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CHAPTER I - ESTABLISHMENT, INCORPORATION AND COMPOSITION OF THE UNIVERSITY OF NORTH CAROLINA**SECTION 100. CONSTITUTIONAL ESTABLISHMENT.**

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. The General Assembly shall provide for the selection of trustees of the University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of the University of North Carolina and the other public institutions of higher education. [North Carolina Constitution, Art. IX, Sec. 8]

SECTION 101. INCORPORATION AND CORPORATE POWERS.

The Board of Governors of the University of North Carolina shall be known and distinguished by the name of "the University of North Carolina" and shall continue as a body politic and corporate and by that name shall have perpetual succession and a common seal. It shall be able and capable in law to take, demand, receive, and possess all moneys, goods, and chattels that shall be given for the use of the University, and to apply the same according to the will of the donors; and by gift, purchase, or devise to receive, possess, enjoy, and retain forever any and all real and personal estate and funds, of whatsoever kind, nature, or quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the University, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the University, or according to the terms of donation.

The corporation shall be able and capable in law to bargain, sell, grant, alien or dispose of, and convey and assure to the purchasers any and all such real and personal estate and funds as it may lawfully acquire when the condition of the grant to it or the will of the deviser does not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever; and shall have power to open and receive subscriptions, and in general may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue. [See G.S. 116-3]

SECTION 102. COMPOSITION OF THE UNIVERSITY.

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

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,
North Carolina School of Science and Mathematics,
North Carolina State University at Raleigh,
The University of North Carolina at Asheville,
The University of North Carolina at Chapel Hill,
The University of North Carolina at Charlotte,
The University of North Carolina at Greensboro,

The University of North Carolina at Pembroke,¹
The University of North Carolina at Wilmington,
Western Carolina University, and
Winston-Salem State University.

SECTION 103. EQUALITY OF OPPORTUNITY IN THE UNIVERSITY.

Admission to, employment by, and promotion in the University of North Carolina and all of its constituent institutions shall be on the basis of merit, and there shall be no discrimination against any person on the basis of race, color, creed, religion, sex, national origin, age, or disability or because of the person's honorable service in the armed services of the United States.

¹ Name changed from Pembroke State University effective July 1, 1996.

CHAPTER IV - BOARDS OF TRUSTEES**SECTION 400. MEMBERSHIP.****400 A. General Provisions.**

(1) Each constituent institution shall have a board of trustees composed of 13 persons⁴ chosen as follows: (i) eight elected by the Board of Governors, (ii) four appointed by the governor, and (iii) the president of the student government of the institution, ex-officio. [See G.S. 116-31(d)]

(2) In every odd-numbered year, the Board of Governors shall elect four persons to each board of trustees and the governor shall appoint two persons to each such board; and the term of office of all such elected or appointed trustees (excluding ex-officio trustees) shall be four years, commencing on July 1, of such odd-numbered year. [Compare G.S. 116-31(e) and (f)]

(3) Whenever any vacancy shall occur in the membership of a board of trustees among those appointed by the governor, it shall be the duty of the secretary of the board of trustees to inform the governor of the existence of such vacancy, and the governor shall appoint a person to fill the unexpired term, and whenever any vacancy shall occur among those elected by the Board of Governors, it shall be the duty of the secretary of the board of trustees to inform the Board of Governors of the existence of the vacancy, and the Board of Governors shall elect a person to fill the unexpired term. Whenever a member shall fail, for any reason other than ill health or service in the interest of the state or nation, to be present for three successive regular meetings of a board of trustees, the individual's place as a member shall be deemed vacant. [See G.S. 116-31(j)]

(4) Any person who has served two full four-year terms in succession as a member of a board of trustees shall, for a period of one year, be ineligible for election or appointment to the same board but may be elected or appointed to the board of another institution. [See G.S. 116-31(g)]

(5) No member of the General Assembly or officer or employee of the state or of any constituent institution or spouse of any such member, officer, or employee shall be eligible for election or appointment as a trustee. Any trustee who is elected or appointed to the General Assembly or who becomes an officer or employee of the state or of any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes such officer or employee shall be deemed thereupon to resign from membership on the board of trustees. [See G.S. 116-31(h)]

400 B. Dual Membership Prohibited.

No person may serve simultaneously as a member of a board of trustees and as a member of the Board of Governors. Any trustee who is elected to the Board of Governors shall be deemed to have resigned as a trustee effective as of the date that the individual's term commences as a member of the Board of Governors. [See G.S. 116-31(i)]

SECTION 401. OFFICERS.**401 A. Chair, Vice Chair, and Secretary.**

At the first regular meeting after June 30 of each year, each board of trustees shall elect from its

⁴ Fifteen trustees in the case of the North Carolina School of the Arts. [See G.S. 116-65]

Twenty-seven trustees in the case of the North Carolina School of Science and Mathematics. [See G.S. 116-233 et seq.]

CHAPTER V - OFFICERS OF THE UNIVERSITY**SECTION 500. ELECTION OF OFFICERS.****500 A. President and Staff.**

(1) The Board of Governors shall elect a president of the University of North Carolina [See G.S. 116-14(a)], whose compensation shall be fixed by the Board of Governors.

(2) The Board of Governors, on nomination of the president, shall elect and fix the compensation of such professional members of the presidential staff as may be deemed necessary to administer the affairs and execute the policies of the University of North Carolina. These staff members shall include a senior vice president and such other vice presidents and officers as may be deemed desirable. [See G.S. 116-14(b)]

(3) In addition, the president shall employ such other personnel, subject to the provisions of Chapter 126 of the General Statutes ("State Personnel System"), as may be deemed necessary to assist the officers of the University in administering the affairs and executing the policies of the University of North Carolina. [See G. S. 116-14(b)]

(4) The professional staff complement shall be established by the board on recommendation of the president to ensure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of institutions represented in the University of North Carolina. Provision shall be made for persons of high competence and strong professional experience in such areas as academic affairs, public-service programs, business and financial affairs, institutional studies and long-range planning, student affairs, research, legal affairs, health affairs and institutional development, and for state and federal programs administered by the board. [See G.S. 116-14(b)]

500 B. Chancellors and Staffs.

(1) The Board of Governors shall elect, on nomination of the president, the chancellor of each of the constituent institutions and fix the chancellor's compensation.¹ The president shall make a nomination from a list of not fewer than two names recommended by the institutional board of trustees. [See G. S. 116-11(4)]

(2) Unless the Board of Governors has delegated this authority to an institutional board of trustees, the Board of Governors shall, on recommendation of the president and of the appropriate institutional chancellor, appoint and fix the compensation of all vice chancellors, senior academic and administrative officers, and persons having permanent tenure. [See G.S. 116-11(5) and 116-40.22(b)]

SECTION 501. PRESIDENT OF THE UNIVERSITY.**501 A. General Authority.**

¹ The merger of an institution into the University of North Carolina under Chapter 1244 of the 1971 Session Laws or the establishment of the North Carolina School of Science and Mathematics as a constituent institution under S.L. 2006-66 shall not impair any term of office, appointment, or employment of any administrative, instructional, or other personnel of the institution. Effective July 1, 1972, the title president and vice president of each constituent institution shall be changed to chancellor and vice chancellor, and the tenures of persons occupying these positions shall continue subject to the other provisions of this Code. [See Sec. 18, Ch. 1244, 1971 Session Laws]

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.²

(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 institution³ shall prescribe the

²Pursuant to NCGS §116-11(13), and notwithstanding *The Code* or any other Board of Governors policy, the Board of Governors delegates certain authorities to the President of the University. See Policy 200.6, *Delegation Authority to the President of the University*, adopted 11/13/06.

³Because of the unique character and mission of the North Carolina School of the Arts and of the North Carolina School of Science and Mathematics, the requirement that the institution adopt tenure policies will be satisfied at those institutions by an employment system based on renewable contracts, which system need not provide for the traditional faculty ranks. Wherever the phrase "tenure policies and regulations" is used in this

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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.⁴

(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.

chapter, it shall mean, for the School of the Arts and for the School of Science and Mathematics, the faculty employment policies of those schools. Wherever the phrase "tenured faculty" is used in this chapter and in the Policies of the Board of Governors, it shall mean, for those schools, a faculty member holding a fixed-term contract.

⁴ See Footnote 1 on previous page.

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702 B. Statutory Powers.

Subject to applicable state law and to the terms and conditions of the instruments under which property is acquired, the Board of Governors may acquire, hold, convey or otherwise dispose of, invest and reinvest any and all real and personal property, with the exception of any property that may be held by trustees of institutional endowment funds under the provisions of G.S. 116-36 or that may be held, under authority delegated by the Board of Governors, either by a board of trustees or by trustees of any other endowment or trust fund. [See G.S. 116-11(2)]

702 C. Transfer of Property and Obligations.

All property of whatsoever kind and all rights and privileges held by the former Board of Higher Education and by the former boards of trustees of 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, University of North Carolina at Pembroke¹, Western Carolina University and Winston-Salem State University, as said property, rights and privileges may have existed immediately prior to July 1, 1972, are, effective July 1, 1972, transferred to and vested in the Board of Governors. All obligations of whatsoever kind of the former Board of Higher Education and of the former boards of trustees of 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, University of North Carolina at Pembroke, Western Carolina University and Winston-Salem State University, as said obligations may have existed immediately prior to July 1, 1972, are, effective July 1, 1972, transferred to and assumed by the Board of Governors. Any property, real or personal, held immediately prior to July 1, 1972, by a board of trustees of a constituent institution for the benefit of that institution or by the University of North Carolina for the benefit of any one or more of its six institutions, shall, from and after July 1, 1972, be kept separate and distinct from other property held by the Board of Governors, shall continue to be held for the benefit of the institution or institutions that were previously the beneficiaries, and shall continue to be held subject to the provisions of the respective instruments, grants, or other means of process by which any property right was acquired. All property of whatsoever kind and all rights and privileges held by the Board of Trustees of the North Carolina School of Science and Mathematics, as said property, rights and privileges may have existed immediately prior to July 1, 2007, are, effective July 1, 2007, transferred to and vested in the Board of Governors of The University of North Carolina. All obligations of whatsoever kind of the Board of Trustees of the North Carolina School of Science and Mathematics as said obligations may have existed immediately prior to July 1, 2007, are, effective July 1, 2007, transferred to and assumed by the Board of Governors of The University of North Carolina. In case a conflict arises as to which property, rights, or privileges were held for the beneficial interest of a particular institution, or as to the extent to which such property, rights, or privileges were so held, the Board of Governors shall determine the issue, and the determination of the Board of Governors shall constitute final administrative action. Nothing in this Code shall be deemed to increase or diminish the income, other revenue, or specific property which is pledged, or otherwise hypothecated, for the security or liquidation of any obligations, it being the intent that the Board of Governors shall assume said obligations without thereby either enlarging or diminishing the rights of the holders thereof. [See G.S. 116-12]

702 D. Limitation on Exercise of Powers.

The power and authority granted to the Board of Governors with regard to the acquisition, operation, maintenance, and disposition of real and personal property shall be subject to, and exercised in accordance with, the provisions of Chapters 143 and 146 of the General Statutes. [See G.S. 116-13]

SECTION 703. IMMUNITIES.

¹ Designated as Pembroke State University prior to July 1, 1996.

SECTION 902. NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

902 A. Policy

It is declared to be the policy of the State to foster, encourage, promote, and provide assistance in the development of skills and careers in science and mathematics among the people of the State. [See G.S. 116-230.1]

902 B. Re-Establishment

The North Carolina School of Science and Mathematics is reestablished as a constituent high school of The University of North Carolina, effective July 1, 2007, and shall thereafter be governed by the Board of Governors and a Board of Trustees. [See G.S. 116-231]

902 C. Board of Trustees

The School is a constituent institution of the University of North Carolina and subject to the provisions of this Code; provided, however, that notwithstanding the provisions of Chapter IV of this Code, the Board of Trustees of the School shall consist of 27 persons as provided by law. The Board of Governors shall appoint 21 members as follows: 13 members, one from each congressional district; four members without regard to residency; three members, *ex officio* and voting, who shall be the chief academic officers, or their designee, respectively, of three constituent institutions designated by the Board of Governors in 1985 and quadrennially thereafter; and one member, *ex officio* and voting, who shall be the chief academic officer of a college or university in North Carolina other than a constituent institution and designated by the Board of Governors in 1985 and quadrennially thereafter. The Chancellor shall serve *ex officio* and non-voting as the Secretary of the Board. [See G.S. 116-233]

902 D. Powers of Board

In addition to the powers enumerated in this Code, the Board of Trustees shall establish the standard course of study for the School and regulations governing class size, the instructional calendar, the length of the instructional day, and the number of instructional days in each term. The Board shall establish criteria, standards and procedures for the admission of students who are legal residents of North Carolina, ensuring insofar as possible without jeopardizing admission standards, that an equal number of qualified applicants is admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts. The Board shall adopt compulsory attendance policies consistent with North Carolina law and rules of student conduct. The Chancellor, other administrative officers, and all teachers, substitute teachers, voluntary teachers, teacher aides and assistants, and student teachers in the School may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order. [See G.S. 116-235]

902 E. Endowment Fund

The Board of Trustees is authorized to establish a permanent endowment fund, and shall perform such duties in relation thereto as are prescribed by the provisions of Chapter VII of this Code. [See G.S. 116-68]

901 F. Purposes of the School.

Deleted: The North Carolina School of Science and Mathematics is an affiliated school of the University of North Carolina. It is governed by a Board of Trustees, which has the power and authority granted to it by law. Eleven of the 25 members of the Board of Trustees are elected by the Board of Governors, as provided by law. The Board of Trustees shall develop, prepare, and present to the Board of Governors a recommended budget for the school, which shall be transmitted by the Board of Governors to the General Assembly. The Board of Trustees shall keep the Board of Governors fully and promptly informed, through the president of the University of North Carolina, concerning activities of the Board of Trustees, including notices of meetings and copies of the minutes of all meetings. The Board of Governors, in accordance with the provisions of law, shall establish for the school an Educational Advisory Council. [See G.S. 116-230. 1 through 116-238]¶

The purposes of the School shall be to foster the educational development of North Carolina high school students who are academically talented in the areas of science and mathematics and show promise of exceptional development and global leadership through participation in a residential educational setting emphasizing instruction in the areas of science and mathematics; and to provide instruction, methods, and curricula designed to improve teaching and learning in North Carolina and the nation with an emphasis on distance education and programs that expand pathways for students into careers in science and mathematics. [See G.S. 116-232]

902 G. Tuition and Mandatory Fees

Neither the Board of Governors of The University of North Carolina nor its Board of Trustees shall impose any tuition or fee at the North Carolina School of Science and Mathematics without the approval of the General Assembly. [See G.S. 116-143] Service charges are permitted in accordance with University policy.

