



THE
UNIVERSITY OF
NORTH CAROLINA
SYSTEM

MEETING OF THE BOARD OF GOVERNORS
Committee on Personnel and Tenure

July 22, 2020 at 2:30 p.m.
Via Videoconference and UNC-TV Live Stream
University of North Carolina System Office
Center for School Leadership Development, Board Room
Chapel Hill, North Carolina

AGENDA

OPEN SESSION

- A-1. Conflict of Interest Statement Kellie Hunt Blue
- A-2. Approval of the Open Session Minutes of May 19, 2020 Kellie Hunt Blue
- A-3. Informational Reports
 - a. Faculty Recruitment and Retention Fund Utilization Under Delegated Authority to the President..... Kimberly van Noort
 - b. President's Delegated Faculty Promotion and Tenure Conferral Report Kimberly van Noort
 - c. New UNC System Office and SAAO-I Appointments Under Delegated Authority to the President..... Matthew Brody
- A-4. General Updates for the Committee Matthew Brody and Kimberly van Noort
- A-5. HR Special Work/Leave Provisions in Response to COVID-19 Matthew Brody
- A-6. Amendments to Code
 - Section 610 and 603 – Special Faculty..... Kimberly van Noort and Matthew Brody
- A-7. Proposed Revisions to the Policy on Chancellor Searches and Election (Policy 200.8)..... Matthew Brody and Peter Hans

CLOSED SESSION

- A-8. Approval of the Closed Session Minutes of May 19, 2020 Kellie Hunt Blue
- A-9. EHRA Salary Pre-Authorizations Requiring Approval by the Committee on Personnel and Tenure..... Matthew Brody
- A-10. Informational Reports..... Matthew Brody
 - a. EHRA Salary Adjustment Pre-Authorizations Delegated to the President or His Designee
 - b. EHRA Salary Adjustment and New Position Consultations with the Chair and Vice Chair of the Committee on Personnel and Tenure

A-11. Executive Personnel Matters

- a. Executive Personnel Matter #1..... Peter Hans
- b. Executive Personnel Matter #2..... Peter Hans

OPEN SESSION

A-12. Adjourn



Closed Session Motion

Motion to go into closed session to:

- Prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- Consult with our attorney to protect attorney-client privilege.
- Consider the qualifications, competence, performance, or condition of appointment of a public officer or employee or prospective public officer or employee.

Pursuant to: G.S. 143-318.11(a)(1), (3), and (6).

DRAFT MINUTES

May 19, 2020

Via Videoconference and UNC-TV Live Stream

This meeting of the Committee on Personnel and Tenure was presided over by videoconference by Chair Kellie Hunt Blue. The following committee members, constituting a quorum, also attended by videoconference: J. Alex Mitchell, C. Philip Byers, Reginald Holley, and Wendy Floyd Murphy.

Chancellor Kelli Brown, Chancellor Franklin Gilliam, and Chancellor Kevin Guskiewicz also participated by videoconference.

Staff members present by videoconference included Matthew Brody, Kimberly van Noort, Carolyn Pratt, and others from the UNC System Office.

1. Call to Order and Reading of Conflict of Interest Statement

The chair called the meeting to order at 2:45 p.m. and read the Conflict of Interest Statement.

2. Approval of the Minutes of April 16, 2020 and April 28, 2020 (Item A-2)

The chair called for a motion to approve the open session minutes of April 16, 2020 and April 28, 2020.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the open session minutes of April 16, 2020 and April 28, 2020.

Motion: C. Philip Byers

Motion carried

Roll Call Vote	
Blue	Yes
Mitchell	Yes
Williford	<i>Absent, did not vote</i>
Byers	Yes
Holley	Yes
Murphy	Yes

3. Informational Report (Item A-3)

The committee received informational reports on new UNC System Office SAAO-I appointments under delegated authority to the president and faculty recruitment and retention fund utilization under delegated authority to the president.

4. General Updates (Item A-4)

Kimberly van Noort updated the committee on the institutions' review of faculty tenure and promotion cases. Matthew Brody updated the committee on the faculty compensation study.

5. COVID-19 Special Work/Leave Provisions for Faculty and Staff (Item A-5)

Matthew Brody presented a report to the committee detailing evolving human resources provisions for faculty and staff in response to COVID-19. The report included updates regarding special work and leave provisions developed and implemented since March 2020.

6. Closed Session

The chair called for a motion to move into closed session.

MOTION: Resolved, that the Committee on Personnel and Tenure move into closed session to prevent the disclosure of information that is privileged or confidential pursuant to Article 7 of Chapter 126 of the North Carolina General Statutes [N.C.G.S. 143-318.11(a)(1)]; to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged [N.C.G.S. 143-318.11(a)(3)]; and to consider the qualifications, competence, performance, or conditions of appointment of a public officer or employee or prospective public officer or employee [N.C.G.S. 143- 318.11(a)(6)].

Motion: J. Alexander Mitchell

Motion carried

Roll Call Vote	
Blue	Yes
Mitchell	Yes
Williford	<i>Absent, did not vote</i>
Byers	Yes
Holley	Yes
Murphy	Yes

THE MEETING MOVED INTO CLOSED SESSION.

(The complete minutes of the closed session are recorded separately.)

MOTION: Resolved, that the Committee on Personnel and Tenure return to open session.

Motion: Wendy Floyd Murphy

Motion carried

Roll Call Vote	
Blue	Yes
Mitchell	Yes
Williford	<i>Absent, did not vote</i>
Byers	Yes
Holley	Yes
Murphy	Yes

THE MEETING RESUMED IN OPEN SESSION AT 3:22 p.m.

There being no further business, the meeting adjourned at 3:23 p.m.

R. Doyle Parrish, Secretary



AGENDA ITEM

A-3a. Informational Report: Faculty Recruitment and Retention Fund
Utilization Under Delegated Authority to the President..... Kimberly van Noort

Situation: This is an informational report provided to the committee at each meeting pursuant to Section 200.6 of the UNC Policy Manual.

Background: Authority has been delegated to the president for approval of salary increases supported by the University of North Carolina Faculty Recruitment and Retention Fund.

