

**2. Orientation to Personnel and Tenure.....Warwick Arden/William Fleming**

**Situation:** With new Committee members, staff to the Committee on Personnel and Tenure will provide an overview of the roles and responsibilities of committee members.

**Background:** The orientation will include the following elements:

- The Committee Charge
- Annual Report of the Personnel and Tenure Committee
- Introduction of Staff to the Committee
- Salary Pre-approval Process
- Creation of New SAAO Tier I Requests
- Overview of EPA/SPA Employees
- Faculty Appeal Process
- Reports
- Tutorial Suggestions

**Assessment:** The attached documentation provides additional information related to the above items.

**Action:** This item is for information only.

## **The Board of Governors**

### **COMMITTEE ON PERSONNEL AND TENURE ANNUAL REPORT**

July 1, 2013 - June 30, 2014

The major responsibilities of the Committee on Personnel and Tenure, as established by Section 301D of The Code of the Board of Governors are: (1) to make recommendations to the Board on all personnel actions under the jurisdiction of the Board, including establishment of senior academic and administrative officer positions and approving salary increases of 10% or greater (*effective as of July 1, 2013 to comply with the 2013-14 State Appropriations Act*); (2) to review The Code and institutional policies and regulations regarding tenure and dismissal; (3) to review appeals from faculty members that involve questions of tenure; and (4) to act on other personnel matters that involve significant policy considerations.

Pursuant to Policy 200.6, adopted on November 13, 2006 and amended June 8, 2007 and April 8, 2011, the Board of Governors has delegated the authority to the President of the University to:

- a) Appoint and set the salaries of Senior Academic and Administrative Officers (§300.1.1 and §600.3.4) and other employees exempt from the State Personnel Act (§300.2.1) serving within the UNC General Administration.
- b) Set salary ranges for Senior Academic and Administrative Officers of the constituent institutions of University (§600.3.4).
- c) Approve conferrals of tenure and to set salaries of faculty, Senior Academic and Administrative Officers, except the chancellors, and other employees exempt from the State Personnel Act at campuses that do not have Management Flexibility to Appoint and Fix Compensation as long as those salaries are within the established salary ranges and are not raises in excess of 10% (*effective as of July 1, 2013 to comply with the 2013-14 State Appropriations Act*) than the salary in effect at the end of the last fiscal year. (§300.1.1 and 600.3.4; Code §602).

d) Approve all actions relating to the administration of the Optional Retirement Program (G.S. §135-5.1) and the Phased Retirement Program (§300.7.2).

e) Approve salary increases in excess of 10% (*effective as of July 1, 2013 to comply with the 2013-14 State Appropriations Act*)

f) Approve salary increases for faculty members who are receiving salary increases funded through the Faculty Recruitment and Retention Fund.

Board members who served on the Committee during the fiscal year July 1, 2013, through June 30, 2014 were: Mr. John C. Fennebresque, Mr. James Holmes, Mr. Doyle Parrish, Mr. Therence Pickett, Mr. G.A. Sywassink, Mr. Richard Taylor, and Ms. Laura Wiley. The Committee officers were, Mr. John Fennebresque as Chair, Mr. G.A. Sywassink as Vice Chair, and Mr. James Holmes as Secretary.

In its designated role, the Committee on Personnel and Tenure reviews appointments of distinguished faculty for consideration and approval by the Board of Governors for campuses without *management flexibility*, salary increases in excess of 10% (*effective as of July 1, 2013 to comply with the 2013 State Appropriations Act*), and salaries that exceed the established range.

Pursuant to the 2013 State Appropriations Act, the cumulative salary adjustment allowed under this subsection for the 2013-2014 fiscal year may exceed ten percent (10%) of annual salary only if the adjustment is approved in advance by The University of North Carolina and/or the University of North Carolina Board of Governors.

The Committee and/or the President reviewed a total of 1,650 salary requests totaling \$22,600,009. This represents 3.438% of UNC employees, 0.31% of General Fund monies, and 0.21% of Non-General Fund monies.

