

September 13, 2023 at 9 a.m.  
Via Videoconference and PBS North Carolina Livestream  
UNC System Office  
223 S. West Street, Board Room  
Raleigh, North Carolina

## AGENDA

### OPEN SESSION

- A-1. Approval of the Open Session Minutes of May 24, 2023 ..... Carolyn Coward
- A-2. General Updates for the Committee .....Darryl Bass and David English
- A-3. 2022-23 Annual Report of the Committee on University Personnel..... Darryl Bass
- A-4. Performance Review of Tenured Faculty..... David English

### CLOSED SESSION

- A-5. Approval of the Closed Session Minutes of May 24, 2023 ..... Carolyn Coward
- A-6. Executive Compensation Informational Report ..... Peter Hans

### OPEN SESSION

- A-7. 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 24, 2023 at 2:30 p.m.  
Via Videoconference and PBS North Carolina Livestream  
UNC System Office  
223 S. West Street, Room 1809 (18th Floor)  
Raleigh, North Carolina

This meeting of the Committee on University Personnel was presided over by Chair Carolyn Coward. The following committee members, constituting a quorum, were present either in person or via videoconference: Mark Holton, Sonja Nichols, Lee Barnes, Pearl Burris-Floyd, and John Fraley.

Chancellors participating were Johnson Akinleye and Kevin Guskiewicz. Crystal Woods, chair of the UNC Staff Assembly, and Wade Maki, chair of the UNC Faculty Assembly, were also in attendance.

Staff members present included Darryl Bass, Mary Griffin Inscoe, and others from the University of North Carolina System Office.

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### 1. Call to Order and OPEN Session Minutes (Item A-1)

The chair called the meeting to order at 2:30 p.m. on Wednesday, May 24, 2023, and reminded all committee members of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflicts of interest. The chair asked if there were any conflicts or appearances of conflicts with respect to any matter coming before the committee. No members identified any conflicts at the time. The chair called for a motion to approve the open session minutes of April 19, 2023.

**MOTION:** Resolved, that the Committee on University Personnel approve the open session minutes of April 19, 2023, as distributed.

**Motion:** Mark Holton

**Motion carried**

### 2. Informational Reports (Item A-2)

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

### 3. General Updates for the Committee (Item A-3)

The committee received an overview from Dr. David English on the faculty workload policy that had been voted on by the Committee on Educational Planning, Policies, and Programs earlier in the day. The

committee also received updates from Mr. Darryl Bass on Senate Bill 195, pending legislation that would give the UNC System the authority to convert all SHRA positions that are exempt from the Fair Labor Standards Act to EHRA. Employees already in those positions would have the option to convert to EHRA or remain SHRA and would be provided with a written explanation of the impact of their election to waive SHRA career, or probationary, status prior to making their decision.

#### **4. Delegation of Authority to the President to Issue Instructions for SHRA and EHRA Annual Raise Process (ARP) (Item A-4)**

The committee reviewed a proposed resolution to delegate authority to the president to develop and issue detailed instructions for the legislative salary adjustments anticipated to be provided in the 2023 Appropriations Act as part of the current legislative session.

**MOTION:** Resolved, that the Committee on University Personnel approve for a vote by the Board of Governors a resolution delegating to the President, the necessary authority to implement the legislative salary adjustments anticipated to be provided for in the 2023 Appropriations Act.

**Motion:** Sonja Nichols

**Motion carried**

#### **5. Closed Session**

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

**MOTION:** Resolved, that the Committee on University Personnel 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:** Mark Holton

**Motion carried**

#### **THE MEETING MOVED INTO CLOSED SESSION AT 2:35 PM**

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

#### **THE MEETING RESUMED IN OPEN SESSION AT 2:38 p.m.**

There being no further business and without objection, the meeting adjourned at 2:39 p.m.

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Sonja Nichols, Secretary

**AGENDA ITEM**

A-2. General Updates for the Committee..... Darryl Bass and David English

- Situation:** The committee will hear updates on recent academic affairs and human resources activities.
- Background:** The Committee on University Personnel reviews and makes recommendations to the University of North Carolina Board of Governors on issues supporting faculty, personnel, academic affairs, and human resources matters under the jurisdiction of the Board. The human resources and academic affairs departments provide updates to the committee at every meeting on both annual and ad hoc work, including HR-related efforts during the pandemic, the review of tenured faculty, and annual salary guidance related to any legislatively supported salary raise process.
- Assessment:** Information will be provided to the committee on recent updates in academic affairs and human resources at the University of North Carolina System Office and across the 17 institutions.
- Action:** This item is for information only.