Assessment: This month's report includes the following:

Faculty Retention and Recruitment Fund Expenditure:

- University of North Carolina-Chapel Hill, one approved request
- University of North Carolina at Charlotte, three approved requests
- University of North Carolina at Wilmington, two approved requests

Remaining Balance of Fund

Note: Permanent adjustments to salary may be accomplished only with recurring funds. However, nonrecurring funds may be used for retention bonuses, research equipment and facilities, and other one-time inducements to counter outside offers. The remaining balances are:

\$0 in nonrecurring funds

\$318,054 in recurring funds

Action: This item is for information only.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM
PRESIDENT'S DELEGATED FACULTY RECRUITMENT AND RETENTION FUND REPORT

The University of North Carolina-Chapel Hill

Kelly Hogan, teaching professor in the Department of Biology, \$2,013 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits
(\$84,161 from \$82,148 effective June 3, 2020)

The University of North Carolina at Charlotte

Jaclyn Piatak, associate professor in the Department of Political Science and Public Administration, \$9,133 from the Faculty Recruitment and Retention Fund and UNC Charlotte funding the cost of benefits
(\$100,450 from \$91,317 effective May 1, 2020)

Rodward Hewlin, assistant professor in the Department of Engineering Technology & Construction Management, \$10,000 from the Faculty Recruitment and Retention Fund and UNC Charlotte funding the cost of benefits
(\$93,000 from \$83,000 effective May 5, 2020)

Omidreza Shoghli, assistant professor in the Department of Engineering Technology & Construction Management, \$10,000 from the Faculty Recruitment and Retention Fund and UNC Charlotte funding the cost of benefits
(\$92,000 from \$82,000 effective June 2, 2020)

The University of North Carolina at Wilmington

Michael Tift, assistant professor in the Department of Biology and Marine Biology, \$15,000 from the Faculty Recruitment and Retention Fund and UNC Wilmington funding the cost of benefits
(\$79,000 from \$64,000 effective May 14, 2020)

James DeVita, associate professor in the Department of Educational Leadership, \$9,872 from the Faculty Recruitment and Retention Fund with \$8,155 going to salary and \$1,717 going toward benefits with UNC Wilmington funding any remaining cost of benefits
(\$78,791 from \$70,636 effective May 14, 2020)



AGENDA ITEM

A-3b. Informational Report: President's Delegated Faculty Promotion
and Tenure Conferral Report Matthew Brody

Situation: This is an informational report provided to the committee.

Background: Authority has been delegated to the president to approve faculty promotions and confer tenure for institutions without management flexibility.

Assessment: This meeting's report includes the following:

Faculty Promotion and Tenure Conferral at Elizabeth City State University:

- Two (2) tenure conferrals
- Two (2) promotions and tenure conferrals

Faculty Promotion and Tenure Conferral at North Carolina Central University:

- One (1) tenure conferral
- Nine (9) promotion and tenure conferrals

Action: This item is for information only.



THE UNIVERSITY OF NORTH CAROLINA
PRESIDENT'S DELEGATED FACULTY PROMOTION AND TENURE CONFERRAL REPORT

Actions effective 5/14/2020

North Carolina Central University

Tenure Conferral

- Sharon White, Associate Professor, Business Administration

Promotion and Tenure Conferral

- Anna Brigevich, Assistant Professor to Associate Professor, Political Science
- Wykeshia Glass, Assistant Professor to Associate Professor, Human Sciences
- Lenora Helm Hammonds, Assistant Professor to Associate Professor, Music
- Lance Hulme, Assistant Professor to Associate Professor, Music
- Jihee Kim, Assistant Professor to Associate Professor, Hospitality and Tourism
- Christopher McGinn, Assistant Professor to Associate Professor, Environmental, Earth, and Geospatial Sciences
- Patrick Roughen, Assistant Professor to Associate Professor, School of Library and Information Sciences
- Vijay Sivaraman, Assistant Professor to Associate Professor, Biological and Biomedical Sciences
- Nina Smith, Assistant Professor to Associate Professor, Human Science

Actions effective 6/25/2020

Elizabeth City State University

Tenure Conferral

- Andre Stevenson, Professor, Social Work
- Apelete Allagan, Associate Professor, Mathematics

Promotion and Tenure Conferral

- James Goar, Assistant Professor to Associate Professor, English
- Malcolm Dcosta, Assistant Professor to Associate Professor, Computer Science



AGENDA ITEM

A-3c. Informational Report: New UNC System Office Appointments Under Delegated Authority to the President Matthew Brody

Situation: This is an informational report provided to the committee at each meeting pursuant to Section 200.6 of the UNC Policy Manual.

Background: Section 200.6 of the UNC Policy Manual delegates authority to the president to appoint and fix the compensation of senior academic and administrative officers and other employees exempt from the State Human Resources Act serving at the UNC System Office.

Section 600.3.4 of the UNC Policy Manual delegates authority to the president to create Senior Academic and Administrative Officer positions (Tier I) within the System.

Assessment: This meeting's report includes the following:

UNC System Office Appointments:

- One personnel appointment that is state-funded

Action: This item is for information only.



**THE UNIVERSITY OF NORTH CAROLINA SYSTEM
PRESIDENT'S DELEGATED PERSONNEL ACTIONS REPORT**

The following actions have been approved by the president pursuant to Section 200.6 of the UNC Policy Manual during the period April 29, 2020 to July 1, 2020.

UNC System Office

Appointments

State Funded Positions:

Siobhan Norris, Program Manager for Military and Veterans Education, \$80,000, 7/1/2020, new position

AGENDA ITEM

A-5. HR Special Work/Leave Provisions in Response to COVID-19..... Matthew Brody

Situation: To ensure that University operations could continue as required during the COVID-19 situation, the UNC System, in coordination with the Office of State Human Resources, developed a set of special work and leave provisions for faculty and staff, incorporating mandatory employee designations, paid administrative leave, and other special compensation provisions.

Background: Provisions are based in the state’s Communicable Disease Emergency policy for SHRA employees and the related Policy on UNC System Pandemic and Communicable Disease Emergency. The original set of special HR work/leave provisions was published in mid-March for use March 16-31. In response to the feedback from the constituent institutions and changing public health conditions, the provisions were revised for use April 1-31, amended for use May 1-22, and then updated for June and July in alignment with the State’s re-opening plans.

The most significant changes to these HR work/leave provisions since the last update to the committee are as follows:

- Effective June 1, once an employee exhausted eligibility for all relevant federal COVID-19 leave entitlements, in most circumstances the University COVID-19 paid administrative leave was reduced from 100% to two-thirds of the employee’s pay for hours the employee cannot work due to child/elder care needs or inability to telework. In most cases, employees under quarantine or who fell ill with COVID-19 were provided 100% paid administrative leave.
- Effective July 1, COVID-19 paid administrative leave was further reduced from two-thirds to one-third of the employee’s pay for hours the employee cannot work due to child/elder care needs or inability to telework. Institutions also received the discretion to establish “leave banks” for donations of accrued leave to employees who cannot work due to COVID-19 related reasons but who have exhausted their accrued personal leave. Employees under quarantine or who fall ill with COVID-19 will be provided 100% paid administrative leave.

Assessment: The COVID-19 special work/leave provisions incorporate mandatory employee designations, paid administrative leave, special compensation provisions for mandatory on-site employees, and integration with federally-mandated leave entitlements and benefits. A table that compares the March, April, May, June, and July provisions is attached with additional detail for reference.

