

REGULATION TRANSMITTAL LETTER

Transmittal # 02

June 6, 2024

Regulation	Title	Action
300.1.6[R]	Regulation on Administrative Separation	Amended 6/5/24 <i>Redline Version Attached</i>
300.1.7[R]	Regulation on Contacts with Covered Federal Government Officials	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.1R]	Regulation on Health Insurance Continuation when a Reduction in Funding Eliminates an EHRA Position	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.2.1[R]	Regulation on External Professional Activities by Faculty and EHRA Non-Faculty Employees	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.2.3[R]	Regulation on Implementing the UNC Conflict of Interest and Commitment Policy	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.3[R]	Regulation on Governing Fraudulent Job Applications	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.6[R]	Regulation on Reassigned Time for Faculty	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.11[R]	Regulation on Serious Illness and Disability Leave for Faculty	Amended 6/5/24 <i>Redline Version Attached</i>
300.2.18[R]	Regulation on Annual Performance Appraisals for Most Exempt Professional Staff (EPS)	Amended 6/5/24 <i>Redline Version Attached</i>

300.2.21[R]	Regulation on Campus Law Enforcement Officers Exempt from the Provisions of the State Human Resources Act	Amended 6/5/24 <i>Redline Version Attached</i>
300.3.3[R]	Regulation on the “Student Employee” Exclusion from the State Human Resources Act	Amended 6/5/24 <i>Redline Version Attached</i>
300.8.4[R]	Regulation on Reporting Misuse of State Property by State Employees	Amended 6/5/24 <i>Redline Version Attached</i>
300.8.7[R]	Regulation on Pre-Employment Background Checks and Applicant Salary History	Amended 6/5/24 <i>Redline Version Attached</i>
300.1.1[R]	Regulation Concerning Discharge for Stated Cause for Non-Faculty Employees Exempt from the North Carolina Human Resources Act	Adopted 6/5/24
300.2.22.1[R]	Regulation on Personal Leave Program for EHRA Employees	Adopted 6/5/24

The actions taken on the above regulations were reviewed and approved by the President for inclusion in the UNC Policy Manual.

The entire UNC Policy Manual is accessible at: <https://www.northcarolina.edu/apps/policy/index.php>

[Applies to individuals who began service in a covered position on or after May 2, 2010]

Regulation on Administrative Separation

1. Administrative Separation and Return to a Tenured Faculty Position.¹
 - a. Return to a Tenured Faculty Position. An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home department, unless a proceeding is initiated to discharge or demote the tenured faculty member. If there has been an administrative stipend during the appointment, that stipend shall be removed. The salary shall be adjusted from a 12-month administrative salary to a 9-month or 12-month faculty salary that is commensurate with the salaries of comparable faculty members.
 - b. ~~Research Transition Leave~~ Scholarly Leave. At the discretion of the Chancellor, or the President in the case of a UNC ~~General Administration System Office~~ employee, the Chancellor or President may provide for up to a one semester ~~research transition leave~~ Scholarly Leave for any tenured faculty member who has served in one or more consecutive Senior Academic and Administrative Officer (SAAO) or Exempt Professional Staff (EPS) positions subject to Policy 300.1.1, I.A for at least five years in order to provide an opportunity for the faculty member to prepare for teaching and research responsibilities. Prior to the beginning of the ~~research transition leave~~ Scholarly Leave, the administrator shall submit a work plan for the leave period to include expected outcomes. The plan will be reviewed and approved by the Chancellor. In the event that an employee of the UNC General Administration System Office is returning to the faculty of a constituent institution, the President shall review and approve the work plan. The leave will be paid at a salary commensurate with the salaries of comparable faculty members.
 - c. Exception Provision. Exceptions may be made to recognize extraordinary circumstances including, but not limited to, extended or superior service in administrative roles. Any exception to these provisions must be approved by the Board of Trustees and by the President.
 - d. Failure to Return to Faculty Role. In the event that the faculty member does not assume faculty responsibilities for at least a semester after the ~~research transition leave~~ Scholarly Leave in accordance with this policy, the Chancellor, or the President in the case of the UNC ~~General Administration System Office~~ employee, is authorized, in ~~his or her~~ their discretion, to require repayment of compensation paid during the leave period from the non-returning faculty member. For the avoidance of doubt, such a failure to return to a faculty role shall be deemed a voluntary resignation from employment with no right of appeal notwithstanding the provisions of Chapter VI, Section 603, The Code.
2. ~~Reappointment~~ Appointment of an Administrator without Faculty Return Rights. An administrator leaving a position that is categorized as “at will” and who does not have contractual faculty retreat rights has no claim to a position at the university; however, there may be circumstances in which

assignment to another administrative or teaching position would be beneficial for both the institution and the employee. In these cases, the new salary should be appropriate to the assignment. Any exception must be approved by the Board of Trustees and by the President. This Regulation does not supersede any notice or severance pay required by Board of Governors policy.

3. Separation from the University. In some cases, it may be in the best interests of the institution to negotiate a severance agreement with an administrator. UNC policy addresses timely notice for termination of Senior Academic and Administrative Officers and Exempt Professional Staff hired pursuant to *Policy 300.1.1*, ~~I.B.~~. In certain circumstances, these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on their length of service. A Chancellor or the President may, at ~~his or her~~their discretion, determine that the circumstances justify continuing full pay for employees subject to *Policy 300.1.1*, ~~I.A.~~ for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the Board of Trustees, or by the Board of Governors for employees of the UNC General Administration System Office.
4. Retirement. Nothing in these Regulations shall prevent a tenured faculty member from immediately participating in phased retirement, consistent with existing UNC policies.
5. Coverage. These regulations apply to Senior Academic and Administrative Officers hired on or after the approval date. Employees serving as Senior Academic and Administrative Officers prior to the approval date remain covered under the previous regulations dated 03/21/03.

300.1.6[R]
Adopted 03/21/03

[Applies to individuals who began service in a covered position prior to May 2, 2010]

Regulation on Administrative Separation and/or Retreat to a Faculty

1. Retreat to a faculty position. An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home department, unless a proceeding is initiated to discharge or demote the administrator from the faculty position. If there has been an administrative stipend during the appointment, that stipend should be removed. The salary will be adjusted from a 12-month administrative salary to a 9-month or 12-month faculty salary that is commensurate with the salaries of comparable faculty members. At the chancellor's discretion, the chancellor may provide for a reasonable period of time with full administrative salary to provide an opportunity for the employee to prepare for teaching and research responsibilities. The reasonable period of time should be related to the time spent in administrative duties. If the chancellor proposes to pay the administrator full or partial administrative pay after the termination of the administrator's administrative duties for longer than one year, the agreement must be approved by the Board of Trustees of the constituent institution.
2. Reappointment of an administrator without faculty retreat rights. An administrator leaving a position that is categorized as "at will" has no claim to a position at the university; however, there may be circumstances in which assignment to another administrative or teaching position would be beneficial for both the institution and the employee. In these cases, the new salary should be appropriate to the assignment. If a chancellor or the president proposes to pay the administrator ~~his or her~~their full

administrative salary after moving the administrator to a position that would normally be lower paying, or if paid leave is to be granted, the agreement with the administrator must be approved by the Board of Trustees of the constituent institution or by the Board of Governors for employees of the Office of the President or the General Administration. This Guideline does not supersede any notice or severance pay required by Board of Governors' policy.

3. Separation from the University. In some cases, it may be in the best interests of the institution to negotiate a severance agreement with an administrator. UNC policy addresses timely notice for termination of Senior Administrative Academic Officers hired pursuant to *Policy 300.1.1, I.B.* In accordance with The University of North Carolina *Policy 300.1.1, III.B.*, in certain circumstances these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on their length of service. A chancellor or the president may, at ~~his or her~~their discretion, determine that the circumstances justify continuing full pay for employees subject to Policy 3001.1.I.A for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the appropriate Board of Trustees or the Board of Governors for employees of the Office of the President or General Administration.

4. Retirement. Nothing in these guidelines shall prevent an administrator from retiring or an administrator who holds a faculty appointment from participating in phased retirement consistent with existing University of North Carolina policies.

¹Campuses that do not have tenured faculty positions will follow campus-based policies approved by the President that are consistent with the intent of this Regulation.

Regulation on Contacts with Covered Federal Government Officials

I. Purpose

This regulation governs all University contacts with covered federal government officials.¹ This regulation applies to employees who in their official capacities interact with covered federal government officials and is intended to assist these employees and the University in presenting an authorized, accurate, and persuasive presentation.

A. Official Policy Positions and Contact on Behalf of The University

The President shall initiate a collaborative federal agenda development process to determine the federal priorities of the University on an annual basis called the Unified Federal Agenda. The Unified Federal Agenda shall consist of the University's "Federal Policy Priorities" and "Federal Appropriations Guide." Upon Board of ~~Governors~~Governors' approval, the Unified Federal Agenda shall serve as the basis for all official federal lobbying efforts. Campus-based Congressionally-directed funding requests shall be at the discretion of the individual campus. When federal policy questions that are not on the University's Unified Federal Agenda arise, the President will determine the official position and the priority of the policy issue on behalf of the University. Under direction from the President, the ~~Vice President for~~Director of Federal Relations shall have primary responsibility for representing the University with the federal government.

B. University and ~~Campus~~Constituent Institution Federal Relations Personnel

The ~~Vice-President~~ for shall designate a Federal Relations ~~and the Director of Federal Relations shall serve as Federal Relations Officers~~Officer for the University at large as well as the ~~General Administration, and~~UNC System Office, who shall at a minimum have the following duties and responsibilities:

1. Represent the President and the Board of Governors with the federal government;
2. Represent the President and the ~~General Administration~~UNC System Office on the University Federal Relations Council;
3. Coordinate ~~General Administration~~UNC System Office and Federal Relations Council activities in support of the University's approved Unified Federal Agenda;
4. Represent the President and the Board of Governors in pursuit of Congressionally-directed grant funding;

5. Assist the ~~Vice President for Research~~UNC System Office senior leadership in the pursuit of contracts, grants and cooperative agreements with federal government agencies;
6. Assist the ~~Vice President for Research~~UNC System Office senior leadership in the proper training of campus research personnel for compliance with the Byrd Amendment (31 U.S.C. 1352);
7. Coordinate visits between covered federal government officials and the Board of Governors, ~~General Administration~~UNC System Office personnel, constituent institution personnel, and affiliated entity representatives;
8. Manage external consultants engaged in a federal lobbying capacity on behalf of the ~~General Administration~~UNC System Office;
9. Work with the University's General Counsel to educate ~~General Administration~~UNC System Office employees and the Federal Relations Council on their role in and the obligations of the ~~campuses~~constituent institutions and affiliated entities to comply with the federal Lobbying Disclosure Act of 1995, as amended; ~~and,~~
10. Monitor all lobbying activities on behalf of the ~~campus~~university and file registration and quarterly reports as appropriate to ensure full compliance with the federal Lobbying Disclosure Act of 1995, as amended.