**AGENDA ITEM**

A-3. 2022-23 Annual Report of the Committee on University Personnel.....Darryl Bass

<b>Situation:</b>	Each standing committee submits an annual report of its activities to the University of North Carolina Board of Governors.
<b>Background:</b>	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."
<b>Assessment:</b>	The annual report on the activities of the Committee on University Personnel for fiscal year 2022-23 is ready for review and submission.
<b>Action:</b>	This item requires a vote by the committee to accept the report for submission to the Board.

## DUTIES AND MEMBERSHIP

The major responsibilities of the Committee on University Personnel are: (1) to make recommendations to the University of North Carolina 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 act on compensation matters that exceed prescribed thresholds; (4) to consult with the president on compensation matters for the president's direct reports, chancellors, and the CEOs of UNC Health Care and PBS North Carolina; and (5) to act on new or modified policies regarding human resources-related matters.

Board members who served on the committee during the fiscal year July 1, 2022, through June 30, 2023, were Carolyn Coward, Mark Holton, Sonja Nichols, Lee Barnes, Pearl Burris-Floyd, and John Fraley. The committee officers were Ms. Coward as chair, Mr. Holton as vice chair, and Ms. Nichols as secretary. Chancellors Johnson Akinleye, Kevin Guskiewicz, and Harold Martin served as chancellor representatives to the committee.

## ACTIONS

The committee met in eight regular or special meetings between July 1, 2022, and June 30, 2023. 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 one salary request for a System employee exempt from the State Human Resources Act (EHRA).

Delegated Salary Actions: The committee also received informational reports on 10 EHRA Faculty and 93 EHRA Non-Faculty salary requests approved by the UNC System Office under authority delegated to the president or his designee.

Annual Raise Process: In May 2023, acting on the committee's recommendation, the Board delegated to the president the necessary authority to implement the legislative salary adjustments anticipated to be provided for in the 2023 Appropriations Act. The president then developed guidelines for an annual raise process for employees.

Executive Searches: Two recommended candidates were brought before the committee before being forwarded to the full Board for a final vote. In September 2022, David Crabtree was selected as Chief Executive Officer and General Manager for PBS North Carolina. In October 2022, Dr. Bennett Jones was selected as director of the North Carolina Teaching Fellows Program.

Employee Engagement Metrics: In October 2022, the committee was presented with the latest Systemwide employee engagement survey results. The presentation covered the shorter "pulse" survey issued in April 2022,

focused on a set of trend data to align with previous surveys, specific diversity and inclusion statements, and employee consideration of the System's COVID-19 response. There was an overall increase in the Systemwide average positive ratings of two percentage points over 2020, with Elizabeth City State University having the overall highest positive response rate at 71 percent.

Optional Retirement Program: In February 2023, the Board voted to approve a resolution amending the Optional Retirement Program plan document clarifying two provisions, one covering re-employment with the University and the other regarding vesting.

Policy Manual Revisions: In October 2022, the committee reviewed proposed revisions to Section 300.2.14 of the UNC Policy Manual, *Policy on Non-Salary and Deferred Compensation*. The proposed revisions incorporated delegated authorities for non-salary and deferred compensation that had been approved by two Board resolutions earlier in the year. In November 2022, the Board voted to approve these revisions via the consent agenda. In April 2023, the committee reviewed proposed changes to *The Code* and Chapter 100 of the UNC Policy Manual as part of a Systemwide policy review effort. In May 2023, the Board voted to approve these revisions via the consent agenda.

Turnover Metrics: In February 2023, the committee was presented with detailed Systemwide turnover data. After seeing a rise in turnover in the summer of 2021 due to COVID-19, the numbers began to decline toward more historical levels as of mid-2022. The legislation and policies approved by the Board of Governors in response to these market trends provided the UNC System institutions with the additional tools needed to attract and retain talent. In April 2023, the committee was presented with turnover data for faculty across the University of North Carolina System. Faculty turnover has remained below the College and University Personnel Association for Human Resources benchmarks from fiscal year 2018 through fiscal year 2022. As of the fall of 2022, turnover rates for faculty had returned to pre-pandemic rates.

Tutorials: The committee was presented with periodic tutorials on matters such as athletic contracts, Carnegie classifications, the constituent institution peer setting process, and employee compensation.

## **Academic Affairs Actions**

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

Tenure Conferrals: Academic Affairs reported on 20 tenure conferrals or promotions from campuses that lack management flexibility.



