



MEETING OF THE BOARD OF GOVERNORS
Committee on Personnel and Tenure

September 16, 2020 at 11:00 a.m.
Via Videoconference and UNC-TV Live Stream
University of North Carolina System Office
Center for School Leadership Development, Room 128
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 July 22, 2020, and August 3, 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. President's Delegated Personnel Actions Matthew Brody
- A-4. General Updates for the Committee Matthew Brody and Kimberly van Noort
- A-5. COVID-19 Human Resources Updates Matthew Brody
- A-6. Section 1300.11, Policy on Title IX Sexual Harassment Wes Chancey and Carolyn Pratt
- A-7. 2019-2020 Committee on Personnel & Tenure Annual Report Matthew Brody

CLOSED SESSION

- A-8. Approval of the Closed Session Minutes of July 22, 2020 and August 3, 2020 Kellie Hunt Blue
- A-9. EHRA Salary Pre-Authorizations Requiring Approval by the Committee on Personnel and Tenure Matthew Brody
- A-10. Informational Report: EHRA Salary Adjustment Pre-Authorizations Delegated to the President or His Designee Matthew Brody

OPEN SESSION

- A-11. 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

July 22, 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: Reginald Ronald Holley, R. Doyle Parrish, W. Louis Bissette, Jr., Carolyn Coward, Art Pope, and Dwight D. Stone.

Chancellor Johnson Akinleye, Chancellor Harold Martin, and Chancellor Jose Sartarelli 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 2:32 p.m. and read the Conflict of Interest Statement.

2. Approval of the Minutes of May 19, 2020 (Item A-2)

The chair called for a motion to approve the open session minutes of May 19, 2020.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the open session minutes of May 19, 2020.

Motion: Reginald Ronald Holley

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	Yes
Pope	Yes
Stone	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, president's delegated faculty promotion and tenure conferrals, and faculty recruitment and retention fund utilization under delegated authority to the president.

4. General Updates (Item A-4)

Matthew Brody deferred his updates to the next item on the agenda.

5. HR Special Work/Leave Provisions in Response to COVID-19 (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, including recently expanded authorities around emergency temporary furloughs, temporary pay reductions, and reductions-in-force.

6. Amendments to Code Section 610 and 603 – Special Faculty (Item A-6)

The committee voted to approve proposed amendments to Chapter VI of *The Code* of the University of North Carolina that clarified the obligation of the universities to include contingency provisions that permit them to immediately terminate special faculty contracts due to unavailability of funds or declines in enrollment.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the amendments to Section 610 and 603 of *The Code*.

Motion: R. Doyle Parrish

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	Yes
Pope	Yes
Stone	Yes

7. Proposed Revisions to the Policy on Chancellor Searches and Election (Policy 200.8) (Item A-7)

The committee voted to accept proposed revisions to Section 200.8 of the UNC Policy Manual to allow the president to accomplish more effective succession planning and talent development for future chancellor vacancies by requiring the president, in consultation with the officers of the Board of Governors, to develop potential chancellor candidates within the University of North Carolina System.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the proposed revisions to Section 200.8 of the UNC Policy Manual.

Motion: Carolyn Coward

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	Yes
Pope	Yes
Stone	Yes

8. 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: Reginald Ronald Holley

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	Yes
Pope	Yes
Stone	Yes

THE MEETING MOVED INTO CLOSED SESSION.

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

Without objection, the meeting moved back into open session.

THE MEETING RESUMED IN OPEN SESSION AT 3:41 p.m.

The committee voted to request that the UNC System Office continue to provide to the Board informational reports on certain salary increases and newly established positions that previously were mandated for consultation with the Board by N.C.G.S. 116-17.3. This proposal to continue mandating this reporting will require approval by the Board.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the proposed additional informational report.

Motion: Art Pope

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	Yes
Pope	Yes
Stone	Yes

There being no further business, the meeting adjourned at 3:53 p.m.

