



# THE UNIVERSITY OF NORTH CAROLINA SYSTEM

## TRANSMITTAL LETTER

Transmittal Number 147

December 5, 2022

Policy Manual Number	Title	Action
<a href="#">200.6</a>	Policy on Delegation of Authority to the President	Amended 11/17/22 <i>Redline version attached</i>
<a href="#">300.2.14</a>	Policy on Non-Salary and Deferred Compensation	Amended 11/17/22 <i>Redline version attached</i>
<a href="#">300.2.14.2[R]</a>	Regulation on Delegated Authorities Regarding Non-Base Salary Compensation for University Employees Exempt from the State Human Resources Act	Adopted 08/31/22
<a href="#">400.1.5</a>	Policy on Fostering Undergraduate Student Success	Amended 11/17/22 <i>Redline version attached</i>
<a href="#">400.1.13[R]</a>	Regulation on Required Notifications from the University of North Carolina System Constituent Institutions	Adopted 09/28/22
<a href="#">600.1.1</a>	Policy on Design, Construction, and Financing of Capital Improvement Projects	Amended 11/17/22 <i>Redline version attached</i>
<a href="#">700.7.1[R]</a>	Regulation for Military Student Success	Amended 11/23/22 <i>Redline version attached</i>
<a href="#">The Code Appendix 1.</a>	Delegations of Duty and Authority to Boards of Trustees Section VI. Properties and Buildings	Amended 11/17/22 <i>Redline version attached</i>

The actions taken on the above Policies were reviewed and approved by the Board of Governors for inclusion in the UNC Policy Manual following the November 2022, Board of Governors meetings, and the above Regulations were recently approved by the president. The entire UNC Policy Manual is accessible at:

<https://www.northcarolina.edu/apps/policy/index.php>

The UNC Policy Manual  
200.6  
Adopted 11/13/06  
Amended 06/08/07  
Amended 04/08/11  
Amended 08/10/12  
Amended 10/11/12  
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Amended 05/27/21  
Technical Corrections 09/22/21  
Technical Correction 01/13/22  
Amended 04/07/22  
Amended 11/17/22

### Policy on Delegation of Authority to the President

I. Pursuant to N.C.G.S. § 116-11(13) (G.S.), and other North Carolina law as referenced herein, and notwithstanding *The Code* or any other Board of Governors policy,<sup>1</sup> the Board of Governors delegates the following authorities to the president of the University of North Carolina (UNC) System:

A. Human Resources

1. Authority to establish and administer a human resources program for employees exempt from the North Carolina Human Resources Act.<sup>2</sup>

a. "Human resources program" shall include such personnel actions related to the establishment of positions and the administration of salary ranges; recruitment, appointments, salaries, base-salary adjustments, and temporary salary adjustments; promotion and tenure; leave programs; performance management; non-faculty discontinuation, discipline, and discharge; and non-faculty grievance and appeals processes.<sup>3</sup>

b. The president may approve management flexibility plans for special responsibility constituent institutions and may delegate limited authority for human resources actions to constituent institutions that are not authorized as special responsibility constituent institutions.<sup>4</sup>

c. Notwithstanding the above provisions, unless otherwise delegated:

(1) The Board of Governors shall retain authority over the appointments, compensation, and salary adjustments for: the president; the chancellors of the constituent institutions, except as provided in paragraph F. of this policy; the chief executive officer of the UNC Health Care System; and the chief executive officer of the UNC Center for Public Media.<sup>5</sup>

(2) The Board of Governors shall retain authority over certain contract terms for athletic directors and head coaches of the constituent institutions.<sup>6</sup>

(3) The Board of Governors shall retain authority over non-promotional<sup>7</sup> salary increases for Tier I Senior Academic and Administrative Officers of the constituent institutions that both exceed 10 percent of the June 30 base salary as of the most recent fiscal year and exceed the 75<sup>th</sup> percentile of the applicable salary range.

(4) The president shall consult with the Board's Committee on University Personnel on appointments, compensation, and salary adjustments for the senior officers of the UNC System Office who report directly to the president.

(5) The president shall consult with the chair of the Committee on University Personnel and may then approve an emergency retention salary increase for a Tier I Senior Academic and Administrative Officer of the constituent institutions in lieu of any required pre-approval by the Committee as set forth in section I.A.1.C. of this policy when necessary to avoid loss of any key senior officer to an external offer of employment. The details of such an action shall be reported to the committee at its next regularly scheduled meeting.

d. Based on demonstrated institutional need and research activity, the president may authorize constituent institutions with special authority to directly create and/or modify EHRA non-faculty instructional, research, and information technology (IRIT) positions in accordance with UNC System Office classification procedures and guidelines. All such positions must fall within salary ranges established by the UNC System Office.

e. All other approvals for human resources actions are delegated to the President, who may further delegate actions to the boards of trustees for the constituent institutions or the boards of trustees may further delegate such actions to the chancellors as provided in Section 600.3.4 of the UNC Policy Manual.

2. Authority to approve all actions relating to the administration of the Optional Retirement Program<sup>8</sup> and the Phased Retirement Program.<sup>9</sup>

3. The president shall report in writing on actions taken under the authority of these delegations to the appropriate committee of the Board of Governors no less than annually, or as otherwise requested by the chair of the Board of Governors or the chair of the Committee on University Personnel.

## B. Governance

1. The authority to approve the initiation of a lawsuit in the name of the University if the action is for monetary relief and the amount in controversy is less than \$250,000.<sup>10</sup>

2. The authority to settle potential or pending litigation by or against a constituent institution or the University of North Carolina System, if the settlement is solely for monetary relief and the amount the University is to pay pursuant to the settlement is less than \$250,000 or, if the University is to receive a payment, the amount the University claimed is less than \$250,000.<sup>11</sup>

3. Authority to approve the political activities of employees of the UNC System who are candidates for or serving in public office.<sup>12</sup>

C. Reports. The authority to approve and submit any report the UNC System or the Board of Governors is required to submit to the General Assembly, the State Board of Education, or any other state or federal agency or officer.

D. Real Property and Capital Improvement Projects

1. The power to authorize acquisition or disposition of the following interests in real property without obtaining approval of the Board of Governors, subject to any necessary approvals from state officials and agencies:

a. Any interest in real property, other than a leasehold, with a value less than \$750,000; and

b. A leasehold interest in real property with annual value less than \$750,000 and a term of not more than 10 years.

The president's authority may be exercised on behalf of the UNC System Office, affiliated entities, or the constituent institutions in the president's discretion.<sup>13</sup>

2. Authority to approve capital improvement projects funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money<sup>14</sup> that are projected to cost less than \$750,000.<sup>15</sup>

3. Authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money.

4. Authority to administer and execute design and construction contracts for capital improvement projects, requiring the estimated expenditure of public money of \$4,000,000 or less. This authority may be exercised on behalf of the UNC System Office, affiliates, or the constituent institutions in the president's discretion.<sup>16</sup>

5. Authority to approve an increase of up to 10 percent of the cumulative value of an originally-awarded construction contract for a System Office, affiliate, or constituent institution capital improvement project previously authorized by the Board of Governors.<sup>17</sup>

6. After the long-term financing of a capital improvement project has been approved in accordance with statutory requirements, the president may approve interim financing or bank loans as a means of short-term financing. The president shall report any such actions to the Committee on Budget and Finance at its next meeting.<sup>18</sup>

E. Institutional Trust Funds. Authority to delegate to the chancellors management of institutional trust funds.<sup>19</sup>

F. Chancellors' Incentive Compensation Program

1. Authority to establish and implement an incentive compensation program to provide the president an opportunity to award performance-based compensation to the chancellors.

2. Authority to grant performance-based compensation awards to the chancellors as provided under the incentive compensation program. Awards granted under this authority shall be one-time payments per year, cannot exceed 20 percent of the chancellor's base salary, and are the responsibility of the constituent institution to fund.

3. Authority to modify the incentive compensation program as necessary to maintain alignment between performance goals established by the Board of Governors for the president and those established by the president for the chancellors.

II. The president will report all actions taken under the authority of the delegations in sections I.B., through I.F., above, to the appropriate committee of the Board of Governors either in writing before the next regular meeting of the Board of Governors or at the next regular meeting of the Board of Governors.

III. These delegations will remain in effect unless and until the Board of Governors rescinds them in whole or in part.

IV. Other Matters

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

B. Relation to 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 which may govern or relate to the subject matter of this policy.

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

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<sup>1</sup>The secretary of the University is authorized to annotate the referenced policies and regulations to cross-reference these delegations.

<sup>2</sup>G.S., Chapter 126.

<sup>3</sup>Sections 300.1.1, 300.1.2, and 300.2 of the UNC Policy Manual.

<sup>4</sup>Section 600.3.4 of the UNC Policy Manual.