Bi-annually, on recommendation of the President, the Committee considers and further recommends to the Board, specific salary ranges for chancellors of the constituent institutions, as well as salary ranges for EPA Non-Faculty positions. The Committee also reviewed and approved the Clinical Faculty Salary Ceilings for the Schools of Medicine and Dentistry at UNC Chapel Hill and East Carolina University. These were approved for the 2013-14 year in September and for the 2014-15 year in June. East Carolina University received authority to approve salary adjustments (increases or decreases) related to the Medical Faculty Compensation Plans. The President of the University in consultation with the Board Chair and Chair of the Committee on Personnel and Tenure, received delegated authority to issue guidelines to campuses used to implement salary administration for FY14-15.

An executive compensation plan has been established for Chancellors. A recommendation by UNC Asheville, which did not submit a request the previous year, was approved.

Subcommittees convened for additional meetings to receive, review, and make recommendations on five (5) faculty appeals from constituent institutions for Board consideration.

In 2003, the Committee became responsible for coordinating the Board of Governors' Excellence in Teaching Awards program. The Committee presented each Teaching Award recipient with an engraved medallion and stipend check during their

campus' spring commencement by the Board of Governors member in attendance. This process allows for greater recognition of the recipient by their peers, students, administrators, families and friends, and is fiscally prudent as well. In August of 2013 the Committee received the 2013 Board of Governors Awards for Excellence in Teaching Allocation and Distribution of Funds Report and Awards Costs; and approved the nominees for the 2013-14 Award in February of 2014.

The Chair of the Personnel and Tenure Committee, Mr. John Fennebresque commissioned a working group to examine the policy and guidelines on Post-Tenure Review (400.3.3 and 400.3.3G). This workgroup was comprised of members of the Committee on Personnel and Tenure, Chancellors, Provosts, and campus administrators. Members included Mr. G. A. Sywassink, Mr. Therence Pickett, Chancellor Harold Martin, Chancellor David Belcher, Provost Marilyn Sheerer, Dean David Barlow, and Faculty Assembly Chair, Catherine Rigsby. The working group was Chaired by Mr. G.A. Sywassink and staffed by Dr. Suzanne Ortega, Senior Vice President for Academic Affairs. At the April 2014 meeting the working group presented recommendations for changes to 400.3.3 as well as the associated guidelines 400.3.3G. These changes were approved by the Board of Governors in June of 2014.

The committee approved the creation of the new position of Vice President for University Advancement. A reorganization in Academic Affairs resulted in title changes for several positions including, Associate Vice President for Academic Affairs and Learning Strategies being changed to Vice President for Academic Planning and Quality; Senior Associate Vice President for Academic and Student Affairs to Vice President for Academic and Student Success; Senior Director for Institutional Research to Associate Vice President for Institutional Research; Senior Director for Academic Policy and Funding Analysis to Associate Vice President for Academic Policy, Planning and

Analysis. The committee also endorsed and forwarded for approval amendments to the Optional Retirement Plan as well as clarifications to Policy 300.1.1.

In September of 2013, the Committee distributed its “Annual Report for July 1, 2013 – June 30, 2014” and “Annual Plan for the Committee on Personnel and Tenure.” The Committee accepted the “Faculty Phased Retirement Report” in September 2013, the “Report on Post-Tenure Review” in November of 2013, the “Distinguished Professors Endowment Trust Fund” in February of 2014, and “The Management Flexibility Report” in June 2014. The Committee also reviewed the “Annual Report on the Faculty Recruitment and Retention Fund” at their July 2014 meeting.

Several tutorials were provided on the structure of academic decision-making, analyzing academic administrative structures, EPA/SPA management flexibility process, and post-tenure review. Additionally updates were provided on the Affordable Care Act. These tutorials and updates were given by staff at General Administration as well as administrators and faculty from across the system.