R. Doyle Parrish, Secretary

DRAFT MINUTES

August 3, 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: Reginald Ronald Holley, R. Doyle Parrish, W. Louis Bissette, Jr., Carolyn Coward, Art Pope, and Dwight D. Stone.

Staff members present by videoconference included Matthew Brody, 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 8:33 a.m. and read the Conflict of Interest Statement.

2. 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: Reginald Ronald Holley

Motion carried

Roll Call Vote	
Blue	Yes
Holley	Yes
Parrish	Yes
Coward	<i>Absent, did not vote</i>
Pope	<i>Absent, did not vote</i>
Stone	Yes

THE MEETING MOVED INTO CLOSED SESSION.

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

Without objection, the meeting moved back into open session.

THE MEETING RESUMED IN OPEN SESSION AT 8:50 a.m.

There being no further business, the meeting adjourned at 8:50 a.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 at Chapel Hill, ten approved requests
- University of North Carolina at Charlotte, one approved request
- University of North Carolina at Greensboro, one approved request

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

\$212,624 in recurring funds

Action: This item is for information only.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM
FACULTY RECRUITMENT AND RETENTION FUND UTILIZATION UNDER DELEGATED AUTHORITY
TO THE PRESIDENT REPORT

The University of North Carolina at Chapel Hill

Rebecca Battaglini, teaching assistant professor in the Department of Exercise and Sport Science, \$6,936 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$60,295 **from** \$53,359 effective June 24, 2020)

Claudio Battaglini, professor in the Department of Exercise and Sport Science, \$17,416 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$133,528 **from** \$116,112 effective July 7, 2020)

Hudson Santos, assistant professor in the School of Nursing, \$15,255 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$130,000 **from** \$114,745 effective July 7, 2020)

Erika Wilson, associate professor in the School of Law, \$15,000 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$165,661 **from** \$150,661 effective July 7, 2020)

Boyce Griffith, associate professor in the Department of Mathematics, \$3,031 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$104,076 **from** \$101,045 effective July 16, 2020)

Nikhil Kaza, associate professor in the Department of City and Regional Planning, \$8,442 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$100,000 **from** \$91,558 effective July 16, 2020)

Robin Visser, associate professor in the Department of Asian Studies, \$5,000 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$88,940 **from** \$83,940 effective July 16, 2020)

Richard McLaughlin, professor in the Department of Mathematics, \$8,518 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$163,382 **from** \$154,864 effective July 21, 2020)

Eric Ryan, associate professor in the Department of Exercise and Sport Science, \$13,421 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits (\$102,897 **from** \$89,476 effective July 21, 2020)

Abbie Smith-Ryan, associate professor in the Department of Exercise and Sport Science, \$14,062 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits

(\$107,808 **from** \$93,746 effective July 21, 2020)

The University of North Carolina at Charlotte

Deborah Ryan, professor in the School of Architecture, \$20,002 from the Faculty Recruitment and Retention Fund and UNC Charlotte funding the cost of benefits

(\$120,000 **from** \$99,998 effective August 7, 2020)

The University of North Carolina at Greensboro

William Adams, assistant professor in the Department of Kinesiology, \$4,864 from the Faculty Recruitment and Retention Fund for salary and \$1,024 for benefits and UNC Greensboro funding the remaining cost of benefits

(\$88,889 **from** \$84,025 effective July 13, 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 Conferrals at Fayetteville State University:

- Nine (9) promotions 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 7/17/2020

Fayetteville State University

Promotion and Tenure Conferral

- Burcu Adivar, Assistant Professor to Associate Professor, Management, Marketing, and Fire & Emergency Management
- Murat Adivar, Associate Professor to Full Professor, Management, Marketing, and Fire & Emergency Management
- Erica Campbell, Assistant Professor to Associate Professor, Humanities and Social Sciences
- Caroline Glackin, Assistant Professor to Associate Professor, Management, Marketing, and Fire & Emergency Management
- Stephanie Hodges, Assistant Professor to Associate Professor, School of Nursing
- Tanya Hudson, Assistant Professor to Associate Professor, Early Childhood, Elementary, Middle Grades, Reading and Special Education
- Dwight Smith, Assistant Professor to Associate Professor, Performing and Fine Arts
- Whitney Wall, Assistant Professor to Associate Professor, Psychology
- Tamara Woods, Assistant Professor to Associate Professor, School of Social Work