<sup>5</sup>Section 500 of *The Code*; Sections 300.1.1 and 1200.1 of the UNC Policy Manual; and G.S. 116-37(c) and 37.1(c). The use of "UNC Center for Public Media" in the statute refers to PBS North Carolina.

<sup>6</sup>Section 1100.3 of the UNC Policy Manual.

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<sup>7</sup>For the purposes of this policy, the term “non-promotional” means salary actions that do not relate to assuming an entirely new position but rather adjusting the salary of the existing position for reasons such as labor market, equity, retention, additional duties, reclassification, and other permitted miscellaneous reasons.

<sup>8</sup>G.S.135-5.1

<sup>9</sup>Section 300.7.2 of the UNC Policy Manual.

<sup>10</sup>Section 200.5 of the UNC Policy Manual.

<sup>11</sup>Section 200.5 of the UNC Policy Manual.

<sup>12</sup> Sections 300.5.1 and 300.5.2 of the UNC Policy Manual.

<sup>13</sup>The Board of Governors may delegate additional authority to the president or boards of trustees for real property transactions consistent with Sections 600.1.3 and 600.1.3[R] of the UNC Policy Manual.

<sup>14</sup>This delegation shall be interpreted consistent with G.S. 143C-8-12.

<sup>15</sup>The Board of Governors may delegate additional authority to the president or boards of trustees for approval of capital improvement projects consistent with Section 600.1.1 of the UNC Policy Manual.

<sup>16</sup>Section 600.1.1 of the UNC Policy Manual. This delegation shall be interpreted consistent with G.S. 116-31.11. This delegation may be further delegated.

<sup>17</sup>Section 600.1.1 of the UNC Policy Manual

<sup>18</sup>Section 600.1.1 of the UNC Policy Manual

<sup>19</sup>Sections 600.2.4 and 600.2.4.1 of the UNC Policy Manual.

## Policy on Non-Salary and Deferred Compensation

### I. Non-salary Compensation

A. Irrespective of the campus' status regarding management flexibility in personnel, all constituent institutions and the UNC System Office shall have a policy concerning the granting of non-salary compensation for all personnel exempt from the North Carolina Human Resources Act except for the chancellor and the president. ~~The policy shall either provide specified non-salary compensation to a defined category of employees uniformly or shall require~~ the appropriate approval by the board of trustees, ~~or~~ Board of Governors ~~upon recommendation by the~~ chancellor, or president, respectively, and as provided in this policy, regarding non-salary compensation granted to an individual employee before non-salary compensation is provided.

B. Each policy that provides specified non-salary compensation to a defined category of employees shall set out what types of non-salary compensation the campus or UNC System Office will provide, and the criteria for awarding such compensation. The awarding of non-salary compensation may be based on any reason or reasons considered relevant to attracting or retaining a faculty and staff of the highest possible quality. Decisions concerning non-salary compensation shall not be based in whole or in part upon any of the protected statuses included in Section 103 of *The Code*.

C. The funding source for non-salary compensation shall not be state funds, and non-salary compensation may be provided directly by an associated foundation if permitted by policy. An exception permitting non-salary compensation to be funded from State funds may be approved by a board of trustees or the Board of Governors only when permitted by the Office of State Budget and Management (OSBM). Any club membership for an employee or the granting of special campus services or benefits must be job related, and the club must have a policy prohibiting discrimination against groups protected by federal and North Carolina law. Non-salary compensation shall be appropriately reported to federal and state tax agencies.

D. The hiring approval process may include payment of moving expenses in accordance with authority from the Office of State Budget and Management. The decision of whether to include payment of moving expenses in an employment offer may be delegated no lower than the provost/vice chancellor level or vice president level.

E. Provision of housing, when occupancy of the housing is required as a part of the job, reimbursement of professional- or work-related travel, and the provision of equipment to perform the work of the position, even if used at home, including computers, cellular phones, personal data assistants (PDA), pagers and similar work-related items, are permissible and are not considered "non-salary compensation" as used in this policy.

F. Sign-on, Retention, and Performance-Based Bonus Compensation.<sup>1</sup> The Board of Governors delegates authority to the constituent institution boards of trustees to administer sign-on, retention, and performance-based bonus programs for employees exempt from most provisions of the North Carolina Human Resources Act. Equivalent authorities are granted at the direction of the president to administer such programs for UNC System Office employees exempt from most provisions of the North Carolina Human Resources Act.

1. A sign-on bonus may not exceed the lesser of \$25,000 or 20 percent of the annualized base salary of the new position without seeking the approval of the president or the president's designee.

2. A retention bonus may not exceed the lesser of \$25,000 or 20 percent of the employee's current base salary without seeking the approval of the president or the president's designee.

3. Performance-based bonus compensation awarded in a single fiscal year that exceeds either 20 percent of an individual employee's current base salary or \$50,000 must receive approval from the president and the Committee on University Personnel of the Board of Governors.

4. An employee may receive either a sign-on bonus or a retention bonus, but not both, within any 24-month period. The award of performance-based bonus compensation shall be administered independently from any sign-on or retention bonus program and shall be tied to an annual performance review for non-faculty employees and to the provisions of a written incentive compensation plan for covered faculty. Performance-based pay for clinical faculty is subject to the relevant approved clinical incentive pay plans and is exempt from these provisions. When applicable, and in accordance with Plan documents, performance-based bonus awards for Plan-eligible employees may be directed to an executive retirement plan administered by the UNC System Office, in lieu of a cash payment.

5. The boards of trustees may delegate authority to approve sign-on, retention, and/or performance-based bonuses to the chancellor and/or chancellor's designee(s) with the exclusion of such bonuses for Tier I SAAOs, which may not be delegated. For employees of the UNC System Office, the president has authority to approve sign-on, retention, and performance-based bonuses, including such bonuses for Tier I SAAOs.

6. Institutions may establish rules to require an employee to pay back all or part of sign-on or retention bonus payments already received if the employee separates from the institution fewer than 12 months after payment of the bonus award.

7. Bonuses may be provided using either state funds or non-state funds. For State funds, such use must be permissible under the policies of OSBM.

8. Institutions must establish specific procedures for reviewing and monitoring sign-on, retention, and performance-based bonuses.

9. The president may establish guidelines for periodic reporting on these bonus compensation programs.

II. Delayed or Deferred Salary/Compensation

A. The State of North Carolina and the University of North Carolina System offer employees options for deferred compensation and insurance. Unless expressly approved by the Board of Governors, constituent institutions and the UNC System Office may not provide any other employer-paid options for deferred compensation or other delayed compensation to its employees.

B. For purposes of this policy, delayed and deferred salary or compensation shall be broadly defined to include, but are not limited to, any employer payment or contribution paid (1) directly to an employee, (2) to the employee's account or plan, or (3) to a person acting in a capacity similar to a trustee for the employee, which is paid later than the regular or next subsequent payment cycle, except for an error that is promptly corrected upon discovery. Delayed and deferred salary/compensation also includes traditional 457 deferred compensation plans, any retirement plans or accounts, annuities, and life insurance accumulating any cash value. Delayed and deferred compensation also include both tax qualified and non-qualified plans, and any other similar form of payment, whether tax sheltered or not.

C. This policy does not prohibit a campus from making any permitted employer contribution to the Optional Retirement Program or the Teachers' and State Employees' Retirement System.

III. Non-Salary or Deferred Compensation of Chancellors and President. Other than a state provided car or a car of comparable value, a chancellor's or the president's residence as provided for in Section 300.1.5 of the UNC Policy Manual, work related club memberships, reimbursement of moving expenses upon initial employment as a chancellor or president, and benefits uniformly provided to all employees exempt from the North Carolina Human Resources Act, only the Board of Governors may approve non-salary or deferred compensation for a chancellor or the president. The funding source for non-salary compensation for a chancellor or the president, other than that specified in this paragraph, shall not be state funds, but an exception may be approved by the Board of Governors. Club memberships may never be paid using State funds.

IV. Employees Exempt from this Policy. Members of faculty medical practice plans, such as physicians, dentists, and veterinarians, are exempt from this policy. Athletic directors and head coaches remain subject to Section 1100.3 of the UNC Policy Manual, and are exempt from this policy.

V. Review and Approval. Campus policies on non-salary and delayed/deferred salary/compensation must be submitted as a part of the campus request for management flexibility to appoint and fix compensation. Campuses already granted management flexibility in personnel shall submit their policies to the UNC System Office for review. Subsequent changes to the policies must be submitted for review by the UNC System Office prior to submission to the campus board of Trustees for approval. In some cases, policies with extensive revisions will be reconsidered by the Committee on University Personnel of the Board of Governors.

VI. Other Matters

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

B. Relation to 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 which may govern or relate to the subject matter of this policy.

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

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<sup>1</sup>See May 26, 2022, Resolution of the Board of Governors of The University of North Carolina System “Delegated Authorities Regarding Non-Base Salary Compensation for University Employees Exempt from the State Human Resources Act.” Cf. Section 300.2.14.2[R].