902 H. Educational Advisory Council

The Board of Trustees is authorized to establish an Educational Advisory Council, which shall give advice and counsel to the Chancellor and the Board of Trustees. The School shall invite membership, ex officio, of the State Superintendent of the Department of Public Instruction, or designee, and the chairman of the State Board of Education, or designee, and other persons who are scientists, mathematicians, public school representatives, or other persons having an interest in the School and desiring to contribute to its work.

Appendix 1 - DELEGATIONS OF DUTY AND AUTHORITY TO BOARDS OF TRUSTEES

Pursuant to authority vested in it by the General Statutes, and consistent with the provisions of *The Code of the University of North Carolina*, the Board of Governors hereby delegates to the boards of trustees of the constituent institutions of the University of North Carolina the following duties and powers:

I. ACADEMIC AND ADMINISTRATIVE PERSONNEL

A. Appointment and Compensation

1. Upon recommendation of the chancellor, the board of trustees of a special responsibility constituent institution with management flexibility for personnel appointments shall, for all positions exempt from the State Personnel Act except the position of the chancellor, appoint, promote, and set the compensation for such employees consistent with the policies and salary ranges set by the Board of Governors and the regulations and guidelines established by the Office of the President.

Personnel actions at a constituent institution, other than a special responsibility constituent institution with management flexibility, shall be governed as follows:

- a. With respect to all faculty positions with permanent tenure and all senior administrative positions, namely vice chancellors, provosts, deans and directors of major educational and public service activities, the chancellor, following consultation with the board of trustees, shall forward to the president recommendations with respect to such appointments, promotions, and compensation; if the president concurs in such recommendations, the president shall forward them to the Board of Governors for approval. Notwithstanding the requirements of this paragraph, a board of trustees may promote in rank a faculty member with permanent tenure, upon the recommendation of the chancellor, and without approval by the Board of Governors.
- b. With respect to all faculty and administrative positions other than those identified in subparagraph 2a above, and other than those subject to the State Personnel Act, the chancellor shall forward the chancellor's recommendations for appointment, promotion and compensation to the board of trustees; subject to applicable provisions of the *University Code* and to such policies as may be established by the Board of Governors, the action of the board of trustees with respect to such personnel actions shall be final.

B. Discharge or Suspension

Subject to regulations of the board of trustees and consistent with applicable policies of the Board of Governors, all discharges or suspensions of faculty members and administrative personnel, other than those subject to the State Personnel Act, shall be effected by the chancellor. A discharged or suspended employee shall have such rights of appeal from the action of the chancellor as may be prescribed by the *University Code*, policies of the Board of Governors, or regulations of the board of trustees.

C. Personnel Policies

The board of trustees may adopt personnel policies not otherwise prescribed by state law, the *University Code*, or policies of the Board of Governors, for personnel in all categories of university employment. 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.

D. Chancellor Selection

In the event of a vacancy in the chancellorship, the board of trustees shall establish a search committee composed of representatives of the board of trustees, the faculty, the student body and the alumni. Upon the establishment of the search committee, the chair of the board of trustees and the president shall jointly establish a budget and identify staff for the committee.

The search committee, through its chair, shall make a preliminary report to the president when the committee is preparing a schedule of interviews of those persons it considers to constitute the final list and from among whom it anticipates the trustees' nominees will be chosen, and the president will be given an opportunity to interview each of these candidates.

The board of trustees, following receipt of the report of the search committee, shall recommend at least two names for consideration by the president in designating a nominee for the chancellorship, for approval by the Board of Governors.

II. ACADEMIC PROGRAM

The board of trustees shall be responsible for ensuring the institution's compliance with the educational, research, and public service roles assigned to it by the Board of Governors, either by express directive or by promulgated long-range plans of the Board of Governors.

III. ACADEMIC DEGREES AND GRADING

Subject to authorization by the Board of Governors of the nature and general content of specific degree programs which may be offered by an institution, each institution shall determine whether an individual student shall be entitled to receipt of a particular degree. Each institution also shall determine what grade a student will be assigned in a particular course. No appeal from any of these decisions or any other academic determination is allowable to the president or to the Board of Governors.

Prior to July 1, 2003 paragraph III read as follows:

III. ACADEMIC DEGREES AND GRADING

Subject to authorization by the Board of Governors of the nature and general content of specific degree programs which may be offered by an institution, each institution shall determine whether an individual student shall be entitled to receipt of a particular degree. Each institution also shall determine what grade a student will be assigned in a particular course. No appeal from such an institutional decision shall lie beyond the board of trustees.

IV. HONORARY DEGREES, AWARDS AND DISTINCTIONS

The board of trustees shall be responsible for approving the names of all individuals on whom it is proposed that an honorary degree or other honorary or memorial distinction be conferred by the institution, subject to such policies as may be established by the Board of Governors.

V. BUDGET ADMINISTRATION

The board of trustees shall advise the chancellor with respect to the development of budget estimates for the institution and with respect to the execution and administration of the budget of the constituent institution, as approved by the General Assembly and the Board of Governors.

VI. PROPERTY AND BUILDINGS

The board of trustees of a constituent institution shall be responsible, subject to policies of the Board of Governors and all legal requirements relative to the construction of state-owned buildings, for the following matters concerning campus capital construction projects which have been approved by the Board of Governors and authorized by the state of North Carolina: (1) the selection of architects or engineers for buildings and improvements requiring such professional services; (2) the approval of building sites; (3) the approval of plans and specifications; and (4) the final acceptance of all completed buildings and projects.

The board of trustees shall be responsible to the Board of Governors for preparing and maintaining a master plan for the physical development of the institution, consistent with the total academic and service mission of the institution as defined and approved by the Board of Governors.

Any proposal involving the acquisition or disposition by an institution of any interest in real property shall be recommended by the board of trustees to and must be approved by the Board of Governors; provided, that

(a) if the proposal involves an interest in real property which is valued at less than \$50,000, the board of trustees may authorize such transaction and proceed to obtain the necessary approvals from appropriate state officials and agencies, without first obtaining the approval of the Board of Governors;

(b) if the proposal involves an interest in real property, the president may approve or execute leases with a value higher than \$50,000 up to \$150,000, and may approve or execute contracts to acquire real property with a value higher than \$50,000 up to \$250,000, without first obtaining approval of the Board of Governors; and

(c) the Board of Governors, under circumstances which it considers appropriate and following notice from it to the board of trustees, may take action necessary to effect the acquisition or disposition of an interest in real property which is related to or which affects the institution, without receipt of a recommendation from the board of trustees.¹

VII. ENDOWMENTS AND TRUST FUNDS

Subject to applicable provisions of state law and to such terms and conditions as may be prescribed from time to time by the Board of Governors, each board of trustees shall be responsible for the preservation, maintenance, and management of all properties, both real and personal, funds and other things of value which, either separately or in combination, constitute all or any part of the authorized endowment or trust funds, either currently in existence or to be established in the future, for the benefit of the individual constituent institution. [See G.S. 116-11(2); 116-12; 116-36; 116-36. 1; 116-36. 2; 116-36. 3]

¹ By resolution adopted November 13, 1981, the Board of Governors elaborated upon this provision concerning the acquisition and disposition of interest in real estate. The resolution says, among other things, that the value of an interest in real estate shall, with respect to a lease, be deemed the annual rental thereof. Further, the resolution expressly authorizes the board of trustees to delegate to their respective chancellors the power to authorize for the institutions the acquisition or disposition by lease of institutions the acquisition or disposition by lease of interests in real estate valued at less than \$25,000, subject to any necessary approval from state officials and agencies.

VIII. ADMISSIONS

Subject to such enrollment levels and minimum general criteria for admission as may be established for a constituent institution by the Board of Governors, each constituent institution of the University of North Carolina shall establish admissions policies and resolve individual admission questions for all schools and divisions within the institution. No appeal concerning an individual admission case shall lie beyond the institutional board of trustees.

IX. TUITION, FEES AND DEPOSITS

A. General Authority of Boards of Trustees

The boards of trustees of the constituent institutions other than the board of the North Carolina School of Science and Mathematics shall cause to be collected from each student, at the beginning of each semester, quarter, or term, such tuition, fees, and other amounts necessary to pay other expenses for the term, as have been approved by the Board of Governors. [See G.S. 116-11(7) and G.S. 116-143]

B. Tuition and Fee Deposits

Each board of trustees shall require the payment of such advance deposits, at such times and under such conditions as it determines are appropriate or as may be required by state law or by the Board of Governors. [See G.S. 116-143]

C. Application Fee

Each board of trustees shall require the payment of such nonrefundable application fees, in connection with each application for admission, as may be required by state law or by the Board of Governors. [See G.S. 116-143]

D. Acceptance of Obligations in Lieu of Cash

Subject to policies prescribed by the Board of Governors, the boards of trustees shall establish regulations concerning the acceptance of obligations of students, together with such collateral or security as may be deemed necessary or proper, in lieu of cash, in payment of tuition and fees. [See G.S. 116-143]

E. Fee Recommendations

Subject to policies prescribed by the Board of Governors, each board of trustees, in consultation with the chancellor, shall recommend to the president the amounts to be charged at the constituent institution for application, athletics, health services, student activities, educational and technology, retirement of debt incurred for capital improvements projects authorized by the General Assembly, course, and special fees. In carrying out this responsibility, each board of trustees and the chancellor shall ascertain that the benefits of the activity or service are commensurate with the recommended fee which is required to support the activity or service. Recommended fees should be consistent with the philosophy set forth in the North Carolina Constitution which states that the benefits of the University of North Carolina should be extended to the people of the state free of expense, as far as practicable.

X. STUDENT FINANCIAL AID

All scholarships and other forms of financial aid to students which are limited in their application to or are supported from sources generated by an individual campus shall be administered by the constituent institution pursuant to such regulations as may be prescribed by the board of trustees and subject to the terms of any applicable laws and to policies of the Board of Governors.

XI. STUDENT SERVICES

Each board of trustees, upon recommendation of the chancellor, shall determine the type, level, and extent of student services (such as health care, athletic programs, and counseling) to be maintained for the benefit of students at the institution, subject to general provisions concerning types and levels of student services as may be prescribed by the Board of Governors.

XII. STUDENT ACTIVITIES AND GOVERNMENT

Under such policies as may be prescribed by the Board of Governors and the board of trustees, the chancellor shall be responsible for the regulation and approval of organized, institutionally-recognized student activities, the definition of roles and functions of any institutionally-recognized system of student self-government and student participation in the governance of any aspect of the institutional programs and services. No appeal concerning such activities are allowable to the president or to the Board of Governors.

Prior to July 1, 2003 paragraph XII read as follows:

XII. STUDENT CONDUCT, ACTIVITIES AND GOVERNMENT

Under such policies as may be prescribed by the Board of Governors and the board of trustees, the chancellor shall be responsible for the regulation of student conduct, the approval of organized, institutionally-recognized student activities and the definition of roles and functions of any institutionally-recognized system of student self-government and student participation in the governance of any aspect of the institutional programs and services. No appeal concerning such activities shall lie beyond the board of trustees, unless it is alleged that the policy, action, or decision being appealed violates any law or constitutional provision of North Carolina or of the United States, the University Code, or policies of the Board of Governors.

XIII. INTERCOLLEGIATE ATHLETICS

Subject to such policies as may be prescribed by the Board of Governors and the board of trustees, the chancellor shall be responsible for the establishment and supervision of the institution's program of intercollegiate athletics.

XIV. TRAFFIC AND PARKING REGULATIONS²

XV. CAMPUS SECURITY

Subject to applicable provisions of state law and such policies as may be adopted by the Board of Governors or the board of trustees, the chancellor shall be responsible for the maintenance of campus security.

XVI. AUXILIARY ENTERPRISES, UTILITIES AND MISCELLANEOUS FACILITIES

Pursuant to applicable provisions of state law and policies of the Board of Governors, the boards of trustees of affected constituent institutions shall have authority and responsibility for the adoption of policies applicable to and the control and supervision of campus electric power plants and water and sewer systems, other utilities and facilities [G.S. 116-35], and child development centers [G.S. 116-38].

² Legislation adopted by the 1973 session of the General Assembly, on recommendation of the Board of Governors, gave the boards of trustees broad authority in this area and superseded the authority originally granted in this paragraph; hence it is omitted here. [See G.S. 116-44.3 et. seq.]

Adopted 11/14/86
 Amended 10/12/90
 Amended 02/18/94
 Amended 04/21/95
 Amended 11/08/96
 Amended 07/11/97
 Amended 11/13/98
 Amended 09/10/99
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 Amended 04/12/01
 Amended 06/08/01
 Amended 1/11/02
 Amended 11/08/02
 Amended 3/21/03
 Amended 10/10/03
 Amended 11/12/04
 DRAFT

SENIOR ACADEMIC AND ADMINISTRATIVE OFFICERS

The duties and responsibilities of the President and the chancellors, and of their respective senior staff members, and their relationships to one another, to the Board of Governors, to the Boards of Trustees, and to all other officers and agencies within and without the University are set forth in Chapter Five of *The Code of The University of North Carolina*. To complement the provisions of Chapter Five and further to clarify these duties, responsibilities, and relationships, the following regulations are adopted by the Board of Governors:

I. Definition of "Senior Academic and Administrative Officers"

- A. Senior officers of the University of North Carolina who are subject to the provisions of Section II of this policy are: the President [N.C.G.S. 116-14(a)]; the vice presidents, associate vice presidents, assistant vice presidents, and other members of the President's professional staff designated by the Board of Governors on recommendation of the President [N.C.G.S. 116-14(b)]; the chancellors of the constituent institutions [N.C.G.S. 116-11(4)]; the vice chancellors, provosts, and deans¹ of the constituent institutions, and the directors of major administrative, educational, research and public services activities of the constituent institutions designated by the Board of Governors [N.C.G.S. 116-11(5)].
- B. Other senior officers of the University of North Carolina who are subject to the provisions of Section III of this policy are: (1) members of the President's professional staff other than those identified in subparagraph A above [N.C.G.S. 116-14(b)]; and (2) associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the constituent institutions, other than those identified in subparagraph A above, that have been designated by the President. [N.C.G.S. 116-11(5)].²

¹Deans at the North Carolina School of Science and Mathematics fall within Section I.B. of this Policy.