Action: This item is for information only.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL 01 – MAY 31 ⁱ	JUNE	JULY
FFCRA Emergency Paid Sick Leaveⁱⁱ	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
1. Subject to local QUARANTINE or isolation order 2. Health care official advises SELF-QUARANTINE 3. Experiencing COVID-19 SYMPTOMS and seeking diagnosis	<ul style="list-style-type: none"> Up to 80 hours of Emergency Paid Sick Leave (aggregate for all FFCRA leave reasons) that can be used between April 1 and Dec 31, 2020. Paid <u>at 100%</u> of employee's pay rate up to \$511/day and \$5,110 total. Cannot be used intermittently. All active permanent and temporary employees are eligible.ⁱⁱ 	<ul style="list-style-type: none"> <u>FFCRA Ineligible.</u> Effective <u>March 10</u>, eligible for COVID-19 Paid Leave for absences <u>up to 100%</u> of employee's work schedule. Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave if Emergency Paid Sick Leave (ESPL) has been exhausted and/or to supplement to full pay for partially paid work hours under EPSL. COVID-19 Paid Leave is provided <u>at 100%</u> of employee's pay rate. Employee may choose to use accrued leave or earned paid time off (PTO) prior to EPSL. 	<ul style="list-style-type: none"> May supplement EPSL with COVID-19 Paid Leave up to 100% of employee's pay if the employee's pay exceeds the FFCRA benefit cap. Employees must use available accrued leave/PTO, or go on leave without pay if Emergency Paid Sick Leave has been exhausted. Employee may choose to use accrued leave/PTO prior to EPSL. 	<ul style="list-style-type: none"> May supplement EPSL with COVID-19 Paid Leave up to 100% of employee's pay if the employee's pay exceeds the FFCRA benefit cap. If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave equal to <u>one-third</u> of employee's pay and supplement with accrued leave/PTO. Once employees have exhausted accrued leave/PTO, employees may receive COVID-19 Paid Leave at <u>100%</u> of employee's pay, up to 160 hours. Employee may choose to use accrued leave/PTO prior to EPSL.
FFCRA Emergency Paid Sick Leaveⁱⁱ	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
4. CARING FOR INDIVIDUAL who is subject to quarantine/isolation (#1 above), or subject to self-quarantine (#2 above)	<ul style="list-style-type: none"> Up to 80 hours of Emergency Paid Sick Leave (aggregate for all FFCRA leave reasons) that can be used between April 1 and Dec 31, 2020. Paid <u>at two-thirds</u> of employee's pay rate up to \$200/day and \$2,000 total. 	<ul style="list-style-type: none"> <u>FFCRA Ineligible.</u> Eligible for COVID-19 Paid Leave for absences <u>up to 100%</u> of employee's work schedule. Available to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave if ESPL has been exhausted and/or to supplement to full pay for partially paid work hours under EPSL. COVID-19 Paid Leave is provided <u>at 100%</u> of employee's pay rate. 	<ul style="list-style-type: none"> May supplement EPSL with COVID-19 Paid Leave up to two-thirds of employee's pay if the employee's pay exceeds the FFCRA benefit cap. Employees must use available accrued leave/PTO, or go on leave without pay if Emergency Paid Sick Leave has been exhausted. 	<ul style="list-style-type: none"> May supplement EPSL with COVID-19 Paid Leave up to two-thirds of employee's pay if the employee's pay exceeds the FFCRA benefit cap. If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave at <u>one-third</u> of employee's pay and supplement with accrued leave/PTO.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL 01 – MAY 31 ⁱ	JUNE	JULY
	<ul style="list-style-type: none"> • May be used intermittently if agreed to by employee and employee. • All active permanent and temporary employees are eligible.ⁱⁱ 		<ul style="list-style-type: none"> • Employee may choose to use accrued leave/PTO prior to EPSL. 	<ul style="list-style-type: none"> • Employee may choose to use accrued leave/PTO prior to EPSL. 	<ul style="list-style-type: none"> • Employee may choose to use accrued leave/PTO prior to EPSL.
<p>5a. Needs to provide CHILDCARE because school or childcare facility is closed due to COVID-19</p>	<ul style="list-style-type: none"> • Up to 80 hours of Emergency Paid Sick Leave (aggregate for all FFCRA leave reasons) that can be used between April 1 and Dec 31. • Paid <u>at two-thirds</u> of employee’s pay rate up to \$200/day and \$2,000 total. • May be used intermittently if agreed to by employee and employee. • All active permanent and temporary employees are eligible.ⁱⁱ 	<ul style="list-style-type: none"> • <u>FFCRA Ineligible.</u> • Eligible for COVID-19 Paid Leave for absences due to child care needs <u>up to 100%</u> of employee’s work schedule. • Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> • Eligible for COVID-19 Paid Leave if Emergency Paid Sick Leave (EPSL) has been exhausted and/or to supplement to full pay for partially paid work hours under EPSL. • COVID-19 Paid Leave is provided <u>at 100%</u> of employee’s pay rate. • Employee may choose to use accrued leave/PTO prior to EPSL. 	<ul style="list-style-type: none"> • May supplement EPSL with COVID-19 Paid Leave up to two-thirds of employee’s pay if the employee’s pay exceeds the FFCRA benefit cap. • If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave at two-thirds of employee’s pay and supplement with accrued leave/PTO. • If the FFCRA benefit is exhausted, employee may also choose to use COVID-19 Make-Up Leaveⁱⁱⁱ or go on leave without pay. • Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. • Employee may choose to use accrued leave/PTO prior to EPSL. 	<ul style="list-style-type: none"> • May supplement EPSL with COVID-19 Paid Leave up to two-thirds of employee’s pay if the employee’s pay exceeds the FFCRA benefit cap. • If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave at one-third of employee’s pay and supplement with accrued leave/PTO. • If the FFCRA benefit is exhausted, employee may also choose to use COVID-19 Make-Up Leaveⁱⁱⁱ or go on leave without pay. • Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided, and/or to establish a COVID-19 Leave Bank Program. • Employee may choose to use accrued leave/PTO prior to EPSL.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL 01 – MAY 31 ⁱ	JUNE	JULY
FFCRA Expanded Family & Medical Leave ^{iv}	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
<p>5b. Needs to provide CHILDCARE because school or childcare facility is closed due to COVID-19</p>	<ul style="list-style-type: none"> Up to 12 weeks of Expanded Family & Medical Leave (FML) between April 1 and Dec 31, 2020. First 2 weeks of leave are <u>unpaid</u> but may be supplemented by available Emergency Paid Sick Leave and/or accrued leave/PTO. Remaining 10 weeks <u>paid at two-thirds</u> of employee's pay rate up to \$200/day and \$10,000 total. Applies to permanent and temporary employees who have worked for institution at least 30 calendar days. 	<ul style="list-style-type: none"> <u>FFCRA Ineligible.</u> Eligible for COVID-19 Paid Leave for absences due to child care needs <u>up to 100%</u> of employee's work schedule. Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> May use FFCRA Emergency Paid Sick Leave (EPSL) for the first two weeks under Expanded FML if not used for another purpose above. Eligible for COVID-19 Paid Leave for first two weeks if EPSL has been exhausted and/or to supplement to full pay for partially paid days under EPSL <u>paid at 100%</u> of employee's pay rate. Eligible for COVID-19 Paid Leave if Expanded FML has been exhausted and/or to supplement to full pay for partially paid work hours under Expanded FML for remaining weeks. Employee may choose to use accrued leave/PTO prior to Expanded FML. 	<ul style="list-style-type: none"> May supplement Expanded FML with COVID-19 Paid Leave <u>up to two-thirds</u> of employee's pay if the employee's pay exceeds the FFCRA benefit cap. If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave at two-thirds of employee's pay and supplement with accrued leave/PTO. If FFCRA benefit is exhausted, employee may also choose to use COVID-19 Make-Up Leaveⁱⁱⁱ or go on leave without pay. Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Employee may choose to use accrued leave/PTO prior to Expanded FML. 	<ul style="list-style-type: none"> May supplement Expanded FML with COVID-19 Paid Leave <u>up to two-thirds</u> of employee's pay if the employee's pay exceeds the FFCRA benefit cap. If FFCRA benefit is exhausted, employees may receive COVID-19 Paid Leave at one-third of employee's pay and supplement with accrued leave/PTO. If FFCRA benefit is exhausted, employee may also choose to use COVID-19 Make-Up Leaveⁱⁱⁱ or go on leave without pay. Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided, and/or to establish a COVID-19 Leave Bank Program. Employee may choose to use accrued leave/PTO prior to Expanded FML.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL 01 – MAY 31 ⁱ	JUNE	JULY
Paid Leave for Other Reasons	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
6. Needs to provide ELDERCARE because the eldercare facility is closed due to COVID-19	• n/a	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to elder care needs up to <u>100%</u> of employee's work schedule. Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to elder care needs up to <u>100%</u> of employee's work schedule. 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave equal to <u>two-thirds</u> of employee's pay for each hour of elder care leave.^v After COVID-19 Paid Leave, use available accrued leave/PTO, COVID-19 Make-Up Leaveⁱⁱⁱ, or go on leave without pay. Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave equal to <u>one-third</u> of employee's pay for each hour of elder care leave after FFCRA equivalent is exhausted.^v After COVID-19 Paid Leave, use available accrued leave/PTO, COVID-19 Make-Up Leaveⁱⁱⁱ, or go on leave without pay. <p>Chancellors have the discretion whether or not to offer COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided, and/or to establish a COVID-19 Leave Bank Program.</p>
7. CANNOT TELEWORK because duties cannot be performed remotely and alternate remote work is not feasible	• n/a	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to inability to telework up to <u>100%</u> of employee's work schedule. Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to inability to telework up to <u>100%</u> of employee's work schedule. 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave equal to <u>two-thirds</u> of employee's pay for each hour the employee cannot telework. After COVID-19 Paid Leave, use available accrued leave/PTO or go on leave without pay. 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave equal to <u>one-third</u> of employee's pay for each hour that the employee cannot telework. After COVID-19 Paid Leave, use available accrued leave/PTO or go on leave without pay. Chancellors have the discretion to establish a COVID-19 Leave Bank Program.
8. COVID-LIKE CONDITIONS Employees who are sick due to symptoms of a cold, flu, or COVID-19 or who are caring for a dependent with such symptoms	• n/a	<ul style="list-style-type: none"> Effective <u>March 10</u>, eligible for COVID-19 Paid Leave for absences up to <u>100%</u> of employee's work schedule. Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences up to <u>100%</u> of employee's work schedule. Some situations may be covered by FFCRA Emergency Paid Sick Leave as described above. 	<ul style="list-style-type: none"> If applicable FFCRA benefit is exhausted, employees must use available accrued leave/PTO, or go on leave without pay. Some situations may be covered by FFCRA Emergency Paid Sick Leave as described above. 	<ul style="list-style-type: none"> If applicable FFCRA benefit is exhausted, employees must use available accrued leave/PTO, or go on leave without pay. Some situations may be covered by FFCRA Emergency Paid Sick Leave as described above.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL 01 – MAY 31 ⁱ	JUNE	JULY
Paid Leave for Other Reasons	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
9. OTHER EMPLOYMENT ISSUES - Temporary Appointments - Time-Limited Appointments - Probationary Appointments - Hiring/Pay Adjustments - Hiring Pause - Leave Interchangeability - Extended Community Service Leave	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> 31-day break-in service rule suspended for temporary employees until public health emergency ends. Time-limited SHRA appointments may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appointments are <u>not</u> extended due to the public health emergency. Institutions may waive posting and recruitment requirements and provide pay adjustments for positions deemed critical to university operations during the public health emergency. Limits on community service leave hours have been waived for volunteering with not-for-profit service organizations. 	<ul style="list-style-type: none"> 31-day break-in service rule suspended for temporary employees until public health emergency ends. Time-limited SHRA appointments may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appointments are <u>not</u> extended due to the public health emergency. Institutions may waive posting and recruitment requirements and provide pay adjustments for positions deemed critical to university operations during the public health emergency. Other hiring, pay, and classification actions have been paused unless an exception is provided by the chancellor. Limits on community service leave hours have been waived for volunteering with not-for-profit service organizations. 	<ul style="list-style-type: none"> 31-day break-in service rule suspended for temporary employees until public health emergency ends. Time-limited SHRA appointments may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appointments are <u>not</u> extended due to the public health emergency. Institutions may waive posting and recruitment requirements and provide pay adjustments for positions deemed critical to university operations during the public health emergency. Other hiring, pay, and classification actions have been paused unless an exception is provided by the chancellor. Through Dec. 31, 2020, employees may use accrued sick, vacation, and bonus leave interchangeably for absences; this does not affect policy requirements for leave related to retirement, transfer, separation, RIFs, or emergency furloughs. Limits on community service leave hours have been waived for volunteering with not-for-profit service organizations. 	<ul style="list-style-type: none"> 31-day break-in service rule suspended for temporary employees until public health emergency ends. Time-limited SHRA appointments may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appointments are <u>not</u> extended due to the public health emergency. Institutions may waive posting and recruitment requirements and provide pay adjustments for positions deemed critical to university operations during the public health emergency. Other hiring, pay, and classification actions have been paused unless an exception is provided by the chancellor. Through Dec. 31, 2020, employees may use accrued sick, vacation, and bonus leave interchangeably for absences; this does not affect policy requirements for leave related to retirement, transfer, separation, RIFs, or emergency furloughs. Limits on community service leave hours have been waived for volunteering with not-for-profit service organizations.