### **Policy on Fostering Undergraduate Student Success**

I. Purpose. The University of North Carolina (UNC) System’s policies on student success adopted by the Board of Governors direct constituent institutions to:

- A. Set academic progress and degree attainment as primary outcomes;
- B. Promote academic quality, rigor, and integrity; and
- C. Make possible “seamless” educational opportunities across the UNC System constituent institutions, with the North Carolina Community College System (NCCCS), and early college high schools.

Improving retention, graduation rates, and time to degree are important aspects of such policies. However, the Board of Governors also recognizes that students come into the system from a number of different life circumstances and their paths to success vary accordingly. Policies, therefore, set parameters within which a constituent institution can best meet the needs of these diverse student populations.

II. University-Wide Policies

A. The Board of Governors has adopted the following policies for all institutions comprising the University of North Carolina System except the North Carolina School of Science and Mathematics.<sup>1</sup>

- 1. Constituent institutions will require no more than 120 semester credit hours for a four-year baccalaureate degree program unless an exception is granted by a board of trustees as described in Section 400.1.5[R] of the UNC Policy Manual.
- 2. Constituent institutions will follow the credit hour limits for five-year baccalaureate degree programs as described in Section 400.1.5[R] of the UNC Policy Manual.
- 3. Constituent institutions will develop academic policies within the regulations established by the UNC System on:
  - a. Satisfactory Academic Progress (SAP)
  - b. Course Adjustment Periods (“Drop/Add”)

- c. Course Withdrawal
- d. Grade Exclusion or Replacement
- e. Minimum, Maximum, and Average Course Load

4. Constituent institutions will establish a student success and support structure to review and to issue regular reports on:

- a. Retention, academic progression, graduation, and time to degree;
- b. Course scheduling as it relates to whether courses required for graduation are offered on a timely basis and with an adequate number of sections and seats;
- c. Course offerings and grade requirements to assess if any undue additions to general education requirements exist or if such requirements unintentionally lengthen time to graduation; and
- d. The academic advisement system to ensure students receive appropriate assistance in proceeding toward graduation in a timely manner.

5. Constituent institutions will be compliant with Title IV regulations that define student eligibility for and receipt of federal financial aid.

6. Constituent institutions will be compliant with the Comprehensive Articulation Agreement with the NCCCS and are encouraged to develop policies that promote seamless transfer among schools in the University of North Carolina System.

7. The UNC System Office shall, in consultation with faculty and staff from the constituent institutions, establish and maintain a common course numbering system for undergraduate lower division courses, which shall be mapped to the unique course numbers used at each respective institution of higher education. The president shall approve regulations to describe and implement this common undergraduate course numbering system, which shall be established and operational by the 2022-23 academic year.

~~7.8.~~ UNC institutions will either (1) accept for transfer academic credit issued by regionally-accredited institutions for a student's participation in internships and academic programs managed by The Washington Center for Internships and Academic Seminars (TWC), or (2) enter into an agreement with TWC that provides that the UNC institution will issue academic credit for a student's participation in TWC internships and academic programs.

B. These policies are designed to ensure that campus and system-wide policies and practices facilitate behaviors that support retention and timely graduation.

III. Other Matters

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

of this policy by the Board of Governors.

B. Relation to 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 which may govern or relate to the subject matter of this policy.

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

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<sup>1</sup>The North Carolina School of Science and Mathematics shall track data on student attrition, completion rates of its high school curriculum, and high school graduation. See G.S. 116-235.

## Policy on Design, Construction, and Financing of Capital Improvement Projects

I. Authority. G.S. 143C-8-12 provides the Board of Governors with authority to approve certain expenditures for capital improvement projects that will be funded and operated entirely from non-General Fund or non-State Capital and Infrastructure Fund money, including expenditures to plan, construct, and change the scope of such projects.

Additionally, G.S. 116-31.11 delegates to the Board of Governors the authority for the administration of design and construction contracts with regard to the construction, or renovation of buildings, utilities, and other property developments requiring the estimated expenditure of public money of \$42,000,000 or less. This authority includes the negotiation of fees for all design contracts and the supervision and letting of construction and design contracts, the establishment of procedures in performance of those responsibilities, and specific reporting requirements to the State Building Commission. The Board is also authorized to delegate ~~that its~~ authority to constituent institutions and affiliates ~~ed entities~~ of the University of North Carolina if an constituent institution or affiliated entity is qualified under guidelines developed in consultation with the director of the budget and the State Building Commission. ~~Pursuant to this authority, guidelines entitled "The University of North Carolina Design and Construction Guidelines" were implemented to provide assistance to the constituent institutions in the administration of the design and construction of capital improvement projects. Copies of the guidelines may be obtained at the UNC System Office.~~

Pursuant to and consistent with its authority under the North Carolina General Statutes, including G.S. 116-11(13), the Board of Governors adopts the following policy regarding authority of the president and boards of trustees of the constituent institution to approve and administer certain capital improvement projects.

### II. Approval and Administration of Certain Capital Improvement Projects

A. General Delegations of Authority to the President and Boards of Trustees for Approval of Certain Capital Improvement Projects Pursuant to G.S. 143C-8-12.

1. The Board of Governors delegates to the president and the boards of trustees the power to approve capital improvement projects that are funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money with a total project budget of that are projected to cost less than \$750,000.<sup>1</sup> The president's authority may be exercised on behalf of the UNC System Office, affiliates ~~ed entities~~, or the constituent institutions in the president's discretion. Capital improvement projects that are funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money with a total project budget of \$750,000 or more must be approved by the Board of Governors.

2. The Board of Governors delegates to the president and the boards of trustees authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund or non-State Capital and Infrastructure Fund -money.<sup>2</sup>

3. The Board of Governors delegates to the president the authority to approve an increase of up to 10 percent of the cumulative value of an originally-awarded construction contract for a System Office, affiliated ~~entity~~, or constituent institution capital improvement project previously authorized by the Board of Governors.

4. After the long-term financing of a capital improvement project has been approved in accordance with statutory requirements, the president may approve interim financing or bank loans as a means of short-term financing. The president shall report any such actions to the Committee on Budget and Finance at its next meeting.

B. General Delegation of Authority to the President and Boards of Trustees for the Administration of Design and Construction of Certain Capital Improvement Projects Using Public Money.

1. In accordance with The UNC Policy Manual, Appendix 1, Para. VI, the Board of Governors delegates to the boards of trustees, subject to policies of the Board of Governors and all legal requirements relative to the construction of state -owned buildings, the responsibility for the following matters concerning campus capital construction projects which have been approved by the Board of Governors and authorized by the State of North Carolina: (1) the selection of architects or engineers for buildings and improvements requiring such professional services; (2) the approval of building sites; (3) the approval of plans and specifications; and (4) the final acceptance of completed buildings and projects. Consistent with UNC Policy 200.1, the president has authority to execute design and construction contracts for capital improvement projects; this authority may be delegated.

2. The Board of Governors delegates to the president the authority for the administration of design and construction contracts for capital improvement projects, which have been approved by the Board of Governors and authorized by the State of North Carolina, requiring the estimated expenditure of public money of \$4,000,000 or less. The president's authority may be exercised on behalf of the UNC System Office, affiliates, or the constituent institutions in the president's discretion, subject to G.S. § 116-31.11.

3. The Board of Governors delegates to the board of trustees the authority for the administration of constituent institution design and construction contracts of capital improvement projects, which have been approved by the Board of Governors and authorized by the State of North Carolina, requiring the estimated expenditure of public money less than \$750,000.

C. Additional Delegations of Authority to the ~~President and~~ Boards of Trustees for ~~Approval Administration~~ of Capital Improvement Projects.