²Other officers include (a) members of the chancellor's professional staff; (b) those responsible for the administrative direction of separately designated divisions or departments of institutional activity commonly associated with institutions of higher education; (c) those positions whose primary responsibility is to attract external funds for and/or

II. Senior Academic and Administrative Officers of the University of North Carolina as Defined in Section I.A. above, Shall Be Subject to the Following Regulations.

A. Appointments and Discontinuation of Appointments

1. All senior officers as defined in Section I.A. above, are employed in their administrative positions pursuant to this policy. Except with regard to the appointment of the President and the Chancellors, no contract or other writing (except for *The Code*) may vary these terms, nor may any oral agreement modify these provisions. The appointments of these senior officers are subject to the approval of the Board of Governors or a Board of Trustees delegated such authority by the Board of Governors.³ Such officers do not have tenure in their administrative positions. Except for the President and the Chancellors, they serve at the discretion of their employer and are not appointed to serve for specified periods of time. "Employer" in this context means, respectively, the official or entity designated in paragraphs (a) through (d) below. The continuance of these administrators in office therefore is 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 professional 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 in all instances shall consult the appropriate chair of the Board of Trustees prior to terminating the appointment of a chancellor. The President may place a chancellor on temporary leave, with or without pay, if the President has reason to believe that illness, injury, misconduct, neglect of duty, or other circumstances may interfere with the chancellor's performance of the duties of the position. Before placing a chancellor on temporary leave, the President shall consult with the Chairman of the Board of Governors, the chair of the Committee on Personnel and Tenure, and the appropriate chair of the Board of Trustees.
 - (d) The continuance in office of vice chancellors, provosts, deans, and directors of major educational, research and public services activities of the constituent institutions shall be determined by the chancellor of the institution.

market the University; and, (d) other officers holding positions characterized by active, continuing involvement in formulating, interpreting, and implementing institutional policy and exercising substantial independence of administrative authority and discretion in areas such as program planning and design and allocation of resources.

³ Pursuant to NCGS §116-11(13), and notwithstanding *The Code* or any other Board of Governors policy, the Board of Governors has delegated certain authorities to the President of the University. See Policy 200.6, *Delegation Authority to the President of the University*, adopted 11/13/06.

- (e) Notwithstanding the provisions of (b) and (d) above, the Board of Governors, in accordance with the provisions of Section 501B(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 interests of the University.
- 2. Senior officers of a constituent institution are subject to the direction and control of the chancellor and serve at the chancellor's discretion. They are employees at will; thus, the chancellor may not purport to confer on any such officer a period of employment of fixed duration or otherwise confer any property interest in such employment. However, such an officer may be appointed to a period of employment not to exceed a specified number of years, so long as the instrument accomplishing such an appointment states clearly that the incumbent officer is subject to removal at any time, during that period, at the option of the chancellor.
- 3. 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 the administrative office, and such tenure status is governed by the provisions of Chapter Six of *The Code* and by the tenure policies of the relevant constituent institution. Those tenure policies have no bearing upon and do not govern the administrative appointments covered by this policy.
- 4. Appointment of Chancellors
 - a. The appointment of chancellors shall be made by the Board of Governors upon the recommendation of the President, in accordance with N.C.G.S §116-11(4).
 - b. The Board of Governors may approve a contract with a chancellor as recommended by the President. The contract may specify the chancellor's term of employment, salary, benefits, and performance based deferred or supplemental compensation; provisions for the termination of the chancellor's employment; and any other terms recommended by the President.
 - c. In all other regards, the employment of chancellors is subject to *The Code*, the Policies of the Board of Governors, and the North Carolina General Statutes.
 - d. Except as specifically otherwise provided in the contract, and except as provided in ¶ II.A.1(c) of this policy, after the Board of Governors has approved a contract with a chancellor, it will be the sole responsibility of the President to implement the terms of the contract.

B. Compensation

The compensation of senior officers shall be set by the Board of Governors or a Board of Trustees delegated such authority by the Board of Governors.⁴

No chancellor and no senior academic and administrative officer may be paid, in addition to his or her salary as established pursuant to the foregoing requirements, for any services rendered to any institution-related foundation, endowment, or other entity that was established by officers of the University, that is controlled by the University, or that is tax exempt based on being a support organization for the University.

⁴ See Footnote 2 above.

C. Equal Employment Opportunity

It is the policy and intention of the University of North Carolina that there be equal employment opportunity and freedom from unlawful discrimination in all employment within the University. There shall be no discrimination in positions covered by this policy on the basis of race, color, creed, national origin, sex, religion, disability, age, or honorable service in the armed services of the United States.⁵ Employment in positions covered by this policy shall be conducted in accordance with all provisions of State or federal law or regulation prohibiting any such discrimination, and in accordance with applicable affirmative action plans.

D. Political Activity

Employment in positions covered by this policy shall not be adversely affected by the exercise of rights guaranteed by the First Amendment of the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in positions covered by this policy shall be subject to any limitations on political activity established by Article 5 of N.C.G.S. Chapter 126. The Board of Governors' policies concerning political activity, Policy §§300.5 *et seq.*, as they may be revised from time to time, shall apply to positions covered by this policy.

E. Holiday and Leave Entitlement

1. Holidays

A senior officer shall be subject to the same State-prescribed holidays given employees subject to the State Personnel Act.

2. Annual Leave

A senior officer shall be entitled to 26 work days of annual leave each year.⁶ The maximum number of unused days of annual leave that may be accrued and carried forward from one year to the next shall be 30 work days. Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the year. A senior officer who has accrued such unused annual leave as of the date of discontinuation of employment shall be paid for such unused annual leave, subject to a maximum of 30 days.

Subject to institutional policy and approval by the employee's supervisor, a senior officer may be advanced the amount of leave that can be accrued during the remainder of the year or during a twelve-month period.

3. Sick Leave, Family and Medical Leave, Family Illness Leave, Civil Leave, Military Leave, Community Service Leave, and Special Annual Leave Bonus

⁵ Bona fide occupational qualifications or other exceptions to those general prohibitions, specifically provided for by State or federal law, may be applied to positions covered by this policy.

⁶ For the purposes of determining leave under this policy, "year" shall be defined by the employing institution as either a "fiscal year" (July 1 – June 30) or a "calendar year" (January 1 – December 31). Institutions currently defining a "year" as a "contract year" may continue to do so.

A senior officer shall be entitled to such sick leave, family and medical leave, family illness leave, civil leave, military leave, community service leave, and special annual leave bonus (awarded to employees in leave earning status on 9/30/02) as may be prescribed for employees subject to the State Personnel Act. However, with respect to sick leave, subject to institutional policy and approval by the employee's supervisor, a senior officer may be advanced the amount of sick leave that can be accrued during the remainder of the year or during a twelve-month period.

4. Miscellaneous Leaves of Absence

A senior officer who desires a leave of absence for an interval of 90 days or less must obtain the approval of the President, who shall report all such arrangements to the Board of Governors. A leave of absence for a period exceeding 90 days shall require the approval of the Board of Governors.

5. Voluntary Shared Leave

A senior officer shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the State Personnel Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

F. Educational Entitlement

A senior officer is entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by N.C.G.S. § 116-143.G.

G. Statutory and Other Rules of Employment

1. Privacy of Personnel Records

A senior officer enjoys the protections of and is subject to the provisions of Article 7 of N.C.G.S. 126, entitled "The Privacy of State Employee Personnel Records."

2. Employment Preference for Veterans

A senior officer enjoys the protections of and is subject to the provisions of N.C.G.S. §§ 128-15 and 128-15.1, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.

3. Employment of Related Persons

A senior officer is subject to the policy concerning employment of related persons, Policy §300.4.2, as it may be revised from time to time.

H. Retirement

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

III. Senior Academic and Administrative Officers of the University of North Carolina as Defined in Section I.B. above, Shall Be Subject to the Following Regulations.

A. Appointments

1. All senior academic and administrative officers as defined in Section I.B. above, are employed in their administrative positions pursuant to this policy. The authority to make appointments and determine salaries for positions within Section I.B. (1) is exercised by the Board of Governors, on recommendation of the President, or a Board of Trustees delegated such authority by the Board of Governors; for positions within Section I.B. (2), such authority is delegated by the Board of Governors to the chancellors and the respective Boards of Trustees of the constituent institutions.
2. Every appointment within a constituent institution covered by this policy shall be made by the chancellor, or the chancellor's delegate, by means of a letter of appointment that fulfills the requirements of this Section III.
3. Every letter of appointment to a position covered by this policy shall include:
 - (a) the title of the position;
 - (b) the initial salary;
 - (c) provision for periodic review of compensation⁷;
 - (d) provision consistent with Sections III.A.4. and III.A.5. below, if contingencies based on availability of funding are applicable;
 - (e) the annual leave entitlement of the employee;
 - (f) except as provided in subparagraph (h) below, notice that the employment conferred is an "employment at will" subject to continuation or discontinuation at the discretion, respectively, of the President or of the chancellor; and
 - (g) notice that the employment is subject to this policy as originally adopted and as it may be periodically revised from time to time, and a copy of the policies shall be attached to the letter of appointment.
 - (h) Contracts or letters of appointment of Directors of Athletics may be for a term of years and are governed by Policy 1100.3 and Guidance 1100.3.1 [G].
4. When a position covered by this policy is funded in whole or substantial part from sources other than continuing State budget funds or permanent trust accounts, the letter of appointment shall state that continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the

⁷ Subject to any compensation policies adopted by the Board of Governors or the Board of Trustees.

additional notice otherwise required by Sections III.B.1., III.B.2., and III.B.3.; provided, that the affected employee shall be informed at the earliest practicable date of the occurrence of such a funding contingency.

5. When an employee is to serve simultaneously in both a position covered by this policy and a position of University employment not covered by this policy, with the result that two different prescriptions may appear to obtain with respect to a particular condition of employment or a right or responsibility of the employee, one position shall be designated the base position to determine the conditions of employment and the rights and responsibilities of the employee. If appointment to a position covered by this policy occurs subsequent to an appointment to a position not covered by this policy, the letter of appointment to the position covered by this policy shall embody the required designation of base employment; conversely, if appointment to a position covered by this policy precedes appointment to the other category of University employment, the letter of appointment or contract establishing the second employment shall embody the required designation of base employment. In either case, the designation of base employment shall specifically describe the different rights, duties, and compensation for each position and the relationship, if any, between the two positions.

Any funding contingency of the type referred to in Section III.A.4. shall be set forth separately for the position covered by this policy and for the other position, since the operation of any such contingencies may be independent.

When an appointment to a position covered by this policy is to be accompanied by appointment to a faculty position that is intended to be nominal or honorary, or to create a faculty affiliation not entailing significant duties or compensation, the term "adjunct," or similar nomenclature, shall be used to identify the faculty appointment.

B. Discontinuation of Employment

1. Discontinuation of appointment, with notice or severance pay

Employment within a position covered by section III of this policy that is established by the letter of appointment to be an employment at will is subject to discontinuation at any time at the discretion, respectively, of the President or of the chancellor; provided, that such a discontinuation (as distinguished from discharge for cause, Section III.B.4.) shall be subject to advance timely notice of discontinuation or the payment of severance pay, in calendar days, as follows:

- (a) during the first year of service, not less than 30 days notice prior to discontinuation of employment or the payment of severance pay for 30 days;
- (b) during the second and third years of service, not less than 60 days notice prior to discontinuation of employment or the payment of severance pay for 60 days; and
- (c) during the fourth and all subsequent years of continuous service, not less than 90 days notice prior to discontinuation of employment or the

payment of severance pay for 90 calendar days.

The chancellor or the president may provide the employee with a combination of notice and severance pay that totals the respective required number of days. The determination of whether the employee shall receive notice of discontinuance of the appointment or severance pay or a combination of the two shall be in the sole discretion of the respective chancellor or the president.

2. Expiration of term appointment

Employment within a position covered by this policy that is established by the letter of appointment dated prior to December 1, 2004 to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be extended at the option of the employer on an employment at will basis, by written notice satisfying the requirements of Section III.A. If the employer intends not to extend the employment, (1) with respect to a term of one year or less, no notice of intent not to extend shall be required; (2) with respect to a term of more than one year but less than four years, notices of intent not to extend shall be transmitted in writing at least 60 days prior to this expiration date of the term; (3) with respect to a term of four years or more, notice of intent not to extend shall be transmitted in writing at least 90 days prior to the expiration date of the term. Failure to provide written notices as required in subsections (2) and (3) above shall result in the automatic extension of employment for a period, respectively, of either 60 days or 90 days, beyond the date the notice is given to the employee.

3. Termination of employment because of financial exigency or program curtailment or elimination

Employment within a position covered by this policy that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a program. "Financial exigency" is defined to mean a significant decline in financial resources of the University that compels a reduction in the university's or the institution's budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or an elimination of a program shall be made, respectively, by the President or by the chancellor, with advance notice to and approval by the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the contractual obligation to an employee within a position covered by this policy cannot be met, the employment of the individual may be terminated, subject to the following notice requirements;

- (a) during the first year of service, not less than 30 days notice prior to termination;
- (b) during the second and third years of employment, not less than 60 days notice prior to termination; and
- (c) during the fourth and all subsequent years of service, not less than 90 days notice prior to termination.

4. Discharge for Cause

Any employee occupying a position covered by this policy may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuation with notice (Section III.B.1.), automatic expiration of term (Section III.B.2.), and termination (Section III.B.3.). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the grievance procedures of Section III.C. of this policy. When an employee occupying a position covered by this policy has been notified of the intention to discharge for cause, the President or chancellor, as applicable, may suspend the employment at any time and continue the suspension until a final institutional or presidential decision concerning discharge has been reached by the procedures adopted pursuant to paragraph C.1. below; such suspension during this time period shall be with full pay. If the final institutional or presidential decision is to discharge the employee, then the employee may be discharged without further pay without regard to whether there is an appeal to the Board of Governors in accordance with Section 609 C of *The Code*.