AGENDA ITEM

A-3c. Informational Report: President's Delegated Personnel Actions 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:

- Five personnel appointments that are state-funded
- Three personnel appointments that are state and non-state funded
- One personnel appointment that is not 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 July 1, 2020 to August 18, 2020.

UNC System Office

Appointments

State Funded Positions:

Peter Hans, President, \$400,000, August 1, 2020, vacant position

Jonathan Pruitt, Chief Operating Officer, \$340,000, August 1, 2020, vacant position

Jennifer Haygood, Senior Vice President for Finance & CFO \$280,000, August 1, 2020, vacant position

Norma Houston, Chief of Staff, \$280,000, August 3, 2020, vacant position

Seth Riggins, Assistant Chief of Staff, \$52,000, new position

State & Non-State Funds:

Jessica Maitland, Director of Budget, \$122,000, August 4, 2020, vacant position

Melissa Mercer, Business Intelligence Analyst \$76,000, August 10, 2020, vacant position

Allison Stockweather, NC Research Campus Environment, Health, and Safety Director, \$72,850, July 20, 2020, vacant position

Non-State Funds:

Cassandra Irwin, UNCTV Website Manager, \$77,000, June 30, 2020, vacant position

AGENDA ITEM

A-5. COVID-19 Human Resources Updates..... 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 the remainder of the month. In response to the feedback from the constituent institutions and changing public health conditions, the provisions have been revised on a monthly basis 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 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.
- Effective August 1, COVID-19 paid administrative leave was discontinued for hours the employee cannot work due to child/elder care needs or inability to telework, but institutions may provide leave banks for donations of accrued leave to employees in this group who have exhausted their accrued leave. Employees who are directed by a public health official to self-isolate, recommended by a public health official or health care provider to self-quarantine, or are symptomatic and awaiting a diagnosis must use their own leave after any FFCRA leave has been exhausted, but once they have exhausted their own leave for these reasons, the employee may receive paid administrative leave at 100% of employee's pay for up to 160 hours through December 31.
- For August 17 through December 31, the state has provided additional community service leave for child involvement and mentoring for school-related activities.

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, July, August, and September 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 – MAY	JUNE	JULY	AUGUST/SEPTEMBER
FFCRA Emergency Paid Sick Leave ⁱ	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	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 at <u>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 at <u>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 100% of employee's pay, up to 160 hours. 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 must use accrued leave/PTO. Once employees have exhausted accrued leave/PTO, employees may receive COVID-19 Paid Leave at 100% of employee's pay, up to 160 hours. Employee may choose to use accrued leave/PTO prior to EPSL.
FFCRA Emergency Paid Sick Leave ⁱⁱ	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	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 at <u>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 <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 at <u>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 must use available accrued leave/PTO, or go on leave without pay. 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. 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 must use accrued leave/PTO. Employee may choose to use accrued leave/PTO prior to EPSL.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL – MAY	JUNE	JULY	AUGUST/SEPTEMBER
5a. Needs to provide CHILDCARE because school or childcare facility is closed due to COVID-19	<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 <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 <u>two-thirds</u> of employee's pay and supplement with accrued leave/PTO. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow 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 <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 <u>one-third</u> of employee's pay and supplement with accrued leave/PTO. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. 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 <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 must use accrued leave/PTO unless other leave options are provided by Chancellor. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. Employee may choose to use accrued leave/PTO prior to EPSL.
FFCRA Expanded FMLA ⁱⁱ	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options	Supplemental Leave Options
5b. Needs to provide CHILDCARE because school or childcare facility is closed due to COVID-19	<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. 	<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. 	<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. 	<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 <u>two-thirds</u> of employee's pay and supplement with accrued leave/PTO. 	<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 <u>one-third</u> of employee's pay and supplement with accrued leave/PTO. 	<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 must use accrued leave/PTO unless other leave options are provided by Chancellor. Effective August 17, 2020, additional community service leave may be applied to child/school-related activities.^{vi}