MANDATORY EMPLOYEES	MARCH	APRIL	MAY	JUNE	JULY
<p>Special compensation for mandatory employees for all hours required to be worked onsite (not at employee's residence).</p>	<ul style="list-style-type: none"> Some employee classifications are excluded from eligibility (see work/leave provisions). No special compensation for mandatory employees. 	<ul style="list-style-type: none"> Some employee classifications are excluded from eligibility (see work/leave provisions). Special compensation is required for eligible employees as described below. FLSA <u>Non-Exempt</u> Employees: 1.5x compensation for all hours worked onsite. FLSA <u>Exempt</u> Employees: 1.5x compensation for all hours worked onsite up to 40 hours in a work week. Special compensation may be provided as pay, as compensatory time, or as a combination of both. COVID comp time must be used within 12 months or is paid out. 	<ul style="list-style-type: none"> Some employee classifications are excluded from eligibility (see work/leave provisions). Chancellors may choose to provide special compensation or not based on budgetary or operational reasons. Chancellors who provide special compensation may provide it at any of the following rates: 1.05x, 1.1x, 1.2x, 1.25x, or 1.5x. FLSA <u>Non-Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. FLSA <u>Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. Special compensation may be provided as pay, as compensatory time, or as a combination of both. COVID comp time must be used within 12 months or is paid out. 	<ul style="list-style-type: none"> Some employee classifications are excluded from eligibility (see work/leave provisions). Chancellors may choose to provide special compensation or not based on budgetary or operational reasons. Chancellors who provide special compensation may provide it at any of the following rates: 1.05x, 1.1x, 1.2x, 1.25x, or 1.5x. FLSA <u>Non-Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. FLSA <u>Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. Special compensation may be provided as pay, as compensatory time, or as a combination of both. COVID comp time must be used within 12 months or is paid out. Chancellors have the discretion to allow student employees and/or temporary employees designated as mandatory to receive COVID-19 Paid Leave under some or all conditions provided above to permanent employees.ⁱ 	<ul style="list-style-type: none"> Some employee classifications are excluded from eligibility (see work/leave provisions). Chancellors may choose to provide special compensation or not based on budgetary or operational reasons. Chancellors who provide special compensation may provide it at any of the following rates: 1.05x, 1.1x, 1.2x, 1.25x, or 1.5x. FLSA <u>Non-Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. FLSA <u>Exempt</u> Employees: special compensation for all hours worked onsite for up to 40 hours in a work week. Special compensation may be provided as pay, as compensatory time, or as a combination of both. COVID comp time must be used within 12 months or is paid out. Chancellors have the discretion to allow student employees and/or temporary employees designated as mandatory to receive COVID-19 Paid Leave under some or all conditions provided above to permanent employees.ⁱ

