

February 28, 2024, at 11:30 a.m.
Via Videoconference and PBS North Carolina Livestream
UNC System Office
223 S. West Street, Room 1809
Raleigh, North Carolina

AGENDA

OPEN SESSION

- A-1. Approval of the Open Session Minutes of January 24, 2024Carolyn Coward
- A-2. General Updates for the Committee Darryl Bass and David English
- A-3. Proposed Revisions to Chapter 300 of the UNC Policy ManualDarryl Bass
- A-4. Adjourn

DRAFT MINUTES

January 24, 2024 at 2:30 p.m.
Via Videoconference and PBS North Carolina Livestream
UNC System Office
223 S. West Street, Room 1809
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: Temple Sloan, Sonja Nichols, Harry Brown, Swadesh Chatterjee, and John Fraley.

Chancellors participating were Brian Cole and Randy Woodson. Shayna Hill, 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.

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, January 24, 2024, 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 minutes from the November 14, 2023, and November 29, 2023, meetings were approved by unanimous consent.

2. General Updates for the Committee (Item A-2)

The committee received updates from Mr. Darryl Bass on the on the new SHRA career banding salary ranges, which were unanimously approved by the State Human Resources Commission on January 18, 2024. Once the System Office receives final approval from the Governor's Office, work will begin with the constituent institutions to implement the new ranges. Mr. Bass also updated the committee on the 2024 Employee Engagement Survey. This survey will be distributed at the end of March 2024 to all benefit-eligible faculty and staff, and results will be shared with the Committee on University Personnel in the fall.

3. 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 [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 [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 [G.S. 143-318.11(a)(6)].

Motion: Temple Sloan

Motion carried

THE MEETING MOVED INTO CLOSED SESSION AT 2:36 P.M.

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

THE MEETING RESUMED IN OPEN SESSION AT 2:42 P.M.

There being no further business and without objection, the meeting adjourned at 2:42 p.m.

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. Proposed Revisions to Chapter 300 of the UNC Policy Manual..... Darryl Bass

Situation: On October 1, 2022, the UNC System Office initiated a Systemwide policy review effort. This effort precipitated from, and is grounded in, Systemwide feedback and requests from constituent institutions and the UNC System Office. The policy update project encompasses reviewing and proposing revisions to *The Code* and UNC Policy Manual to System leadership and bringing select recommendations to the Board of Governors for consideration. The review is being conducted chapter-by-chapter and began with Chapter 100 and *The Code*. The current round of proposed policy amendments encompasses changes to Chapter 300 of the UNC Policy Manual. The majority of the Chapter 300 policy revisions were submitted to the Committee on University Personnel in November 2023 and subsequently approved by the Board in January 2024. A continuation of these policy revisions is presented herein. Proposed edits to Chapter 300 were supplemented by the chief operating officer and Human Resources Division.

Background: The proposed revisions to Chapter 300 of the UNC Policy Manual largely govern employment policies for university faculty and staff under the purview of the Board under N.C.G.S. 116 or who are otherwise exempt from the North Carolina Human Resources Act (N.C.G.S. 126). Currently, the UNC Policy Manual has two policies addressing interpersonal relations between students, faculty, and staff: Section 300.4.1, *Improper Relationships between Students and Employees*, and Section 300.4.2, *Employment of Related Persons (Anti-Nepotism)*. The proposed change is to rewrite and combine both policies into a revised Section 300.4.1, *Policy on Interpersonal Relationships among Faculty, Staff, and Students*. These revisions set a standard for all institutions to follow, aligning the definitions for related persons from the existing policies, adding a section on procedures, remedies, and reporting, and referencing other policies that address unlawful or prohibited harassment/discrimination. The policy also allows institutions to set additional oversight requirements consistent with this policy and applicable law. This rewrite would also eliminate two related guidelines, 300.4.1.1[G] and 300.4.2.1[G].

An initial comment period for the constituent institutions was provided in July-August 2023. Principal policy revisions were subsequently shared with the constituent institutions for comment in October 2023. Additional review was provided by a working group in December 2023. System Office leadership solicited input from chancellors, senior leadership, and other subject matter experts to ensure that items developed for inclusion in *The Code* and UNC Policy Manual reflect a thorough and thoughtful review of best practices from human resources, financial, and legal perspectives.

Assessment: If approved, these proposed revisions to the UNC Policy Manual will be presented to the full Board through the consent agenda in April.

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 Interpersonal Relationships among Faculty, Staff, and Students

I. Purpose.

It is the policy of the University that current and prospective faculty, staff, and students shall be selected, evaluated, and supervised on the basis of individual merit and without reference to any other factors unrelated to professional qualifications and performance. Toward that end, the following shall apply to all faculty, staff, and students within the UNC System to address interpersonal relationships that may unduly affect the academic career of students or the employment of faculty, staff, or students. While this policy sets out the minimum standards for addressing and managing such relationships, constituent institutions are permitted to adopt policies that contain such additional restrictions as they deem necessary to the extent allowed by law.¹

II. Definitions

A. "Evaluate or supervise" means to assess, determine, or influence an individual's academic or professional performance, progress, or potential, or their entitlement to or eligibility for any institutionally conferred right, benefit, or opportunity; or, to oversee, manage, or direct the individual's academic, professional, or other institutionally prescribed activities.