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL – MAY	JUNE	JULY	AUGUST/SEPTEMBER
	<ul style="list-style-type: none"> Applies to permanent and temporary employees who have worked for institution at least 30 calendar days. 	<ul style="list-style-type: none"> Applies to permanent and temporary (including student) employees.ⁱ 	<ul style="list-style-type: none"> 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"> Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow 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"> Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. Employee may choose to use accrued leave/PTO prior to Expanded FML. 	<ul style="list-style-type: none"> Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. Employee may choose to use accrued leave/PTO prior to Expanded FML.
Paid Leave for Other Reasons	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	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	<ul style="list-style-type: none"> Although not eligible under FFCRA, an FFCRA equivalent leave benefit is provided at two-thirds of employee's pay.ⁱⁱⁱ 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to elder 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 for absences due to elder care needs <u>up to 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^{iv} and supplement with accrued leave/PTO. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. 	<ul style="list-style-type: none"> After FFCRA equivalent is exhausted^v employees may receive COVID-19 Paid Leave equal to <u>one-third</u> of employee's and supplement with accrued leave/PTO. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. 	<ul style="list-style-type: none"> After FFCRA equivalent^v is exhausted, employees must use accrued leave/PTO unless other leave options are provided by Chancellor. Chancellors have the discretion to offer advancement of accrued leave, up to 24 months, or allow COVID-19 Make-Up Leaveⁱⁱⁱ and, if so, to set limits on the amount of leave provided. Chancellors have the discretion to establish a COVID-19 Leave Bank Program.
7. CANNOT TELEWORK because duties cannot be performed remotely and alternate remote work is not feasible	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Eligible for COVID-19 Paid Leave for absences due to inability to telework <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 for absences due to inability to telework <u>up to 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 and supplement with accrued leave/PTO. 	<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 and supplement with accrued leave/PTO. Chancellors have the discretion to establish a COVID-19 Leave Bank Program. 	<ul style="list-style-type: none"> Employees must use accrued leave/PTO unless other leave options are provided by Chancellor. Chancellors have the discretion to establish a COVID-19 Leave Bank Program.

REASON FOR ABSENCE	FEDERAL LEAVE BENEFIT	MARCH 16-31	APRIL – MAY	JUNE	JULY	AUGUST/SEPTEMBER
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 <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 for absences <u>up to 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. 	<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.
Paid Leave for Other Reasons	FFCRA Leave Benefit & Pay Rate	Supplemental Leave Options	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	• 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 appts may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appts 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. Waives hour limits to volunteer 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 appts may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appts 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. Waives hour limits to volunteer 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 appts may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appts 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 leave requirements related to retirement, transfer, separation, RIFs, or emergency furloughs. Waives hour limits to volunteer 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 appts may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appts 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 leave requirements related to retirement, transfer, separation, RIFs, or emergency furloughs. Waives hour limits to volunteer 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 appts may be extended up to 30 calendar days beyond the end of the public health emergency. SHRA probationary appts 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 leave requirements related to retirement, transfer, separation, RIFs, or emergency furloughs. Up to 80 hours to volunteer with not-for-profit organizations on COVID-19 related activities. (See also additional hours for child/school related activities.^{vi})

MANDATORY EMPLOYEES	MARCH	APRIL	MAY	JUNE	JULY	AUGUST/SEPTEMBER
Special compensation for mandatory employees for all hours required to be worked onsite (not at employee's residence).	<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 discretion to allow student 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 discretion to allow student 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 discretion to allow student and/or temporary employees designated as mandatory to receive COVID-19 Paid Leave under some or all conditions provided above to permanent employees.ⁱ

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.