C. Review of Employment Decisions and Grievances

1. The Office of the President and each constituent institution respectively shall adopt and publicize procedures applicable to relevant cohorts of employees, under which covered employees may secure review of decisions concerning discharge for cause or other disciplinary action, or of grievances concerning the interpretation and application of any provision of this policy; provided, however, that grievances concerning discontinuations or terminations of employment with notice, pursuant to Sections III.B.1, III.B.2., and III.B.3, may be brought only upon allegations of violations of applicable notice requirements or violations of any provision of Section III.D. or III.E. of this policy.
2. Decisions reached pursuant to such grievance procedures concerning the discontinuation or termination of employment may be appealed to the Board of Governors in accordance with the provisions of Section 609 C of *The Code*.

D. Equal Employment Opportunity

It is the policy and intention of the University of North Carolina that there be equal employment opportunity and freedom from unlawful discrimination in all employment within the University. There shall be no discrimination in positions covered by this policy on the basis of race, color, creed, national origin, sex, religion, disability, age, or honorable service in the armed services of the United States.⁸ Employment in positions covered by this policy shall be conducted in accordance with all provisions of state or federal law or regulation prohibiting any such discrimination, and in accordance with applicable affirmative action plans.

E. Political Activity

Employment in positions covered by this policy shall not be adversely affected by the

⁸ Bona fide occupational qualifications or other exceptions to those general prohibitions, specifically provided for by State or Federal law, may be applied to positions covered by this policy.

exercise of rights guaranteed by the First Amendment of the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in positions covered by this policy shall be subject to any limitations on political activity established by Article 5 of N.C.G.S. Chapter 126. The Board of Governors' policies concerning political activity, Policy §300.5, *et seq.* as they may be revised from time to time, shall apply to positions covered by this policy.

F. Holiday and Leave Entitlement

1. Holidays

Employees in positions covered by this policy shall be subject to the same State-prescribed holidays given employees subject to the State Personnel Act.

2. Annual Leave⁹

(a) Basic Leave Policy

The amount of annual leave to which a permanent full-time employee (1.00 FTE) in a position covered by this policy shall be entitled to accrue is 24 workdays per year. Annual leave is accrued at a monthly rate and is adjusted proportionately for permanent part-time employees who work halftime or more (.50 - .99 FTE). The monthly earnings amount is equal to one-twelfth of the annual rate for each month the employee works or is on approved leave with pay. Monthly leave is earned when an employee works or is on approved leave with pay at least half the working days of a month. An employing institution shall define a year as either "fiscal year" (July 1 - June 30) or "calendar year" (January 1 - December 31). (Note: Employing institutions that have previously defined a year as "contract year" may continue to do so.) The scheduling of an employee's annual leave shall be subject to the approval of the employee's supervisor. With respect to an incumbent employee who is earning more than 24 days per year as of the date this policy becomes effective, such employee shall be entitled to continue to earn leave at the current rate.

The maximum number of unused days of annual leave that may be carried forward from one year to the next shall be 30 workdays. Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the year.

(b) Transfer of Accrued Annual Leave

An employing institution must establish campus-wide uniform guidelines regarding the transfer of accrued annual leave from a UNC constituent institution or State or local governmental agency whose leave is currently transferable in accordance with the policy prescribed for employees subject to the State Personnel Act [See State Personnel Manual, Section 5-1]. Upon discontinuation of employment from the employing institution, the employee may either elect a payout of accrued annual

⁹ Effective July 1, 2001.

leave [see (d) below] or transfer the remaining balance of any unused annual leave to another State or local governmental agency, subject to the receiving agency's approval.

(c) Advancement of Annual Leave

Subject to institutional policy and approval by the employee's supervisor, an employee may be advanced the amount of leave that can be accrued during the remainder of the year or during a twelve-month period. If an employee separates from the employing institution and has taken more annual leave than has been accrued, the employing institution must determine the amount of leave that the employee must repay to the institution and make deductions from the employee's final salary check accordingly.

(d) Payout of Accrued Annual Leave

An employee in a position covered by this policy who has accrued unused annual leave upon discontinuation of employment from the employing institution and who either does not elect or is not eligible to transfer such accrued leave to another State or local governmental agency, shall be paid for such unused annual leave. The amount paid to an employee who has been employed an aggregate of 24 months or less by one or more State or local governmental agencies is equal to one day for each month worked less the number of days of annual leave taken during the employment period. An employee who has been employed for more than 24 months shall be paid subject to a maximum of 30 such days. Each institution shall establish guidelines for payout of leave if a change in employment status occurs and such employee is no longer covered by this policy.

3. Sick Leave, Family and Medical Leave, Family Illness Leave, Civil Leave, Military Leave, Community Service Leave and Special Annual Leave Bonus

Employees in positions covered by this policy shall be subject to the same policies concerning sick leave, family and medical leave, family illness leave, civil leave, military leave, community service leave, and special annual leave bonus (awarded to employees in leave earning status on 9/30/02) as may be prescribed for employees subject to the State Personnel Act. However with respect to sick leave, subject to institutional policy and approval by the employee's supervisor, an employee may be advanced the amount of sick leave that can be accrued during the remainder of the year or during a twelve-month period.

4. Leave of Absence Without Pay

Employees in positions covered by this policy may request a leave of absence without pay, subject to approval of such leave by the President or by the chancellor, as applicable.

5. Voluntary Shared Leave

Employees in positions covered by this policy shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the State Personnel Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

G. Educational Entitlement

Employees in positions covered by this policy are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by N.C.G.S. § 116-143.

H. Statutory and Other Rules of Employment**1. Privacy of Personnel Records**

Employees in positions covered by this policy enjoy the protections of and are subject to the provisions of Article 7 of N.C.G.S. 126, entitled "The Privacy of State Employee Personnel Records."

2. Employment Preference for Veterans

Employees in positions covered by this policy enjoy the protections of and are subject to the provisions of N.C.G.S. §128-15 and 128-15.1, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.

3. Employment of Related Persons

Employees in positions covered by this policy are subject to the policy concerning employment of related persons. Policy §300.4.2 as it may be revised from time to time.

I. Retirement

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

Adopted 04/11/03

POLICY ON SERIOUS ILLNESS AND DISABILITY LEAVE FOR FACULTY

Each constituent institution must establish a written policy to provide a period of leave for faculty in cases of extraordinary illness, major disability, or for parental purposes.

Nine-month faculty at UNC institutions do not accrue sick leave.¹ However, institutions should anticipate situations in which faculty members, because of serious illness, disability, or family responsibilities, will be unable to perform their duties for an extended period. In addition, under the federal Family and Medical Leave Act (FMLA, 1993), employees are eligible to take paid or unpaid leave up to a total of 12 weeks per year. The North Carolina Family Illness Leave Act (2002) allows for up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent. UNC constituent institutions need written leave policies for faculty that can be coordinated with these policies and with the North Carolina Disability Income Plan.

Serious illness and disability leave policies required by this policy will apply to faculty members who do not accrue sick leave and are eligible to participate in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program [i.e., continuing faculty who are employed at least 75% of full-time].

The President may issue Guidelines for the specific features of these policies, based on the recommendations of the Task Force on Serious Illness and Disability Policies for Faculty (March 2003). Campus policies must be made available as information to current and prospective faculty members.

¹ Individuals employed at the North Carolina School of Science and Mathematics pursuant to its Regulations on Faculty Employment who work at least 75% of full time earn sick leave and are therefore not subject to this Policy.

Adopted 03/15/96
DRAFT 03/05/07

IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

The University of North Carolina 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. The following policies shall apply to all employees and students of the ~~seventeen~~ constituent institutions.

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A. Prohibited Conduct¹

1. 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.
2. 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.

B. Definition of Terms

1. "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.
2. "Related by blood, law or marriage" means:
 - a. Parent and child
 - b. Brother and sister
 - c. Grandparent and grandchild
 - d. Aunt and/or uncle and niece and/or nephew
 - e. First cousins
 - f. Stepparent and stepchild

¹ At the North Carolina School of Science and Mathematics, it is prohibited misconduct for any employee to engage in an amorous relationship or in sexual activity with any enrolled student, except his or her spouse.

- ### C. Corrective Action

Page 2

IMPROVING RETENTION AND GRADUATION RATES

Introduction

The policies adopted by the Board of Governors encourage constituent institutions to decrease the average length of time students take to complete their degrees while maintaining the quality of undergraduate education and the integrity of the baccalaureate degree. In addition, students must also be expected to assume responsibility in planning their academic schedules so as to complete their degrees in a timely manner.

Plan to Improve Retention and Graduation Rates in The University of North Carolina

UNC's plan to improve retention and graduation rates has two elements: (1) University-wide policies and goals that may decrease the average time taken for completion of degrees, including the requirement that each institution perform institutional studies, based on factors that have been identified as causing students to take longer to complete degree requirements, or drop out, and develop an institutional plan to encourage retention and shorter average time to graduation; and (2) campus and University-wide measures to assess the effectiveness of the policies and goals adopted.

The goal is to move the time taken for completion of the baccalaureate degree toward a four-year period for students enrolled full time and continuously throughout their academic careers, or toward the equivalent of eight full-time semesters for part-time students or students who interrupt their enrollment for valid reasons.

I. University-Wide Policies

The Board of Governors has adopted the following policies for all institutions comprising the University of North Carolina except the North Carolina School of Science and Mathematics:¹

1. Undergraduate students are expected to enroll in at least 15 semester hours credit per term. Thus it should be possible for a full-time student to complete most baccalaureate degree programs within four academic years

¹ The North Carolina School of Science and Mathematics shall track data on student attrition, completion rates of its high school curriculum, and high school graduation. See G.S. 116-235.

or the equivalent (eight semesters of full-time study). Effective Fall 1995, baccalaureate degree programs shall be limited to no more than 128 semester hours. Any semester hour requirement beyond 128 must be approved by the Board of Governors. Any program authorized by the Board of Governors to require 135 semester hours or more shall be officially designated as a five-year baccalaureate program. Requests for an exception to the 128 hour limitation for existing programs shall be submitted to the Board of Governors.

2. In all institutional catalogs and also in orientation materials for parents and students, the normal number of hours and length of time required to attain the baccalaureate degree will be prominently displayed along with a description of the factors that may extend the length of time to successful completion of the degree for individual students.
3. The University will sponsor one or more conferences for administrators and faculty on successful strategies to increase retention and graduation rates and reduce the length of time to degree.
4. Recognizing that many students must work while in college, that part-time jobs off-campus are limited in some areas, and that working on campus has a positive correlation with retention and graduation because it limits student's work hours, imposes discipline on student schedules, and provides a stable source of income to help meet college expenses, the Board of Governors supports on-campus employment of students. This employment could reduce the number of "dropouts" for financial reasons and thereby shorten the time to graduation.
5. Each constituent institution shall review and revise or adopt a plan for improving retention, and four- and six-year graduation rates and shortening the average time taken to graduate for students who begin their studies as first-time, full-time freshmen. The plan shall incorporate the policies stated in items 1 and 2, above, and include, but not be limited to, a review of campus policies and practices that may affect retention rates, graduation rates, and time to graduate, with particular attention to the following:
 - a. review baccalaureate degree program graduation requirements to ensure that all programs comply with the semester hour limitations stated in policy 1, above;
 - b. review course schedules for the past three years to determine whether all courses required for graduation are offered on a timely basis and with an adequate number of sections and, where inadequacies are discovered, take steps to correct them;

- c. review the availability of appropriate and timely academic advisement, especially at the freshman level, to assist students in making effective decisions, to increase the potential for students selecting appropriate courses and schedules, to provide students with assistance in selecting a major at the appropriate time in order to reduce excessive changes of majors, and to increase student awareness of the importance for traditional students of enrolling in at least 15 semester hours per semester in order to complete the degree in eight semesters;
- d. review policies and practices governing course withdrawal, course repeat, progression, suspension, and reinstatement policies to ensure that such policies are not encouraging and facilitating behaviors that lengthen time to graduation;
- e. review the specification of courses within majors to determine whether excessive or unnecessary specification or augmentation of general education course for certain majors is increasing course requirements for students changing majors;
- f. review higher than typical institutional grade point average requirements for admission to a major or satisfaction of grade requirements in major courses to ensure that these requirements are not leading students to reduce course loads or to repeat courses unnecessarily, thereby lengthening time to graduation;
- g. review financial aid policies to ensure that students are aware of opportunities for financial aid and that those policies do not encourage part-time or prolonged enrollment.
- h. collect campus and university-wide data on retention, progression, graduation and time to degree and use it to assess factors that contribute to success and factors that may account for a student not being retained, not making adequate progress, or not graduating.
- i. Review campus retention policies and practices in light of data analysis and best practices and revise and adjust policies and practices as appropriate. Track cost of efforts and the need for resources to address retention options.

II. Goal Setting

Each campus, in consultation with the General Administration, shall establish goals for increasing retention and graduation rates and for monitoring the time full- and part-time students take to graduate. The President shall establish guidelines for implementing the goal setting.

III. Measures of Progress and Success

- ⊖ The University has developed a monitoring process that enables it to track retention, graduation and the length of time to degree for both full-time and part-time students as well as other groups such as community college transfers. This report will be produced annually.
- ⊖ The University will use the baccalaureate graduate survey to ask graduates how long they took to complete the baccalaureate degree and, if longer than four years, why.

IV. Campus Reporting

The President will provide guidelines for establishing the goals for retention and graduation and for meeting the reporting requirements in this policy.

Adopted 07/12/96

Amended 02/08/02

THE UNIVERSITY OF NORTH CAROLINA ACADEMIC CALENDAR

Academic Calendars will be structured to provide a minimum of 75 class days per semester—excluding Saturdays, Sundays, and holidays—for a minimum of 150 class days per academic year.¹ The chancellor of the constituent institutions shall submit to the president by October 15 of each year copies of the calendars for the subsequent academic year.

All UNC campuses must ensure that every course offered for academic credit adheres to the standard of a minimum of 750 scheduled minutes of instructional time or the equivalent per credit hour. The time may include required examination periods, but may not include study days. In setting the academic calendar for each semester, campuses may set holiday periods, study days, and final examinations appropriate to accommodate the scheduled classes. In no case may a campus set a calendar that has optional final examinations if the time is considered a part of the required minimum class time.

¹ The standard course of study and academic calendar of the North Carolina School of Science and Mathematics shall be structured in accordance with regulations set by its Board of Trustees. See G.S. 116-235.