B. "Related persons" means anyone whose relationship is so closely identified with another person in either an academic or employment setting that the relationship suggests a conflict of interest. "Related person" includes:

1. Spouse or Domestic Partner
2. Parent or Child
3. Grandparent or Grandchild
4. Sibling
6. Guardian or Ward
7. Aunt/Uncle and Niece/Nephew
8. First Cousins

The prohibited conduct in this policy applicable to related persons shall continue after the termination of the relationship (e.g., divorce) until such time as the constituent institution determines that there is no effect upon, or perception of, impartiality.

C. "Romantic relationship" means a relationship not identified as marriage or domestic partnership where the parties involved are consenting adults in a sexual or in a romantic (or intimate) relationship, regardless of whether or not the relationship has been consummated sexually.

D. "Employment decision" means a decision regarding the search, selection, or appointment of an individual to employment; establishing the terms and conditions of employment or benefits; determining job classification/compensation or benefits of employment; evaluating work performance; voting or otherwise participating in processes for reappointment, promotion, tenure, or post-tenure review; issuing disciplinary action; or any other action that assesses, determines, or influences an individual's work performance or career progress (e.g., work assignments, allocation of space, etc.).

III. Prohibited Conduct

A. Improper Relationships with Students. At a minimum, constituent institution policies must ensure that:

1. University employees are prohibited from evaluating or supervising, either directly or indirectly, any enrolled student of the institution with whom they have or had a romantic relationship or any enrolled student of the institution who is a related person as defined in this policy.

2. University employees are prohibited from engaging in a romantic relationship with any enrolled student of the institution, other than his or her spouse, who is a minor under the age of eighteen.²

B. Employment Decisions. At a minimum, constituent institution policies must ensure that:

1. An employee may not supervise, evaluate, or have authority for employment decisions over a person with whom they have or had a romantic relationship or who is a related person as defined in this policy. The prohibited conduct in this policy applicable to related persons shall continue after the termination of the relationship (e.g., divorce) until such time as the constituent institution determines that there is no effect upon, or perception of, impartiality.

2. With respect to proposed employment decisions that would result in the concurrent service of related persons within the same academic department or employing unit, a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person or persons involved in a romantic relationship as defined in this policy.

3. With respect to the concurrent service within the same academic department or employing unit at a constituent institution involving related persons or individuals who have had or have a romantic relationship, neither related person or individual shall be permitted individually or as a member of a committee to participate in or otherwise influence an employment decision for the other related person or individual person (including promotion, job classification/compensation, tenure, reappointment, and post tenure review). The prohibited conduct in this policy applicable to related persons shall continue after the termination of the relationship (e.g., divorce) until such time as the

constituent institution determines that there is no effect upon, or perception of, impartiality.

4. It shall also be a violation of the constituent institution policy for an employee to influence or attempt to influence those involved in employment decisions regarding the related person or persons involved in a romantic relationship as defined in this policy.

IV. Procedures, Remedies, and Reporting

A. Constituent institutions must establish procedures for identifying, addressing, and managing interpersonal relationships in the selection, evaluation, and supervision of students, faculty, and staff when such situations are unavoidable (e.g., faculty member promoted into a position that would oversee faculty member's spouse; related person teaches the only section of a course required for a student's degree, etc.). Appropriate processes may include, but are not limited to, the development, implementation, and monitoring of conflict management plans to address the conflict (e.g., reassignment of supervision, advising, grading/assessing, or other such decision-making authority over the subordinate individual, etc.).

B. An employee shall disclose all actual or potential conflicts of interest created by a romantic or familial relationship as defined in this policy to their employer. Constituent Institution policies shall define a procedure for such disclosures of any actual or potential conflicts of interest in order to avoid a potential violation of this policy.

C. Remedies for any prohibited conduct may include, but are not limited to, discipline, discharge, or related corrective action dependent upon the nature and circumstances of the violation.

D. Each chancellor, or their designee, shall report annually to their board of trustees concerning all specific cases during the preceding year in which violations of this policy were identified and how they were addressed.

V. Related Policy Considerations

These prohibitions addressed by this policy are not intended to address other academic and employment situations regarding unlawful or prohibited harassment and discrimination under applicable constituent institution or University policy or regulation.

VI. Other Matters.

A. **Effective Date.** The provisions of this policy shall be applicable prospectively only, with reference to appointments made or conflicts that arise after the adoption date of the policy.

B. **Relation to State Laws.** This policy is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern the activities of public officials.

~~C.~~ **C.** ~~Regulations and Guidelines.~~ This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted by the president.

*Supersedes and replaces the prior UNC Policy 300.4.1, “Improper Relationships Between Students and Employees” and supersedes and replaces UNC Policy 300.4.2, “Employment of Related Persons”, combining the two prior policies into one comprehensive policy on Interpersonal Relationships among Faculty, Staff, and Students.

¹ With respect to University employees who are subject to the North Carolina Human Resources Act, applicable restrictions concerning the concurrent service of related persons shall be those adopted by the Office of State Human Resources.

² At the North Carolina School of Science and Mathematics, and the University of North Carolina School of the Arts, it is prohibited conduct for any employee to engage in a romantic relationship or in sexual activity with any enrolled student, except their spouse or domestic partner.