^{vi} Effective August 17, 2020 through December 31, 2020, community service leave hours for child involvement (24 hours) or mentoring (36 hours) may be used for certain school-related activities. Any CSL used prior to August 17 will not count against this allotment or 24/36 hours.

AGENDA ITEM

A-6. Section 1300.11, Policy on Title IX Sexual Harassment..... Wes Chancey and Carolyn Pratt

- Situation:** The committee has, for its consideration, proposed Section 1300.11 of the UNC Policy Manual, Policy on Title IX Sexual Harassment. Section 1300.11 of the UNC Policy Manual requires constituent institutions to adopt policies and/or procedures for adjudicating claims of sex discrimination by students and employees that comply with Title IX of the Education Amendments of 1972 (Title IX). The policy also encourages the president to issue regulations that clarify the interaction of Title IX with existing University policies and regulations.
- Background:** In May 2020, the U.S. Department of Education released its Title IX Rule, which clarifies and adds to the responsibilities of institutions of higher education in complying with Title IX. The requirements of the Title IX Rule intersect with existing University policies pertaining to students and employees.
- Assessment:** This proposed policy and accompanying regulation would ensure that institutions are able to maintain compliant Title IX processes, while also properly administering established employee grievance and student disciplinary processes. The regulation will also provide administrative consistency across the University. Both the proposed policy and regulation were subject to review and comment by constituent institution administrators during the development process.
- 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 Title IX Sexual Harassment

I. Purpose. The University of North Carolina (“UNC System”) and the constituent institutions and affiliates are committed to maintaining education programs and activities that are free of sex-based discrimination, including as defined in Title IX of the Education Amendments of 1972 (“Title IX”). This policy and accompanying regulation sets out the UNC System’s commitment to maintaining education programs and activities that are free of discrimination on the basis of sex in compliance with Title IX in a manner that ensures consistency across the UNC System.

II. Title IX Procedures. Each of the seventeen (17) constituent institutions of the University of North Carolina shall adopt policies and/or procedures that comply with Title IX, including applicable provisions of the Code of Federal Regulations, and other lawful authority.

III. Other Matters

A. Effective Date. The requirements of this policy shall be effective on the date of adoption by the Board of Governors.

B. Relation to Federal and State Laws. The foregoing policy as adopted by the Board of Governors is meant to supplement, and does not purport to supplant or modify, those statutory enactments that may govern or relate to the subject matter of this policy.

C. The president may issue regulations, guidelines, and directives as appropriate to clarify Title IX’s interaction with existing student and employee grievance or disciplinary processes, and other related University policies and regulations.

Regulation Applicable to Policy on Title IX Sexual Harassment

I. Purpose. This regulation provides guidance regarding how the constituent institutions of the University of North Carolina (hereinafter, “UNC constituent institutions”) shall comply with the requirements of the U.S. Department of Education’s rule titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the “Title IX Rule”), in conjunction with the University of North Carolina’s student, faculty, and employee disciplinary policies, including Section 700.4.1 of the UNC Policy Manual (“Section 700.4.1”); Chapter VI of *The Code of the Board of Governors of the University of North Carolina* (“*The Code*”), including Section 603 (“Section 603”); the SHRA Disciplinary Action Policy (“SHRA DAP”); and the SHRA Grievance Policy.

II. Title IX Complaint Resolution Process. Each institution shall adopt a Title IX complaint resolution process. The intersection of the Title IX Rule’s required Title IX complaint resolution process with the protections afforded to SHRA employees, faculty members, and students under the SHRA Grievance Policy, the SHRA DAP, *The Code*, and the UNC Policy Manual is discussed below. Disciplinary sanction decisions and review of personnel actions affecting EHRA employees that may arise following a Title IX complaint resolution process shall be governed by applicable constituent institution or UNC System Office procedures that apply to the affected EHRA employees.