C. Federal Relations Officer Designation

Each Chancellor shall designate a ~~campusan~~campus officer at their constituent institution to carry out the function of Federal Relations Officer (FRO). The duties and responsibilities of the campus Federal Relations Officer shall be, but are not limited to:

1. Represent the ~~campus~~institution on the University's Federal Relations Council;
2. Coordinate ~~campus~~institutional activities in support of the University's approved Unified Federal Agenda;
3. Assist the ~~campus~~institutional research officer in pursuing contracts, grants and cooperative agreements with federal government agencies;
4. Assist the ~~campus~~institution's research officer in the proper training of ~~campus~~institution research personnel for compliance with the Byrd Amendment (31 USC 1352);
5. Coordinate visits by covered federal government officials to the ~~campus~~institution or affiliated ~~campus~~institutional program;
6. Represent the ~~campus~~institution in pursuit of Congressionally-directed grant funding;

7. Manage external consultants engaged in a federal lobbying capacity on behalf of the ~~campus~~institution;
8. Work with the ~~campus~~institution's attorney to educate all ~~campus~~institutional employees on their role in compliance, and the obligations of ~~campus~~institutional personnel to comply, with the Lobbying Disclosure Act of 1995 as amended; and
9. Monitor all lobbying activities on behalf of the ~~campus~~institution and file registration and quarterly reports as appropriate to ensure full compliance with the federal Lobbying Disclosure Act of 1995, as amended.

D. Federal Relations Council

1. The Federal Relations Council (FRC) shall serve as a coordinating body in support of the following activities:

a. Development, strategy, and advocacy in support of the University's Unified Federal Agenda;

b. Training of FRC members on lobbying best practices, federal policy and funding trends and activities;

c. Compliance with federal lobbying disclosure requirements.

2. Composition

The FRC is composed of one representative, the Federal Relations Officer, from each of the seventeen constituent institutions of ~~the~~The University of North Carolina System, as well as the ~~Vice President for Federal Relations and the~~president's designated Director of Federal Relations from the ~~General Administration~~UNC System Office. Additional representatives or alternates may be named as ad hoc members to the FRC.

3. Meetings

Official FRC meetings shall be conducted on a semi-annual basis. ~~The Vice President for Federal Relations and~~ Director of Federal Relations will organize FRC meetings and develop the agenda based upon current federal issues and input from the FRC. At each FRC meeting, lobbying and ethics compliance guidance and best practices will be provided. Additional meetings may be arranged to enable information sharing on specific topics.

II. Contact by University Employees with Covered Federal Government Officials

Prior approval from the Chancellor or ~~his/her~~their designee is required before any ~~campus~~institutional employee may initiate contact with covered federal government officials, ~~or respond to requests from~~ covered federal government officials, on behalf of the University. The Chancellor may delegate this responsibility to the Federal Relations Officer. The following scenarios specifically require advance approval by the Chancellor or the Federal Relations Officer:

- A. Appearances on behalf of the University before federal bodies, including testimony before Congressional Committees or participation in meetings with White House personnel. ~~Note: When University employees appear before such bodies as representatives of other agencies, such as professional societies, it is requested that they notify the campus Federal Relations Officer prior to the appearance;~~²
- B. Any request on behalf of the University to a covered federal government official, particularly requests for Congressionally-directed funding, support of grant proposals or nominations to federal advisory councils;
- C. The delivery of materials, University publications, and periodicals to covered federal government officials;
- D. Any verbal or written statement made on behalf of the University that concerns federal policies, legislation, or regulations;
- E. Invitations to covered federal government officials to visit campus in an official capacity. (Note: The visit should be coordinated by the FRO);
- F. Responses to requests for information, reports, and statistics from covered federal government officials and their staffs, including responses to inquiries from investigative congressional committees;
- G. Participation in press events with covered federal government officials intended to promote federal policy or funding priorities; and,
- H. Any planned University event to honor a covered federal government official, including but not limited to, the naming of a building or endowed chair, conferral of an honorary degree, or hosting of a meeting, retreat, conference, or other similar event in the name of the official.

After contacts or visits have been made with covered federal government officials by a person on behalf of the University, a short report on the contact should be made to the campus institution's Federal Relations Officer.

III. External -Consultants

Chancellors may retain external consultants to assist ~~the campuses~~ in securing Congressionally-directed grant funding for special projects. No State or federal funds may be used for this purpose. Consultants shall never engage Congress, covered officials at the agencies, or White House personnel on policy matters on behalf of the University. Care should be taken to ensure that all external consultant expenditures are reported as "lobbying activity" as appropriate.

A. Personal and Professional Society Contacts

Personal and professional society contacts by University employees with elected officials or governmental agencies, whether in person or in writing, must be done in the name of the individual or the professional society. University letterhead may not be used. In each instance,

the employee is obligated to make clear that the contact is not made on behalf of the University. Nothing in this Regulation shall prevent faculty or staff from expressing personal views on personal time, with personal resources.

B. Disclosure of Lobbying Activity

Employees who engage in approved lobbying activities shall report issues lobbied upon, officials contacted, time spent, and an estimate of expenses on a quarterly basis to the Federal Relations Officer. Consistent with federal law, even those University employees who do not qualify as lobbyists must report all lobbying activities with covered officials to the Federal Relations Officer. For purposes of this Regulation, the phrase “lobbying activities” shall be defined in accordance with the definitions set forth in the Lobbying Disclosure Act of 1995, as amended.³

No University of North Carolina System employee, administrator, faculty member, or other individual retained to provide outside assistance shall engage in activities that require registration with the United States House of Representatives or Senate under the Lobbying Disclosure Act of 1995 without prior review and approval by the respective Chancellor and the President.

C. Tickets to University Events

University events that require tickets for which there is a charge to the public may be extended to Members of Congress and their staff free of charge. Invitations to free University events are also appropriate and may be extended to Members of Congress and/or other covered federal government officials. Invitations to Members of Congress and/or covered federal government officials must be extended by the President of the University, ~~Vice President for~~ the Director of Federal Relations, Chancellor, or campus Federal Relations Officer.

IV. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

¹ Covered federal government officials include any member, officer, or employee of Congress or the President, Vice President, officers and employees of the Executive office of the President, and various high-level officials and uniformed officers in the executive branch outlined in the “Plum Book—”
<http://www.gpoaccess.gov/plumbkook/index.html>

² Note: When University employees appear before such bodies as representatives of other agencies, such as professional societies, it is requested that they notify the institutional Federal Relations Officer prior to the appearance.

³ Lobbying activity is defined as “lobbying contacts and efforts in support of such contacts, including background work that is intended, at the time it was performed, for use in contacts, and coordination with the lobbying activities of others.” 2 U.S.C. 1602 (7)

**Regulation on Health Insurance Continuation when a
Reduction in Funding Eliminates an EPAEHRA Position**

I. **Principle Purpose.** Pursuant to State law [~~N.C.G.S. 135-40.2(a)(6)~~], 48.1 et seq. when a University ~~campus or affiliated~~ entity eliminates a job due to a reduction in funds, unless otherwise exempt from this Regulation, the employee in that job may be entitled to up to twelve (12) months of continued coverage by the State Health Plan if ~~he or she~~ the employee meets the eligibility criteria below for this coverage to remain in effect. The University ~~campus or~~ entity shall continue paying premiums for this coverage in accordance with the eligibility criteria listed below. Upon elimination of an employee's job ~~neither requires nor permits an employer to, the University entity cannot~~ pay State Health Plan premiums for dependents of the employee; however, the former employee may continue ~~dependents' dependent~~ coverage under the same terms as current employees. At the expiration of this coverage, former employees may pay the premiums for their continued coverage and that of their dependents. There is no time limit as to how long this coverage may be purchased. [See ~~N.C.G.S. 135-40.2(b)(12)~~]. 48.1 et seq.]

This regulation explains who is eligible for continued coverage and provides information about how campuses may ensure that coverage is properly provided to former employees who meet the eligibility criteria.

II. **Eligibility for Continued Coverage.** The following conditions must all be met for the employee to be eligible for continued coverage.

A. The employee's job must be eliminated. This Regulation does not apply to an employee's separation from a job that does not result in the position being eliminated or abolished.

B. The job elimination must be due to a reduction, in total or in part, of the funds used to support the job or its responsibilities. This includes a reallocation of funds and elimination of the position. The source of funds for the position does not affect eligibility for this benefit, except if the appointment is contingent upon the availability of funds. (See Ineligibility for Continued Coverage below.)

C. Employment for at least twelve (12) months in a permanent full-time or permanent part-time (~~three-fourths~~ 75% time or more) position by a University ~~campus, an affiliated~~ entity, and/or another state entity (can be more than one), prior to the elimination of the job, is required.

D. The employee must be participating in the State Health Plan at the time of separation from employment due to elimination of the job.

III. **Ineligibility for Continued Coverage.** If any of the following conditions apply, the employee will not be eligible for continued coverage.

A. An employee working pursuant to a fixed ~~-~~ term contract that ends at the same time as the termination is not eligible for this coverage.

B. An employee who was (a) paid in total or in part from non-state funding sources, and, (b) at the time of the job elimination was working under an appointment letter or a contract, either of which states that the job is contingent on the continuing availability of funds is not eligible for this coverage.

C. An employee who retires and is otherwise eligible for retiree health (withdrawal from active service with a retirement allowance from the Teachers and State Employees Retirement System of North Carolina or the UNC Optional Retirement Program) is not eligible for this coverage. In this case, health insurance is provided through the retiree health insurance program. Employees who are not eligible for retiree health (first-hired after January 1, 2021), would be allowed to retire and may continue this health coverage by paying the full cost.

IV. Procedure. Prior to communicating with the employee, a departmental representative must contact the office responsible for either EPAEHRA or SPASHRA personnel, as appropriate, so that the ~~personnel~~/human resources office may review the circumstances to determine if the proposed job elimination is due to a reduction in funds. If the ~~personnel~~/human resources office determines that this Regulation applies, that office will work with the department to ensure that the employer-provided contributions to the employee's State Health Plan coverage are appropriately continued for up to twelve (12) months. Additionally, the employing department must communicate in writing to the employee that ~~he or she~~the employee is being separated due to the unavailability of funds to support the position.