## **The Board of Governors**

### **COMMITTEE ON PERSONNEL AND TENURE STAFF TO THE COMMITTEE**

#### **ACADEMIC AFFAIRS**

##### **Warwick Arden**

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Warwick is the Interim Senior Vice President for Academic Affairs. Dr. Arden leads the development and implementation of the academic mission of the University of North Carolina. He advises the UNC President and the Board of Governors on academic issues. He works with the Chancellors and Chief Academic Officers of the seventeen constituent institutions in the implementation and assessment of University-wide initiatives in academic affairs. All of the following reside in Academic Affairs: Research and Sponsored Programs, Academic Planning, Academic and Students Affairs, University-School Programs, Institutional Research and Analysis, Access and Outreach, Faculty Support, International Programs, the Academic Common Market, and Licensure.

##### **Samantha McAuliffe**

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Samantha is the Assistant to the Senior Vice President for Academic Affairs. Ms. McAuliffe supports Warwick Arden and manages the Office of the Senior Vice President for Academic Affairs. She is responsible for tracking and following up on tasks associated with the Division's goals and coordinates meetings of the Academic Affairs Senior Staff. Samantha is the first point of contact and review for campuses submitting salary pre-approvals to the Board of Governors, tenure and promotion conferral requests for campuses without management flexibility, and campuses submitting requests for funding from the Faculty Recruitment and Retention Fund. She is the staff person to the Committee on Personnel and Tenure responsible for preparing and disseminating meeting materials, preparing meeting minutes and acts as a liaison between campuses and the Committee.

## HUMAN RESOURCES

### **William Fleming**

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919-962-4651

William is the Vice President for Human Resources and Equal Employment Opportunity Officer. Mr. Fleming works in collaboration with the senior human resource officers at the 17 constituent institutions of the University of North Carolina and the Office of State Personnel providing leadership and strategic direction for the delivery of human resource programs and services for University employees. He provides strategic consultation and guidance to senior administration and ensures that the human resource function is aligned with the mission of the University of North Carolina. He oversees the development, supervision, and implementation of University-wide human resource policies and procedures.

### **Brian Usischon**

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Brian is the Associate Vice President for Human Resources and University Benefits Officer. Mr. Usischon is responsible for overseeing the administration of all health, life, disability, flexible benefits and retirement programs. He has an extensive background in employee benefits and many years of experience providing consulting services to colleges and universities in the analysis, development, design and installation of employee benefit plans.

### **Glenda Farrell**

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919-962-4555

Glenda is the Associate Vice President for Human Resources. Ms. Farrell focuses on the broad areas of employment, compensation, and employee relations. She also serves as a liaison and resource to the 17 campuses in facilitating effective HR and personnel functions including policy and procedure development and implementation. Glenda reviews salary increase reports from the campuses to insure policy compliance prior to finalizing reports for submission to state offices and serves as the University liaison to the Office of State Personnel for University staff matters.

### **Keith Dupuis**

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Keith is an HR Consultant for Policy and Practice. Mr. Dupuis provides counsel and assistance to campus representatives about various HR policy and practices. He assists with the development of policies and procedures for General Administration programs and the General Administration Policy Committee with editing of current policies and research and development of new policies. Keith conducts an initial review of campus requests for the BOG Salary Approval Process for SPA and EPA Non-Faculty employees. He is also responsible for managing databases and files related to University-wide compensation and classification programs and assists with the development, implementation, and ongoing operation/maintenance of HR Data Mart.



## LEGAL AFFAIRS

### **Thomas Shanahan**

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Tom is the Vice President and General Counsel for the University. He serves as the University's senior legal officer, providing advice and counsel to the president, Board of Governors, and senior staff on all legal and policy issues affecting the University. He oversees the development and implementation of policies and procedures to promote University-wide awareness of and compliance with applicable federal, state, and local laws, regulations, and administrative requirements.

### **Joanna Carey Cleveland**

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Joanna is the Senior Associate Vice President for Legal Affairs. Ms. Cleveland provides legal advice and Legal Affairs Division leadership in a variety of areas, including employment law, student affairs, University policy development, and campus services. She is the staff attorney to the Committee on Personnel and Tenure.