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- ⁱ Starting April 1, chancellors have the discretion to continue to provide COVID-19 paid administrative leave to temporary employees or to end temporary assignments. Starting June 1, chancellors have the discretion to continue COVID-19 paid administrative leave only to students and to temporary employees performing mandatory duties and only for the same reasons that permanent employees may receive COVID-19 paid administrative leave as of June 1.
 - ⁱⁱ Emergency Paid Sick Leave applies to both permanent and temporary employees. Health care providers and emergency responders may be excluded from eligibility at chancellor’s discretion.
 - ⁱⁱⁱ COVID-19 Make-Up Leave must be paid back within 24 months or will be deducted from employee’s pay. Chancellors have the discretion whether or not to implement this program and to set limits on its use.
 - ^{iv} Expanded FML applies to both permanent and temporary employees. Employees must have been employed at least 30 calendar days prior to starting Expanded Family & Medical Leave use for childcare. Health care providers and emergency responders may be excluded from eligibility at agency discretion. For FMLA-eligible events other than FFCRA child care, an employee must be eligible under the normal FMLA eligibility rules. The 12 weeks of Expanded FML for child care will be reduced by any FML used for other purposes previously within the defined 12-month leave period.
 - ^v Continued eligibility for COVID-19 Paid Leave for elder care is limited to the same eligibility requirements under FFCRA for child care. For example, an employee may receive up to 12 weeks of elder care leave total (starting April 1, 2020 or later) but will be reduced by any FML used for other purposes previously within the defined 12-month leave period. Once the FFCRA-equivalent amount of leave is exhausted, the maximum COVID-19 Paid Leave is limited as described in the chart.

AGENDA ITEM

A-6. Amendments to Code Section 610 and 603 - Special Faculty Kimberly van Noort and Matthew Brody

Situation: Chapter VI of *The Code* of the University of North Carolina establishes the basic components of academic tenure for faculty, including special faculty.

Background: Special faculty appointed by the universities serve in such titles as visiting faculty, adjunct faculty, artists-in-residence, lecturers, or other special categories established by the institutions. While under contract, special faculty are entitled to the same notice and process considerations as tenured faculty under Section 603 (imposition of serious disciplinary sanctions).

Assessment: When making fixed term appointments, UNC System institutions generally include language in their contracts stating that the appointment is contingent on such items as the availability of funds from specific sources. As evidenced by the COVID crisis, it is important that universities include contingencies that permit them to immediately terminate fixed term faculty appointments due to such items as unavailability of funds and enrollment declines. The proposed changes to Sections 610 and 603 clarify the obligation of the universities to include such contingencies in their special faculty appointments.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda at the next meeting.

CHAPTER VI- ACADEMIC FREEDOM AND TENURE

. . . .

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

(1) A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees the faculty member may be discharged from employment, suspended without pay, or demoted in rank for reasons of:

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

(b) Neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or

(c) Misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify serious disciplinary action, such misconduct should be either (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

These sanctions may be imposed only in accordance with the procedures prescribed in this section. For ~~purposes-impositions of serious sanctions under of~~ this Code section, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. These procedures shall not apply to nonreappointment (Section 604) or termination of employment (Section 605).

. . . .

SECTION 610. RIGHTS OF SPECIAL FACULTY MEMBERS

(1) Faculty members who are appointed as visiting faculty members, adjunct faculty, lecturers, artists-in-residence, writers-in-residence or other special categories are regarded as "special faculty members" for purposes of the University Code. Special faculty members may be paid or unpaid.