UNIVERSITY TEACHING AWARDS

Introduction

At its September 1993 meeting, the Board of Governors adopted a report on *Tenure and Teaching in the University of North Carolina*. The report, prepared jointly by the Board's Committee on Personnel and Tenure and its Committee on Educational Planning, Policies, and Programs, reaffirmed the Board's insistence that teaching is the primary responsibility of each of the 17 constituent institutions of the University. To underscore the importance of teaching and to encourage, identify, recognize, reward, and support good teaching within the University, the Board adopted a set of six specific recommendations, including the following:

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That the Board of Governors create annual systemwide teaching awards with monetary stipends which are designated "Board of Governors Awards for Excellence in Teaching."

I. Annual Awards for Teaching Excellence

- A. The Board of Governors will allocate ~~\$267,000~~ each year for the Awards for Teaching Excellence with approximately one half of the fund (~~\$132,500~~) to be used each year for a system-wide awards program and the other half (~~\$134,500~~) to be used for allocations to campuses for teaching awards.
- B. Each year the chair of the Board of Governors will appoint a special committee, or designate a standing committee such as the Committee on Personnel and Tenure, to provide coordination and oversight for the teaching awards programs.
- C. The program of awards will be evaluated and revised periodically.

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II. System-wide Awards

A. Number of Awards

There shall be a total of 17 Board of Governors Awards annually. One recipient shall be nominated from each of the 17 constituent institutions.

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B. Nature of Awards and Recognition

Each recipient of a Board of Governors Award for Excellence in Teaching will receive a citation and a one-time award of \$7,500. Presentation of the awards will be made at an appropriate event to be attended by recipients and their guests, members of the Board of Governors, the President and vice presidents of the University, the chancellors or their designees, and other guests.

C. Eligibility for Selection

Any faculty member who has earned tenure¹ at the institution and has taught at the institution for at least seven years is eligible. The recipient must have demonstrated excellent or exceptional teaching ability over a sustained period of time. Potential nominees must be teaching in the academic year in which they are selected.

No faculty member will be eligible to receive this award more than once while teaching at any UNC institution.

III. Institutional Teaching Awards

- A. A total of ~~\$134,500~~ will be allocated each year to the ~~17~~ constituent institutions to establish additional faculty awards for teaching excellence.

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- B. Each institution should develop procedures for establishing awards and selecting recipients supported by the Board's allocation.

- C. In establishing these awards, the Board gave special emphasis to the smaller institutions with more limited resources and to those institutions which did not have teaching awards.

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In keeping with this objective the following ~~eight~~ institutions are allocated \$9,500 each: Elizabeth City State University, Fayetteville State University, North Carolina Central University, North Carolina School of the Arts, University of North Carolina at Asheville, University of North Carolina at Pembroke, ~~Winston-Salem State University and North Carolina School of Science and Mathematics~~, with the other nine constituent institutions being allocated \$6,500 each for teaching awards.

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IV. Guidelines for Implementing the Awards for Teaching Excellence

The President will issue guidelines for the nomination and selection of system-wide teaching awards and the allocation of funds for institutional teaching awards.

¹ At the North Carolina School of Science and Mathematics and the North Carolina School of the Arts, a faculty member with a multi-year contract who has taught at the institution for at least seven years is eligible.

Adopted 10/11/91
DRAFT

DESIGNATION OF SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTIONS

The *Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions*, approved by the board on September 13, 1991, were forwarded to the campuses and each chancellor was given the opportunity to request designation as a special responsibility constituent institution. Ten chancellors requested that their institution be designated at the October meeting of the board. The ten institutions were:

East Carolina University
Elizabeth City State University
Fayetteville State University
North Carolina School of the Arts
North Carolina State University at Raleigh
The University of North Carolina at Chapel Hill
The University of North Carolina at Charlotte
The University of North Carolina at Greensboro
The University of North Carolina at Pembroke
The University of North Carolina at Wilmington

In each instance the chancellor indicated his acceptance of the responsibility to carry out the additional authority on behalf of the institution, certified that the selection criteria had been met, and committed to operate under the guidelines approved by the board.

Each request for special designation was reviewed by the senior staff of General Administration, who recommended approval. As required by the legislation, the President consulted with the State Auditor regarding the designation of these ten institutions. Formal designation by the board was the only remaining action required to be taken.

On October 11, 1991, the ten institutions named above were designated special responsibility constituent institutions by the Board of Governors.

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- A resolution designating Western Carolina University as a special responsibility constituent institution was adopted 03/06/92.
 - A resolution designating Appalachian State University as a special responsibility constituent institution was adopted 03/06/92.
 - A resolution designating North Carolina A&T State University as a special responsibility constituent institution was adopted 03/06/92.
 - A resolution designating The University of North Carolina at Asheville as a special responsibility constituent institution was adopted 03/06/92.
 - A resolution designating North Carolina Central University and Winston-Salem State University as special responsibility constituent institutions was adopted 09/10/93.
 - In 1999, the General Assembly awarded the Office of General Administration of The University of North Carolina, special responsibility status. (See N.C.G.S. §§ 116-14 and 116-30.3(e).)

- A resolution awarding special responsibility status to the North Carolina School of Science and Mathematics was adopted 2/8/02.

Adopted 01/11/02
Amended 07/12/02
Amended 01/09/04
Amended 2/11/05

GRANTING OF MANAGEMENT FLEXIBILITY TO APPOINT AND FIX COMPENSATION

A. Purpose

Pursuant to the provisions of Chapter 116 of the General Statutes of North Carolina and in an effort to enhance the administrative efficiency of the University, the Board of Governors hereby delegates to the Boards of Trustees for institutions designated as Special Responsibility Constituent Institutions with management flexibility the authority to administer personnel actions as described in this policy. The authority granted by the Board of Governors is subject to the *Code* of the University of North Carolina, policies of the Board of Governors and all applicable federal and state laws, policies, regulations, and rules. This provision requires each Special Responsibility Constituent Institution to comply with, along with other rules, all rules and regulations concerning equal employment opportunity, to act in recognition of funding availability and constraints within each institution's budget, and to take into account the actions of the Governor, the Office of State Budget and Management, and the General Assembly.

B. Institutional Plans For Management Flexibility For Personnel Appointments

The Board of Governors shall review and approve plans for management flexibility for personnel appointments. Upon approval the Board of Trustees of a Special Responsibility Constituent Institution¹ shall have the authority delegated by this policy. An institutional plan shall include the following:

1. Policies and procedures for the recruitment and selection of senior academic and administrative officers. A campus policy for promotion and tenure² that complies with the *Code* of the University of North Carolina and current federal law, provides for periodic pre-tenure, tenure and promotion review at multiple levels, and provides clear requirements for promotion and the conferral of permanent tenure.
2. A schedule and process for periodic review of promotion and tenure policies and a process for amending promotion and tenure policies that includes a review by the Office of the President.
3. Salary ranges, based on relevant data, for vice chancellors, provosts, deans, and other similarly situated administrators³ that are not included in the annual Board of Governors' study establishing salary ranges.

¹ In order for an institution to have management flexibility for personnel appointments, the institution must be designated and maintain the status of a Special Responsibility Constituent Institution.

² As applied to the North Carolina School of the Arts and the North Carolina School of Science and Mathematics, the terms "tenure policy" or "policy for promotion and tenure," as used herein, refer to the institution's policy governing the appointment of faculty.

³ This would include directors of major administrative, educational, research, and public service activities.

4. Evidence of comprehensive salary studies that establish salary ranges for tenured faculty within different disciplines based on relevant data.⁴
5. Policies governing the compensation of faculty and non-faculty EPA (exempt from the State Personnel Act) from non-state sources such as grants, endowment funds, practice plan funds, etc.
6. Policies governing any non-salary compensation of faculty and non-faculty EPA.
7. Documentation that the campus has not had audit findings related to personnel practices, salary or payroll for the previous three years or evidence that any findings have been remedied.
8. Evidence of appropriate accountability procedures in the event that the Board of Trustees delegates the authority granted pursuant to this policy to the chancellor.

C. Delegation of Authority to Boards of Trustees of Institutions With Management Flexibility

1. Simultaneous with approval by the Board of Governors of an institution's plan for management flexibility in personnel, the Board of Trustees of an institution with management flexibility is delegated the authority, which it may not delegate until further action by the Board of Governors, to:⁵
 - a. Upon recommendation of the chancellor, appoint⁶ and fix the salary and non-salary compensation⁷ for all vice chancellors and senior academic and administrative officers (as defined in Section I.A. of policy 300.1.1 titled "Senior Academic and Administrative Officers") for which the Board of Governors establishes salary ranges. Any salary set by the Board of Trustees shall be established consistent with the salary ranges and the policies of the Board of Governors and the regulations and guidelines established by the Office of the President. Once appointed, all vice chancellors and senior academic and administrative officers will be responsible to the chancellor or the chancellor's designee and will serve at the pleasure of the chancellor.
 - b. Upon recommendation of the chancellor, establish salary ranges for deans and other similarly situated administrators that are not included in the annual Board of Governors' study establishing salary ranges. These salary ranges must be based upon available relevant data.

⁴ When used in this policy, the phrase "relevant data" indicates that the institution shall draw comparisons to peer institutions as approved by the Board of Governors. Data from peer institutions will be used when available except in instances in which a campus can demonstrate legitimate labor market differences that justify the use of a supplemental or alternative set of peer institutions.

⁵ The delegation authorized by this policy is in addition to the delegation by the Board of Governors to the Boards of Trustees contained in the Appendix to the *Code of the University of North Carolina*.

⁶ For the purpose of this policy the term "appoint" means the initial appointment, reappointment, or an appointment that constitutes a promotion or a significant change in position responsibilities.

⁷ Throughout this policy, all actions of a Board of Trustees of a Special Responsibility Constituent Institution to "fix the compensation" of employees are subject to the limitations contained in Section D of this policy, the policies of the Board of Governors, guidelines and regulations established by the Office of the President, and institutional plans, policies and procedures.

c. [Deleted]

d. Upon recommendation of the chancellor and consistent with the approved tenure policies and regulations of each institution, confer permanent tenure.

2. Simultaneous with approval by the Board of Governors of an institution's plan for management flexibility in personnel, upon recommendation of the chancellor and consistent with the approved tenure policies and regulations of each institution, the Board of Trustees is delegated the authority set forth below. Any of the authority set forth below may be delegated to the chancellor.

a. Establish salary ranges within different disciplines based on relevant data, and fix the compensation for faculty with permanent tenure;

b. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors.

c. Appoint and fix salary of deans and other similarly situated administrators that are not included in the annual Board of Governors' study establishing salary ranges. These salary ranges must be based upon available relevant data. The compensation shall be consistent with established ranges, equity studies, and relevant policies, regulations, and guidelines.

d. Award compensation from non-state sources consistent with policies established by the Board of Governors.

3. The Board of Trustees of each institution with management flexibility:

a. Shall, prior to the effective date of implementation, file with the Office of the President the salary ranges and relevant documentation for the administrators for whom the campus has authority for setting ranges or salaries. Such documentation shall be based on relevant data.⁸

b. Shall provide an annual summary to the Board of Governors on personnel actions covered by this delegation. That annual report shall include information regarding:

i. The EPA appointments of all:

a. vice chancellors and provosts

b. senior academic and administrative officers for which the Board of Governors establishes salary ranges

c. deans, and other similarly-situated administrators

ii. The conferral of tenure;

iii. The salary and non-salary compensation for all positions listed in subpart C.(3)(b)(i) above;

iv. The most recent analysis of equity issues relevant to the employment of faculty and administrators;

⁸ See Footnote 4.

- v. Audit findings related to weaknesses in the internal control structure, deficiencies in the accounting records, and noncompliance with rules and regulations or any other instances where significant findings are identified. The report should specifically detail any findings regarding personnel practices, salary or payroll for the previous year and remedial action taken in response to audit findings.
- c. Shall submit to the Board of Governors for review, at least 30 days prior to a regularly scheduled meeting, all new or modified compensation policies and salary ranges established for faculty with permanent tenure and senior academic and administrative officer positions.

D. Responsibility of the Board of Governors and the President

1. In consultation with the President, the Board of Governors shall:

- a. Issue a resolution each year interpreting legislative action regarding salaries. Annually set salary ranges for chancellors, vice chancellors, and members of the Office of the President senior staff.⁹ These ranges will be based upon relevant available data.
- b. Establish the salary range of any new vice chancellors. Any significant changes in the organizational structure of a constituent institution, such as re-organization resulting in the creation of a new vice-chancellor, dean or equivalent administrative position, shall be approved by the President.
- c. Annually review the salaries set by the medical schools at the University of North Carolina at Chapel Hill and East Carolina University to ensure that the salaries are coordinated and are consistent with relevant data in a national medical labor market.
- d. Review and approve proposed salary increases in instances in which the salary of any employee exempt from the State Personnel Act or faculty member (1) exceeds the established salary range or (2) exceeds, the salary in effect at the end of the last fiscal year both by ten thousand dollars or more and by fifteen percent or more.¹⁰
- e. Establish chancellors' salaries and salaries of the President's senior staff based on recommendations from the President.¹¹
- f. Provide periodic faculty salary studies based on peer data.¹²

⁹ Pursuant to NCGS §116-11(13), and notwithstanding *The Code* or any other Board of Governors policy, the Board of Governors has delegated certain authorities to the President of the University. See Policy 200.6, *Delegation Authority to the President of the University*, adopted 11/13/06.

¹⁰ Except to current employees appointed to a new position after a competitive process or to current employees promoted to higher rank consistent with campus policies or conversion from nine (9) months to a longer annual term.

¹¹ See Footnote 9 above.

- g. Approve contracts for the chancellors and the President.
 - h. Consistent with the Board of Governor's responsibility for ensuring accountability, conduct performance audits on policies, practices, and other matters related to Management Flexibility implementation and operation at constituent institutions to which this flexibility has been granted.
- 2. For institutions designated as institutions with management flexibility the President and the Board of Governors shall have the same responsibilities and authority as set forth in the policy on Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions.¹³
 - 3. The Personnel and Tenure Committee of the Board of Governors reserves the right to withdraw the granting of management flexibility to any institution that does not adhere to the policies and procedures set forth in this policy. Should this occur, the Board of Governors will notify the institution of the discrepancies, and if they are not adequately addressed, in the judgment of the Board of Governors, then the management flexibility shall be withdrawn. This will mean another review process will have to be conducted and flexibility reinstated under the original procedure.