### **Karin Szypszak**

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Karin is the Legal Assistant to the Vice President and General Counsel. Ms. Szypszak assists with preparing Faculty Appeals and works with subcommittee members to schedule reviews.

# EPA PERSONNEL APPOINTMENTS AND POSITION ESTABLISHMENT

## PART I: EPA Personnel

### *Approval Authority for Personnel Appointments, Promotions, and Compensation Actions Involving UNC Positions Exempt from the State Personnel Act (EPA)*

ACTION	Position Type					
	Faculty	EPA Non-Faculty (Including EPA Instructional, Research, and Public Service)	SAAO I <sup>1</sup>			SAAO II <sup>2</sup> (Assoc. & Asst. Vice Chancellor, Assoc. & Asst. Dean, etc.)
			Chancellor	Vice Chancellors, Provosts	Dean & SAAO I positions for which the BOG does not establish salary ranges	
<b>Appointment</b> Institutions without Management Flexibility	Board of Trustees <sup>3</sup>	Board of Trustees	Board of Governors	President	President	Board of Trustees
Institutions with Management Flexibility	Board of Trustees	Board of Trustees	Board of Governors	Board of Trustees*	Board of Trustees	Board of Trustees
<b>Temporary appointment</b>	Board of Trustees	Board of Trustees	President	Board of Trustees	Board of Trustees	Board of Trustees
<b>Promotion (Position or Faculty Rank Change)</b> Institutions without Management Flexibility	Board of Trustees	Board of Trustees	Board of Governors	President	President	Board of Trustees
Institutions with Management Flexibility	Board of Trustees	Board of Trustees	Board of Governors	Board of Trustees*	Board of Trustees	Board of Trustees
<b>Tenure</b> Institutions without Management Flexibility	President	N/A	N/A	N/A	N/A	N/A
Institutions with Management Flexibility	Board of Trustees*	N/A	N/A	N/A	N/A	N/A
<b>Other Compensation Actions</b> <b>Salary increase &lt; 10% for 2013-2015 fiscal biennium</b> • Adjustment for Institutions without Management Flexibility	Board of Trustees	Board of Trustees	Board of Governors	President	President	Board of Trustees
• Institutions with Management Flexibility	Board of Trustees	Board of Trustees	Board of Governors	Board of Trustees* <sup>5</sup>	Board of Trustees	Board of Trustees
<b>Salary increase ≥ 10% over previous 6/30 salary for 2013-2015 fiscal biennium</b>	Board of Governors	Board of Governors	Board of Governors	Board of Governors	Board of Governors	Board of Governors
<b>Temporary supplement/stipend</b>	Board of Trustees	Board of Trustees	Board of Governors	Board of Trustees* <sup>5</sup>	Board of Trustees	Board of Trustees
<b>Retreat rights</b> <sup>6</sup> (conversion from administrator to faculty or other appointment)	N/A	Board of Trustees	Board of Governors	Board of Trustees	Board of Trustees	Board of Trustees

\* **Boards of Trustees may not delegate the authority for these actions.**

<sup>1</sup> Senior Academic and Administrative Officers (“SAAO”) Tier I, as defined by UNC Policy 300.1.1, Section I.A.

<sup>2</sup> Senior Academic and Administrative Officers (“SAAO”) Tier II, as defined by UNC Policy 300.1.1, Section I.B.

<sup>3</sup> Appointment of a distinguished professor to an endowed chair funded by the BOG Distinguished Professors Endowed Trust Fund requires approval by the Board of Governors.

<sup>4</sup> Approval authority is the same regardless of source of funding (i.e. state and non-state funds).

<sup>5</sup> Increases that cause salaries to exceed the salary ranges established by the Board of Governors require prior approval by the Board of Governors.

<sup>6</sup> Campuses are required to have a policy on retreat and separation consistent with BOG Policy 300.1.6[R].