V. Other Matters

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

A.B. Relation to State Laws. 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 the activities of public officials.

Regulation on External Professional Activities ~~for Pay~~ by Faculty and EHRA Non-Faculty Employees

I. Purpose. In accordance with the Board of ~~Governors~~Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, Section 300.2.2), UNC faculty and EHRA non-faculty employees (together "Covered Employees"~~)~~ as further defined in UNC Policy Manual, Section 300.2.2) sometimes may engage in ~~compensated~~ activities that are not a part of University employment. Through such opportunities, employees apply their specialized knowledge and experience to activities outside of their University employment, thereby enhancing their own capabilities in teaching and research and contributing significant societal benefits, including economic development through technology transfer. These activities are encouraged if the intended activity complies with sections ~~III~~ and ~~IV~~ of the corresponding UNC Policy, Section 300.2.2, and do not create ~~an unmanageable~~ conflict of interest or unmanageable conflict of commitment (see UNC Policy Manual, Section 300.2.2, Paragraph I, Definitions¹).

Covered Employees, ~~including faculty with nine-month appointments or contracts except as provided in III.C., below~~defined by the Constituent Institution, who wish to engage in an External Professional Activity ~~for Pay~~ must adhere to these regulations to provide satisfactory assurances that such activity will not interfere with University employment obligations. Covered employees not complying with these regulations or policies implemented by their Constituent Institution will be subject to disciplinary action.

Constituent Institutions may exclude certain External Professional Activities, such as secondary professional and scholarly activities, from the reporting obligations provided in Section II of this Regulation and may define and require other reporting requirements for ~~Paysuch activities.~~ External Professional Activities that are for pay should generally be limited to no more than the equivalent of ~~20~~twenty percent (20%) of the Covered Employee's contracted time, during the appointment; however, Constituent Institutions may adopt differing standards dependent upon a Covered Employee's full-time status equivalent.

II. Notice, Approval, and Appeal Requirements

A. Notice Requirements

1. Any Covered Employee who plans to engage in an External Professional Activity ~~for Pay~~ shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent," ~~which shall solicit, at a minimum, the data elements shown in Appendix I to this regulation).~~). A separate "Notice of Intent" shall be filed for each such activity in which a Covered Employee proposes to engage. At a minimum, the "Notice of Intent" must include the following elements:

- a. Date of filing.
- b. Name of Covered Employee.
- c. Name and address of contracting organization.
- d. Nature of the proposed activity.
- e. Beginning date and anticipated duration of activity.
- f. Average number of hours per week to be devoted to the activity within the fiscal or academic year.
- g. Total number of hours to be devoted to the activity.
- h. Identification of classes, meetings, or other university duties that will be missed because of involvement in the proposed activity and identification of what arrangements have been made to cover such duties.
- i. Identification of any university resources to be used for the activity or affirmation that university resources are not being used for the activity.
- j. Determination if the contracting organization listed in the "Notice of Intent" is providing funding which directly supports the Covered Employee's University Duties.
- k. Determination if the Covered Employee has any additional financial interests in the company beyond that which is being disclosed, including determination if the Covered Employee or member of their immediate family owns an equity interest in the contracting organization, and determination if the Covered Employee holds an office in the contracting organization.

Certifying statement by Covered Employee that information disclosed on the "Notice of Intent" is consistent with the Board of Governors' policy on Conflict of Interest and Commitment (

l. Section 300.2.2 of the UNC Policy Manual).

2. Unless there are exceptional circumstances, or if the Constituent Institution has implemented a different time period for filing, the "Notice of Intent" shall be filed ~~not less~~ no fewer than ten (10) calendar days before the date the proposed external professional activity ~~for pay~~ is to begin.

3. The Notice of Intent shall be filed with the appropriate administrator in accordance with the Constituent ~~Institute~~ Institution's implementing procedures and may include the head of the department in which the Covered Employee is employed, the Conflict of Interest Officer, and/or the Conflict of Interest Committee.

4. Additionally, Covered Employees must disclose their ~~financial interests~~Financial Interests consistent with the Board of Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, Section 300.2.2), and the Constituent Institution's implementing policies and procedures.

B. Review and Approval Requirements.

1. Except as set out in paragraph B.2., below, the ~~"Notice of Intent"~~ shall be reviewed and considered as follows:

a. If, after a review of the ~~"Notice of Intent"~~ and consultation with the Covered Employee, the department head (or ~~appropriate administrator~~Supervisor, as defined in UNC Policy Manual, Section 300.2.2, ~~I.H.~~) determines that the proposed activity is consistent with the policy statements of the institution or Board of Governors, an approval of a ~~"Notice of Intent"~~ may be granted for a period not to exceed the balance of either (1) the fiscal year (in the case of 12-month employees and employees with contract service periods that include the summer session), or (2) the academic year (in the case of nine-month employees with no summer session contract period) remaining as of the date of approval. The Covered Employee shall be notified in writing of the approval within ten (10) calendar days of the date the ~~"Notice of Intent"~~ is filed. If the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, the Covered Employee must file an additional ~~"Notice of Intent"~~ at least ten (10) calendar days before engaging in such activity in the succeeding relevant year unless the Constituent Institution has adopted another time period for filing.

b. If, after a review of the ~~"Notice of Intent"~~ and consultation with the Covered Employee, the department head (or ~~appropriate administrator~~Supervisor, as defined in UNC Policy Manual, Section 300.2.2, ~~I.H.~~) determines that the proposed activity is not consistent with the policy statements of the institution or Board of Governors, the Covered Employee shall be notified in writing of that determination within ten (10) calendar days of the date the ~~"Notice of Intent"~~ is filed.

c. A department head (or Supervisor), in consultation with Provost's office, may revoke its approval of an External Professional Activity and provide the employee an opportunity to wind down the activity.

2. If the "Notice of Intent" discloses (1) a proposed activity for an entity that provides funding that directly supports the Covered Employee's University Employment Responsibilities or ~~activities~~Duties, or (2) a proposed activity for a private entity in which the Covered Employee or member of the Covered Employee's ~~Immediate Family~~immediate family (see UNC Policy Manual, Section 300.2.2, ~~I, Definitions~~which includes the person's spouse and dependent children) holds an equity or ownership interest or holds an office, the review and consideration procedure set out in item B.1., above, shall be modified as follows:

a. The decision of the department head or Supervisor to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) calendar days of receipt by the administrative officer to whom the department head or Supervisor reports, or their designee.

b. An appeal of a disapproval by that officer shall be to the chancellor or the chancellor's designee (or, ~~in General Administration for the System Office~~, to the president or the president's designee). The decision of the chancellor or chancellor's designee (or of the president or president's designee) shall be final.

C. Appeal Requirements

1. In the event of such notification by the department head or Supervisor, the Covered Employee shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department ~~chair~~head or Supervisor reports, and then to the chancellor or the chancellor's designee (or, at ~~UNC General Administration~~the System Office, to the president or the president's designee). Appeals shall be made in writing within the time frame implemented by the Constituent Institution.

2. A decision on any such appeal shall be given by the administrative officer of the chancellor or chancellor's designee (or, at ~~UNC General Administration~~the System Office, to the president or the president's designee) to the Covered Employee within ten (10) calendar days of the date on which the appeal is received.

3. The decision of the chancellor or chancellor's designee (or of the president or president's designee) shall be final.

III. Reporting Requirements

A. ~~Annually departmental summaries of all "At least annually, approved "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year"~~ shall be submitted by department heads, Supervisors, or other relevant employee with this responsibility (e.g. COI Officer or similar position) to the chancellor or the chancellor's designee (or, at ~~UNC General Administration~~the System Office, to the president or the president's designee).

B. ~~On or before September 1 of each year, UNC General Administration's Office of Research and Sponsored Programs will~~Upon request, the UNC System Office may initiate the submission of annual summary reports from the chancellors to the president.

IV. Special Provisions

A. ~~External Professional Activities for Pay performed for another institution or~~External Professional Activities performed for another UNC institution should be established through a written agreement. In such situations, the parent institution of the employee shall provide any compensation to the employee through its payroll and financial systems and shall invoice the borrowing institution for the expense. Exceptions to this must be approved by the appropriate

authorized officer of both institutions. External Professional Activities performed for an agency of the State of North Carolina also must comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the chancellor or the chancellor's designee (or, at the UNC General Administration System Office, to the president or the president's designee).

~~B. B. In addition, senior academic~~When a Senior Academic and administrative officers may be subject to special regulations regarding honoraria. (UNC Policy Manual, Section 300.2.2.2[R].)

~~C.B. In accordance with the Board of Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, 300.2.2), University personnel sometimes may engage~~Administrative Officer (SAAO) who engages in compensated external professional activities that are not a part of University employment. For example, some, such as sit on boards of directors of various private corporations, pursue~~pursues~~ opportunities that fall within the Board of Governor's definition of external professional consulting, or conduct~~conducts~~ official duties as a state employee for which an honorarium is received. ~~In those instances when a Senior Academic and Administrative Officer (SAAO) engages in these types of activities,~~ the following shall apply:

~~1. Pursuit of Private Interests in Which Activities are Compensated~~

~~2.1. . For Senior Academic and Administrative Officers (SAAOs) who pursue external activities for pay~~ that are not a part of their University employment, it is important that overlapping compensation be avoided. If an SAAO engages in an activity from which external income is earned, that is not a part of their University employment, annual leave must be used if such activities take place within the conventional work week (i.e., between 8:00 a.m. and 5:00 p.m., Monday through Friday) SAOs must also file appropriate disclosures of financial interests and "Notices of Intent," in accordance with Board of Governors' policies and Constituent Institution implementing policies and procedures to provide satisfactory assurances that such activity will not interfere with University employment obligations. ~~(please refer to UNC Policy Manual, 300.2.2 and 300.2.2.1[R] for requirements and procedures related to reporting).~~

~~3. Activities for Which an Honorarium is Received~~

~~4.2. Senior academic and administrative officers. SAOs~~ may engage in employment-related activities for which an honorarium is received. In those instances when State-reimbursed travel, work time, or resources are used or when the activity can be construed as related to the employee's State position or official duties on behalf of the State, the employee shall not receive an honorarium. In these instances, the employee may request that the honorarium be paid to the University. The honorarium may be retained by the employee only for activities performed during non-working hours or while the employee is on annual leave, if all expenses are the responsibility of the employee or a third party that is not a State entity and the activity has no relation to the employee's State duties.