~~1. The Board of Governors may delegate to the president additional authority to approve capital improvement projects funded entirely with non-General Fund money that are projected to cost less than \$1,000,000.<sup>3</sup>~~

~~1.2.~~ Upon request by the board of trustees of a constituent institution ~~or affiliated entity~~ and with the recommendation of the president, the Board of Governors may delegate to the board of trustees of a constituent institution ~~or affiliated entity~~ additional authority to approve-administer capital improvement projects funded ~~entirely with non-General Fund~~public money that are projected to cost less than \$~~21,000,000~~.<sup>4</sup>

~~3. Should the Board of Governors delegate additional authority to one or more boards of trustees or affiliated entities consistent with paragraph 2., above, the president shall automatically receive authority to approve capital improvement projects at a level equal to the highest level of authority delegated to a board of trustees or affiliated entity. The president's authority may be exercised on behalf of the UNC System Office, affiliated entities, or the constituent institutions in the president's discretion.~~

~~2.4.~~ The senior vice president for finance and administration, in consultation with the senior vice president and general counsel, shall establish the process by which a constituent institution may request and maintain delegated authority consistent with G.S. ~~143C-8-12116.31.11~~ and other relevant state law. The minimum criteria a constituent institution must meet to receive and maintain authorization from the Board of Governors shall include, but not be limited to, ~~performance of a written, comprehensive self-assessment that demonstrates the following:~~

a. The constituent institution ~~has performed a written, comprehensive self-assessment that~~ demonstrates it has the administrative, technical, and support resources necessary to properly administer capital projects in compliance with the General Statutes of North Carolina, State Construction Office requirements, and UNC System Office standards~~carry out the delegated authority.~~

b. The chancellor has certified in writing that the constituent institution ~~has~~ will maintain the administrative, technical, and support resources necessary to properly administer capital projects in compliance with the General Statutes of North Carolina, State Construction Office requirements, and UNC System Office standards~~carry out the delegated authority.~~

~~c. The constituent institution has a properly constituted and active campus capital project review committee comprised of individuals with sufficient technical expertise, strategic perspective and executive authority to perform the duties required herein.~~

~~c.d.~~ The constituent institution has an architect or engineer licensed in the State of North Carolina in a minimum of two key management positions. At a minimum, the associate vice chancellor over design and construction of capital projects or equivalent shall be a registered architect or licensed engineer in the State of North Carolina ~~an individual on staff with substantial experience in managing capital improvement projects and the chancellor has designated that individual as the campus capital project coordinator.~~ The requirements for

professional licensure or registration may be waived if the key personnel have comparable certifications, education, training, and work experience.

de. The constituent institution has appropriate and sufficient technical and professional staff with demonstrated capability in the planning, financing, and oversight of capital improvement projects.

ef. An assessment team, assembled and led by the senior vice president for finance, has reviewed the constituent institution's self-assessment, has performed an on-site capabilities appraisal that confirms the institution's self-assessment, and has recommended delegation to the president.

Constituent institutions will be reviewed for re-authorization under this section on a periodic basis, to be established by the senior vice president for finance and administration, but not less than every three years.

35. ~~Upon review in response to a request for re-authorization or in response to a report of noncompliance with this policy or its associated regulations, for good cause, and consistent with G.S. 143C-8-12 and other relevant state law, t~~The president or the Board of Governors may revoke or suspend the additional delegated authority of a constituent institution for any reason in its sole discretion. ~~or take other remedial action as the president deems necessary and appropriate.~~ Once authority has been revoked or suspended ~~pursuant to this policy,~~ all future capital improvement projects for the institution involved shall be completed in accordance with the General Statutes of North Carolina and the general delegations of authority provided for in section II.B of this policy. In addition to the foregoing, the additional delegated authority for the administration of capital improvement projects shall be immediately suspended if the position for the associate vice chancellor over design and construction (or equivalent position) becomes vacant. Newly established capital projects shall be administered under the general delegated authority while the position is vacant. The additional delegated authority will be reinstated when the position is filled consistent with II.C.2.c of this Policy.

~~III. Administration of Design and Construction of Certain Capital Improvement Projects. Delegations of the Board of Governors authority for the administration of design and construction of capital improvement projects requiring the estimated expenditure of public money of \$2,000,000 or less shall be in accordance with G.S. 116-31.11 and "The University of North Carolina Design and Construction Guidelines."~~

III.V. Construction Delivery Method Reporting Requirement. In accordance with G.S. 143-133.1, constituent institutions that contract with a construction manager at risk, designer-builder, or private developer under a public-private partnership shall report to the System Office (in a manner prescribed by the president or the president's designee) the following information within 60 days of award for contracts utilizing such alternative delivery methods:

- A. A detailed explanation of the reason why the particular construction manager at risk, design-builder, or private developer was selected;
- B. The terms of the contract with the construction manager at risk, design-builder, or private developer;

- C. A list of all other firms considered but not selected as the construction manager at risk, design-builder, or private developer;
- D. A report on the form of bidding utilized by the construction manager at risk, design-builder, or private developer on the project; and
- E. A detailed explanation of why the particular delivery method was used in lieu of the delivery methods identified in G.S. 143-128(a1) subdivisions (1) through (3) and the anticipated benefits to the public entity from using the particular delivery method.

\_\_\_\_\_The information shall be collectively reported annually to the Board for all projects awarded during the fiscal year and submitted with the annual report of the Committee on Budget and Finance.

**IV.** Procedures and Reporting Requirements. The senior vice president for finance and administration shall have general authority to establish such procedures and reporting requirements for constituent institutions and affiliated entities as may be prudent to enable implementation of this policy and associated regulations.

**VI.** 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 Other Laws. This policy is designed to supplement, and does not purport in any way to supplant or modify, those statutory enactments and rights which may govern capital improvement projects in the State of North Carolina.
- 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.

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<sup>1</sup>This delegation of authority shall be interpreted consistent with G.S. 143C-8-12. See also Appendix 1 to *The Code* and Section 200.6 of the UNC Policy Manual.

<sup>2</sup>Unless otherwise indicated by the Board of Governors, this delegation of authority to boards of trustees to approve advance planning efforts shall not be further delegated.

<sup>3</sup>~~See endnote 1, above.~~

<sup>4</sup>See endnote 1, above.

## Regulation for Military Student Success

I. Purpose. This regulation provides a framework for the constituent institutions of the University of North Carolina System (UNC System) to develop and maintain a comprehensive network of services for military-affiliated students seeking to meet their educational goals. This regulation implements the requirements of Section 700.7.1 of the UNC Policy ~~Manual, and~~ Manual and serves to promote the general welfare of military-affiliated students at constituent institutions. These students include: United States (U.S.) veterans, military service members (active duty, National Guard, and Reserves), spouses and other dependent family members, veterans, and hereinafter referred to as “military-affiliated students” (e.g., spouses, and other dependent family members), at the constituent institutions.

II. Definitions. For the purposes of this regulation, the term “military student” shall mean any student who is a veteran or actively serving member of the United States Uniformed Services as defined in 37 U.S.C. §101(3), a member of the military reserves, or a member of the National Guard. The term “military-affiliated student” shall include both “military student” as defined above and any student who is the spouse, child, surviving spouse, or surviving child of a “military student” as defined above, as well as any student who is a Reserve Officers' Training Corps (ROTC) cadet.

III. Data Collection and Reporting on ~~Veteran, Military, and~~ Military-Affiliated Students. The UNC System Office shall establish appropriate and uniform data collection guidelines and procedures that will enable the tracking of academic progress of veteran, military, and military-affiliated students, ~~and that will support the enactment of the recommendations contained in the UNC SERVES April 2010 Report to the President.~~

IIIIV. Application Fees for Active-~~Duty~~ Service Members. Constituent institutions ~~are encouraged to~~ shall waive the admissions application fee for all service members if they are in an active duty status at the time of application-military students, as defined in this regulation.

IV. Tuition Rates for ~~Veteran, Military, and~~ Military-Affiliated Students. Constituent institutions shall clearly articulate the process for veteran, military, and military-affiliated students to establish eligibility for the in-state tuition rate pursuant to state and federal law, and pursuant to the guidelines of the Residency Determination System. Information regarding eligibility for in-state tuition shall be publicized as part of both the undergraduate and graduate recruitment and admissions processes.

VI. Faculty and Staff Support Training on Issues Affecting ~~Veteran, Military, and~~ Military-Affiliated Students. Constituent institutions shall provide support for faculty and staff training on issues that are unique to, or commonly encountered by, veteran, military, and military-affiliated students. This training should conform to best practice guidelines. Professional advisors and faculty should be well-versed in continuous enrollment provisions in order to assist military-affiliated students in making the best decisions about their academic program choices.

VII. North Carolina National Guard Tuition Assistance Benefit. The North Carolina National Guard Tuition Assistance benefit shall be applicable to students at UNC constituent institutions seeking to achieve a two-year associate degree, a four-year baccalaureate degree, or a graduate degree. It shall also

be applicable to students enrolled in a program granting a graduate certificate, and to students enrolled in a professional certification program recommended by the director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer.

VIII. Campus-Based Support Structures for ~~Veteran, Military, and~~ Military-Affiliated Students. Constituent institutions ~~are encouraged to~~ shall create campus-based military affairs committees to assist ~~veteran, military, and~~ military-affiliated students in successfully transitioning ~~and succeeding to~~ beyond ~~and succeeding in and beyond~~ the educational environment. To ensure effectiveness, these committees should, at ~~the~~ minimum, be charged with:

- A. Facilitating awareness and communication between key departments with regard to constituent institution-based services for ~~veteran, military, and~~ military-affiliated students;
- B. Coordinating and evaluating programs and services for ~~those military-affiliated~~ students;
- C. Factoring ~~those military-affiliated~~ students into institutional planning, particularly with regard to diversity; ~~and~~
- D. Ensuring institutional compliance with standards based on policy implemented by the Department of Defense (~~DoD~~), ~~The Department of Homeland Security (DHS)~~, and Department of Veterans Affairs (~~VA~~);
- E. Ensuring institutional compliance with the guidelines and recommendations in the most current version of the VA's School Certifying Official (SCO) Handbook.