(2) Special faculty members who are paid shall be appointed for a specified term of service, as set out in writing in the letter of appointment. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment constitutes full and timely notice that a new term will not be granted when that term expires. The continued employment of a special faculty member during the term of appointment may be made expressly contingent on items such as the continued

availability of funding from any source, on enrollment levels, or any other contingency established by the institution, in which case the appointment letter must state such contingency.

- (3) Special faculty members who are not paid may be appointed for a specified term of service or at will. Their pay and appointment status should be set out in the letter of appointment.
- (4) During the term of their employment, special faculty members are entitled to seek recourse under Section 607 of the University Code (relating to faculty grievances).
- (5) Special faculty members, whether paid or unpaid, are not covered by Section 604 of the University Code, and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed term.

AGENDA ITEM

A-7. Proposed Revisions to the
Policy on Chancellor Searches and Election (Policy 200.8)Matthew Brody and Peter Hans

Situation: The committee has for its consideration proposed revisions to the University's Policy on Chancellor Searches and Elections. These changes are designed to accomplish several goals, as follows:

- Affirm the need for the constituent institutions to work with the president to identify candidates with diverse backgrounds and skills in business, industry, government, the military, and the not-for-profit sector;
- Require the president, in consultation with the officers of the Board of Governors, to develop potential chancellor candidates within the University of North Carolina System and promote chancellor vacancies to well-qualified potential candidates who are current residents of the State of North Carolina;
- Provide that, in any chancellor search, the president shall have the discretion to designate up to two individuals from the president's succession planning efforts to become candidates upon their submission of complete applications. Candidates designated by the president would participate in search committee interviews and would then become part of the slate of candidates referred by the board of trustees for the president's consideration.

Background: North Carolina law and the UNC Policy Manual prescribe the process for the selection of a chancellor. These proposed revisions to policy will promote talent development and succession planning by the president in order to ensure a diverse and highly qualified pool of candidates for current and future chancellor vacancies.

Assessment: The proposed changes are consistent with the requirements of state law, G.S. 116-11(4). This item includes a redline and clean copy of the proposed policy changes.

Action: This item requires a vote by the committee, with a vote by the full Board of Governors through the consent agenda at the next meeting.

Policy on Chancellor Searches and Elections

The Board of Governors adopts the following policy regarding the chancellor search and election process.

I. Purpose. The search for and election of a new chancellor of a constituent institution of the University of North Carolina requires the participation, involvement, and collaboration of the board of trustees of the constituent institution, the chancellor search committee, the president, and the Board of Governors, each of which performs distinct roles and functions. Within the University, chancellors report to the president. The president therefore has the primary responsibility for ensuring there is a thorough and reliable process for chancellor searches, culminating in the election of the chancellor by the Board of Governors.

Consistent with the statutory responsibilities of the board of trustees, president, and Board of Governors, this policy establishes requirements for the chancellor search and election process, and describes the resources that shall be provided through the UNC System Office and the constituent institutions during each search.

II. Search Process

A. President. As further described in this policy, the president shall have the overall responsibility for overseeing System Office staff with responsibility for managing and supporting chancellor searches, helping determine search committee membership, charging the search committee, developing chancellor leadership competencies, interviewing chancellor finalists, participating in the reference checking process, negotiating the terms of employment for a chancellor-elect consistent with state law and Board policy, and offering a chancellor-elect for final consideration by the Board of Governors.

B. Board of Trustees. As further described in this policy, members of the boards of trustees shall serve as members of the search committee, shall consider candidates proposed by the search committee as potential finalists, and shall refer a final slate of candidates to the president for additional vetting and consideration.

C. Board of Governors. As further described in this policy, selected members of the Board of Governors shall provide input and advice to the president on a slate of finalists and the governors both in committee and then as the full body shall consider and vote on a proposed chancellor-elect.

D. Search Committee

1. The search committee shall be composed of representatives of the board of trustees, the faculty, the student body, the staff, the alumni, the local community, and other campus constituencies as may be deemed appropriate, which can ordinarily be

achieved with a committee of no more than 20 members.

2. No member of the Board of the Governors may serve as a member of the search committee.

3. The chair of the board of trustees in consultation with the president shall identify a chair of the search committee; the chair of the board of trustees may also serve as chair of the search committee with the agreement of the president.

4. As further described in this policy, the search committee shall work on behalf of the board of trustees and the president to receive the input of institutional stakeholders and community members, to develop a leadership statement that describes the desired qualities for the new chancellor, to conduct interviews and consider the qualifications of candidates, and to propose a slate of finalists for consideration of the board of trustees, who recommends the slate to the president.

E. Budget and Staff. Upon the establishment of the search committee, the chair of the board of trustees, in consultation with the president, shall establish a budget and identify staff for the committee. With the exception of assigned System Office professional staff and their direct expenses, the costs for a chancellor search are the responsibility of the constituent institution. This shall include the fees and expenses of any engaged outside professional search and/or background investigation firms.

F. UNC System Office. The UNC System Office shall provide the necessary resources and support to effectively carry out a chancellor search, including but not limited to qualified human resources staff with expertise in executive search, logistical and administrative support to the chair of the search committee, and training materials which shall serve to orient trustees and search committee members with respect to their roles and responsibilities in the search process. The System Office may also obtain the support of the constituent institution in providing local logistical support to the operations of the search committee.

G. Search Status. Members of the Board of Governors may elect to receive public notices of search committee meetings and chancellor search open forums. The chair of the board of trustees shall ensure that the president receives periodic updates concerning the status of the search and the projected schedule for concluding interviews and delivering recommendations of two (2) candidates to the president.

H. Engagement of Key Stakeholders

1. The chair of the search committee shall assure that the search process engages a broad cross-section of institutional stakeholders to obtain well-rounded input on candidates. At the discretion of the search committee chair, such engagement could involve students, faculty, staff, alumni, and community members.

2. The search committee chair is encouraged to engage selected members of the Board of Governors who may live within proximity to the institution or otherwise have a particular interest in or knowledge of the institution and its mission to attend constituent forums, candidate receptions, or other events at which candidates are present.

3. All individuals provided the opportunity to meet with chancellor candidates on campus will be expected to sign confidentiality agreements equivalent to that signed by members of the search committee.

I. Confidential Searches and Confidentiality

1. Consistent with state law protecting the identity of applicants, searches for chancellors of the University of North Carolina shall be conducted as “confidential searches,” which shall mean the identity of candidates, semi-finalists, or finalists shall not be disclosed to the general public. Conducting confidential searches is intended to maximize the quality of the candidate pool by not discouraging the interest of individuals who would not otherwise apply in the event of a publicly disclosed candidate pool.

2. Any individual involved in the search process, including but not limited to members of the Board of Governors, the search committee, the board of trustees, and staff, shall keep confidential all search-related records and information that are required by law to be kept confidential. Confidential information includes, but is not limited to, personnel records and information of candidates, attorney-client communications, and closed session deliberations and information.

