrative action differs from the committee's recommendation, the Chancellor shall notify the faculty member, other appropriate administrative officials, and the chairperson of the faculty of the reasons for his/her decision. All communication concerning the committee's recommendations shall be in writing, shall be treated with the utmost discretion, and shall be held in confidence by all parties involved.

## **9. FURTHER APPEAL**

If the Chancellor declines to accept the committee recommendation that is favorable to the faculty member, the faculty member may appeal the Chancellor's decision in the manner prescribed by Section 607 of **The Code** of the Board of Governors of The University of North Carolina.

**SECTION 607. THE UNC CODE FOR FACULTY GRIEVANCE COMMITTEE FOR CONSTITUENT INSTITUTIONS.**

(1) The chancellor of each constituent institution shall provide for the establishment of a faculty grievance committee. The faculty grievance committee shall be elected by the faculty with members elected from each professorial rank. No officer of administration shall serve on the committee. For purposes of this section, "officer of administration" shall be deemed to include department chairs and department heads.

(2) The committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the persons directly involved in a grievance, to facilitate 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 given to the chancellor only after the dean, department head, or other administrative official most directly empowered to adjust it 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 the constituent 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) If any faculty member has a grievance, the faculty member may petition the faculty grievance committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom the grievance is directed. It shall contain any information that the petitioner considers pertinent to the case. The committee shall decide whether the facts merit a detailed investigation so that submission of a petition shall not result automatically in an investigation or detailed consideration of the petition.

(5) If, before this section is established, the faculty of an institution has adopted a faculty grievance procedure that in its judgment is adequate to its needs, it may retain that procedure in place of the one specified above.

(6) If neither the relevant administrative official nor the chancellor makes an adjustment that is advised by the faculty grievance committee in favor of the aggrieved faculty member, then the faculty member may appeal to the board of trustees of the constituent institution. The decision of the board of trustees is final.

In each instance used, the term "days" shall mean consecutive calendar days.

## APPENDIX G

### POLICY STATEMENT GOVERNING THE IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, AS AMENDED

The policy of the University for the Administration of student records is in accordance with Public Law 93-380. Students are informed of their rights as provided by the above-mentioned law and the University's procedure for implementing this law through the University Bulletin, Class Schedule Bulletin, and by having copies of this "Policy Statement" readily available in each school and department as well as in the Office of Registration and Records. Students may obtain copies of the "Policy Statement" from the Office of Registration and Records.

The academic record of students at A&T may include the following:

- A. Application for Admission
- B. Record of all courses taken at A&T and transfer credits, if any
- C. Notice of Probation
- D. Notice of Suspension
- E. Notice of Dismissal
- F. Notice of Withdrawal
- G. Notice of Readmission

The University insures students access to their official academic records but prohibits the release of personally identifiable information, other than "directory information," from these records without their permission, except as specified by Public Law 93-380. "Directory information" includes: **Student's name, address, telephone number, date and place of birth, school, major, sex, marital status, dates of attendance, degree received, honors received, the institution(s) attended prior to admission to A&T, past and present participation in officially recognized sports and activities, and physical factors (height and weight of athletes).**

Public Law 93-380 further provides that any student may, upon written request, restrict the printing of such personal information relating to him/herself as is usually included in campus directories. A student who desires to have "directory information" withheld must submit a written request to the Office of Registration and Records within one week of the beginning of classes for the semester or session.

### ACCESS TO STUDENT RECORDS

1. The policy for the administration of student academic records is in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.
2. Students have the right to inspect and review any and all official records, files, and data directly related to them. Any inquiry or complaint pertaining to student records should be directed to the Office of Registration and Records.



3. A student who believes that his/her record contains inaccurate or misleading information shall have an opportunity for a hearing to challenge the content of the record, to insure that the record is not inaccurate, misleading, or otherwise in violation of his/her privacy or rights, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein, or include the student's own statement of explanation.
4. The University will comply with requests from students to review their records within a reasonable period of time and not later than thirty (30) days after the requests are received.
5. The release of academic records requires the written permission of students, except as indicated in number seven (7) below. Transcripts are not issued to students who have not met their financial obligations to the University.
6. Copies of the "University's Statement" concerning access to student's records are available in the Office of Registration and Records, and in the office of each school/college dean and department chairperson.
7. A student's record or information may be released without the written consent of the student in the following situations:
  - a. In compliance with a court order or subpoena provided the student is notified of all such orders or subpoenas in advance of compliance by the University;
  - b. A request from a staff or faculty member of the University who has a legitimate educational interest in the information or if administrative duties require such information;
  - c. Requests from other departments or educational agencies that have a legitimate educational interest in the information;
  - d. Requests from officials of other colleges or universities at which the student intends to enroll provided the student is furnished with a copy, if he/she so desires, so that he/she may have the opportunity to challenge the contents of the record;
  - e. Requests from authorized representatives of the U.S. Comptroller General, the administrative head of a federal educational agency in connection with an order or evaluation of federally supported educational programs;
  - f. Requests in connection with a student's application for receipt of financial aid;  
and
  - g. Requests from **appropriate persons** in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or persons.