~~D.C. These regulations shall not be required of Covered Employees serving on academic year appointments, if the External Professional Activity for Pay~~ is wholly performed and completed outside of the academic year, provided that the Covered Employee does not engage in sponsored research and the activity does not conflict with the policy statements of the Constituent Institution or Board of Governors and is not conducted concurrently with a contract service period

for teaching, research, or other services to the institution during a summer session. Notwithstanding this regulation, —such employees will disclose their financial interests in accordance with the Board of Governors’ policy on Conflict of Interest and Conflict of Commitment (UNC Policy Manual, Section 300.2.2), and the implementing policies and procedures of the Constituent Institutions.

**Senior Academic and Administrative Officers on
External Professional Activities and Honoraria**

Appendix I

Notice of Intent to Engage in External Professional Activities for Pay Data Elements

V. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

~~Date of filing~~

~~Name of Covered Employee~~

~~Name and address of contracting organization~~

~~Nature of proposed activity~~

~~Beginning date and anticipated duration of activity~~

~~Average number of hours per week to be devoted to the activity~~

~~For 12-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30 _____~~

~~**A. For 9-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30 _____**~~

~~**1. Second Summer Session (post July 1)**~~

~~**2. Fall Semester**~~

~~**3. Spring Semester**~~

~~**4. First Summer Session (pre July 1)**~~

~~Total number of hours to be devoted to the activity~~

~~Identification of classes, meetings, or other university duties that will be missed because of involvement in the proposed activity (identify the duties that will be missed based on the components of the~~

~~academic year shown above, if 9-month employee) and identification of what arrangements have been made to cover such duties~~

~~Identification of any university resources to be used for the activity~~

~~Determination if the contracting organization listed in the Notice of Intent is providing funding which directly supports the Covered Employee's university duties~~

~~Determination if the contracting organization is a private firm~~

~~If yes, determination if the Covered Employee or member of his/her immediate family own an equity interest in the contracting organization~~

~~If yes, determination if the Covered Employee holds an office in the contracting organization~~

~~Certifying statement by Covered Employee that information disclosed on the "Notice of Intent" is consistent with the Board of Governors' policy on Conflict of Interest and Commitment (UNC Policy Manual, Section 300.2.2)~~

¹ This regulation incorporates by reference the definitions used in Section 300.2.2, UNC Policy Manual.

Guideline Amended 06/05/24

Regulation on Implementing the UNC Conflict of Interest and Commitment Policy

~~Various federal regulations and state laws and policies specifically address conflict of interest and conflict of commitment of personnel associated with UNC Constituent Institutions. Several prominent federal agencies have agency-specific policies regarding Conflict of Interest, chiefly the Public Health Service (PHS) and the U.S. Department of Health and Human Services, including the National Institutes of Health, and the National Science Foundation. Further, North Carolina General Statute 138A also addresses Conflict of Interest as it applies to employees of the UNC Constituent Institutions.~~

~~I. Purpose. The purpose of these guidelines is to provide a framework for UNC Constituent Institutions in the development, implementation, publicizing, training, monitoring, and enforcement of implementing ~~institutional~~Institutional policies and procedures for ~~Conflict of Interest, Conflict of Commitment and External Professional Activities for Pay.~~ These guidelines are organized to provide definitions, examples of conflicts of interest within the context of the the UNC Policy on Conflict of Interest and Commitment (see UNC Policy Manual 300.2.2) and agency-specific thresholds and. These guidelines are organized to provide definitions and examples of conflicts of interest and commitment within the context of the policy; however, Constituent Institutions shall adopt their own policies, regulations, and rules that best fit their Constituent Institution's regulatory framework not inconsistent with federal and state law and University policies. The System Office and Constituent Institutions will be compliant regarding conflict of interest and commitment standards as required by the terms of its agreement with external sponsors, which may change from time to time. As federal agencies may have differing requirements, standards and reporting on these research projects will be responsive to the standards and guidelines set by those agencies.~~

~~II. Categories of Potential Financial Conflicts of Interest. Activities that may involve ~~financial conflicts~~a Conflict of interestInterest may be categorized under four general headings: first, those that are allowable and are disclosed; second, those that are allowable with administrative approval and are disclosed; third, those that generally are not allowable and require an approved conflict of interest management plan; and fourth, those that are not allowable under any circumstances. ~~The following examples are merely illustrative and do not purport to include all possible situations within the four categories:~~~~

A. Activities that are allowable and are disclosed.

The examples cited below involve activities external to University ~~employment~~Employment, and thus may present the appearance of a financial conflict of interest, but have little or no potential for affecting the objectivity of the Covered Employee's performance of ~~Institutional~~University Employment Responsibilities; at most, some such situations could prompt questions about conflicts of commitment.

1. A Covered Employee receiving royalties from the publication of books or for the licensure of patented inventions subject to the UNC Patent and Copyright Policies.

2. A Covered Employee receiving compensation in the form of honoraria or expense reimbursement, in connection with service to professional associations, service on review panels, presentation of scholarly works, and participation in accreditation reviews.

B. Activities requiring disclosure for further administrative review and analysis.

The examples cited below suggest a possibility of conflicting interests that can impair objectivity, but disclosure and resulting analysis of relationships may render the activity permissible and may result in the establishment of an approved ~~management plan~~Conflict of Interest Management Plan.

1. A Covered Employee requiring students to purchase the textbook or related instructional materials ~~of authored by~~ the employee or members of ~~his or her~~their immediate family, which produces compensation for the employee or family member.

2. A Covered Employee receiving compensation or gratuities from any individual or entity doing business with the University. ~~Note that no university employee may seek or receive any gift, reward, or promise of reward for recommending, influencing, or attempting to influence the award of a contract by his or her employer (See G.S. 14-234 and G.S. 138A). Nothing in this subsection authorizes accepting compensation or gratuities where prohibited by federal or state law.~~

3. A Covered Employee serving on the board of directors or scientific advisory board of an enterprise that provides financial support for University research ~~and where~~ the employee or a member of ~~his or her~~their immediate family may receive such financial support.

4. Covered Employee participating in a Foreign Government Talent Recruitment Program as defined in UNC Policy Manual, Section 300.2.2.

5. A ~~covered employee~~Covered Employee or a member of ~~his /her~~their immediate family (see UNC Policy Manual, Section 300.2.2, which includes the person's spouse and dependent children) having an equity or ownership interest in a publicly or non-publicly-traded entity or enterprise.

~~4. Covered Employee accepting support for University research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication. Research conducted by faculty or students under any form of sponsorship must maintain the University's open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. Such conditions on publication must be in compliance with UNC Policy Manual, 500.1 and 500.2, and with campus Intellectual Property policies.~~

6. External Professional Activities governed by and approved pursuant to UNC Policy Manual, Section 300.2.2.1[R].

C. Activities or relationships that are generally not allowable or permitted unless an approved Conflict of Interest Management Plan is in place.

The examples cited below involve situations that are not generally permissible, because they involve potential financial conflicts of interest or they present obvious opportunities or inducements to favor personal interests over ~~institutional~~Institutional interests. Before proceeding with such an endeavor, the Covered Employee would have to demonstrate that in fact ~~his or her~~their objectivity would not be affected, and University interests otherwise would not be damaged, and an approved Conflict of Interest Management Plan is in place.

1. A Covered Employee participating in University research involving a technology owned by or contractually obligated to (by license or an option to license, or otherwise) an enterprise or entity in which the individual or a member of ~~his or her~~their immediate family has a consulting relationship, has an equity or ownership interest, or holds an executive position.

2. A Covered Employee participating in University research ~~which~~that is funded by a grant or contract from an enterprise or entity in which the individual or a member of ~~his or her~~their immediate family has an equity or ownership interest.

3. A Covered Employee assigning students, post-doctoral fellows, or other trainees to University research projects sponsored by an enterprise or entity in which the individual or a member of ~~his or her~~their immediate family has an equity or ownership interest.

D. Activities that are not allowable under any circumstances.

1. A Covered Employee making referrals of University business to an external enterprise in which the individual or a member of ~~his or her~~their immediate family has a financial interest.

2. A Covered Employee associating ~~his or her~~their own name with the University in such a way as to profit financially by trading on the reputation or goodwill of the ~~University~~university.

3. A Covered Employee making unauthorized use of privileged information acquired in connection with one's University responsibilities.

4. A Covered Employee signing agreements that assign Institution patent and other intellectual property rights to third parties without prior Institutional approval.

55. A Covered Employee benefiting from a public contract in violation of G.S. 14-234, accepting gifts or favors from vendors or contractors in violation of G.S. 133-32, or engaging in activities prohibited under G.S. Chapter 138A.

6. Any activity otherwise prohibited by law or ~~university~~University policy.

###. Federal and State Regulations. The following resources are established to provide guidance to UNC Constituent Institutions in the establishment of implementing policies for the avoidance of conflicts

of interest and conflicts of commitment in the conduct on ~~University~~ university responsibilities including teaching, research, and service. The Institution may have more stringent financial disclosure requirements. Please refer to the constituent Institution's conflict of interest policy and confer with the Institution's designated official(s) to determine the Institution's disclosure requirements.

A. Public Health Service/US Department of Health and Human Services

The Public Health Service (PHS) and the U.S. Department of Health and Human Services issued revised regulations on the *"Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought and Responsible Prospective Contractors"* (commonly known as the Financial Conflict of Interest (FCOI) regulations) on August 25, 2011. These regulations establish new standards and clarify previously issued standards to be followed by Institutions that apply for or receive research funding from PHS Awarding Components, including the National Institutes of Health (NIH), for grants, cooperative agreements, and research contracts. The 2011 revised regulations were written to increase accountability, add transparency, enhance regulatory compliance and effective Institutional management of Investigator's financial conflicts of interest, and strengthen PHS's compliance oversight. The primary goal is to promote objectivity by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research funded under PHS grants, cooperative agreements, and research contracts will be free from bias resulting from Investigator financial conflicts of interest.

Institutions must maintain an up-to-date written Conflict of Interest policy, must ensure the policy is enforced, and must make the policy available via a ~~publically~~ publicly available website. The Institution must inform Investigators of their responsibilities regarding disclosure of significant financial interests and the applicable federal regulations.