## **PART II: EPA Positions**

### ***Authority and Submission Process to Establish and Designate EPA Positions***

<b>Position Category</b>	<b>Approval Authority to Establish Positions</b>	<b>Submission Process to Establish Positions</b>
I. Faculty	Board of Governors	BOG delegates authority to Chancellors to establish positions with academic rank. <sup>7</sup>
II. Instructional and research staff of the University of North Carolina [N.C.G.S. 126-5(c1)(8)]	Cooperative Agreement between OSHR and UNC dated 8/22/97, and amended on 12/27/12.	Submit other instructional, research, and public service ("IRPS") positions using an <a href="#">EPA Designation Request</a> . Exceptions currently exist as determined by campus management flexibility agreements.
III. Physicians and dentists of the University of North Carolina [N.C.G.S. 126-5(c1)(8)]	Office of State Human Resources	Approval not required for physician and dentist positions requiring professional licensure, as established by the UNC-OSHR agreement dated 8/22/1997.
IV. Employees whose salaries are fixed under the authority vested in the Board of Governors of the University of North Carolina by the provisions of G.S. 116-11(4), 116-11(5), and 116-14 [N.C.G.S. 126-5(c1)(9)]	See below	See below
A. President, senior vice president, vice presidents and professional members of the president's staff [N.C.G.S. 116-14(b)] (SAAO-I)	Board of Governors	Submit to General Administration using <a href="#">EPA Designation Request</a> .
B. Chancellors [N.C.G.S. 116-11(4)] (SAAO-I)	Board of Governors	Initiated by Board of Governors
C. Tenure or tenure-track positions [N.C.G.S. 116-11(5)]	Board of Governors/ Institutional Boards of Trustees	Chancellors have authority to establish positions with academic rank.
D. Senior academic and administrative officers [N.C.G.S. 116-11(5)]	See below	See below
1. Provosts, vice chancellors, vice provosts, and deans [UNC Policy 300.1.1-I.A] (SAAO-I)	Board of Governors	Submit to General Administration using <a href="#">EPA Designation Request</a> .
2. Directors of major administrative, educational, research and public service activities [UNC Policy 300.1.1-I.A] (SAAO-I)	Board of Governors	Submit to General Administration using <a href="#">EPA Designation Request</a> .
3. Assistant and associate vice chancellors, assistant and associate provosts, and assistant and associate deans [UNC Policy 300.1.1-I.B] (SAAO-II)	Delegated by BOG to UNC President	Submit to General Administration using <a href="#">EPA Designation Request</a> .

<sup>7</sup> Approval from the President is required to establish an endowed chair position funded by the BOG Distinguished Professors Endowment Trust Fund

Position Category	Approval Authority to Establish Positions	Submission Process to Establish Positions
4. Specific other officers of the University having significant administrative responsibilities and duties, as may be designated by the President <sup>8</sup> [UNC Policy 300.1.1-I.B] (SAAO-II)	See below	See below
a. Members of chancellor's professional staff [UNC Policy 300.1.1-I.B]	Delegated by BOG to UNC President	Submit to General Administration using <a href="#">EPA Designation Request</a> .
b. Positions responsible for administrative direction of separately designated divisions or departments commonly associated with institutions of higher education [UNC Policy 300.1.1-I.B]	Delegated by BOG to UNC President	Approval is not required to establish positions that match the descriptions of those on the list of approved generic SAAO positions. Those positions not on the list are submitted to General Administration using <a href="#">EPA Designation Request</a> .
c. Positions whose primary responsibility is to attract external funds for and/or market the University [UNC Policy 300.1.1-I.B]	Delegated by BOG to UNC President	Submit to General Administration using <a href="#">EPA Designation Request</a> .
d. Other officers holding positions characterized by active, continuing involvement in formulating, interpreting, and implementing institutional policy <b>and</b> exercise of substantial independence of administrative authority and discretion in areas such as program planning and design and allocation of resources. [UNC Policy 300.1.1-I.B]	Delegated by BOG to UNC President	Submit to General Administration using <a href="#">EPA Designation Request</a> .