~~VIII~~IX. Financial Support of Military-Affiliated Students

A. Constituent institutions shall create policies that guarantee that ~~undergraduate and graduate veterans, military, and~~ military-affiliated students using United States Veterans Administration (VA) ~~educational education and training~~ benefits are held harmless from VA processing delays that prevent timely payment of their educational benefits. These policies shall include provisions:

- 1. Granting ~~exemption forgiveness of from~~ late payment fees on students whose VA educational benefits are delayed; ~~and~~
- 2. Maintaining students' course registrations until such delayed payments are received; ~~and~~
- 3. Conforming Adhering to other provisions in the Veterans Benefits and Transition Act of 2018 when VA payments are delayed. Such prohibited actions include, but are not limited to, denial of access to classes, libraries, or other institutional facilities. Penalties prohibited by the act include, but are not limited to, denial of access to classes, libraries, or other institutional facilities, or the requirement that the student borrow additional funds, because of their inability to meet their financial obligations to the institution.

B. Constituent institutions ~~are encouraged to~~ shall develop a policy providing ~~undergraduate and graduate military-affiliated~~ students using ~~DoD Tuition Assistance, DHS Tuition Assistance, or VA GI Bill~~ VA education and training benefits with "bridge loans," payment plans, tuition

deferments, vouchers, or some combination of these items to cover tuition, fees, housing, books, and other expenses related directly to university life, as defined by campus policy, until payment is received from the VA, ~~the DHS, or the DoD.~~ To avoid imposing any financial penalty on students awaiting VA, DHS, or DoD payments, institutions must not charge interest on any “bridge loans” they provide. The provision of all “bridge loans” must comply with applicable law, including but not limited to, the Veterans Benefits and Transition Act of 2018.

C. Scholarships and Grants.—Development and Advancement offices at constituent institutions are also encouraged to create, fund, and maintain scholarships and grants for ~~undergraduate and graduate veteran, military, and/or~~ military-affiliated students.

X. Campus Employment. Constituent institutions are encouraged to apply for designation as an official VA Work Study Site and recruit ~~veterans and eligible family members~~ eligible military-affiliated students, when appropriate, for ~~on-campus VA VA~~ work-study positions.

XI. Organizations and Communication. Constituent institutions are encouraged to support student veteran organizations and/or other military-affiliated student organizations. The student organization advisor is encouraged to communicate updates on veterans and military affairs on campus, as well as on topics and announcements related to any military-affiliated student groups.

#### XII. Academic Support for Military-Affiliated Students

A. Orientation/Transition Seminar. ~~— To the greatest extent possible, c~~Constituent institutions shall provide break-out sessions focused on ~~veteran, military, and~~ military-affiliated students as part of their regular orientation programs. When possible, institutions should make these resources ~~of this session should be made~~ available online. Constituent institutions offering a credit-bearing introduction to the university course should consider providing a section or sections exclusively for ~~veteran, military, and~~ military-affiliated students.

##### ~~B. — Priority eEnrollment and Registration.~~

~~1. — Active duty students using Armed Forces Tuition Assistance (TA), students on national service academy graduate degree sponsorship, and students who have been released from active duty for a specific amount of time to attend college through a military degree completion program often face unique scheduling challenges. Whenever possible, c~~Constituent institutions should recognize such challenges by providing these students with priority enrollment and registration.

##### B. Priority Registration.

1. Military-Affiliated students using VA education benefits, students using DoD or DHS Tuition Assistance (TA), students on national service academy graduate degree sponsorship, and students who have been released from active duty for a specific amount of time to attend college through a military degree completion program often face unique scheduling challenges. Constituent institutions shall recognize such challenges by providing these students with priority enrollment and registration. Institutions should offer early/priority registration and/or other scheduling assistance to ensure those with time constraints attributable to their benefits can utilize those benefits fully, or to the maximum extent possible.

~~2. To the extent permitted by applicable law and policy, institutions may, at their own discretion, extend early/priority registration to other military-affiliated students not utilizing VA education benefits, to improve their rankings associated with nationally publicized designations such as “Military-Friendly” and “Best-for-Vets”.~~

~~C. Priority Registration.~~

~~2. Some veterans and military/military affiliated students may have expiring time limitations on their VA educational benefits. In those cases, Recognizing that military-affiliated students have time limitations on VA education benefits, all constituent institutions shall provide priority registration to all military affiliated students using VA education benefits, to include to include students receiving Chapter 31 Vocational Rehabilitation and Employment (VR&E) benefits,<sup>4</sup> institutions should offer early/priority registration and/or other scheduling assistance to ensure those with expiring time constraints attributable to their benefits can utilize those benefits fully, or to the maximum extent possible.~~

~~3. To the extent permissible, institutions may, at their own discretion, extend early/priority registration to all categories of military students (veterans, active duty, Guard, and Reserve).~~

C. Academic Assistance. Constituent institutions shall evaluate, review, adapt, and monitor academic assistance, including mentoring and tutoring, for their ~~veteran, military, and~~ military-affiliated students. ~~Institutions should r~~Reports of challenges and successes ~~should be provided~~ to the institution’s Military Affairs Committee.

~~ED. Military Science Courses and Tuition Surcharge. Constituent institutions should refer to the tuition surcharge exemption list that is part of Section 1000.1.5[R] of the UNC Policy Manual.~~

~~D. Service Cords. Constituent institutions are encouraged to provide military service cords for graduating student veterans, active-duty members, and members of the National Guard, and Reservesistsmilitary students.~~ Institutions shall communicate to these students a process for acquiring these cords. Service cords shall be provided free of charge, when possible. ~~Institutions shall consider officially recognizing these graduates in the printed program and/or during the ceremony.~~

~~XII. Military Learning and Academic Credit~~

~~A. The University of North Carolina System seeks to maximize and make consistent the transfer of credit from military training and experience to constituent institutions.~~

~~B. As mandated by Section 3 of Session Law 2014-67, the Board of Governors of the University of North Carolina and the State Board of Community Colleges have jointly developed a plan (the Plan) for implementing a uniform system of granting course credits for military training and experience to all students enrolled in constituent institutions of the University of North Carolina System, and the North Carolina Community College System (NCCCS).~~

~~C. Military Credit Advisory Council~~

~~1. Pursuant to the Plan, the UNC System Office, in conjunction with the North Carolina Community College System Office, will create and maintain a Military Credit Advisory Council (MCAC). The MCAC will be comprised of faculty, staff, and administrators from UNC System and NCCCS institutions, and of representatives from both system offices. It may also include representatives from North Carolina's business sector, state government, and military installations.~~

~~2. The MCAC shall provide guidance to and share information with the constituent institutions on all issues related to the awarding of academic credit for military training and experience.~~

~~3. The overall purpose of the MCAC is to ensure that military training courses and occupational experiences are evaluated by faculty members from UNC System and NCCCS institutions in an independent manner and by use of standard levels of objectivity and academic rigor.~~

~~D. Military Training Course and Occupational Experience Evaluation Panels~~

~~1. The MCAC shall ask constituent institutions to nominate faculty representatives to sit on academic discipline-specific panels for the purpose of evaluating additional military training courses and occupational experiences for academic credit. Panels may be comprised solely of faculty members from constituent institutions of the UNC System, or of faculty members from both the UNC System and NCCCS.~~

~~2. While conducting these evaluations, faculty panel members will use commonly-accepted levels of academic objectivity, validity, and rigor. The MCAC shall provide training and orientation to faculty panel members on the unique aspects of this evaluation process.~~

~~3. The MCAC shall forward credit recommendations made by faculty panels to the UNC System Office senior vice president for academic affairs for final approval.~~

~~4. The MCAC shall publish credit recommendations that have been made by faculty panels and approved by the UNC System Office senior vice president for academic affairs in an accessible system that informs current and prospective veteran students as well as faculty and staff who routinely assist them.~~

~~5. Constituent institutions shall publicize and adhere to credit recommendations made by faculty panels and approved by the UNC System Office senior vice president for academic affairs.~~

~~6. In the event that an academic department at one of the constituent institutions does not concur with one or more of these credit recommendations, the department head shall submit the rationale for the disagreement through the campus provost to the MCAC. The MCAC will forward the rationale to the UNC System Office senior vice president for academic affairs for further review and for a final determination.~~