The full regulatory citation for the PHS policy is located at the following URL: <http://grants.nih.gov/grants/policy/coi/>

1. Required Compliance/Implementation Date

An Institution applying for or receiving PHS funding from a grant or cooperative agreement must be in compliance with all ~~of the~~ revised regulatory requirements no later than 365 days after publication of the regulation in the Federal Register, i.e., August 24, 2012, and immediately upon making the Institution's Financial Conflict of Interest policy publicly accessible as described in 42 CFR part 50.604(a). When the Institution posts its Financial Conflict of Interest policy (or, if the Institution does not have a current presence on a publicly accessible ~~Web site~~ website, makes the policy publicly accessible by written request), it signifies that the Institution applying for or receiving PHS funding from a grant or cooperative agreement that is covered by the 2011 revised regulation is in full compliance with all the regulatory requirements. The Institution must be in compliance with the 2011 revised regulation no later than August 24, 2012.

2. Applicability of Revised FCOI Regulations (Institutions)

The regulation is applicable to each Institution that is applying for, or that receives, PHS research funding by means of a grant or cooperative agreement. The revised regulation will apply to each grant or cooperative agreement with an issue date

of the Notice of Award that is subsequent to the compliance dates of the final rule (including noncompeting continuations) no later than August 24, 2012 and immediately upon making its Financial Conflict of Interest policy publicly accessible. Through their policies, however, Institutions may choose to apply the revised regulations to all active PHS awards. The regulation does not apply to Phase I Small Business Innovative Research (SBIR) Small Business Technology Transfer Research (STTR) applications.

3. Applicability of Revised FCOI Regulations (Investigators)

The regulation is applicable to each Investigator, through implementation of the regulation by the Institution, who is planning to participate in, or is participating in PHS research funded by means of a grant or cooperative agreement. The term Investigator applies to the individual identified as the project director or Principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the PHS, or proposed for such funding and may apply to faculty, post-doctoral fellows, and graduate students. For purposes of financial disclosure only, the regulation covers the Investigator's spouse and dependent children. The regulation also applies to those few cases where an individual, rather than an Institution, is applying for or receives PHS research funding. However, in those cases, the PHS will make case-by-case determinations on the steps an Institution or an Investigator must take, consistent with the regulation, to provide a reasonable expectation that the design, conduct, and reporting of the research will be free from bias resulting from a Financial Conflict of Interest of the individual.

4. Applicability of Revised FCOI Regulation (Subrecipients)

The revised regulation is applicable to each Institution that applies for or receives PHS funding for research through grants or cooperative agreements and, through the implementation of the regulation by each Institution, to each Investigator planning to participate in, or participating in, such research. A subrecipient relationship is established when federal funds flow down from or through an awardee Institution to another individual or entity and the subrecipient will be conducting a substantive portion of the PHS-funded research project and is accountable to the awardee Institution for programmatic outcomes and compliance matters. Accordingly, as a recipient of federal funds from an awardee Institution, the Financial Conflict of Interest regulation applies to subrecipients (e.g., subcontractors or consortium members). See 42 CFR 50.604 (c). The awardee Institution must determine if the Conflict of Interest policy of the awardee Institution or the Subrecipient will apply to the Subrecipient's Investigator(s) and incorporate language into the written agreement that designates the applicable Conflict of Interest policy.

5. Organizational Structure/Designated Official

An Institution may administer its policy through whichever office or structure it chooses as long as the policy is applicable to all Investigators and the policy meets all requirements of the regulation. Each Institution must designate official(s) to review all financial disclosures by Investigators and determine whether any Significant Financial Interest is related to a PHS-funded research and a Financial Conflict of Interests exists by making a reasonable determination that the Significant Financial Interest could be

affected by the PHS-funded research or is in an entity whose financial interest could be affected by the research.

6. Required Training

Institutions are expected to develop and implement their Financial Conflict of Interest policies during the 365-day implementation period provided in the 2011 revised regulation. Once the Institution implements and posts their Financial Conflict of Interest policy as required under the final rule, Investigators are expected to then complete required training prior to engaging in PHS-supported research or by the issue date of the Notice of Award issued subsequent to the Institution's implementation date. NIH has issued a Conflict of Interest tutorial that can be incorporated into campus training programs, which can be accessed from the URL cited at the beginning of ~~section~~Section I of the Guidelines. Each Investigator (as defined by the regulation), including ~~subrecipient~~Subrecipient Investigator(s), must complete training prior to engaging in PHS-funded research and at least every four years, and immediately under specifically designated circumstances:

- a. Institutional Financial Conflict of Interest policies change in a manner that affects Investigator requirements;
- b. An Investigator is new to an Institution; or,
- c. An Institution finds that an Investigator is not in compliance with the Institution's Financial Conflict of Interest policy or management plan.

7. Disclosure

a. *Institutional responsibilities:*

1. Under the revised FCOI regulation, Significant Financial Interests that are subject to disclosure by an Investigator to an Institution are those that reasonably appear to be related to the Investigator's "Institutional responsibilities," as defined by the Institution. As a result, when read in conjunction with the revised Investigator disclosure requirements under 42 CFR 50.604, the revised Significant Financial Interest definition results in the disclosure by Investigators to Institutions of a wider array of interests on a more frequent basis. In addition to their own, Investigators are required to disclose the Significant Financial Interests of ~~his/her~~their spouse and dependent children.

b. *Monetary threshold:*

1. The Significant Financial Interest *de minimis* threshold is \$5,000 and, in some circumstances, monetary thresholds for disclosure may be \$0.
2. The definition also differentiates between remuneration to the Investigator (and the Investigator's spouse and dependent children) from a publicly traded entity and remuneration from a non-publicly traded

entity. With regard to a publicly traded entity, a monetary threshold of \$5,000 applies to the aggregated amount of any remuneration received from the entity in the twelve months preceding disclosure and the value of any equity interest as of the date of disclosure. With regard to a non-publicly traded entity, a Significant Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest).

c. *Timing:*

1. The revised Significant Financial Interest definition applies to any remuneration received from an entity in the twelve months preceding the disclosure. Any Investigator who is planning to participate in PHS-funded research must disclose the Investigator's Significant Financial Interests no later than the time of application for PHS-funded research. In addition, each such Investigator must submit an updated disclosure of Significant Financial Interests within thirty days of discovering or acquiring (such as through purchase, marriage, or inheritance) a new Significant Financial Interest.

d. *Reimbursed or Sponsored Travel:*

1. Investigators must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to the Investigator's Institutional responsibilities. However, the disclosure requirement does not apply to travel that is reimbursed or sponsored by the following:

- a. a federal, state, or local government agency,
- b. an Institution of higher education as defined at 20 U.S.C. 1001(a),
- c. an academic teaching hospital,
- d. a medical center, or
- e. a research institute that is affiliated with an Institution of higher education.

e. *Exclusions:*

1. The revised regulation modifies the types of interests that are specifically excluded from the Significant Financial Interest definition.

The exclusions are:

- a. salary, royalties, or other remuneration paid by the Institution to the Investigator if the Investigator is currently employed or otherwise appointed by the Institution;
- b. intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights;
- c. any ownership interests in the Institution held by the Investigator, if the Institution is a commercial or for-profit organization;
- d. income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- e. income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an Institution of higher education as defined in 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education;
- f. income from service on advisory committees or review panels for a federal, state, or local government agency, or an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

f. *Paid Authorships:*

- 1. Paid authorships are considered payment for services under the revised regulations and must be disclosed.

8. Consequences of Investigator Non-Compliance

- a. When an Investigator fails to comply with the Institution's Financial Conflict of Interest policy or the management plan, the Institution shall within 120 days:
 - 1. complete a retrospective review of the Investigator's activities and the PHS-funded research project to determine any bias in the design, conduct, or reporting of research;
 - 2. document the retrospective review consistent with the regulation; and
 - 3. document the Institution's determination as to whether any PHS-funded research, or portion thereof, conducted during the period of time of the Investigator's non-compliance with the Institution's Financial

Conflict of Interest policy or a Financial Conflict of Interest management plan, was biased in the design, conduct, or reporting of such research.

4. If bias is found, the Institution shall notify the PHS promptly and submit a mitigation report to the PHS that shall address the following:

- a. impact of the bias on the research project, and
- b. the Institution's plan of action or actions taken to eliminate or mitigate the effect of the bias.

5. Thereafter, the Institution shall submit FCOI reports annually, in accordance with the regulation. Depending on the nature of the Financial Conflict of Interest, an Institution may determine that additional interim measures are necessary with regard to the Investigator's participation in the PHS-funded research project between the date that the Financial Conflict of Interest is identified and the completion of the Institution's independent retrospective review, in accordance with 42 CFR 50.605(a)(3) and 42 CFR 50.605(b)(3).

9. Clinical Research to Evaluate the Safety or Effectiveness of Drug, Medical Device, or Treatment

The revised regulations contain special provisions for Clinical Research. If the HHS determines that an PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with a conflicting interest that was not managed or reported by the Institution as required by the regulation, the Institution must require the Investigator(s) involved to disclose the Financial Conflict of Interest in each public presentation of the results of the research and to request an addendum to previously published presentations. Institution's Financial Conflict of Interest policy may have additional requirements.

10. Institutional Reporting of Identified Financial Conflicts of Interest to PHS

Prior to the Institution's expenditure of any funds under a PHS-funded research project, the Institution shall provide to the PHS awarding component any Investigator's significant financial interest found by the Institution to be conflicting and ensure that the Institution has implemented a management plan in accordance with the revised regulations. Further, the Institution will provide annual FCOI reports for the duration of the project period. Any FCOI report required under the revised regulations shall include, at a minimum, the following information:

- a. PHS-Funded Research Project Number
- b. Name of the Principal Investigator
- c. Name of the Investigator with the financial conflict of interest

- d. Name of the entity with which the Investigator has a financial conflict of interest
- e. Nature of the financial interest
- f. Value of the financial interest, or a statement if the interest is one whose value cannot be readily determined through to public prices or other reasonable measures of fair market value
- g. Description of how the financial interest relates to the PHS-funded research and the basis for the Institution's determination that the financial interest conflicts with the research
- h. Description of key elements of the Institution's management plan, including:
 - 1. Role and principal duties of the conflicted Investigator in the research project
 - 2. Conditions of the management plan
 - 3. How the management plan is designed to safeguard objectivity in the research project
 - 4. Confirmation of the Investigator's agreement to the management plan
 - 5. How the management plan will be monitored
 - 6. Other information as needed

11. Public Accessibility of Identified Financial Conflicts of Interest

Prior to the expenditure of PHS funds on or after August 24, 2012, the Institution must ensure public accessibility (via ~~publically-publicly~~ available website or response to written request within five (5) business days of the request) of information concerning significant financial interests disclosed to the Institution that are:

- a. Previously disclosed and currently held by Investigators or Senior/Key Personnel;
- b. The significant financial interest is related to PHS-funded research; and

~~c.~~ — The Institution has determined the ~~significant financial interest~~ Significant Financial Interest is a ~~financial-conflict~~ Financial Conflict of ~~interest~~

~~d.c.~~ Interest. The information the Institution must make ~~publically-publicly~~ available must be updated at least annually, must be maintained for a period of three years from the last update, and must include the following data elements at a minimum:

1. Investigator Name
2. Investigator Title
3. Investigator role with respect to the research project
4. Name of the entity in which the ~~significant—financial interest~~Significant Financial Interest is held
5. Nature of the ~~significant—financial interest~~Significant Financial Interest
6. Approximate dollar value of the ~~significant—financial interest~~Significant Financial Interest, or a statement if the interest is one whose value cannot be readily determined through to public prices or other reasonable measures of fair market value.