**AGENDA ITEM**

A-4. Performance Review of Tenured Faculty ..... David English

<b>Situation:</b>	Report on the Performance Review of Tenured Faculty, or post-tenure review, encompassing the academic year 2021-22.
<b>Background:</b>	The University of North Carolina Board of Governors adopted policy and guidelines for Performance Review of Tenured Faculty (Sections 400.3.3 and 400.3.3.1[G] of the UNC Policy Manual), or post-tenure review, in 1997, and strengthened them in 2014. The 2014 update included guidelines that “assure the continuing rigorous application of post-tenure review as intended by the Board of Governors” and is intended “to support and encourage excellence among tenured faculty.”
<b>Assessment:</b>	A total of 742 tenured faculty underwent performance reviews by their peers in academic year 2021-22, with 371 exceeding expectations, 349 meeting expectations, and 22 (2.96 percent) not meeting expectations. Of the 22 not meeting expectations, 16 received the designation for the first time. All raw numbers and percentages are within the range of historical norms.
<b>Action:</b>	This item is for information only.



**THE UNIVERSITY OF  
NORTH CAROLINA SYSTEM**

**PERFORMANCE REVIEW OF TENURED FACULTY REPORT**

**Academic Year 2021-22**

September 13, 2023

University of North Carolina System  
Raleigh, North Carolina

## Introduction

The Division of Academic Affairs began collecting campus data on the outcomes of post-tenure review of faculty in 1988. The University of North Carolina Board of Governors adopted policy and guidelines for Performance Review of Tenured Faculty, or post-tenure review, in 1997, and strengthened them in 2014.<sup>1</sup> The 2014 update included guidelines that “assure the continuing rigorous application of post-tenure review as intended by the Board of Governors” and is intended “to support and encourage excellence among tenured faculty” by:

- Recognizing and rewarding exemplary faculty performance;
- Providing for a clear plan and timetable for improvement of unsatisfactory faculty performance; and
- Providing for the imposition of appropriate sanctions, which may include a recommendation for discharge in the most serious cases, of those whose performance remains unsatisfactory.

The University of North Carolina System institutions developed their own policies and procedures within the Board of Governors’ requirements, which included the following:

- Ensuring a cumulative review no less frequently than every five years for each tenured faculty member;
- Involving peers as reviewers;
- Including written feedback to faculty members as well as a mechanism for faculty response to the evaluation; and
- Requiring individual development or career plans for each faculty member receiving less than satisfactory ratings in the cumulative review, including specific steps designed for improvement, a specified timeline for development, and a clear statement of consequences should improvement not occur within the designated timeline.

This report summarizes the outcomes of post-tenure reviews conducted during the 2021-22 academic year at the 15 UNC System institutions that grant tenure.<sup>2</sup> Key findings from the report:

- 742 tenured faculty underwent performance reviews conducted by their peers
  - 371 faculty were found to exceed expectations (50.00 percent)
  - 349 faculty were found to meet expectations (47.04 percent)
  - 22 faculty were found to not meet expectations (2.96 percent)
- 15 faculty due for review were delayed due to COVID-19 concerns/issues

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<sup>1</sup> See UNC Policy Manual 400.3.3 and 400.3.3.1[G].

<sup>2</sup> The University of North Carolina School of the Arts and the North Carolina School of Science and Mathematics do not award tenure.

## Outcomes of Performance Reviews

The UNC System collected data and information from the 15 institutions with tenure processes for the 24<sup>th</sup> year, and Table 1 includes information on the outcomes of post-tenure performance review for the past 10 years. During academic year 2021-22, System institutions found 22, or 2.96 percent, of reviewed tenured faculty members did not meet expectations based on criteria established by the Board of Governors and the individual institutions. The previous academic year represents the second lowest percentage not meeting expectations in the past five years and just above the 10-year average of 2.92 percent.

**Table 1: Ten-Year Post-Tenure Review Trends, 2012-13 to 2021-22<sup>3</sup>**

Year	# Faculty Reviewed	# of Faculty Not Meeting Expectations	% Not Meeting Expectations
2012-13	698	24	3.44%
2013-14	1,434	38	2.65%
2014-15	715	16	2.24%
2015-16	772	21	2.72%
2016-17	801	17	2.12%
2017-18	774	25	3.23%
2018-19	1,222	36	2.95%
2019-20	644	24	3.73%
2020-21	548	21	3.83%
2021-22	742	22	2.96%
10-Year Total	8,350	244	2.92%

Source: Survey of tenure-granting UNC institutions, July 2023

As in most cycles, tenured professors represented the majority of faculty reviewed (463, or 62.4 percent), with associate professors accounting for 36.7 percent (272). North Carolina Central University reviewed the only assistant professor, and the institutions combined to review six tenured professional librarians.