E. Implementation of the Delegated Authority

- 1. Special Responsibility Constituent Institutions seeking to obtain management flexibility may submit a plan to the Senior Vice President for Academic Affairs for review and approval by the Board of Governors or the Personnel and Tenure Committee of the Board on any date after March 1, 2002.
- 2. The delegation authorized by this policy is not effective until the date set upon the approval of the institution's plan for management flexibility for personnel appointments.
- 3. The Personnel and Tenure Committee of the Board of Governors is hereby authorized to approve plans submitted by a Special Responsibility Constituent institution and to grant management flexibility for personnel appointments. The committee shall report to the Board of Governors, prior to the effective date of the delegation, those institutions approved for management flexibility for personnel appointments by the Committee.

¹² The Board of Trustees of the North Carolina School of Science and Mathematics will set its faculty salary schedule to be comparable to the teacher salary schedule for the highest paid of any public school teachers in North Carolina.

¹³ See §600.3.1 of the University of North Carolina Policy Manual and in particular §600.3.1.A.2.

Adopted 02/10/84
 Amended 04/12/00
 Amended 04/11/03
 DRAFT

MINIMUM REQUIREMENTS FOR UNDERGRADUATE ADMISSION

I. MINIMUM COURSE REQUIREMENTS

In addition to the requirement that students should hold a high school diploma or its equivalent, the University of North Carolina Board of Governors has, since 1988, established minimum course requirements for undergraduate admission.¹ The requirements in effect in 2001-02 were first implemented in the fall of 1990, and will continue until the fall semester of 2004, when a second language requirement will be added. Effective in the fall of 2006, a fourth unit of mathematics will be required for admission. These requirements are summarized below. They are based on actions taken by the Board on April 14, 2000, in response to the report *Background on the Increase in UNC Board of Governors' Minimum Course Requirements for Undergraduate Admission*, which is available on the world wide web at: www.ga.unc.edu/UNCGA/assessment/MCR_BACKINFO.pdf.

Effective until Fall 2004

Four course units² in **English** emphasizing grammar, composition, and literature, and

Three course units of **mathematics**, in any of the following combinations:

- algebra I and II, and geometry,
- algebra I and II, and one unit beyond algebra II, or
- integrated math I, II, and III.

It is recommended that prospective students take a mathematics course unit in the twelfth grade.

Three course units in **science**, including

- at least one unit in a life or **biological science** (for example, biology),
- at least one unit in **physical science** (for example, physical science, chemistry, physics), and
- at least one **laboratory course**.

Two course units in **social studies**, including one unit in **U.S. history**, but an applicant who does not have the unit in U.S. history may be admitted on the condition that at least three semester hours in that subject will be passed by the end of the sophomore year.

¹ The standard course of study required for graduation from the North Carolina School of Science and Mathematics shall meet or exceed these minimum course requirements. See G.S. 116-235.

² "Course units" as defined in these requirements may include those high school-level courses taken and passed by an applicant after graduating from high school, as well as those taken while enrolled as a high school student. For some transfer students and students who graduated from high school prior to 1990, special considerations have been made.

Effective in Fall 2004 and Fall 2005

Six course units in **language**, including

- four units in **English** emphasizing grammar, composition, and literature, and
- two units of a **language other than English**.

Three course units of **mathematics**, in any of the following combinations:

- algebra I and II, and geometry,
- algebra I and II, and one unit beyond algebra II, or
- integrated math I, II, and III.

It is recommended that prospective students take a mathematics course unit in the twelfth grade.

Three course units in **science**, including

- at least one unit in a life or **biological science** (for example, biology),
- at least one unit in **physical science** (for example, physical science, chemistry, physics), and
- at least one **laboratory course**.

Two course units in **social studies**, including one unit in **U.S. history**, but an applicant who does not have the unit in U.S. history may be admitted on the condition that at least three semester hours in that subject will be passed by the end of the sophomore year.

Effective in Fall 2006

Six course units in **language**, including

- four units in **English** emphasizing grammar, composition, and literature, and
- two units of a **language other than English**.

Four course units of **mathematics**, in any of the following combinations:

- algebra I and II, geometry, and one unit beyond algebra II,
- algebra I and II, and two units beyond algebra II, or
- integrated math I, II, and III, and one unit beyond integrated math III.

(The fourth unit of math affects applicants to all institutions except the North Carolina School of the Arts.) It is recommended that prospective students take a mathematics course unit in the twelfth grade.

Three course units in **science**, including

- at least one unit in a life or **biological science** (for example, biology),
- at least one unit in **physical science** (for example, physical science, chemistry, physics), and
- at least one **laboratory course**.

Two course units in **social studies**, including one unit in **U.S. history**, but an applicant who does not have the unit in U.S. history may be admitted on the condition that at least three semester hours in that subject will be passed by the end of the sophomore year.

Articulation with Graduation Requirements in the North Carolina Public High Schools

Following the board's change in minimum course requirements, the North Carolina State Board of Education revised the requirements for high school graduation by offering four courses of study: (1) career; (2) college tech prep; (3) college prep; and (4) occupational. These requirements are summarized below. Option 3 tracks the UNC minimum course requirements closely.

NC COURSE OF STUDY GRADUATION REQUIREMENTS*

Content Area	CAREER Course of Study Requirements	COLLEGE TECH PREP Course of Study Requirements	COLLEGE PREP Course of Study (UNC 4-yr. College) Requirements	OCCUPATIONAL Course of Study
English I, II, III, IV	4 credits I, II, III, IV	4 credits I, II, III, IV	4 credits I, II, III, IV	This course of study shall be made available for certain students with disabilities who have an IEP, beginning with first time ninth graders in 2000-01. Curriculum content requirements will be presented to the State Board of Education by May 2000.
Mathematics	3 credits Including Algebra I	3 credits Alg. I, Geometry, Alg. II or Alg. I, Technical Math I & II or Integrated Mathematics I, II & III	3 credits Alg. I, Alg. II, Geometry (or higher level math course for which Alg. II is prerequisite) (Recommended one course unit in 12 th grade) or Integrated Mathematics I, II & III	
Science	3 credits a physical science course Biology earth/env. science	3 credits a physical science course related to career pathway (CP) Biology earth/env. science	3 credits a physical science course a life or biological course (Biology) earth/env. science	
Social Studies	3 credits Govt./Econ. (ELPS) US History World Studies	3 credits Govt./Econ. (ELPS) US History World Studies	3 credits Govt./Econ. (ELPS) US History World Studies (UNC admission policy requires 2 courses to meet minimum admission requirements – US History and 1 elective)	
Second Language	Not Required	Not Required	Not Required Recommended at least two (2) course units in one second language with one course unit taken in 12 th grade	

* Effective for ninth graders entering for the first time in 2000-01.

Note: Courses that meet the following requirements may be taken prior to grade 9: Algebra I & II, Geometry, Advanced Math, Technical Math I & II, English I, Biology, ELPS, US History, World Studies. However, the student must still complete the required number of courses for that subject area in grades in 9-12.

Computer Skills	A specific course is not required but students must demonstrate proficiency through state testing (starting with the graduating class of 2001)	A specific course is not required but students must demonstrate proficiency through state testing (starting with the graduating class of 2001)	A specific course is not required but students must demonstrate proficiency through state testing (starting with the graduating class of 2001)	
Health & Physical Ed.	1 credit Health/Phys. Ed.	1 credit Health/Phys. Ed.	1 credit Health/Phys. Ed.	
Career/Technical	4 units of credits Select courses appropriate for career pathway to include a second level (advanced) course	4 units of credits Select courses appropriate for career pathway to include a second level (advanced) course	Not required	
Arts Ed. (Visual Arts, Dance, Music, Theatre Arts)	Not required (local decision)	Not required (local decision)	Not required (local decision)	
Electives or other requirements	2 Elective Credits and other credits designated by the LEA Proficiency on exit exam	2 Elective Credits and other credits designated by the LEA Proficiency on exit exam	6 Elective Credits and other credits designated by the LEA Proficiency on exit exam	
Total	Depends on local requirements	Depends on local requirements	Depends on local requirements	

Notification of Stakeholders and Educational Policymakers

The President is directed to develop plans and further recommendations to inform key stakeholders and educational policymakers of the changes in requirements.

II. OTHER ADMISSIONS REQUIREMENTS

All applicants for admission to any campus, except those exempted by current campus policies, must submit a standardized test score. The SAT I is preferred, but students may also submit the ACT.

Students applying for admission for fall 2006 or after, for whom standardized test scores are required, must submit either the new SAT I (which includes the writing component) or the ACT with the writing component. The ACT without the writing component will not be acceptable as a standardized test for admission after the spring semester of 2006.

The President may establish regulations to implement this policy.

Adopted 03/14/86
Amended 02/10/95
DRAFT

OUT-OF-STATE UNDERGRADUATE ENROLLMENT

To insure that constituent institutions maintain a level of out-of-state undergraduate enrollment consistent with historical University policy and tradition, and one consistent with strong and balanced educational programs, it is recommended that the Board of Governors adopt this statement of policy:¹

- (a) Each constituent institution, except the North Carolina School of the Arts, shall take necessary steps to limit the proportion of out-of-state students in the entering freshman class to not more than 18 percent by the fall of 1988. In any instance in which a chancellor believes that his institution would suffer serious problems or hardships in reaching this limit within the time provided, he may petition the President and the Board of Governors for an extension of time to meet the 18 per cent limit, which petition may be granted on an annual basis not to extend beyond the fall of 1990. The petition shall set forth the reason for the request, the steps taken by the institution in furtherance of the policy, and the progress made. The chancellor shall furnish such other information as may be requested by the President.
- (b) The President shall monitor progress toward this goal, and shall make interim reports on fall 1986, and fall 1987, enrollments to the board.
- (c) The board shall review this policy in 1988-89 and consider then whether amendments should be made or further measures adopted.
- (d) It is the board's expectation that institutions will admit only academically well-qualified out-of-state students. In any year in which the average combined SAT score for out-of-state freshmen is below that for North Carolina freshmen, the President shall require a written report from the chancellor. The President will include in his interim reports to the board information on the average combined SAT scores for both groups of freshmen.
- (e) Beginning with the fall of 1994, any constituent institution, except the North Carolina School of the Arts, that exceeds the 18% out-of-state freshman enrollment limitation prescribed in paragraph (a) above for two consecutive fiscal years shall have its State operating budget reduced. This reduction shall be made in the second fiscal year in which the two consecutive fiscal year condition is violated; the reduction shall be made, on a non-recurring basis, immediately after the Board of Governors approves the annual enrollment report at its November meeting. The budget reduction shall be based on the number of out-of-state freshmen enrolled in excess of the 18% limitation and the established method used for calculating the operating requirements for regular term enrollment changes.

¹ The North Carolina School of Science and Mathematics may not admit or enroll out-of-state students. See G.S. 116-235.

Adopted 11/08/02
DRAFT

POLICY ON MINIMUM SUBSTANTIVE AND PROCEDURAL STANDARDS FOR STUDENT DISCIPLINARY PROCEEDINGS

The purpose of this policy is to establish legally supportable, fair, effective and efficient procedures for student disciplinary proceedings. The minimum standards for these proceedings are set out below. These minimum standards exceed the requirements of due process and therefore complying with requirements will also result in providing due process.

- I. Elements of Policy:
The two kinds of standards that must be followed are procedural standards and substantive standards.
- II. Procedural: The procedural standards require notice and an opportunity for a hearing. The formality of these provisions will vary depending on the seriousness of the offense. (See Sections V and VI. below.)
- III. Substantive: Substantive standards require that the decision reached be neither arbitrary nor capricious. Generally this means that there is some evidence to support the decision reached.
- IV. Notice Requirements: Each constituent institution must define what conduct is prohibited and specify the types of sanctions that may be imposed for each category of prohibited conduct. Ranges of violations and ranges of sanctions are permissible. Progressive sanctions for multiple violations are also legitimate. A periodic review should be undertaken to insure that rules, codes and regulations are up to date and that the students have notice of any changes.
- V. Requirements for Minor Violations:
A minor violation is one for which the possible sanctions are less than suspension and expulsion.
 - A. Procedural Requirements:
 1. Charges may be brought by students, university officials, faculty members or staff members. The charge must be in writing and must include factual information supporting the allegation. Anonymous charges will not be permitted.
 2. A designated university official will determine whether charge is to be pursued. This determination should be made within a specified amount of time (e.g. thirty (30) calendar days) after the

initiation of the charge. Reasonable extensions of this time are permissible.

3. If a charge is to be pursued, it is then referred to a hearing official or body. The student must be notified in writing of charge, the referral and the hearing date. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice, unless the student agrees to an earlier hearing date. A committee member or the hearing official who has a conflict with, bias about or interest in the case should recuse himself. If the committee member or the hearing official refuses to recuse himself, a designated university official shall make the recusal decision.
4. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with paragraph IV above. The waiver and acceptance must be in writing and signed by the student.
5. If a hearing is held, it may occur as a meeting between the hearing committee/official and the student. It will be a closed meeting. No attorneys are allowed in this proceeding except as provided in paragraph VII.A. below. The institution shall assure that students have the capability to present their evidence and defenses at the meeting or hearing. Witness testimony and documents may be received from both the designated university official and the student, who will both be present during all of the evidentiary presentation. At the end of the hearing, the committee/official will determine whether the designated university official has shown by a preponderance of the evidence that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing or meeting. The committee/official will also determine the appropriate sanction within the ranges specified in the definitions in IV above.
6. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed 45 calendar days after the date of the hearing. The final administrative decision must be transmitted to the student in writing within ten (10) calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

7. Appeal rights must be specified in the decision letter. At least one level of administrative appeal must be permitted and the time in which to appeal and the permitted grounds for the appeal must be articulated. Further appellate opportunities shall be governed by the *Code* of the University of North Carolina.

B. Substantive Requirements: In each case there must be sufficient evidence supporting the decision and the sanction.

VI. Serious Violations:

A serious violation is one for which the possible sanctions include suspension or expulsion.