B. Definitions

See the notice announcing the availability of new Frequently Asked Questions (FAQs) related to the 2011 revised regulations for a list of definitions at <http://grants.nih.gov/grants/policy/coi/>. Following are some key definitions:

1. *Senior/Key Personnel* means the Project Director/Principal Investigator (PD/PI) and any other person *identified* as senior/key personnel by the Institution in the grant application, progress report, or any other report submitted to the PHS by the Institution under the regulation.
2. *Investigator* means the project director or Principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the PHS (e.g., NIH), or proposed for such funding, which may include, for example, collaborators or consultants. Institutions should consider the role, rather than the title, of those involved in research and the degree of independence with which those individuals work. When the definition of Investigator is limited to titles or designations (e.g., to principal Investigators, key personnel, faculty) the risk increases that an unidentified FCOI may comprise the research.
3. *Institutional responsibilities* are defined by the 2011 revised regulation as an Investigator's professional responsibilities on behalf of the Institution, and as defined by the Institution in its policy on Financial Conflict of Interest, which may include, for example, activities such as research, research consultation, teaching, professional practice, Institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards. The Institution can include other professional responsibilities within the definition, as appropriate.
4. A *Financial Conflict of Interest* exists when the Institution, through its designated official(s), reasonably determines that an Investigator's Significant Financial Interest is related to a PHS-funded research project and could directly and significantly affect the design, conduct or reporting of the PHS-funded research.

5. *Significant Financial Interest* is defined as follows:

a. A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's Institutional responsibilities:

1. With regard to any publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

2. With regard to any non-publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

3. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

b. Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available). See Section II, ~~A, 6, (4)~~, 7.d above.

c. The term *significant financial interest* does not include the following types of financial interests: salary, royalties, or other remuneration paid by the Institution to the Investigator if the Investigator is currently employed or otherwise appointed by the Institution, including:

1. intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights;

2. any ownership interest in the Institution held by the Investigator, if the Institution is a commercial or for-profit organization;

3. income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;

4. income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an Institution

of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or

5. ~~income from service on advisory committees or review panels for a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or income from service on advisory committees or review panels for a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.~~

C. **National Science Foundation**

The full regulatory citation for the National Science Foundation is located at the following URL: http://www.nsf.gov/pubs/manuals/gpm05_131/gpm5.jsp#510

1. NSF requires each grantee Institution employing more than fifty persons to maintain an appropriate written and enforced policy on conflict of interest. Guidance for such policies has been issued by University associations and scientific societies.
2. An Institutional conflict of interest policy should require that each Investigator disclose to a responsible representative of the Institution all significant financial interests of the Investigator (including those of the Investigator's spouse and dependent children) (i) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by NSF; or (ii) in entities whose financial interests would reasonably appear to be affected by such activities.
3. The term "Investigator" means the principal Investigator, co-principal Investigators, and any other person at the Institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by NSF.
4. The term "significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does not include:

- a. salary, royalties, or other remuneration from the applicant Institution;
- b. any ownership interests in the Institution, if the Institution is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
- c. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;

d. income from service on advisory committees or review panels for public or nonprofit entities;

e. an equity interest that, when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or

f. salary, royalties, or other payments that, when aggregated for the Investigator and the Investigator's spouse and dependent children, are not expected to exceed \$10,000 during the twelve-month period.

5. An Institutional policy must ensure that Investigators have provided all required financial disclosures at the time the proposal is submitted to NSF. It must also require that those financial disclosures are updated during the period of the award, either on an annual basis, or as new reportable significant financial interests are obtained.

6. An Institutional policy must designate one or more persons to review financial disclosures, determine whether a conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by the Institution to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the reviewer(s) reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of NSF-funded research or educational activities.

7. Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate conflicts of interest include, but are not limited to:

a. public disclosure of significant financial interests;

b. monitoring of research by independent reviewers;

c. modification of the research plan;

d. disqualification from participation in the portion of the NSF-funded research that would be affected by significant financial interests;

e. divestiture of significant financial interests; or

f. severance of relationships that create conflicts.

8. If the reviewer(s) determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, then the reviewer(s) may allow the research to go forward without imposing such conditions or restrictions.

a. The Institutional policy must include adequate enforcement mechanisms and provide for sanctions where appropriate.

b. The Institutional policy must include arrangements for keeping NSF's Office of the General Counsel appropriately informed if the Institution finds that it is unable to satisfactorily manage a conflict of interest.

c. Institutions must maintain records of all financial disclosures and of all actions taken to resolve conflicts of interest for at least three years beyond the termination or completion of the grant to which they relate, or until the resolution of any NSF action involving those records, whichever is longer.

D. North Carolina General Statute 138A "State Government Ethics Act"

The purpose of the "State Government Ethics Act" is to ensure that elected and appointed State agency officials exercise their authority honestly and fairly, free from impropriety, threats, favoritism, and undue influence. To this end, it is the intent of the General Assembly in this Chapter to ensure that standards of ethical conduct and standards regarding conflicts of interest are clearly established for elected and appointed State agency officials, that the State continually educates these officials on matters of ethical conduct and conflicts of interest, that potential and actual conflicts of interests are identified and resolved, and that violations of standards of ethical conduct and conflicts of interest are investigated and properly addressed. (2006-201, s. 1.)

The full general ~~status~~statute is located at the following URL: http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bychapter/chapter_138a.html

E. North Carolina General Statutes 14-234 "Public Officers or Employees Benefiting from Public Contracts"

The purpose of the Public Officers or Employees Benefiting from Public Contracts statute is to ensure the making and administering of public contracts is free of bias, ~~in~~ ~~appropriate~~~~inappropriate~~ influence, conflict of interest, and does not result in personal benefit to the public officer or employee.

The full general ~~status~~statute is located at the following URL: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-234.html

IV. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

Regulation Governing Fraudulent Job Applications

I. Purpose. The 1987 Session of the North Carolina General Assembly enacted legislation prohibiting the fraudulent disclosure and willful nondisclosure of information relating to applications for State employment (N.C.G.S. § 126-30). The statute authorized the Board of Governors to issue regulations to implement this law for all University employees exempt from the ~~State Personnel~~North Carolina Human Resources Act (Chapter 126 of the North Carolina General Statutes). Pursuant to that mandate, the following regulations are hereby adopted.

II. Procedures

A. Each application ~~form~~ to be used for EPAEHRA employment shall contain the following statement to be signed, or electronically acknowledged, by the applicant:

North Carolina law requires notice to every applicant for State employment that willfully providing false or misleading information or failing to ~~disclosure~~disclose relevant information shall be grounds for rejection of an application or later disciplinary action or criminal prosecution. ~~Dismissal~~Discharge for cause from employment shall be mandatory in any case in which a false or misleading representation is made in order to meet position qualifications. The employer is required by law to verify an applicant's representations about credentials and other qualifications relevant to employment. By executing this employment application, you authorize the release to ~~the University of North Carolina~~[institution] of any document or information within the possession of a third party, such as an educational institution or licensure board, that may serve to verify any representations made by you in this employment application.

2B. With respect to EPAEHRA employment, each constituent institution shall establish procedures for verifying representations made about credentials and other qualifications pertinent to the position. These procedures shall include the following:

a1. Based upon an examination of the position description, the employer must verify credentials and other information significantly related to job qualifications. "Credentials" may include degrees awarded, professional licenses, professional registrations, and professional certifications. ~~Other information~~ "Other information" may include prior work or study experience or other information with a reasonable correlation to employment.

b2. A written record of the verification(s) shall be made and maintained in the employee's personnel file. This record shall include the date of verification, the method of verification, the name of the official requesting the verification and the name of person or entity responding to the request, with copies of any documents procured incident to the verification process.

c3. All verifications should be completed within ninety (90) calendar days from the date of initial employment.

~~3.~~ ~~With each~~ C. Each constituent institution shall establish sanctions for the willful falsification of credentials or other information significantly related to job qualifications or responsibilities or the willful nondisclosure of information significantly related to job qualifications or responsibilities. These sanctions shall include the following:

~~a~~1. Upon discovery of any such falsification or nondisclosure prior to employment, the applicant shall be disqualified from any further consideration for the position in question.

~~b~~2. Upon discovery of the falsification or nondisclosure after employment:

~~1~~a. If the employee was determined to be qualified and was selected for a position based on false representation about credentials or other requirements for the position, the employee shall be ~~dismissed~~discharged from employment.

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~~b.~~ For all other willful falsifications or willful nondisclosures, the discipline imposed shall be based upon the circumstances of each case. Sanctions may include ~~dismissal~~discharge for cause from employment, demotion, reduction in pay, and or written reprimand. In determining the level of the sanction to be imposed, the following criteria maybe relevant: sensitivity of the employee's position; effect of the false information on the hiring decision; advantage gained by the employee over other applicants; effect of the false information on the starting salary; and the advantage gained by the employee in subsequent promotion and salary increases. The employee's performance in the position, whether satisfactory or unsatisfactory, should not be considered in determining the level of sanction.

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~~c.~~ Penalties will be imposed by the university only in accordance with procedural safeguards applicable to disciplinary actions against faculty members, administrators, and other employees, as required by Section 603 of *The Code*, and by Board of Governors policies applicable to other employees exempt from the ~~State Personnel Act.~~North Carolina Human Resources Act.

III. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

Guidelines Amended 06/05/24

Regulation on Reassigned Time for Faculty

I. Purpose. Faculty members are expected to remain highly competent in their disciplines and to maintain familiarity with recent scholarship. They often need sustained and dedicated periods of time to carry out tasks related to the teaching, research, creative activity, or external activities related to their positions. Reassigned Time for these activities may be supported by state or other funds available from the institution or from external sources. Campuses/Institutions that provide such opportunities to faculty must have appropriate policies governing the awarding of Reassigned Time, in order to ensure equity in submitting and consistency in approving requests for Reassigned Time.