A. SHRA DAP. If the Title IX complaint resolution process results in a determination of responsibility against a respondent who is an SHRA employee, the decision-maker’s sanction shall be a referral, which may recommend proposed discipline, to designated institutional authorities for consideration through the processes provided for in the SHRA DAP. The written determination of responsibility and referral from the Title complaint resolution process may become the official recommendation of the supervisor for any required Pre-Disciplinary Conference (i.e., for sanctions of disciplinary suspension without pay; demotion; or dismissal).

Following the issuance of the disciplinary sanction, an SHRA employee may file a grievance in accordance with the SHRA Grievance Policy. In grievances involving disciplinary sanctions imposed based upon the Title IX complaint resolution process, the Title IX record¹ may be included as evidence of the grounds for the disciplinary sanction; however, the determination(s) of responsibility is not subject to review. The SHRA grievance review shall be limited to whether the conduct for which the grievant was found responsible constitutes “just cause” for the relevant disciplinary sanction.

B. SHRA Grievance Policy. Any appeal from a Title IX determination regarding responsibility or from dismissal of a formal Title IX complaint shall be resolved within the Title IX complaint resolution process and shall not constitute a grievable issue under the SHRA Grievance Policy.

¹ The Title IX record may include all evidence shared with the parties under 34 C.F.R. 106.45(b)(5)(iv); the investigative report; the written determination under 34 C.F.R. 106.45(b)(7)(ii); and the audio recording, audiovisual recording, or transcript of any live hearing kept under 34 C.F.R. 106.45(b)(6)(i).

In grievances involving disciplinary sanctions imposed based upon the Title IX complaint resolution process, the hearing officer or hearing panel may receive as evidence the Title IX record. Any Title IX determination(s) of responsibility is not subject to review. The grievance review shall be limited to the question of whether the disciplinary sanction is supported by just cause.

C. Section 603 of *The Code*

1. If the Title IX complaint resolution process results in a determination of responsibility against a respondent who is a faculty member and the beneficiary of institutional guarantees of tenure, then the decision-maker's sanction shall be a referral, which may recommend proposed discipline, to designated institutional authorities for consideration of appropriate disciplinary sanction, if any.

2. In proceedings under Section 603 of *The Code* involving imposition of serious sanctions based upon the Title IX complaint resolution process, the Title IX record may be included as evidence of the grounds for the sanction; however, the Title IX determination(s) of responsibility is not subject to review. The review shall be limited to the question of whether the recommended sanction is supported by clear and convincing evidence.

D. Section 611 of *The Code*. Any appealable issue within the Title IX complaint resolution process shall be resolved through the Title IX complaint resolution process. Such appealable issues, and Title IX determinations of responsibility, are not grievable under Section 611 of *The Code*.

E. Section 700.4.1 of the UNC Policy Manual Section. In a Title IX complaint resolution process that involves a student as a respondent, if an institution promulgates rules governing the use and appointment of attorney and non-attorney advocates under Section 700.4.1[R] of the UNC Policy Manual, these rules shall apply equally to all parties, students and nonstudents alike.

If parties within the Title IX complaint resolution process are subject to appeal rights under Section 502(D)(3) of *The Code*, grounds for appeal required by 34 C.F.R. 106.45(b)(8)(i), constitute appeals under Section 502(D)(3)(a).

III. The UNC System Office will provide compliance assistance and support to constituent institutions upon request or as needed.

IV. Other Matters

A. Effective Date. The requirements of this regulation shall be effective upon the date of adoption of this regulation by the president.

B. Relation to Federal and State Laws and Policies. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or relate to the subject matter of this regulation.

AGENDA ITEM

A-7. 2019-20 Committee on Personnel & Tenure Annual Report Matthew Brody

Situation:	Each standing committee submits an annual report of its activities to the Board of Governors.
Background:	Pursuant to Section 302 E of <i>The Code</i> , "Each standing committee shall make a written report to the Board of Governors at least annually, reviewing the work of the committee during the preceding year."
Assessment:	The annual report on the activities of the Committee on Personnel & Tenure for fiscal year 2019-20 is ready for review and submission.
Action:	This item requires a vote by the committee to accept the report for submission to the Board of Governors.