III. Search Philosophy, ~~and~~ Candidates for Chancellor, and Other Items

A. Each chancellor search committee and the boards of trustees for constituent institutions shall, in consultation with the president, make-undertake reasonable every-efforts to recruit and consider a diverse pool of exceptionally well-qualified individuals for chancellor vacancies, including -and to consider candidates with both traditional academic experience as well as candidates with alternative backgrounds in business, industry, government, the military, and the not-for-profit sector.

B. In order to support proactive talent identification and effective succession planning efforts and to benefit future applicant pools for the position of chancellor, The-the president, in consultation with the officers of the Board of Governors, shall undertake reasonable efforts to develop potential chancellor candidates an internal pipeline of talent within the University of North Carolina and that shall serve to benefit future applicant pools for the position of chancellor.

C. ~~The president~~ shall assure-ensure that opportunities for chancellor vacancies shall be promoted in a manner that encourages interest from well-qualified candidates who are current residents of the State of North Carolina. In any chancellor search, the president shall have the discretion to designate up to two individuals from the president’s succession planning efforts to become candidates upon their submission of complete applications. Candidates designated by the president shall participate in search committee interviews and shall be part of the slate referred by the board of trustees for the president’s consideration in accordance with Part IV of this policy.

CD. In keeping with Board policy in order to avoid actual or potential conflicts of interests, no presently serving member of the Board of Governors or a board of trustees shall be eligible to be appointed as an acting or interim chancellor or to be considered for the position of chancellor unless they first resign their position on said body.

IV. Board of Trustees Recommendations to the President. The board of trustees, following receipt of the report of the search committee shall, subject to the direction of the president, recommend an unranked slate of no fewer than two (2) candidates for consideration by the president in designating a nominee for the chancellorship.

V. Consideration by the President. Once the slate of candidates is received from the board of trustees, the president may choose to interview one (1) or more of the candidates and may include members of his or her senior staff in the interviews, as deemed appropriate. The president may also consider asking the appointed officers of the Board of Governors and the chair and vice chair of the Committee on Personnel and Tenure to participate in these interviews to advise on the suitability of the candidates and to build support for a selected finalist before advancing to the next stage of the search process.

VI. Review of Candidate Qualifications and Background Investigation

A. Timing. The president shall initiate a detailed background investigation on one or more of the candidates received from the board of trustees for determining their suitability for election as chancellor.

B. Scope. Any candidate presented to the Board of Governors for election as chancellor must have had a completed background investigation that includes, but is not limited to verification of prior work history and educational credentials, confirmation of most recent total compensation, reference checks, criminal background check, credit check, civil litigation check, and scans of relevant social media and news media references applicable to the candidate. This investigation may address any other issues deemed of relevance to the president to confirm the candidate's suitability to serve as a chancellor.

C. Review of Results. The final results of this background investigation shall be reviewed by the president, appropriate members of the president's senior staff, the officers of the Board of Governors, and the chair and vice chair of the Committee on Personnel and Tenure. This information may be shared with other members of the Board of Governors only with the direct authorization of the chair and the president when deemed necessary for the proper conduct of a search.

VII. Nomination to the Board of Governors. Following interviews and successful completion of an appropriate background investigation, the president may either identify one candidate for nomination to the Board of Governors or return the slate to the board of trustees with instructions for further action.

VIII. Negotiation of Terms and Conditions of Appointment. The president shall consult with the Board of Governors officers and the chair of the Committee on Personnel and Tenure about the president's proposed nomination and negotiation of conditional terms and conditions of appointment. The negotiated terms and conditions may include: compensation (including base salary, consistent with the Board of Governors approved market salary ranges), retirement plan participation; deferred compensation incentive and retention plans; stipends, and allowances; and written contract provisions, including length of appointment and retreat rights.

IX. Election of the Chancellor

- A. The Board of Governors shall vote on the president's nominee and the proposed terms of appointment.
- B. All the members of the Board shall have no less than seven (7) calendar days to review written materials for the proposed candidate for chancellor-elect prior to being asked to vote on said nomination.
- C. Prior to being considered by the full Board of Governors, the Committee on Personnel and Tenure shall convene to consider and make a recommendation concerning the president's nomination and the proposed terms and conditions of appointment, including the elements of any employment contract. The Committee on Personnel and Tenure meeting shall be scheduled so as to reasonably accommodate participation by Board of Governors members in person or by telephone.
- D. Any Board of Governors member who shall have a concern regarding the veracity or accuracy of any element of a candidate's background for chancellor shall address such concern directly to the president. The president shall have the responsibility to investigate and follow-up on such concerns with the Board of Governors in a timely manner.
- E. The chancellor-elect shall not be physically present at any board meeting at which such vote shall be undertaken.

X. Other Matters

- A. **Effective Date.** The requirements of this policy shall be effective for all chancellor searches upon adoption by the Board of Governors. ~~that are initiated on or after the date of adoption of this policy by the Board of Governors.~~
- B. **Relation to State Laws.** The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern or relate to chancellor searches.
- C. **Regulations and Guidelines.** These policies shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

Policy on Chancellor Searches and Elections

The Board of Governors adopts the following policy regarding the chancellor search and election process.

I. Purpose. The search for and election of a new chancellor of a constituent institution of the University of North Carolina requires the participation, involvement, and collaboration of the board of trustees of the constituent institution, the chancellor search committee, the president, and the Board of Governors, each of which performs distinct roles and functions. Within the University, chancellors report to the president. The president therefore has the primary responsibility for ensuring there is a thorough and reliable process for chancellor searches, culminating in the election of the chancellor by the Board of Governors.

Consistent with the statutory responsibilities of the board of trustees, president, and Board of Governors, this policy establishes requirements for the chancellor search and election process, and describes the resources that shall be provided through the UNC System Office and the constituent institutions during each search.

II. Search Process

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B. Board of Trustees. As further described in this policy, members of the boards of trustees shall serve as members of the search committee, shall consider candidates proposed by the search committee as potential finalists, and shall refer a final slate of candidates to the president for additional vetting and consideration.

C. Board of Governors. As further described in this policy, selected members of the Board of Governors shall provide input and advice to the president on a slate of finalists and the governors both in committee and then as the full body shall consider and vote on a proposed chancellor-elect.

D. Search Committee

1. The search committee shall be composed of representatives of the board of trustees, the faculty, the student body, the staff, the alumni, the local community, and other campus constituencies as may be deemed appropriate, which can ordinarily be

achieved with a committee of no more than 20 members.

2. No member of the Board of the Governors may serve as a member of the search committee.

3. The chair of the board of trustees in consultation with the president shall identify a chair of the search committee; the chair of the board of trustees may also serve as chair of the search committee with the agreement of the president.