~~E. UNC Constituent Institutions. Constituent institutions:~~

- ~~1. Shall establish and publish a process whereby active duty military, reservists, and veterans receive credit for, or a waiver of, the general education health and/or physical education requirements, based on military recruit training.~~
- ~~2. Shall accept foreign language coursework completed through the Defense Language Institute Foreign Language Center (DLIFLC) as transfer credit.<sup>2</sup> Institutions are also encouraged to establish a process for students to demonstrate proficiency and to waive campus language requirements for other foreign language skill development outside of DLIFLC. Examples include: College-Level Examination Program (CLEP) credit, Defense Language Proficiency exams, continuing education mission specific language training, etc.~~
- ~~3. Are encouraged to develop equivalence mapping for credit by exam for CLEP and DANTES Standardized Subject Tests (DSST), and to publish a chart showing the minimum allowable CLEP and DSST scores (no lower than 50 for CLEP) and the credit/course equivalences.~~
- ~~4. Are encouraged to train admissions counselors, registrars, academic advisors, department chairs or heads, and deans on the principles and practices of military credit transferability. The MCAC will provide training and consultation, as requested or required.~~
- ~~5. Shall exempt transfer credits resulting from military learning from the tuition surcharge calculation.~~
- ~~6. Shall consult with the UNC System Office director for prior learning assessment and military credit on any questions regarding evaluation of military training and experience not covered in the sections above.~~

XIII. Call to Duty

- A. Constituent institutions are encouraged to shall accommodate students who are "called to duty." The call to duty may include, but is not limited to:
1. Service in the uniformed services as defined in 34 CFR §668.18;
  - ~~1.~~ 2. Guard or Reserve duties, such as participation in weekly or monthly meetings, weekend drills, annual trainings, military schooling, or other training or official military events; or
  - ~~2.~~ 3. Active duty, Guard, or Reserve military members on extended training and/or deployments, or a Permanent Change of Station (PCS) move; and
  - ~~3.~~ Institutions should honor these same policies for military family members affected by the call to duty.
- B. Short-term (fewer than 30 days) absences due to call to duty. Any military student enrolled in a constituent institution called to duty for a short period during a semester/term, which does not require withdrawal, shall:

1. Notify their course instructors immediately. Military students who believe their military requirements may affect their enrollment/attendance during a specific semester should inform their course instructors at the beginning of the semester or as soon as the potential call to duty is reasonably known;
2. Provide a copy of orders or a letter from the unit command to the course instructor, once the call to duty is confirmed and if the student needs to be excused from class(es);
3. Be given an excused absence for the period of time the student is called to duty;
4. Be given the opportunity to make up any test or other work missed during the excused absence. The course instructor is encouraged to permit the student a reasonable amount of time to make up missed assignments;
5. Be given the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is called to duty;
6. Be given a temporary grade of incomplete (I) for any course that the student was unable to complete as a result of being called to active duty. However, the student must complete the course requirements within the period of time specified by the constituent institution in order to avoid receiving a failing grade for the course; and
7. Be permitted to drop, with no penalty, any course that the student was unable to complete as a result of being called to duty.

C. Military Withdrawal. Due to call to duty situations, ~~Smilitary (and military affiliated)~~ students called to active duty, and subsequently, any family members who are students, may need to withdraw from coursework during the course of a semester.

1. As stated in Section 400.1.5[R] of the UNC Policy Manual, ~~S~~students are expected to complete all the courses for which they are registered at the close of the course adjustment period *unless* withdrawal is permitted due to extenuating circumstances or military service.<sup>31</sup>
2. Military students who believe their military requirements may affect their enrollment/attendance during a specific semester should inform their course instructors in a timely manner.
3. Military students who have scheduled/known calls to duty during a semester should avoid registering for courses in which their military commitments will affect their academic attendance, performance, and learning. In those cases, the military students should work to seek a deferral or other arrangements and constituent institutions should work with the students on the program of study to rearrange the academic planning.
24. Constituent institutions shall develop policies that permit ~~an undergraduate or graduate a military military-affiliated~~ student to withdraw from a course or courses at any time and without academic penalty due to documented call to duty as defined in 34 CFR

~~§668.18 their military service requirements.~~ Institutions ~~may~~ should extend ~~some or~~ all components of this policy to apply to military-affiliated students affected by a parent or spouse's call to duty, military ~~the family members, spouse or child of a person called to active duty,~~ if they demonstrate sufficient cause for consideration due to changed circumstances.<sup>4-2</sup> These policies must:

- a. Be published in the appropriate sections of the university catalogue and website;
- b. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the ~~Department of Defense (DOD) or DHS~~) gives advance written or verbal notice of call to duty to the designated campus body or official,<sup>53</sup> ~~and~~
- c. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service.

D. Graduate Students Called to Duty. In addition to the other applicable requirements of this policy, graduate students called to duty may require additional considerations by the constituent institutions. Overall, and to the extent permissible, the institutions shall hold the graduate student harmless due to call to duty situations. These policies should include (but are not limited to):

1. Establish the process for adjustment of any time limits for degree completion; and
2. Describe a process that recertifies the currency of all graduate degree requirements that may be beyond allowed time limits, including review in the case of required repetition of course work that might be outdated.

EB. Refund of Tuition, Fees, and Other Expenses. Enrolled ~~undergraduate and graduate students who are called to active duty~~ students called to duty during the semester, and who complete a military withdrawal from their course(s), shall be afforded the following special considerations. Constituent institutions ~~will~~ shall:

1. Issue a full refund of all payments made by or on behalf of the student, and/or adjust the student's financial aid account, as appropriate.
2. Issue a full refund for textbooks purchased through the university bookstore for the semester in progress. The student being called to duty ~~military service~~ should must present the textbooks, purchase receipt(s), and a copy of the applicable military orders.<sup>6.4</sup>
3. Issue a prorated refund of room rent for a campus residence facility. This refund will be based on the student's official check-out date.<sup>7</sup>
4. Issue a prorated refund of board fees. This refund will be prorated from the opening date of the dining hall for the term during which the call to active duty occurs.

5. Allow unpaid account balances to be subject to a payment plan formulated with the student. No collection actions will occur during a deployment.

FC. Academic Credit. Constituent institutions must have a separate transcript notation appropriate for students who withdraw for ~~active or reserve military service~~ call to duty situations. ~~Such withdrawals will not count in the calculation of the GPA or tuition surcharge.~~

GD. Deferral of Enrollment. Constituent institutions will allow admitted military-affiliated students ~~undergraduate and graduate military and family member students~~ to defer admission if they are called to ~~active~~ duty before the start of a term. Constituent institutions should consider, in cases of a national emergency or crisis, allowing a deferral of enrollment for students who enlist in the United States Armed Forces prior to enrolling. Constituent institutions shall:

1. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the DoD or DHS ~~Department of the Defense (DoD)~~) gives advance written or verbal notice of call to duty to the designated campus body or official;<sup>8,6</sup>
2. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service;
3. Publish the details of the process in the appropriate sections of the university catalogue and website;
4. Include provision for a full refund on all deposits paid by the student; ~~and~~
5. Clarify the notification process of all relevant offices on campus.

~~E. Military Leave of Absence for Graduate Students. Constituent institutions shall develop policies permitting graduate students called to duty to take a military leave of absence from their program of study. These policies should:~~

- ~~1. Be published in the appropriate sections of the university catalogue and website;~~
- ~~2. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the DOD) gives advance written or verbal notice of call to duty to the designated campus body or official;<sup>9</sup>~~
- ~~3. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service;~~
- ~~4. Describe the process of resumption of study;~~
- ~~5. Establish the process for adjustment of any time limits for degree completion; and~~
- ~~6. Describe a process that recertifies the currency of all graduate degree requirements that may be beyond allowed time limits, including review in the case of required repetition of course work that might be outdated.~~

HF. Readmission to the University. ~~All constituent institutions shall readmit undergraduate and graduate students who were called to active duty~~ No student shall be denied readmission to

a constituent institution solely because of a call to duty situation. No student shall be denied readmission to a constituent institution solely because of a call to duty situation. Constituent institutions shall:

1. Readmit students who seek readmission no later than three years after the completion of the period of service,<sup>7</sup> at the same academic standing as the time of their call to duty, pursuant to 34 CFR §688.18, and subject to campus safety policies and procedures.<sup>8</sup>Readmit students who were in good academic standing at the time of their call to duty and who seek readmission no later than three years after the completion of the period of service,<sup>10</sup> subject to campus safety policies and procedures.<sup>11</sup>
2. Waive any new application process or fees.<sup>12, 9</sup>
3. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of the period of service.
4. Adjust the registration window for students to allow for early registration, if possible.
5. Clarify variations in regulations for readmission for students:
  - a. Who were on academic probation or suspension; or
  - b. Who were away longer than three calendar years following the completion of service.
6. Indicate a process for reinstatement to a specific undergraduate program of study.

I.G. Scholarship Status. When possible, and depending on the availability of funds, undergraduate and graduate veteran, military, and military military-affiliated students receiving university scholarships at the time of their call to duty should be able to receive the remainder of the scholarship upon their return. Constituent institutions shall develop policies related to the impact of call to duty on the scholarships they award. These policies must:

1. Include provisions to notify students about the status of their scholarships at the time of a military withdrawal or leave of absence; ~~and~~
2. Describe the rules related to reinstatement of scholarships and the process to initiate reinstatement when possible.