<sup>8</sup> In most cases, persons occupying such positions will function as the director of a specific division or department of institutional activity, reporting at the level of a vice chancellor or dean. However, where circumstances warrant (e.g. in the case of a large and complex department or division), persons functioning as an associate or assistant director may be found to have "significant administrative responsibilities and duties" as defined by the characteristics listed above. In such cases, the position must have substantial responsibility for assisting the primary officer (e.g. director) in formulating, interpreting, and implementing policy **and** must function in a confidential and direct support relationship to primary officer **or** have direct responsibility for a specific sphere of operations within the unit. Persons nominated to fill such positions normally must have an advanced educational degree and extensive relevant experience and be recruited in a national search process. [UNC Policy 300.1.2]

## Legal Framework for Employment within the University of North Carolina System

### The Fair Labor Standards Act (FLSA) - US Department of Labor

\* Two Types of Employment Exempt and Non-exempt

\* These categories are based on job DUTIES, not titles

\* The State of NC or the UNC System administration cannot change the FLSA

#### FLSA Non-exempt

1. Time and a half compensation - hours over 40
2. Timesheets/ records required for hours worked

#### FLSA Exempt

1. No time and a half compensation
2. Timesheets not required, "salaried"

### NC State HR Act (SPA)

#### SUBJECT to the HR Act (SPA)

**21,969 Employees\***

State (HR) Personnel Commission makes the rules.  
Positions are "classified" within the Banding System.

#### SPA - FLSA non-exempt 16,939 Employees

Office Support  
Police Officers  
Accounting Professionals  
Housekeepers  
Facilities Professionals  
Computer Programmers  
Research Technicians  
etc.

#### SPA - FLSA exempt 5,030 Employees

Business Officers  
Senior Police  
IT Managers  
HR Managers  
Auditors  
Senior Accounting  
Other managerial  
etc.

#### EXEMPT from the HR Act (EPA)

**22,114 Employees\***

UNC Board of Governors make the rules.

#### EPA - FLSA exempt

Faculty	<b>13,864 Employees</b>
Instructional, Research, or Public Service (Including librarians)	<b>6,439 Employees</b>
Senior Academic and Administrative Officers (SAAO-I) Chancellors, Provosts, Deans, Vice Chancellors, etc.	<b>290 Employees</b>
Senior Academic and Administrative Officers (SAAO-II) Asst and Assoc Deans, Asst Vice Chancellors, etc.	<b>1,521 Employees</b>

\*Data from UNC HR Data Mart; close estimates based on filled positions.

# **University of North Carolina Board of Governors**

## **COMMITTEE ON PERSONNEL AND TENURE ANNUAL REPORTS**

### **July/August**

- Board of Governors Award for teaching Excellence Use of Funds Report
  - This report describes each campus' use of teaching award funds during the preceding year.
- Personnel and Tenure Annual Report
  - Annual report depicting the committee's activity from the prior year
- University Faculty Recruitment and Retention Fund Report
  - Report details the allocation of funding to campuses for purposes of recruitment and retention from the University of North Carolina Faculty Recruitment and Retention Fund

### **September**

- Faculty Phased Retirement Report
  - Annual report describing the trends in the phased retirement program.

### **December**

- Post Tenure Review Report
  - Report on the outcomes of campus post-tenure reviews.

### **February**

- Distinguished Professors Endowment Trust Fund Annual Report
  - Annual report of the activity of awards made from the Distinguished Professors Endowment Trust Fund
- Board of Governors Teaching Award Nominees
  - Review and approve campus nominees for the Board of Governors Excellence in Teaching Award

### **April/May**

- Management Flexibility Report
  - Annual review of campuses awarded Management Flexibility to ensure compliance with University and Board of Governors policies.

## **Ongoing**

- President's Summary Personnel Report
  - Pursuit to UNC Policy 200.6, this report details delegated personnel actions that the President has taken since the last committee meeting. These include administrative appointments at UNC General Administration and approvals for funding from the Faculty Recruitment and Retention Fund.
- Salary Pre-Approval Requests
  - At each meeting the Committee will review and approve salary increase requests from campuses.