4. As further described in this policy, the search committee shall work on behalf of the board of trustees and the president to receive the input of institutional stakeholders and community members, to develop a leadership statement that describes the desired qualities for the new chancellor, to conduct interviews and consider the qualifications of candidates, and to propose a slate of finalists for consideration of the board of trustees, who recommends the slate to the president.

E. Budget and Staff. Upon the establishment of the search committee, the chair of the board of trustees, in consultation with the president, shall establish a budget and identify staff for the committee. With the exception of assigned System Office professional staff and their direct expenses, the costs for a chancellor search are the responsibility of the constituent institution. This shall include the fees and expenses of any engaged outside professional search and/or background investigation firms.

F. UNC System Office. The UNC System Office shall provide the necessary resources and support to effectively carry out a chancellor search, including but not limited to qualified human resources staff with expertise in executive search, logistical and administrative support to the chair of the search committee, and training materials which shall serve to orient trustees and search committee members with respect to their roles and responsibilities in the search process. The System Office may also obtain the support of the constituent institution in providing local logistical support to the operations of the search committee.

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1. The chair of the search committee shall assure that the search process engages a broad cross-section of institutional stakeholders to obtain well-rounded input on candidates. At the discretion of the search committee chair, such engagement could involve students, faculty, staff, alumni, and community members.

2. The search committee chair is encouraged to engage selected members of the Board of Governors who may live within proximity to the institution or otherwise have a particular interest in or knowledge of the institution and its mission to attend constituent forums, candidate receptions, or other events at which candidates are present.

3. All individuals provided the opportunity to meet with chancellor candidates on campus will be expected to sign confidentiality agreements equivalent to that signed by members of the search committee.

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2. Any individual involved in the search process, including but not limited to members of the Board of Governors, the search committee, the board of trustees, and staff, shall keep confidential all search-related records and information that are required by law to be kept confidential. Confidential information includes, but is not limited to, personnel records and information of candidates, attorney-client communications, and closed session deliberations and information.

III. Search Philosophy, Candidates for Chancellor, and Other Items

A. Each chancellor search committee and the boards of trustees for constituent institutions shall, in consultation with the president, undertake reasonable efforts to recruit and consider a diverse pool of exceptionally well-qualified individuals for chancellor vacancies, including candidates with both traditional academic experience as well as candidates with backgrounds in business, industry, government, the military, and the not-for-profit sector.

B. In order to support proactive talent identification and succession planning efforts and to benefit future applicant pools for the position of chancellor, the president, in consultation with the officers of the Board of Governors, shall undertake reasonable efforts to develop potential chancellor candidates within the University of North Carolina and shall ensure that opportunities for chancellor vacancies are promoted in a manner that encourages interest from well-qualified candidates who are current residents of the State of North Carolina. In any chancellor search, the president shall have the discretion to designate up to two individuals from the president’s succession planning efforts to become candidates upon their submission of complete applications. Candidates designated by the president shall participate in search committee interviews and shall be part of the slate referred by the board of trustees for the president’s consideration in accordance with Part IV of this policy.

C. In keeping with Board policy in order to avoid actual or potential conflicts of interests, no presently serving member of the Board of Governors or a board of trustees shall be eligible to be appointed as an acting or interim chancellor or to be considered for the position of chancellor unless they first resign their position on said body.

IV. Board of Trustees Recommendations to the President. The board of trustees, following receipt of the report of the search committee shall, subject to the direction of the president, recommend an unranked slate of no fewer than two (2) candidates for consideration by the president in designating a nominee for the chancellorship.

V. Consideration by the President. Once the slate of candidates is received from the board of trustees, the president may choose to interview one (1) or more of the candidates and may include members of his or her senior staff in the interviews, as deemed appropriate. The president may also consider asking the appointed officers of the Board of Governors and the chair and vice chair of the Committee on Personnel and Tenure to participate in these interviews to advise on the suitability of the candidates and to build support for a selected finalist before advancing to the next stage of the search process.

VI. Review of Candidate Qualifications and Background Investigation

A. Timing. The president shall initiate a detailed background investigation on one or more of the candidates received from the board of trustees for determining their suitability for election as chancellor.

B. Scope. Any candidate presented to the Board of Governors for election as chancellor must have had a completed background investigation that includes, but is not limited to verification of prior work history and educational credentials, confirmation of most recent total compensation, reference checks, criminal background check, credit check, civil litigation check, and scans of relevant social media and news media references applicable to the candidate. This investigation may address any other issues deemed of relevance to the president to confirm the candidate's suitability to serve as a chancellor.

C. Review of Results. The final results of this background investigation shall be reviewed by the president, appropriate members of the president's senior staff, the officers of the Board of Governors, and the chair and vice chair of the Committee on Personnel and Tenure. This information may be shared with other members of the Board of Governors only with the direct authorization of the chair and the president when deemed necessary for the proper conduct of a search.

VII. Nomination to the Board of Governors. Following interviews and successful completion of an appropriate background investigation, the president may either identify one candidate for nomination to the Board of Governors or return the slate to the board of trustees with instructions for further action.

VIII. Negotiation of Terms and Conditions of Appointment. The president shall consult with the Board of Governors officers and the chair of the Committee on Personnel and Tenure about the president's proposed nomination and negotiation of conditional terms and conditions of appointment. The negotiated terms and conditions may include: compensation (including base salary, consistent with the Board of Governors approved market salary ranges), retirement plan participation; deferred compensation incentive and retention plans; stipends, and allowances; and written contract provisions, including length of appointment and retreat rights.

IX. Election of the Chancellor

A. The Board of Governors shall vote on the president's nominee and the proposed terms of appointment.

B. All the members of the Board shall have no less than seven (7) calendar days to review written materials for the proposed candidate for chancellor-elect prior to being asked to vote on said nomination.

C. Prior to being considered by the full Board of Governors, the Committee on Personnel and Tenure shall convene to consider and make a recommendation concerning the president's nomination and the proposed terms and conditions of appointment, including the elements of any employment contract. The Committee on Personnel and Tenure meeting shall be scheduled so as to reasonably accommodate participation by Board of Governors members in person or by telephone.

D. Any Board of Governors member who shall have a concern regarding the veracity or accuracy of any element of a candidate's background for chancellor shall address such concern directly to the president. The president shall have the responsibility to investigate and follow-up on such concerns with the Board of Governors in a timely manner.

E. The chancellor-elect shall not be physically present at any board meeting at which such vote shall be undertaken.

X. Other Matters

A. **Effective Date.** The requirements of this policy shall be effective for all chancellor searches upon adoption by the Board of Governors. .

B. **Relation to State Laws.** The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern or relate to chancellor searches.

C. **Regulations and Guidelines.** These policies shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.