A. Procedural Requirements:

1. Charges may be brought by students, university officials, faculty members or staff members. The charge must be in writing and must include factual information supporting the allegation. Anonymous charges will not be permitted.
2. A designated university official determines whether charge is to be pursued. This determination should be made within a specified amount of time (e.g. thirty (30) calendar days) after the initiation of the charge. Reasonable extensions of this time are permissible. Written notice to the student must be provided if a decision is made to pursue the charge. The notice should specify the offense charged, the possible sanctions and a brief recitation of the factual allegations supporting the charge. For all charged offenses which could result in expulsion, the notice must include this possibility and must specify that expulsion precludes matriculation at any UNC constituent institution.
3. An active charge is then referred to a hearing official or body. The student must be notified in writing of the referral. This notice may include a hearing date. The hearing date may not be scheduled for at least ten (10) calendar days after the student receives notice of the referral, unless the student agrees to an earlier hearing date. Reasonable extensions of time for either party to prepare for the hearing should be allowed.
4. If a hearing date is not set in the notice of the charge, written notice of the hearing date must be sent to be received by the student not less than five (5) calendar days before the proceeding is scheduled for hearing.

5. The student may waive the hearing and accept a sanction proposed by a designated university official. The sanction must be within the ranges specified in accordance with paragraph IV above. The designated university official must determine that the waiver and acceptance is voluntary and that the charge and sanction have factual support. The waiver and acceptance must be in writing and signed by the student and the designated university official.
6. Prior to the hearing, the student must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.
7. A committee member or hearing official who has a conflict with, bias about or an interest in a case must recuse himself. If the committee member refuses to recuse himself, a designated university official will make the recusal decision. The student must also be given the opportunity to challenge a committee member or hearing official on these grounds. The decision on the challenge must be made by the committee or official within five calendar days. If necessary, a substituted committee member or hearing official will be appointed.
8. The institution shall assure that students have the capability to present their evidence and defenses at the hearings. The method for assuring this capability may vary depending on the nature of the case and on the nature of the representation of the institution or the charging party. Each institution must have a policy delineating the participation or prohibition of attorneys. Representation or assistance by attorneys at the hearing is neither required nor encouraged.
9. The hearing will be closed to the public, unless a constituent institution's policy provides otherwise.
10. A transcript or other verbatim record of the hearing (but not of the deliberations) will be prepared. The institution will be responsible for the costs of this record.
11. At the hearing, a designated university official must present sufficient witness and/or documentary evidence to establish the violation. The student must be given an opportunity to question this evidence, either by direct questions or inquiries transmitted through the committee or hearing official.

12. The student must be given the opportunity to present any witness or documentary evidence that he offers, provided that the evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students.
13. At the conclusion of the evidence, the committee/official will determine whether the charging official has shown by a preponderance of the evidence, or by such higher standard as the institution may adopt, that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing. The committee or official will also determine the appropriate sanction within the ranges specified in accordance with paragraph IV above.
14. The decision may be final or it may be a recommendation for a final decision by a designated university official. The final administrative decision must be reached within a specified amount of time, not to exceed forty five (45) calendar days after the hearing is completed. The final administrative decision must be transmitted in writing to the student within ten (10) calendar days of the date the decision is made and must contain a brief summary of the evidence upon which the decision is based.
15. A vice chancellor or his delegate must make the final administrative determination in all suspension cases. The delegation may be to a student committee or a student/employee committee.
16. The Chancellor or a vice chancellor must make the final administrative decision in all expulsion cases.
17. Appeal rights must be specified in the final decision letter. At least one level of institutional appeal must be permitted, and the time limits in which to appeal and the permitted grounds for appeal must be articulated.
18. Further appeals shall be governed by the *Code* of the University of North Carolina.

- B. Substantive Requirements: In each case there must be sufficient evidence supporting the decision and the sanction.

VII. Special Cases:

- A. If the offense charged is also the subject of pending criminal charges, the institution must allow an attorney advisor to accompany the student to the hearing. Unless institutional policy generally allows attorneys to

participate, the attorney may not participate. The attorney may confer with the student during the hearing so long as the attorney does not address the hearing official or committee, other parties or witnesses and does not delay or disrupt the proceeding.

- B. Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents to such a proceeding.
- C. Pursuant to the Campus Security Act,¹ in cases of alleged sexual assault, the accuser and the accused are entitled to have the same opportunities to have others present during a disciplinary proceeding.
- D. Pursuant to FERPA, victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.
- E. When a student with a disability is charged with an offense, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans With Disabilities Act are met.

Effective Date: This policy applies to all offenses committed on or after July 1, 2003.

¹ The disciplinary records of high school students at the North Carolina School of Science and Mathematics described in Sections VII.C.-D. of this Policy may not be disclosed without appropriate consent. [CFR 99.31(a)(13)]

Adopted 02/09/73
 Amended 06/18/73
 Amended 07/12/74
 Amended 06/11/93
 Amended 02/14/03
 DRAFT

ESTABLISHING TUITION AND FEES

The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense. –North Carolina Constitution, Article IX, Section 9

I. ESTABLISHING TUITION

This citation from the North Carolina Constitution sets the parameters for establishing resident tuition rates at the constituent institutions of The University of North Carolina. The constitutional provisions for setting tuition are codified in General Statute 116-11(7), which states, in part, *"The Board (of Governors) shall set tuition and required fees at the institutions, not inconsistent with actions of the General Assembly."* This statute governed the setting of tuition rates for both resident and nonresident students from 1971 through 1999 during which time the Board of Governors recommended no tuition increases except as required by statute. This policy outlines the framework to be followed by the Board in establishing tuition levels for constituent institutions,¹ commencing with academic year 2003-2004. Tuition is charged to students enrolled in academic programs during regular terms, summer sessions or through off-campus distance instruction and is used to partially defray the costs of general academic and administrative operations of campuses, including academic programs and faculty and administrative salaries and benefits.

1. *Board-initiated Tuition Rates*

A. *Undergraduate Tuition – General Policy*

The appropriate tuition policy at the undergraduate level encourages students to pursue academic and intellectual interests without regard to program costs. Accordingly, no difference in tuition between undergraduate programs will occur within an institution, and there will be only minimal differences in undergraduate tuition among campuses in similar institutional categories as defined by the Board to reflect both varying missions and contrasting costs of education. Deviation in

¹ Consistent with GS 116-143, no tuition or fees may be charged to students in the high school program at the North Carolina School of Science and Mathematics. Service charges may be established consistent with Section II.2. below.

undergraduate tuition among campuses in different institutional categories will be based upon institutional offerings and will be reasonable.

B. Graduate and Professional Tuition – General Policy

The Board will attempt to extend the principle that tuition be set as low as practicable to graduate and professional students as well as those at the undergraduate level. The financial structure and educational purposes of graduate and professional education, however, are sufficiently different from undergraduate education that distinct tuition policies at the graduate and professional level will be permitted. The application of what is “practicable” varies by level of instruction for a number of reasons, and those differences will be reflected in the tuition policies associated with each.

The Board will apply Article IX, Section 9 of the North Carolina Constitution to graduate and professional level students but with the realization that the costs, sources of funds and purposes of graduate and professional education are materially different from undergraduate education. Tuition for graduate and professional students will be set with an understanding that tuition revenues may be needed to maintain and increase the excellence of the University’s graduate and professional programs. In setting tuition rates, the Board will consider the need to provide access to these programs for students irrespective of their financial capacity as well as the desire to attract and retain the best students to serve North Carolina’s needs in each field.

C. Tuition for Nonresident Students - General Policy

Under General Statute 116-144, the Board of Governors is required to set tuition rates for nonresident students at levels “...higher than the rates charged residents of North Carolina and comparable to the rates charged nonresident students by comparable public institutions nationwide. . . .” In complying with the statute, the Board will set tuition for nonresident students after considering the results of a review of rates set by comparable public institutions nationwide. The Board will further consider the need for tuition remissions for nonresident graduate students when setting tuition rates and tuition remission policies.

D. Process for Setting Board-initiated Tuition Rates

- i. Proposed increases in general tuition rates are to be recommended by the President for consideration by the Board. The President will seek counsel from University Chancellors and a committee of campus representatives appointed by each chancellor, before making the recommendations for tuition changes. The committee of campus representatives appointed by each chancellor will include students.
- ii. The President, the chancellors and the committee of campus representatives will consider a number of factors in deciding whether

to recommend changes to general tuition rates in any given year. After the President recommends any action to the Board of Governors, the Board will also consider those factors, which include:

- a. Availability of State general fund revenue to maintain quality and access within the campuses of the University of North Carolina;
 - b. Evidence of institutional efforts to manage costs through increases in productivity, budget flexibility, and/or efficiency improvements;
 - c. Analysis of the impact of tuition and fee charges on student access to the campuses of the University of North Carolina as measured by the college-going rate and other metrics so as not to limit access to the University;
 - d. Changes in various price and income indices (e.g., North Carolina per capita personal income, Consumer Price Index, Higher Education Price Index);
 - e. The current level of student charges (tuition, fees, room and board) at UNC institutions and whether campuses have proposed campus or program tuition differentials for the budget period that would be in addition to general increases in tuition;
 - f. Analysis of student indebtedness levels within the University, viewed in the context of student attrition rates;
 - g. Availability of financial aid and tuition remission and amount of unmet need. Financial aid should be reviewed in the context of the different missions of the institutions, the diverse capacities of the institutions to provide financial assistance and the contrasting needs of students attending the institutions.
- iii. In academic years ending in odd numbers (e.g., June 30, 2003, the long session of the General Assembly), the Board will act by October of the preceding year or when it adopts its biennial budget request to establish the University's general tuition rates for the next academic year. This timing allows Board action on tuition to be incorporated into the University's budget request as part of its overall financing plan. In academic years ending in even numbers when the Board prepares a supplemental budget request, the Board will set Board-initiated tuition rates in conjunction with its establishment of campus-initiated tuition rates.

2. *Campus-initiated Tuition Rates*

- A. Campuses may request increases in tuition to provide revenue for specific purposes and programs. Revenue generated from a campus-initiated change in tuition rates will be accounted for in the budget of the originating campus and transferred within the institution by the chancellor in accordance with the priorities identified in the approved campus proposal.

B. *Undergraduate Tuition*

The Board recognizes that campuses may experience circumstances that suggest that an across-the-board change in undergraduate tuition may be needed at one or more institutions. In the event that circumstances lead a campus or campuses to the conclusion that a change in undergraduate tuition rates is needed, campuses are permitted to bring proposals for undergraduate tuition changes before the Board for its consideration. Campuses wishing to submit requests for undergraduate tuition changes will conduct a process that includes consultation with participation by students. A campus will consider the following factors when creating an undergraduate tuition proposal.

- i. Availability of State general fund revenue to maintain quality and access within the campuses of the University of North Carolina;
- ii. Evidence of institutional efforts to manage costs through increases in productivity, budget flexibility, and/or efficiency improvements;
- iii. Analysis of the impact of tuition and fee charges on student access to the campuses of the University of North Carolina as measured by the college-going rate and other metrics so as not to limit access to the University;
- iv. Changes in various price and income indices (e.g., North Carolina per capita personal income, Consumer Price Index, Higher Education Price Index);
- v. The current level of student charges (tuition, fees, room and board) at UNC institutions and whether campuses have proposed campus or program tuition differentials for the budget period that would be in addition to general increases in tuition;
- vi. Analysis of student indebtedness levels within the University, viewed in the context of student attrition rates;
- vii. Availability of financial aid and tuition remission and amount of unmet need. Financial aid should be reviewed in the context of the

different missions of the institutions, the diverse capacities of the institutions to provide financial assistance and the contrasting needs of students attending the institutions.

- viii. A plan for the intended use of additional tuition receipts (e.g., needed improvements to the educational program, funding for competitive salary increases, financial aid, etc.)

3. *Graduate and Professional Tuition*

The Board of Governors will permit individual campuses to initiate requests for Board approval of different base or program tuition rates at the graduate and professional level. If a campus explores the possibility of developing such a request, it will present evidence to ensure that students in the affected graduate and/or professional programs have been consulted. Tuition for graduate and professional students will be set with an emphasis on maintaining and increasing the excellence of the campus' graduate and professional programs as well as ensuring access. To the extent possible, there should be full tuition remission for graduate assistants to improve a campus' competitiveness in recruiting and retaining highly qualified nonresident graduate students.

In reviewing potential criteria to recommend as a basis for deciding when specific graduate or professional tuition differentials may be appropriate at a particular institution, a flexible policy framework that allows judgments to be reached based on a number of factors is preferable either to cost-based formulas or to discipline or program typologies that treat all academic or professional programs the same. In particular, a flexible approach based on the unique factors associated with specific programs is desirable because of the potential mix of graduate and professional programs that one may find within any given school or college; e.g., a professional school may offer a Ph.D. program in addition to one or more professional degree programs. Therefore, the campuses will consider the following factors in developing graduate and professional school tuition proposals.

- A. The anticipated impact of a proposed change on program quality;
- B. The projected impact of a proposed change in tuition on access for North Carolina residents;
- C. The availability of student financial aid for students with economic need and of tuition remission;
- D. The extent to which current and prospective students can afford possible increases in tuition;
- E. The relationship of projected tuition revenue to institutional and/or program costs;
- F. Tuition and fees, net of remissions and waivers, charged by peer institutions or programs, as compared to tuition and fees, net of remissions, at the UNC

institution or program (the public subsidy received by students at public institutions or programs in the peer set, including the UNC institution or program in question, will also be identified as part of the comparison);

- G. A plan for the intended use of additional tuition receipts (e.g., needed improvements to the educational program, funding for competitive salary increases, financial aid, etc.); and
- H. Assistantships or grant support for graduate students;
- I. Analysis of student indebtedness levels within the University.

4. *Timing and Review of Board Action*

The Board will act by February of each year, or as soon as possible thereafter, to establish the University's campus-initiated tuition rates for the next academic year. Setting campus-initiated tuition rates by February will permit students and their families to know in early spring what their tuition charges for the fall semester will be, assuming consistency between the actions of the Board of Governors and the General Assembly. Moreover, an institution is required to submit a one-time report at the end of the first full biennium following an approved campus-initiated tuition rate increase in order to confirm that the additional revenues were used as the Board intended in approving the campus request. This will ensure the accountability of a campus for its tuition proposals as well as enable the Board to maintain the University's accountability to the State.

5. *Tuition Requests in Context of Long Range Plans*

All proposals for campus-based tuition increases will include the campus' plan for other tuition increases for a prospective period of five years, including the year of the current application.

6. *Individual Consideration of Campus Request*

The Board will review each campus-based tuition request on an individual basis, within the context of the University's long range plan, the need for Board-initiated tuition increases, the state's economic environment, and the financial impact on students. The Board is obligated to exercise its discretion in granting, modifying or denying a campus request.