~~H. National Guard and Reserves~~

~~1. Constituent institutions are encouraged to accommodate students who are required to participate in weekly or monthly meetings, weekend drills, annual trainings, military schooling or other training or official military events as members of the National Guard or Reserves.~~

~~2. Students should be advised to inform their course instructors that they are members of the National Guard or Reserves. Furthermore, they should try to avoid registering for courses in which their~~

~~academic performance and learning will be substantially and negatively impacted by absences due to military commitments.~~

~~3. If a student seeks to be excused from class for National Guard or Reserve duty, the student is encouraged to provide a copy of orders or a letter from the unit command to the course instructor, and to inquire about making up missed course work. The course instructor is encouraged to permit the student a reasonable amount of time to make up missed assignments.~~

~~I. Excused Absence for Time Missed Due to Being Placed on Active Duty by the North Carolina National Guard or Reserves. Any undergraduate or graduate student enrolled in a constituent institution who is a National Guard service member, or a member of the Reserves, and who is called to either state or federal active duty not requiring withdrawal during an academic term shall:~~

~~1. Be given an excused absence for the period of time the student is on active duty;~~

~~2. Be given the opportunity to make up any test or other work missed during the excused absence;~~

~~3. Be given the option, when feasible to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty;~~

~~4. Be given a temporary grade of incomplete (I) for any course that the student was unable to complete as a result of being placed on active duty; however, the student must complete the course requirements within the period of time specified by the constituent institution in order to avoid receiving a failing grade for the course; and~~

~~5. Be permitted to drop, with no penalty, any course that the student was unable to complete as a result of being placed on active duty status.~~

#### XIV. Other Matters

A. **Effective Date.** The requirements of this regulation shall be effective on 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.

**C. Relation to Professional Certifications and Licensure Standards.** Institutions should recognize that this regulation relates to UNC System policy only, and not to professional certifications or applicable licensure standards set by external agencies and associations.

D. ———In cases where adherence to this regulation may conflict with university or academic program accreditation standards, institutions should prioritize adherence to accreditation standards.

<sup>1</sup> See Section 400.1.5[R], Section II.C of the UNC Policy Manual

<sup>2</sup> Campuses may choose to process family requests under the extenuating circumstances provision of their policies, as outlined in Section 400.1.5[R] of the UNC Policy Manual. Alternatively, campuses may choose to process family requests under documentation and review requirements set up for persons called to active duty.

<sup>3</sup> No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

<sup>4</sup> Campuses with a rental program should consider a refund or a prorating of the rental fee.

<sup>5</sup> If the student is receiving a BAH benefit from the VA for housing, they are entitled to keep all funds through their last date of attendance (as certified on campus). Any funds received from the VA for any period after the last date of attendance become a VA student debt.

<sup>6</sup> No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

<sup>7</sup> A student hospitalized or convalescing from an illness or injury suffered during the performance of military service shall notify the institution of the intent to return no later than two years after the end of recovery. A student who fails to apply for readmission within the period described shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution's established leave of absence policy and general practices. (HEA Sec. 484C (c)(4)(A) through (c)(4)(C)).

<sup>8</sup> Required checks for campus safety will be performed.

<sup>9</sup> Required checks for campus safety will be performed. Constituent institutions will incur the fee. ~~38 U.S.C. Ch. 31: Training and Rehabilitation for Veterans with Service-Connected Disabilities.~~

<sup>2</sup> The DLIFLC is a regionally accredited higher education institution. In terms of transfer, courses completed through this institution should be evaluated and academic credit awarded under the same criteria as any other regionally accredited college or university.

<sup>3</sup> See Section 400.1.5[R], Section II.C of the UNC Policy Manual

<sup>4</sup> Campuses may choose to process family requests under the extenuating circumstances provision of their policies, as outlined in Section 400.1.5[R] of the UNC Policy Manual. Alternatively, campuses may choose to process family requests under documentation and review requirements set up for persons called to active duty.

<sup>5</sup> No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

<sup>6</sup> Campuses with a rental program should consider a refund or a prorating of the rental fee.

<sup>7</sup> If the student is receiving a BAH benefit from the VA for housing, they are entitled to keep all funds through their last date of attendance (as certified on campus). Any funds received from the VA for any period after the last date of attendance become a VA student debt.

<sup>8</sup> No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

<sup>9</sup> No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

<sup>10</sup> A student hospitalized or convalescing from an illness or injury suffered during the performance of military service shall notify the institution of the intent to return no later than two years after the end of recovery. A student who fails to apply for readmission within the period described shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution's established leave of absence policy and general practices. (HEA Sec. 484C (c)(4)(A) through (c)(4)(C)).

<sup>11</sup> Required checks for campus safety will be performed.

<sup>12</sup> Required checks for campus safety will be performed. Constituent institutions will incur the fee.

THE CODE

Appendix 1 -

DELEGATIONS OF DUTY AND AUTHORITY TO BOARDS OF TRUSTEES

Pursuant to authority vested in it by the General Statutes (G.S.), and consistent with the provisions of *The Code of the University of North Carolina (The Code)*, the Board of Governors hereby delegates to the boards of trustees of the constituent institutions of the University of North Carolina System the following duties and powers:

I. ACADEMIC AND ADMINISTRATIVE PERSONNEL

A. Appointment and Compensation

1. Upon recommendation of the chancellor, the board of trustees of a special responsibility constituent institution with management flexibility for personnel appointments shall, for all positions exempt from the North Carolina Human Resources Act except the position of the chancellor, appoint, promote, and set the compensation for such employees consistent with the policies and salary ranges set by the Board of Governors and the regulations and guidelines established by the Office of the President.

2. Personnel actions at a constituent institution, other than a special responsibility constituent institution with management flexibility, shall be governed as follows:

a. With respect to all faculty positions with permanent tenure and all senior administrative positions, namely vice chancellors, provosts, deans and directors of major educational and public service activities, the chancellor, following consultation with the board of trustees, shall forward to the president recommendations with respect to such appointments, promotions, and compensation; if the president concurs in such recommendations, the president shall forward them to the Board of Governors for approval. Notwithstanding the requirements of this paragraph, a board of trustees may promote in rank a faculty member with permanent tenure, upon the recommendation of the chancellor, and without approval by the Board of Governors.

b. With respect to all faculty and administrative positions other than those identified in subparagraph 2.a., above, and other than those subject to the North Carolina Human Resources Act, the chancellor shall forward the chancellor's recommendations for appointment, promotion, and compensation to the board of trustees; subject to applicable provisions of *The Code* and to such policies as may be established by the Board of Governors, the action of the board of trustees with respect to such personnel actions shall be final.

B. Discharge or Suspension

Subject to regulations of the board of trustees and consistent with applicable policies of the Board of Governors, all discharges or suspensions of faculty members and administrative personnel, other than those subject to the North Carolina Human Resources Act, shall be effected by the

chancellor. A discharged or suspended employee shall have such rights of appeal from the action of the chancellor as may be prescribed by *The Code*, policies of the Board of Governors, or regulations of the board of trustees.

C. Personnel Policies

The board of trustees may adopt personnel policies not otherwise prescribed by state law, *The Code*, or policies of the Board of Governors, for personnel in all categories of university employment. Policies adopted by a board of trustees regarding academic tenure and promotion shall be effective upon review by the senior vice president for academic affairs and the vice president and general counsel, and approved by the president.

D. Chancellor Selection

In the event of a vacancy in the chancellorship, the board of trustees shall establish, in consultation with the president, a search committee composed of representatives of the board of trustees, the faculty, the student body, staff, the alumni, the local community, and other campus constituencies as may be appropriate. Upon the establishment of the search committee, the chair of the board of trustees, in consultation with the president shall establish a budget and identify staff for the committee.

The search committee, through the chair of the board of trustees, shall make a preliminary report to the president when the committee is preparing a schedule of initial interviews. At the completion of the campus interview process, the search committee shall recommend an unranked slate of no fewer than two candidates to the trustees for consideration.

The board of trustees, following receipt of the report of the search committee, shall, subject to the direction of the president, recommend an unranked slate of no fewer than two candidates for consideration by the president in designating a nominee for the chancellorship for approval by the Board of Governors.

II. ACADEMIC PROGRAM

The board of trustees shall be responsible for ensuring the institution's compliance with the educational, research, and public service roles assigned to it by the Board of Governors, either by express directive or by promulgated long-range plans of the Board of Governors.

III. ACADEMIC DEGREES AND GRADING

Subject to authorization by the Board of Governors of the nature and general content of specific degree programs which may be offered by an institution, each institution shall determine whether an individual student shall be entitled to receipt of a particular degree. Each institution also shall determine what grade a student will be assigned in a particular course. No appeal from any of these decisions or any other academic determination is allowable to the president or to the Board of Governors.

IV. HONORARY DEGREES, AWARDS AND DISTINCTIONS

The board of trustees shall be responsible for approving the names of all individuals on whom it is proposed that an honorary degree or other honorary or memorial distinction be conferred by the institution, subject to such policies as may be established by the Board of Governors.