A student has the right to file a complaint with the U.S. Department of Health, Education, and Welfare at any time. However, it is expected that the student would exhaust administrative remedies for relief at the University before filing such an external complaint.

North Carolina Agricultural and Technical State University supports the principles of the American Association of University Professors.

## Appendix H-1

### NC A & T ADMINISTRATIVE LINKS

Administrative Links

<http://www.ncat.edu/administration/>

Chancellor Stanley F. Battle

<http://www.ncat.edu/administration/>

Provost and Vice Chancellor for Academic Affairs

[http://www.ncat.edu/~provost/faculty\\_resources.html](http://www.ncat.edu/~provost/faculty_resources.html)

Division of Research

<http://www.ncat.edu/~divofres/>

Information Technology and Telecommunications

<http://www.ncat.edu/~cit/index.html>

Human Resources

<http://facultypages.ncat.edu/hr/>

Athletics

<http://www.ncataggies.com/>

Academy for Teaching and Learning

<http://www.ncat.edu/~atl/>

Center for Student Success

<http://www.ncat.edu/~tcss>

### COLLEGES/SCHOOLS

School of Agricultural and Environmental Sciences

<http://www.ag.ncat.edu/>

College of Engineering

<http://www.eng.ncat.edu/>

College of Arts and Sciences

<http://www.ncat.edu/~artsnsci/>

The Graduate School

<http://www.ncat.edu/~gradsch/>

Bluford Library

<http://www.library.ncat.edu/>

School of Nursing

<http://son.ncat.edu/>

School of Business and Economics

<http://www.ncat.edu/%7Ebusiness/>

School of Technology

<http://www.ncat.edu/%7Esot/>

School of Education

<http://www.ncat.edu/%7Eschofed/>

## Appendix H-2

### UNC INFORMATION LINKS

1. Faculty are advised to make use of the UNC website for all up to date information concerning the University of North Carolina System. The website is

<http://www.northcarolina.edu>

2. For information about UNC for Faculty and Staff, the website is

<http://www.northcarolina.edu/content.php/faculty/index.htm?submenu=0>

3. The following sites are available for your information.

- [\*\*UNC Advocacy Notebook\*\*](#)
- [\*\*Academic Affairs and Academic Planning\*\*](#)
- [\*\*Research and Sponsored Programs\*\*](#)
- [\*\*Phased Retirement Program\*\*](#)
- [\*\*Post-Tenure Review\*\*](#)
- [\*\*Professional Development Advisory Committee\*\*](#)
- [\*\*Strategy Development and Analysis\*\*](#) (Minimum Course Requirements, Tuition Policy Report)
- [\*\*Faculty Assembly\*\*](#)
- University Policies
  - [\*\*The Administrative Manual\*\*](#)
  - [\*\*The Code\*\*](#)
- [\*\*Libraries\*\*](#)
- [\*\*News\*\*](#)
- [\*\*Publications\*\*](#)
- [\*\*Initiatives\*\*](#)
- [\*\*Reports\*\*](#)
- [\*\*2000 Enrollment Report\*\*](#)
- [\*\*University/Public Schools Partnerships\*\*](#)
- [\*\*Community Relations and Services\*\*](#) - UNC Community Outreach programs

4. For information about University-wide Benefits for Faculty and Staff, the website is

<http://www.northcarolina.edu/content.php/hr/benefits/univben.htm>

## Disclaimer

The Faculty Handbook outlines the mutual understanding between the administration and the faculty governed by the document. It also defines the relationship between the faculty and the administration and defines the responsibility of university personnel directly involved with faculty affairs.

The Faculty Handbook is intended for use by the faculty members and university administrators. Serving as a compendium of policies, guidelines and procedures, it serves as a source for faculty rights and defines the nature of service that faculty provide. It is a living document and will be revised often.

The Handbook Committee of the Faculty Senate is responsible for updating the Faculty Handbook on an annual basis and as needed when new policies pertaining to the faculty are approved. It is hoped that the handbook will be useful and informative to the faculty and others.