DUTIES AND MEMBERSHIP

The major responsibilities of the Committee on Personnel and Tenure are: (1) to make recommendations to the UNC Board of Governors on all personnel actions under the jurisdiction of the Board; (2) to review *The Code* and institutional policies and regulations regarding tenure and dismissal; (3) to review appeals from faculty members that involve tenure denial, non-reappointment, or the imposition of a serious sanction (suspension, demotion, or discharge); (4) to act on compensation matters that exceed prescribed thresholds; (5) to act on compensation matters for the president's direct reports, chancellors, and the CEOs of UNC Health Care and UNC-Television/North Carolina Public Media; and (6) to act on new or modified policies regarding human resources-related matters. Beginning in fiscal year 2021 (which began on July 1, 2020) the committee is no longer part of the review process for appeals from faculty members regarding tenure denial, non-reappointment, or the imposition of a serious sanction.

Board members who served on the committee during the fiscal year July 1, 2019, through June 30, 2020, were Wendy Floyd Murphy, Kellie Hunt Blue, J. Alex Mitchell, Robert P. Bryan (through October 2019), C. Philip Byers, Michael Williford, and Reginald Holley (beginning November 2019). Through October 2019, Ms. Murphy served as chair, Ms. Blue served as vice chair, and Mr. Mitchell served as secretary. Beginning in November of 2019, Ms. Blue served as chair, Mr. Mitchell served as vice chair, and Mr. Williford served as secretary. Chancellors Kelli Brown, Franklin Gilliam, and Kevin Guskiewicz served as chancellor representatives to the committee.

ACTIONS

The committee met in ten (10) regular or special meetings between July 1, 2019, and June 30, 2020. The major actions of the committee and matters presented to the committee are summarized below.

Human Resources Actions

Salary Pre-Authorizations: The committee reviewed and pre-authorized 30 EHRA salary requests.

Delegated Salary Actions: The committee received reports on 74 EHRA Faculty and 158 EHRA Non-Faculty salary requests approved by the UNC System Office.

Consultation Actions: The committee also received reports on 254 EHRA Faculty, 202 EHRA Non-Faculty, and 14 SHRA salary requests that required legislatively mandated consultation with the chair and vice chair of the committee.

Annual Raise Process: Due to the lack of an adopted State Budget for Fiscal Year 2019/20, there was no University annual raise process for this fiscal year.

Annual SHRA Compensation Review: In April 2020, the committee reviewed the annual SHRA compensation scorecard to see how overall average market index data varies by institution.

Chancellor Incentive Compensation: In September 2019, the Board voted to approve a resolution delegating authority to the president to create a chancellor incentive compensation program, beginning with the 2020-2021 academic year, that would include both institutional and shared System-wide goals. In November 2019, the Board approved the plan document and authorized the president to return to the committee with proposed shared System-wide goals.

Chancellor Salary Ranges: In September 2019, the Board voted to adopt revised salary ranges for the chancellors. These ranges were increased by a total of 3.67% from when they were last updated in 2017. The revised ranges did not result in increases to any chancellor salaries.

Chancellor Searches (East Carolina University, Fayetteville State University, North Carolina School of the Arts, the University of North Carolina at Charlotte, and University of North Carolina at Chapel Hill): The committee was periodically apprised of the process for chancellor searches at ECU, FSU, UNC Charlotte, UNC-Chapel Hill, and UNCSA. In December 2019, Dr. Kevin Guskiewicz was selected as the chancellor of UNC-Chapel Hill. In April 2020, Dr. Sharon Gaber was selected as the chancellor of UNC Charlotte. In May 2020, Mr. Brian Cole was selected as the chancellor of UNCSA.

Chancellor Search Process: In August 2019, the committee considered a proposed change to Section 200.8 (Policy on Chancellor Searches and Elections), amending the minimum number of chancellor candidates recommended to the president by the institution's board of trustees from three to two. In September 2019, the Board approved these revisions to Section 200.8 via consent agenda.