II. ESTABLISHING FEES.

The Board of Governors is responsible for establishing fees at the constituent institutions of the University consistent with the philosophy set forth in the North Carolina constitution. Fees will be charged only for limited, dedicated purposes and shall not be used to defray the costs of general academic and administrative operations of campuses,

including academic programs and faculty and administrative salaries and benefits. Consistent with the above citation, the Board will make every effort to keep fees for students as low as possible while providing the revenues needed to support the purposes for which the fees are charged.

Each year, the Board establishes the fees listed below. All fees established shall be based upon the recommendation of the chancellor, the institutional Board of Trustees, and following his or her review, the President. Excluding the application fee charged to prospective students, all fees set by the Board are annual fees. Once an annual fee has been established, semester rates, summer rates, and part-time rates shall be established by the President. It is the policy of the Board to act no later than February of each year to establish fees for the following fall semester.

1. Although the General Assembly provides for most of the instructional costs of institutions through State appropriations, institutions traditionally rely entirely on student fees to finance a number of activities, services, and facilities. Institutional Boards of Trustees are required to weight the benefits of the activity, facility or service against the fee required to provide financial support. Orientation sessions for the Boards of Trustees will regularly include discussions of the process followed when establishing student fees.
 - A. *Application Fee.* An application fee shall be established for each institution. Specific programs within an institution may require an application fee different from the fee charged for most students and the Board may set different fees according to program needs.
 - B. *General Fees.* Fees generally applicable to all students shall be established by the Board of Governors. Four general fees are authorized: athletic fees, health services fees, student activity fees, and educational and technology fees.
 - C. *Fees Related to the Retirement of Debt Incurred for Capital Projects.* Fees generally applicable to all students that provide revenues for the retirement of debt shall be fixed by the Board of Governors at the time of the borrowing. Indebtedness fees may not include components for operations and maintenance but shall reflect the cost of servicing the debt at the coverage levels required in Board resolutions and other documents authorizing the debt. Changes in fees required subsequent to the issuance of the debt may be approved by the President upon the request of the chancellor. Indebtedness fees expire when the related debt is retired.
 - D. *Special Fees.* Fees applicable only to students engaged in particular activities or courses of study shall be established by the Board of Governors when needed. These fees will not be used to provide general academic revenues that will be provided for from campus-initiated tuition increases.
2. Each chancellor is authorized to establish miscellaneous service charges for such items as transcripts, diplomas, caps & gowns, special examinations, late registrations,

and replacement of I.D. cards. A schedule of such charges shall be filed with the President prior to the beginning of each school year.²

3. The process for establishing fees shall be as follows:

A. In academic years ending in odd numbers (e.g., June 30, 2003, prior to the short session of the General Assembly in 2004), the process shall be initiated at the beginning of the fall semester and contain the following steps.

- i. The Vice President for Finance shall issue instructions to the campus chancellors calling for them to initiate a review of fees.
- ii. Each chancellor shall establish a fee review committee with representatives of all aspects of campus life, including, but not limited to, representatives from Business Affairs, Student Affairs, the Financial Aid Office, and the student body. The Committee shall conduct a complete review of student fees from a zero-based budgeting perspective and shall make recommendations to the chancellor for establishing fees effective with the upcoming fall semester. The review will include an examination of alternative resources, including available institutional reserves, to determine if other funding is available to provide the services in lieu of establishing the fee. The review will include a reassessment of the existing operating methods to ensure that operations are performed in a cost-effective manner. If the committee determines that an increase in a fee is needed, the committee shall attempt to decrease another fee so that the total cost of education for students does not increase. In order to ensure that all students are able to meet the increased cost of education, the university's financial aid officer, working with the committee, shall determine that sufficient financial aid is available, from whatever sources are possible.
- iii. The chancellor shall review the recommendations of the Committee and present recommendations to the Board of Trustees for review and approval. Before a chancellor makes recommendations to the Board of Trustees, the recommendations of the fee review committee will be shared with student government leaders so that students may inform the chancellor of their perspectives on the proposed changes.
- iv. The recommendations of the Board of Trustees will be forwarded to the President for review.

² The Chancellor of the North Carolina School of Science and Mathematics shall transmit by July 1 of each year a schedule of service charges at that institution for approval by the President.

- v. When the review is completed, the President will present fee recommendations to the Budget and Finance Committee for consideration by the Board of Governors.

Each step in the process shall be an iterative and comprehensive review of the previous step, resulting in changes to the fee recommendations as deemed appropriate.

- B. In academic years ending in even numbers (e.g., June 30, 2004, prior to the long session of the General Assembly in 2005), fee increase proposals submitted by the institutional Board of Trustees to the President may be approved by the President if the increase provides only for the following:
 - i. Additional revenues equal to the amount required for funding compensation increases for fee-supported employees at a level equivalent to the previous years' compensation increases authorized by the General Assembly.
 - ii. Additional revenues for non-personnel items at a level equivalent to increases in the consumer price index.

If a campus requires other changes in fees in academic years ending in even numbers, the process that shall be followed is identical to that followed in academic years ending in odd numbers.

Adopted 03/08/85

Repealed 07/01/07

DRAFT

ESTABLISHMENT OF NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

This is a portion of a report on the North Carolina School of Science and Mathematics submitted to the General Assembly. In response to the report, the General Assembly amended the enabling legislation establishing the school.

I. BACKGROUND

Section 49, Chapter 1034 of the 1984 Session Laws assigned to the Board of Governors of the University of North Carolina responsibility for the direction and operation of the North Carolina School of Science and Mathematics, effective July 1, 1984.

Section 49 states that:

The Board [of Governors] shall, after consultation with the Board of Trustees of the school, present specific recommendations, including proposed statutory amendments, to the 1985 Session of the General Assembly, with respect to placement of the school within the organizational structure of the University and any other considerations as may be required.

This legislation thus placed three major immediate tasks before the Board of Governors: (1) providing for the immediate governance of the school and for oversight of its day-to-day operations; (2) establishing procedures to develop recommendations for the 1985 General Assembly, in consultation with the Board of Trustees of the North Carolina School of Science and Mathematics; and (3) addressing certain admissions policy matters, beginning with the 1985-86 year.

By resolution, adopted July 27, 1984, the Board of Governors called upon President Friday to make whatever administrative arrangements were necessary for the continued effective operation of the school. Members of the President's staff met with the director of the school and members of his staff in August to consider what special actions, if any, were needed until the report could be made to the 1985 Session of the General Assembly.

As to the long-term issue of governance and placement of the school within the organizational structure of the University, the resolution of July 27 authorized the chairman of the board to designate a committee to develop recommendations. The chairman assigned this task to the board's Committee on Educational Planning, Policies, and Programs.

Shortly thereafter, the chairman of the planning committee appointed a special subcommittee to explore the issues and to draft recommendations concerning the governance and placement of the school. Concurrently, the chairman of the school's Board of Trustees appointed a Committee in Support of University Affiliation to consult with the Board of Governors committee (or subcommittee).

II. OBJECTIVE

In all of these discussions, it was clear that the North Carolina School of Science and Mathematics (NCSSM) is a unique institution. NCSSM was created as a special kind of school, working with exceptional students, and having as a major part of its mission contributing to improvements in science and mathematics curricula and teaching in all of the high schools in the State.

University oversight of such a school provides an opportunity to participate directly in improving science and mathematics instruction in the public schools and thus enhances the teacher education activity of the University. Responsibility for the governance and administration of NCSSM also parallels the increasing involvement of the University of North Carolina in efforts to strengthen the public schools, e.g., the University's operation of a statewide network of mathematics and science education centers, the summer residential institutes in mathematics and science, and a special institute for school principals to improve their management skills.

These activities have already led to new working relationships between the University and NCSSM. The school is an affiliate of the UNC Network of Centers for Mathematics and Science Education, and it has assumed, at the request of the President, a major role in the program of summer residential institutes to be offered for high school juniors and seniors across the State, beginning in 1985.

Nevertheless, it is still a difficult challenge to devise a plan of governance and administration that fits a purely secondary school into the organizational structure of the University. It is important that any such plan: (1) maintains the special identity and nature of the School of Science and Mathematics; (2) promotes the school's special statewide mission, as defined by the General Assembly; and (3) be consistent with, and appropriate to, the basic governance structure of The University of North Carolina.

To make the NCSSM a constituent institution of the University does not conform to the latter requirement. The basic problem is that, within the historical meaning of the basic legislation governing the University, NCSSM is not a "constituent institution." Practice and policies controlling and guiding the relationships of "constituent institution" to the President's office and to the Board of Governors are all predicted on the institution being a "public senior institution" of higher education, not a high school. The North Carolina School of the Arts does have a high school department, but that activity arises from the nature of the course of study in some of the performing arts.

III. RECOMMENDATIONS

It is necessary, therefore, to devise a different kind of relationship. The uniqueness of the situation, and the difficulty of the challenge, became apparent early on when efforts were made to identify models suitable for adoption or adaptation.

Externally, i.e., beyond the University and beyond the State, there are no useful models for the long-term placement and governance of the school within the University. There are, nationwide, some 90 or so elementary/secondary schools attached to universities, and all to them fit the traditional model of a "laboratory school" operated by schools of education in conjunction with the teacher training function. None is residential, and each draws its students from a local, rather than a statewide area. The "lab school" is thus not apposite here, for the NCSSM is a special purpose school with a statewide mission.

Nor could any instance be found where a high school is attached directly to a statewide administrative or governing board of higher education. Only one state, Louisiana, has established a residential, statewide high school for gifted and talented students. Although it is modeled after, and combines features of, both the North Carolina School of the Arts and the North Carolina School of Science and Mathematics, the Louisiana School of Mathematics, Science, and Arts is located physically on one of the state university campuses, but it is not governed by the university and receives its funds directly from the state legislature. The circumstances and governance arrangements do not fit the NCSSM situation.

There are, however, some useful models within the University of North Carolina itself. There are a number of agencies and units of the University that are not constituent institutions, that have significant statewide educational and service responsibilities, and that have effective administrative and governance arrangements. These include: the North Carolina Memorial Hospital, the UNC Center for Public Television, and various inter-institutional programs - notably the Area Health Education Centers (AHECs). After reviewing these governance arrangements, and having carefully considered the particular needs of NCSSM, it is recommended that the governance system described below be established for NCSSM within the organizational structure of the University, and that the accompanying draft legislation effecting these actions be proposed by the Board of Governors to the 1985 Session of the General Assembly [The draft legislation was, for the most part, adopted by the General Assembly and is not included here.]:

That the North Carolina School of Science and Mathematics be designated as an affiliated school of the University of North Carolina. The governance and administrative arrangements would be as follows:

1. Board of Trustees

The Board of Trustees of NCSSM shall be re-constituted, effective July 1, 1985.

- a. Membership:** Twelve members who shall be elected by the Board of Governors; and three *ex officio* members, who shall be chief academic officers, respectively, of North Carolina Central University, North Carolina State University at Raleigh, and the University of North Carolina at Chapel Hill.
- b.** Elected board members shall be selected for their interest in and commitment to public education and to the purposes of the NCSSM, and they shall be charged with the responsibility of serving the interests of the whole State. In electing members, the objective shall be to obtain the services of the best qualified persons, taking into consideration the need for representation by the different races, by men and women, and by political parties.
- c. Terms:** Six of the elected members shall initially be chosen for a term of two years and six for a term of four years. Thereafter, all shall be elected to four-year terms. No person shall be eligible to serve more than two successive four-year terms. In the event of a vacancy, the Board of Governors shall appoint a replacement to serve for the remainder of the unexpired term.
- d.** No person shall be elected to the Board of Trustees who is a member of the Board of Governors or of the Board of Trustees of a constituent institution, or the spouse of such member; and no member of the General Assembly or employee of the State or of any constituent institution or the spouse of such member or employee shall be elected to the Board of Trustees.

- e. The Board of Trustees shall meet at least four times a year and may hold special meetings at any time at the call of the chairman, or upon petition of four of the members of the board. The board shall elect a chairman and vice chairman, except that no *ex officio* member shall be eligible to serve as chairman or vice chairman. The board shall determine its own rules of procedures and create such committees as it deems appropriate. board members, other than *ex officio* members, shall each receive such per diem and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions.

f. Powers and Duties

The Board of Trustees shall make all rules, regulations, and policies necessary for the governance and operation of the school. The board shall have access to the professional staff of the University of North Carolina General Administration to assist and advise it in the formulation and application of its policies. In establishing policies for student admissions, the Board of Trustees shall see that equal opportunity is afforded eligible applicants in each of the State's congressional districts. Decisions of the board with regard to individual admissions shall be final. The Board of Trustees shall adopt personnel policies governing instructional staff of the school, and academic administrative personnel, who shall be exempt from the State Personnel Act. Any employee or student of the school who is aggrieved by a decision of the Board of Trustees may request review by the Board of Governors.

2. Director of the school

The chief administrative officer of the school shall be the director, who shall be appointed by the Board of Trustees to serve at its pleasure. The director shall administer all affairs of the school subject to the rules, regulations, and policies of the board. The director shall serve as secretary of the Board of Trustees and shall report at least four times a year to the board. Subject to the direction and approval of the Board of Trustees, the director of the school shall be responsible for all aspects of budget preparation, budget execution, and expenditure reporting. The budget request of the school, after adoption of the Board of Trustees, shall be transmitted by the director to the Board of Governors for submission to the Governor, the Advisory Budget Commission, and the General Assembly.

3. Educational Advisory Council

The Board of Governors shall establish an Advisory Council consisting of 12 members, consisting of (1) *ex officio*, the State Superintendent of the Department of Public Instruction and the chairman of the State Board of Education, and (2) ten scientists, mathematicians, public school representatives, and other persons having an interest in the school and desiring to contribute to its work. The members of the Advisory Council shall be appointed by the Board of Governors, upon nomination by the Trustees of the school, for four-year terms. No person shall be eligible to serve more than two successive four-year terms. The members of the Advisory Council shall give advice and counsel to the director and the Board of Trustees.

IV. CONCLUSION

Draft legislation that would make the recommendations effective is attached to this report, and its enactment by the General Assembly is recommended by the board. [Draft legislation was adopted in 1985 and is not included.] The board believes this would serve the interests of assuring the identity and autonomy of the school, and it will support the continuation of its innovative efforts to provide instruction to students with outstanding academic qualifications and to contribute to improved instruction in science and mathematics in all of the public schools of the State.

THIS POLICY IS REPEALED EFFECTIVE JULY 1, 2007