For the past three academic years, the UNC System requested the number of post-tenure reviews institutions could not complete due to the COVID-19 pandemic. In 2019-20, a total of 20 reviews were not accomplished due to the pandemic, with the number rising--coinciding with the height of the pandemic--to 147 for academic year 2020-21. The number of total faculty reviews impacted by the COVID-19 pandemic dropped for this cycle, with only 15 reviews not completed/delayed. Of the 15 reviews not completed, North Carolina Agricultural and Technical State University accounted for 13. Six of the 13 were reviewed in the 2022-23 academic year (and will be included in the next report), one will be reviewed in

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<sup>3</sup> The overall faculty review numbers were higher in 2013-14 and 2018-19 due to East Carolina University's practice of their academic units reviewing tenured faculty in the same year every five years. This practice also accounts for ECU's higher numbers of faculty not meeting expectations (see Table 2) in those same years.

2023-24, three accepted administrative leadership positions, two entered retirement/phased retirement, and one separated from the university.

Table 2 shows the number of faculty found unsatisfactory in post-tenure performance reviews at each campus during the past ten years.

**Table 2. Number of Faculty Not Meeting Expectations in Post-Tenure Reviews, 2012-13 to 2021-22**

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total Faculty Not Meeting Expectations
ASU	2	2	1	-	1	-	3	-	1	1	11
ECU	-	16	-	-	-	3	8	-	-	-	27
ECSU	-	1	-	-	-	-	-	-	-	1	2
FSU	2	1	-	-	-	1	-	2	-	1	7
N.C. A&T	-	3	3	-	-	1	-	-	-	2	9
NCCU	1	2	-	2	3	-	-	-	-	-	8
NCSU	7	4	2	5	3	6	12	10	14	8	71
UNCA	2	1	2	2	2	-	1	-	-	-	10
UNC-CH	7	5	4	8	4	6	6	7	2	3	52
UNCC	3	1	2	-	3	5	3	3	1	3	24
UNCG	-	-	-	-	-	-	-	-	-	-	-
UNCP	-	1	-	1	1	1	1	-	-	-	5
UNCW	-	1	1	-	-	-	-	1	1	1	5
WCU	-	-	1	2	-	2	1	-	1	1	8
WSSU	-	-	-	1	-	-	1	1	1	1	5
TOTAL	24	38	16	21	17	25	36	24	21	22	244

Twenty-two faculty (2.96 percent) of those reviewed did not meet expectations, with eight of those at the rank of professor and fourteen associate professors. Faculty members who receive “does not meet expectations” reviews work closely with their departments to make improvements and are reviewed annually until their performance is deemed to “meet expectations.” The department chairs, deans, and colleges closely monitor progress of these faculty, with the length of time of the improvement plan differing by institution, ranging between one to three years. Of the 22 faculty who did not meet expectations, 16 received this designation for the first time, and they have begun working with their departments on mandatory development plans as detailed in each institutions’ policies and procedures. NC State University accounted for all six faculty members, two professors and four associate professors, who did not meet expectations for a second or subsequent year.

## Appendix A

### 2021-22 Post-Tenure Review Information by Institution

	ASU	ECU	ECSU	FSU	N.C. A&T	NCCU	NCSU	UNCA	UNC-CH	UNCC	UNCG	UNCP	UNCW	WCU	WSSU	TOTAL
1. Number of PTR conducted																
Tenured Professor	30	16	0	11	16	16	104	9	136	41	25	5	35	16	3	463
Tenured Associate Professor	22	27	4	8	22	5	35	4	46	32	25	10	8	19	5	272
Tenured Assistant Professor	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Tenured Professional Librarians	1	0	0	0	2	0	0	0	0	0	0	2	0	1	0	6
<b>Total reviewed</b>	<b>53</b>	<b>43</b>	<b>4</b>	<b>19</b>	<b>40</b>	<b>22</b>	<b>139</b>	<b>13</b>	<b>182</b>	<b>73</b>	<b>50</b>	<b>17</b>	<b>43</b>	<b>36</b>	<b>8</b>	<b>742</b>
2. Outcome																
Exceeded expectations	33	16	1	13	24	12	18	12	118	21	31	12	34	26	0	371
Met expectations	19	27	2	5	14	10	113	1	61	49	19	5	8	9	7	349
Did not meet expectations	1	0	1	1	2	0	8	0	3	3	0	0	1	1	1	22
<b>Total</b>	<b>53</b>	<b>43</b>	<b>4</b>	<b>19</b>	<b>40</b>	<b>22</b>	<b>139</b>	<b>13</b>	<b>182</b>	<b>73</b>	<b>50</b>	<b>17</b>	<b>43</b>	<b>36</b>	<b>8</b>	<b>742</b>
3. Faculty who did not meet expectations																
Did not meet expectations for the first time	1	0	1	1	2	0	2	0	3	3	0	0	1	1	1	16
Did not meet expectations for the second time or more	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	6
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>22</b>

Source: Survey of tenure-granting UNC institutions, July 2023