These guidelines/regulations are intended to assist campuses/institutions in creating such policies and reflect common practices at UNC and other higher education institutions across the country. Campus/Institutional policies may vary from these guidelines/regulations, since leaves are contingent on the availability of funds at the institution, and review and approval procedures need to be consistent with the campus/institution's administrative structure.

~~I.~~ II. Eligibility

Campuses, Institutions should define the pool of faculty eligible for Reassigned Time. In some cases, untenured/non-tenured faculty may be provided released time during their probationary period; the Reassigned Time policy generally does not apply to faculty with whom hiring agreements have been made that include such released time. In general, faculty eligible for Reassigned Time should understand the following expectations:

~~In general, faculty eligible for Reassigned Time should understand the following expectations:~~

A. The faculty member is tenured and full-time at the rank of assistant professor or above. Campuses/Institutions may consider applications for Reassigned Time from tenure-track faculty members in their last probationary year; if the proposal is approved, the Reassigned Time will be contingent upon the applicant receiving tenure. The University of North Carolina School of the Arts will have a different definition for eligibility because that institution does not award tenure.

B. The period of Reassigned Time will count as time toward promotion, contract (in the case of NCSA/UNCSA), and post-tenure review.

C. When applying for Reassigned Time, the faculty member must submit a proposal and the appropriate materials in accordance with campus/institutional policies.

~~C.~~ D. Reassigned Time is neither deferred compensation nor an entitlement based upon length of service but is granted on the merits of the individual proposal upon the recommendation of the appropriate committees and administrators.

~~D.~~ E. Faculty on Reassigned Time are eligible for consideration for merit salary increases,

promotion, and one-time payments or any other salary adjustments approved by the General Assembly, the Board of Governors, or the institution.

~~E.F.~~ Faculty on Reassigned Time ~~will~~may continue to receive university contributions for the State Health Plan while on fully paid leave. They will also continue to receive the University's contributions for the N.C. Teachers' and State Employees' Retirement System (TSERS) or the UNC Optional Retirement Program (ORP) under the conditions outlined in Section ~~IV~~VIII below. Participation in TSERS cannot continue while on unpaid or partial paid Reassigned Time; ORP contributions will be required to be taken on an after-tax basis. Other benefits may be continued during this period, in accordance with the benefit plan policy and the policy adopted by the ~~campus~~institution.

~~F.G.~~ Faculty members on Reassigned Time are expected to devote full-time to the approved project.

~~G.H.~~ If circumstances require that a substantial change be made in the project after it has been approved, the faculty member should obtain approval of the changes in accordance with ~~campus~~institution procedures.

~~III.~~—III. Duration and Compensation

~~Campuses, Institutions~~ should develop guidelines that include the duration and compensation for periods of Reassigned Time.

~~A.~~—Duration

A. Faculty will generally be awarded Reassigned Time for either one or two semesters for ~~9~~nine-month academic-year appointments or for six or twelve months for ~~12~~twelve-month appointments. (UNCSA may have a different schedule.)

~~B.~~—Compensation

B. ~~Campus, Institution~~ policies on compensation for Reassigned Time may vary depending on availability of funds. In general, faculty will be granted leave for a full academic year or for ~~twelve~~-months for no less than 50% of the annual salary or leave for one semester or six months for full salary. ~~Campuses~~Institutions may decide to award only academic-year or calendar-year leaves if funds are not available for single semester or ~~six~~-month leaves. Faculty awarded Reassigned Time are expected to work full-time on their approved project. Salary funds released by Reassigned Time appointments should be aggregated at the appropriate level (college or institution) to be used for replacement faculty as necessary. The source of funds for replacement needs to be determined prior to approval of the Reassigned Time.

~~IV.~~—IV. Supplemental Pay

~~Campuses, Institutions~~ should develop guidelines addressing the salary and other compensation faculty may receive from the institution and from other sources during the period of Reassigned Time.

A. In some cases, faculty may be receiving partial salary from an external source. In these

cases, the faculty member's total salary should not exceed the approved annual salary for the period of Reassigned Time, not including funds awarded to cover living expenses and travel for Reassigned Time spent away from ~~campus~~institution as well as secretarial assistance, research, publication, and other expenses related to the approved project.

B. Compensation for salary and expenses from all sources should be addressed in the proposal and approved before the leave is granted. If the amount or source of compensation changes, this change should be approved by the appropriate administrators through the ~~External Professional Activities for Pay policy~~Conflict of Interest and Commitment Policy (see 300.2.2). A person on Reassigned Time may not receive supplemental salary funds through the university.

V. University Obligations and Return to Service

A. Faculty on Reassigned Time should agree to take leave or resign from ~~campus~~institution obligations such as department, college, and ~~campus~~institution committees during the ~~time of the~~ Reassigned Time. However, faculty may be expected to maintain contact with graduate advisees or to make other arrangements to ensure that ~~students'~~student progress will not be disrupted. Faculty may also participate in the department faculty evaluation process (for annual reviews or hiring) if the department bylaws provide this opportunity.

Campus

B. Institution policies must include a provision for continuing service to the institution following the end of the Reassigned Time period. Faculty who receive Reassigned Time should be required to return to service at the ~~university~~institution or be required to repay the salary received during the period of leave. Typically, such policies require that faculty return to the ~~university~~institution for twice the period of the Reassigned Time that was granted. For example, a nine-month faculty member who was granted Reassigned Time with full pay for one academic semester, at the end of the Reassigned Time period, might be expected to return to work with that ~~campus~~institution for a minimum of two semesters, or ~~he or she~~they will be required to repay the salary received during the Reassigned Time period.

~~A. — The N.C. Teachers' and State Employees' Retirement System requires that employees on approved leave of absence for educational purposes return to service as a contributing member for at least three years; otherwise, service credit earned during leave of absence will be cancelled. (See Section VII, "Benefits Continuation.")~~

C. A faculty member on Reassigned Time who accepts a position at another post-secondary institution or any other paid employment that was not included in the proposal or approved through the ~~External Professional Activities for Pay policy~~Conflict of Interest and Commitment Policy (see Section 300.2.2 of the UNC Policy Manual) will be considered to have abandoned ~~his or her contract~~their employment with the institution and should be terminated.

~~V.~~ VI. Report

Campus. Institution policies should include a provision for reporting on the outcomes of the Reassigned Time. This could include a report required at the end of the first semester following the leave that addresses the accomplishment of the purposes stated in the application for Reassigned Time. CampusesInstitutions may wish to require a public forum or presentation following the Reassigned Time. If a faculty member fails to submit the required report, ~~he or she~~they should not be considered for

subsequent Reassigned Time. ~~Campuses~~Institutions may determine additional consequences in such cases.

~~VI.~~ VII. Further Service and Subsequent Reassigned Time

~~Campuses.~~ Institutions should establish a defined period of time before faculty members are eligible to apply for additional Reassigned Time. Typically, six years of further service is required before a faculty member is eligible to apply for another leave. Leaves of absence without pay not exceeding one year may be counted as service toward eligibility for additional Reassigned Time if the leave of absence without pay is related to scholarly responsibilities.

VIII. Benefits Continuation

A. Retirement.

~~N.C. Teachers'~~

1. Coverage under the State's Disability Income Plan and State Employees' Retirement System (TSERS)
the Death Benefit will continue for eligible members of TSERS during the
~~For faculty who are on~~ Reassigned Time, ~~this period will be considered as an approved~~
~~leave of absence for educational purposes.~~

2. UNC Optional Retirement Program

a. During the Reassigned Time with full pay, the University will continue making the employer contribution to TSERSORP, and the faculty member will continue making ~~his or her~~their pre-tax contribution to TSERSORP through payroll deduction.

b. During the Reassigned Time with partial pay, if the faculty member wishes to continue making ~~his or her~~their retirement contribution, the University will continue making the employer contribution. The employer and employee ORP contributions are based on the faculty member's base rate of pay in effect immediately preceding the reassignment. The faculty member's contribution shall be on an after-tax basis and monthly payment must be made timely by the faculty member, by personal payment, to the campus/institution human resources/_benefits office, for transmission to the State Retirement System.

~~In accordance with State law, if a faculty member is on an approved leave of absence for educational purposes with partial pay, service credit may be purchased if retirement contributions are paid by the 15th of the month following the month for which service credit is allowed. If contributions are not made by the 15th of the month, a penalty of 1% of the combined employer and employee contributions per month shall be assessed by the Retirement System. In addition, unless the faculty member returns to service as a contributing member within 12 months after completion of his or her educational program and contributes to the Retirement System for at least three more years (except in the event of death or disability), contributions will be refunded and the service credits canceled. Regardless of when the educational program was completed, the maximum allowable credit for educational leave or interrupted service for education purposes is six years over the course of one's career.~~

~~In advance of the Reassigned Time, a letter must be sent to TSERS by the campus human resources/benefits office requesting permission for the faculty member to continue his or her retirement contributions while on Reassigned Time, along with an "Application to Purchase Service Credits for Educational Leave or Interrupted Service for Educational Purposes," Form 263. This form is available on the TSERS website.~~

~~NOTE: Coverage under the State's Disability Income Plan and the Death Benefit will continue for eligible members of TSERS during the Reassigned Time period.~~

~~B. UNC Optional Retirement Program~~

~~If a faculty member participates in the UNC Optional Retirement Program (ORP), the same procedures as outlined above for TSERS members apply, including the six-year maximum allowable credit limit. (See TSERS discussion above). However, employer~~

~~c. Employer and employee contributions are payable to the appropriate ORP carrier instead of to the Retirement System. Please note that a letter requesting permission for the faculty member to continue making contributions to the ORP must be submitted by the campus human resources/benefits office to the State Retirement System in advance of the Reassigned Time so that the six-year maximum allowable credit limit can be tracked.~~ At the present time, the ORP does not track whether a faculty member who takes a leave of absence for educational purposes at less than full pay returns to work for at least three years.

~~NOTE:~~

~~d. Coverage under the State's Disability Income Plan will continue for eligible participants of the ORP during the Reassigned Time period.~~

B. State Health Plan. A faculty member who is on Reassigned Time is eligible and should continue to receive the University's contribution for State Health Plan coverage, whether on full pay or partial pay. The employee's contributions for dependents' coverage will continue to be payroll deducted from the faculty member's paycheck on a before-tax basis.

C. Other Benefits. A faculty member should contact ~~his or her campus~~ their institution human resources/_benefits office for information about continuation of other benefits while on Reassigned Time.