V. BUDGET DEVELOPMENT AND ADMINISTRATION

On an annual basis, the board of trustees shall approve a comprehensive, “all-funds” budget of the constituent institution for the upcoming fiscal year. The budget shall reflect estimated General Fund, Institutional Trust Fund, and other revenues and expenditures as defined by and in a manner prescribed by the president or the president’s designee. The board of trustees’ approval of a constituent institution all-funds budget shall not be delegated and shall be made by the full board of trustees.

The board of trustees shall advise the chancellor with respect to the development, execution, and administration of the budget of the constituent institution, consistent with actions by the General Assembly and the Board of Governors.

## VI. PROPERTY AND BUILDINGS

The board of trustees of a constituent institution shall be responsible, subject to policies of the Board of Governors and all legal requirements relative to the construction of state-owned buildings, for the following matters concerning campus capital construction projects which have been approved by the Board of Governors and authorized by the state of North Carolina: (1) the selection of architects or engineers for buildings and improvements requiring such professional services; (2) the approval of building sites; (3) the approval of plans and specifications; and (4) the final acceptance of all completed buildings and projects.<sup>1</sup>

The board of trustees of a constituent institution shall have the authority to approve capital improvement projects that are funded entirely with non-General Fund or non-State Capital and Infrastructure Fund money with a total project budget of less than \$750,000.

The board of trustees of a constituent institution shall have the authority to approve advance planning of capital improvement projects, where the advance planning effort is to be funded entirely with non-General Fund money. Unless otherwise indicated by the Board of Governors, this delegation of authority to boards of trustees to approve advance planning efforts shall not be further delegated.

The board of trustees of a constituent institution shall have the authority for the administration of constituent institution design and construction contracts for capital improvement projects, which have been approved by the Board of Governors and authorized by the State of North Carolina, requiring the estimated expenditure of public money less than \$750,000.

Upon request by the board of trustees of a constituent institution and with the recommendation of the president, the Board of Governors may delegate to the board of trustees of a constituent institution additional authority to administer capital improvement projects funded with public money with a total project cost less than \$2,000,000<sup>1</sup>.

The board of trustees shall be responsible to the Board of Governors for preparing and maintaining a master plan for the physical development of the institution, consistent with the total academic and service mission of the institution as defined and approved by the Board of Governors.

Any proposal involving the acquisition or disposition by an institution of any interest in real property shall be recommended by the board of trustees to and shall be approved by the Board of Governors; provided, that:

- a. If a proposal involves acquisition or disposition of any interest in real property other than a leasehold, the board of trustees may authorize such a transaction with a value less than \$500,000, and the president may authorize such a transaction with a value less than \$750,000, without obtaining approval of the Board of Governors; and
- b. If a proposal involves acquisition or disposition of a leasehold interest in real property, the

board of trustees may authorize such a transaction with an annual value less than \$500,000 and a term of not more than 10 years, and the president may authorize such a transaction with annual value less than \$750,000 and a term of not more than 10 years, without obtaining approval of the Board of Governors;<sup>2</sup> and

c. If the president or a board of trustees of a constituent institution has been delegated additional authority by the Board of Governors to do so under Section 600.1.3 of the UNC Policy Manual, the president or board of trustees of a constituent institution may authorize acquisition or disposition of an interest in real property with a value greater than that listed in paragraphs (a) and (b), above, without obtaining approval of the Board of Governors.

The Board of Governors, under circumstances which it considers appropriate and following notice from it to the board of trustees, may take action necessary to effect the acquisition or disposition of an interest in real property which is related to or which affects the institution, without receipt of a recommendation from the board of trustees.<sup>3</sup>

All delegations of authority in this section are subject to any necessary authorizations and approvals from state officials and agencies.

#### VII. ENDOWMENTS AND TRUST FUNDS

Subject to applicable provisions of state law and to such terms and conditions as may be prescribed from time to time by the Board of Governors, each board of trustees shall be responsible for the preservation, maintenance, and management of all properties, both real and personal, funds and other things of value which, either separately or in combination, constitute all or any part of the authorized endowment or trust funds, either currently in existence or to be established in the future, for the benefit of the individual constituent institution. [See G.S. 116-11(2); 116-12; 116-36; 116-36.1; 116-36.2]

#### VIII. ADMISSIONS

Subject to such enrollment levels and minimum general criteria for admission as may be established for a constituent institution by the Board of Governors, each constituent institution of the University of North Carolina System shall establish admissions policies and resolve individual admission questions for all schools and divisions within the institution. No appeal concerning an individual admission case shall lie beyond the institutional board of trustees.

#### IX. TUITION, FEES, AND DEPOSITS

##### A. General Authority of Boards of Trustees

The boards of trustees of the constituent institutions other than the board of the North Carolina School of Science and Mathematics shall cause to be collected from each student, at the beginning of each semester, quarter, or term, such tuition, fees, and other amounts necessary to pay other expenses for the term, as have been approved by the Board of Governors. [See G.S. 116-11(7) and G.S. 116-143]

##### B. Tuition and Fee Deposits

Each board of trustees shall require the payment of such advance deposits, at such times and under such conditions as it determines are appropriate or as may be required by state law or by the Board of Governors. [See G.S. 116-143]

C. Application Fee

Each board of trustees shall require the payment of such nonrefundable application fees, in connection with each application for admission, as may be required by state law or by the Board of Governors. [See G.S. 116-143]

D. Acceptance of Obligations in Lieu of Cash

Subject to policies prescribed by the Board of Governors, the boards of trustees shall establish regulations concerning the acceptance of obligations of students, together with such collateral or security as may be deemed necessary or proper, in lieu of cash, in payment of tuition and fees. [See G.S. 116-143]

E. Fee Recommendations

Subject to policies prescribed by the Board of Governors, each board of trustees, in consultation with the chancellor, shall recommend to the president the amounts to be charged at the constituent institution for application, athletics, health services, student activities, educational and technology, retirement of debt incurred for capital improvements projects authorized by the General Assembly, course, and special fees. In carrying out this responsibility, each board of trustees and the chancellor shall ascertain that the benefits of the activity or service are commensurate with the recommended fee which is required to support the activity or service. Recommended fees should be consistent with the philosophy set forth in the North Carolina Constitution which states that the benefits of the University of North Carolina System should be extended to the people of the state free of expense, as far as practicable.

X. STUDENT FINANCIAL AID

All scholarships and other forms of financial aid to students which are limited in their application to or are supported from sources generated by an individual campus shall be administered by the constituent institution pursuant to such regulations as may be prescribed by the board of trustees and subject to the terms of any applicable laws and to policies of the Board of Governors.

XI. STUDENT SERVICES

Each board of trustees, upon recommendation of the chancellor, shall determine the type, level, and extent of student services (such as health care, athletic programs, and counseling) to be maintained for the benefit of students at the institution, subject to general provisions concerning types and levels of student services as may be prescribed by the Board of Governors.

XII. STUDENT ACTIVITIES AND GOVERNMENT

Under such policies as may be prescribed by the Board of Governors and the board of trustees, the chancellor shall be responsible for the regulation and approval of organized, institutionally recognized student activities, the definition of roles and functions of any institutionally recognized system of student self-government and student participation in the governance of any aspect of the institutional programs and services. No appeal concerning such activities are allowable to the president or to the Board of Governors.

XIII. INTERCOLLEGIATE ATHLETICS

Subject to such policies as may be prescribed by the Board of Governors and the board of trustees, the chancellor shall be responsible for the establishment and supervision of the institution's program of

intercollegiate athletics.

XIV. TRAFFIC AND PARKING REGULATIONS<sup>4</sup>

XV. CAMPUS SECURITY

Subject to applicable provisions of state law and such policies as may be adopted by the Board of Governors or the board of trustees, the chancellor shall be responsible for the maintenance of campus security

XVI. Pursuant to applicable provisions of state law and policies of the Board of Governors, the boards of trustees of affected constituent institutions shall have authority and responsibility for the adoption of policies applicable to and the control and supervision of campus electric power plants and water and sewer systems, other utilities and facilities [G.S. 116-35], and child development centers [G.S. 116-38].

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<sup>1</sup>See Section 600.1.1 of the UNC Policy Manual for additional detail.

<sup>2</sup>The value of an interest in real property shall, with respect to a leasehold interest, be deemed the annual rental value thereof.

<sup>3</sup>Board of trustees are authorized to delegate to the respective chancellors the power to authorize for the institutions the acquisition or disposition of any interest in real property valued at less than \$50,000, subject to any necessary approval from state officials and agencies, in accordance with Section 600.1.3 of the UNC Policy Manual.

<sup>4</sup>Legislation adopted by the 1973 session of the General Assembly, on recommendation of the Board of Governors, gave the boards of trustees broad authority in this area and superseded the authority originally granted in this paragraph; hence it is omitted here. [See G.S. 116-44.3, *et. seq.*]