Consultation: Section 35.24 of the Appropriations Act of 2017 established a requirement that, as of July 1, 2017, the UNC Board of Governors monitor certain human resource transactions and be consulted prior to actions taking effect. This requirement has been rescinded as part of House Bill 1096, which was ratified by the Governor on June 30, 2020.

COVID-19 Updates: Beginning in March 2020, the committee received updates on the UNC System's response to the coronavirus pandemic, including guidance issued by the System Office Human Resources team related to remote work arrangements, available leave options, and the return to onsite work..

Executive Leadership Institute: Throughout the year the Committee received updates on the development of the UNC Executive Leadership Institute (ELI) and the program was officially launched in June 2020. With the support of the Board, the President, and a steering committee of UNC System leaders, ELI will develop and train talent identified within the UNC System for future senior leadership positions.

Faculty Salary Analysis Project: In November 2019, the committee was presented with updates on the development of a new System-wide tool to monitor and report on faculty salaries with respect to relevant national benchmarks. Throughout the year, the committee received additional updates on the development of this tool.

Human Capital Legislative Initiatives: The committee began reviewing four human capital initiatives that would require additional statutory authority to be granted to the Board by the General Assembly, including enhanced compensation and leave for University police officers, enhancements to several of the University's employee benefits programs, and measures aimed at reducing the complexity and administrative burden of the University's human resources system.

Optional Retirement Program “Like Plan” Provision Change: The Optional Retirement Plan (ORP) currently has a five year vesting schedule. In lieu of five years of service, employees may have the University contribution to the ORP vest if certain conditions are met, including enrolling in a “Like Plan” with their next employer. In September 2019, the Board voted to clarify the definition of “Like Plan” to include associated entities or other foundations affiliated with institutions of higher education or health. This change prevents the loss of retirement benefits when transferring between organizations.

Paid Parental Leave Benefit for University Employees: In September 2019, the Board approved a resolution to grant authority to the president to provide eight weeks of fully paid parental leave to eligible employees who have given birth to a child or four weeks of paid parental leave to eligible employees for other circumstances, such as the adoption or legal placement of a child.

Pandemic and Communicable Disease Emergency Policy Technical Corrections: In March 2020, the committee considered and recommended technical corrections to Section 300.2.15 of the UNC Policy Manual, the Pandemic and Communicable Disease Emergency Policy. These changes were primarily to update terminology and comply with updated references in General Statute.

Senior Administrative Officers Retirement Plan (SAORP): The committee voted to approve participation in the SAORP for UNCA Chancellor Nancy Cable in August 2019 and UNC-Chapel Hill Chancellor Kevin Guskiewicz in February 2020.

Senior Administrative Officers Retirement Plan (SAORP) Fund Source Eligibility: In February 2020, the Board voted to permit contributions to the SAORP to be funded using any combination of state or non-state funds.

Sexual Harassment Prevention Training: In September 2019, the Board voted to mandate training on preventing sexual harassment for all Board of Governors and institutional boards of trustee members.

Turnover Metrics: In January 2020, the committee was presented with two years of detailed System-wide turnover dates. Potential turnover trends are expected to emerge more clearly in later 2020 after a third year of rates have been collected.

Academic Affairs Actions

Faculty Recruitment and Retention Fund: At committee meetings throughout the year, Dr. Kimberly van Noort apprised committee members on the state of the fund, which was established by the General Assembly in 2006 to be used to recruit and retain key tenured and tenure-track faculty.

Performance Review of Tenured Faculty: The committee reviewed the Performance Review of Tenured Faculty from fiscal year 2017-2018 and 2018-2019. Of the 774 tenured faculty reviewed in 2017-2018, 25 were deemed deficient. Of the 1,222 tenured faculty reviewed in 2018-2019, 36 were deemed deficient.

Tenure Conferrals: Academic Affairs reported on 15 tenure conferrals or promotions from campuses without management flexibility.