IX. Application Process

A. The college/institution should have a uniform application process, which may include the following information, depending on the project:

1. Curriculum vitae
2. Description of the project
3. Expectations for supplemental funding for expenses and/or salary
4. Invitations to other institutions, award letters for fellowships, or other supporting

documentation

5. Potential enhancement of the faculty member's effectiveness in teaching, scholarship, or service
6. Potential value to the teaching, scholarship, or service program of the department
7. Contribution to knowledge in the field of study
8. Value to public or professional service at the institutional, state, or national level
9. Expected outcomes, e.g., book, article, creative expression, new academic or outreach program.

B. Written information on the application process and deadlines for applications should be disseminated to all eligible faculty members, through a faculty manual or other accessible documents.

C. In general, applications should be evaluated in writing by no fewer than three ~~persons~~ people, within or external to the department or university, who are competent to judge the proposal.

D. ~~For~~ On most ~~campuses~~ institutions, the dean will be responsible for approving or denying applications, although ~~campuses~~ institutions may choose to have final approval by the Chief Academic Officer.

Campuses

E. Institutions must identify an appropriate appeal process if a proposal is denied.

~~E.F.~~ Department administrators must assure the dean or Chief Academic Officer that teaching and advising in the department will be maintained during the faculty member's absence.

~~F.G.~~ Decisions about granting Reassigned Time must be made with a clear understanding of the source of funds to maintain the instructional expectations of the department.

H. Deans should be responsible for providing the Chief Academic Officer with a list of applications and results of the process annually.

X. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

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Guideline Amended 06/05/24

Regulation on Serious Illness and Disability Leave for Faculty

~~At its meeting on April 11, 2003, the Board of Governors adopted a “Policy on Serious Illness and Disability Leave for Faculty.” The Board’s policy mandates that each constituent institution develop a written policy to provide a period of leave for faculty in cases of extraordinary illness, major disability, or for parental purposes. This policy.~~ Purpose. This regulation applies to faculty who do not accrue sick leave and are eligible to participate in the N. C. Teachers’ and State Employees’ Retirement System or the UNC Optional Retirement Program [i.e., continuing faculty who are employed at least 75% of full-time]. ~~Campuses~~ UNC constituent institutions must make their policies available as information to current and prospective faculty members.

~~Guidelines for assisting campuses in formulating their policies are drawn from the recommendations of the Task Force on Serious Illness and Disability Leave for Faculty, which submitted its final report to the President in March 2003.~~ The following ~~guidelines state~~ states which features should be included in ~~campus~~ constituent institution policies and, in some cases, the minimum benefits and eligibility that should be extended. They also include additional benefits or standards of eligibility ~~which campuses that~~ constituent institutions may consider, as well as appropriate sample text drawn from existing ~~campus~~ constituent institution policies. Those ~~campuses~~ constituent institutions that already have such policies may need to modify them to comply with the minimum benefits and eligibility. However, these ~~campuses~~ constituent institutions do not need to revise any features of their policies that exceed the ~~guidelines~~ regulations below.

~~1. ——— Campus policies should be approved by the appropriate campus bodies and should be effective no later than fall semester, 2004.~~

2II. Provisions

A. The institutional policy must state that faculty members eligible for leave are those who do not accrue sick leave and are eligible to participate in the N.C. Teachers’ and State Employees’ Retirement System or the UNC Optional Retirement Program [-i.e., continuing faculty who are employed at least 75% of full-time]. Eligibility may be limited to those faculty eligible under the provisions of the Family and Medical Leave Act (FMLA) [i.e., who have been employed at least one year and have worked at least 1,040 hours within the last 12 months].

3B. The institutional policy should provide for a period of *paid* leave for qualifying faculty members.

4C. The institutional policy should define the duration of leave, to include a minimum of 60 calendar days of *paid* leave within a single academic semester, up to a maximum of one academic semester. ~~Campus~~ Institutional policies may provide for an extension of up to an additional semester (*paid or unpaid*) if the illness or disability requires a longer leave.¹

~~(Note: Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset. In lieu of short-term disability benefits, employees may elect to exhaust any accumulated sick leave, vacation leave, or any other salary continuation as provided by the University. In addition to their eligibility for the N. C. Disability Income Plan, faculty should consider enrolling in one of the supplemental disability income plans available to UNC employees.)~~

5D. The policy should define eligible conditions to which the policy applies. These conditions should be consistent with qualifying conditions under FMLA:

1. the birth of a child and to care for the newborn child after birth; ~~;~~ (Note: An expectant ~~mother~~parent may take FMLA leave before the birth of the child for prenatal care or if ~~her~~their condition makes ~~her~~them unable to work or requires a reduced work schedule.)
2. placement of or to care for a child placed with the employee for adoption or foster care; ~~;~~ (Note: FMLA leave may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.)
3. serious health condition of employee's child, spouse, or parent, that requires the employee's care; ~~;~~ (Note: ~~Campuses~~Institutions may elect to extend this leave to include illnesses of other household members.)
4. serious health condition of the employee that prevents the employee from performing the essential functions of ~~his or her~~their job.

6E. The institutional policy should ~~be~~ explicitly linked~~refer~~ to ~~the~~ provisions of the Family & medical leave, paid parental leave, and Medical Leave Act and the N. C. Family Illness Act as stated~~family illness leave in federal and UNC System, state statutes, and campus~~institutional policies ~~and~~to address coordination with these other benefits.

Sample text:

Paid Leave provided ~~for~~ under this policy has no effect on the faculty member's other employment benefits.

All periods of paid leave under this policy will be construed as family and medical leave under the FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.

The North Carolina Family Illness Act allows for an extension of up to 52 weeks of leave without pay during a five-year period in cases of serious illness of a child, spouse, or parent.

7E. The policy should include a description of the procedures for application and approval for leave.

Sample text:

Faculty members should request leave in writing to the department chair [or department or division head or dean, as appropriate]. Requests for leave should be submitted at least 60 days in advance of the leave or as soon as practicable after the need for leave is foreseeable.

The department chair will make a recommendation to the dean [or vice chancellor for academic affairs/provost, as appropriate] concerning whether or not to grant the request for leave.

The dean [or vice chancellor for academic affairs/provost, as appropriate] is responsible for deciding whether or not to approve the request for leave and provides written notification to the department chair and the faculty member. If leave is denied, the written notification should include the grounds for denial.

The policy should define an expedited appeals process if the request for leave is denied.

8G. The policy should define the medical certification or other documentation that must accompany requests for leave, consistent with FMLA.

Sample text:

The University may request medical verification of the faculty member's illness or disability, including a physician's statement about the probable length of absence from normal duties. If the request is for the purpose of caring for a family member or dependent, the University may also request medical verification of that person's illness or disability and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

9H. The policy should define who is responsible for ensuring coverage of the faculty member's duties and how any costs will be covered. The faculty member should not be responsible for arranging for such coverage. **CampusesInstitutions** should be mindful of the burdens that are sometimes placed on departmental faculty members when a colleague takes an extended leave. Whenever possible, **campusesinstitutions** should arrange to hire replacement instructors to take on the responsibilities of a faculty member on leave for an extended period.

Sample text:

The department chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the department are at the discretion of the department chair with the approval of the dean and are subject to departmental and institutional needs and resources.

The cost of substitute personnel is the department's responsibility. In recommending approval of a leave to the provost, the department chair or dean will certify that ~~he or she~~ is/they are prepared to develop a plan to cover the responsibilities of the faculty member for the duration of the leave.

~~10I.~~ The policy should state that *unused* leave under this policy shall not be:

1. accumulated or carried over to another academic year;~~i~~
2. allowable as terminal leave payment when the faculty member leaves the University;~~i~~ or
3. used to extend years of creditable state service for retirement benefit purposes.

Employees with a balance of accrued leave from a previous 12-month appointment ~~should~~may be ~~asked~~required to exhaust that leave before receiving sick leave under this policy.

~~11J.~~ The policy should state who is responsible for maintaining leave records (important for documentation under FMLA).

~~12K.~~ The policy should state links to "tenure clock" policies, to faculty evaluation processes such as post-tenure review, and to discrimination and confidentiality policies.

Sample text:

At the time a request for leave is granted, the faculty member, department chair, dean, and provost will agree in writing whether time spent on leave will count as probationary service. In the absence of an agreement or if the parties fail to reach agreement, time spent on leave shall count as probationary service.

A faculty member granted leave under this policy may have ~~his or her~~their five-year post-tenure review delayed by a period agreed upon by the faculty member, department chair, and dean.

Faculty will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.

L. The policy should anticipate that a faculty member may return mid-semester, where a faculty member cannot assume teaching responsibilities that have been assumed by substitute personnel. In such cases, the policy should address alternative assignments for the remainder of the semester and when the faculty member will be expected to continue their faculty responsibilities.

III. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

¹ Note: Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset. In lieu of short-term disability benefits, employees may elect to exhaust any accumulated sick leave, annual or personal leave, or any other salary continuation as provided by the University. In addition to their eligibility for the N. C. Disability Income Plan, faculty should consider enrolling in one of the supplemental disability income plans available to UNC employees.

**Regulation on Annual Performance Appraisals
for ~~Staff~~ Most Exempt from the North Carolina Human Resources Act (EHRA Non-Faculty) Professional Staff (EPS)**

I. Purpose. Regular performance appraisals provide an opportunity for employees to understand how their responsibilities and performance expectations align with the goals and priorities of their work unit, with their institution's strategic initiatives, and with the University's strategic plan. It also provides a defined cycle of review for managers and employees to assess employee success toward meeting these operational needs and also professional development goals. As such, this regulation describes the expectation that the UNC General Administration System Office and all constituent institutions shall provide an annual performance appraisal to employees covered by this regulation.

II. Requirement Requirements for an Annual Performance Appraisal

A. It is a requirement of the University of North Carolina that UNC General Administration ("UNC-GA") the UNC System Office and all of its constituent institutions shall provide an annual performance appraisal to permanent EHRA non-faculty employees (Exempt Professional Staff (EPS)), except those excluded in section III.B., below, on no less than an annual basis.

B. Interim or mid-year performance appraisals may be accomplished when deemed appropriate but are not required.

III. Applicability and Exclusions

A. Unless otherwise exempted by the president or exempted in subsections B., and C., below, this requirement shall apply to all EHRA non-faculty EPS employees ("covered employees Covered Employees") as defined by Sections 300.1.1 and 300.2.1 of the UNC System Policy Manual 300.1.1.

B. Constituent institutions may establish alternative performance appraisal procedures for the following position types. If no alternative procedure is established, then employees in these positions shall be subject to the requirements of this regulation.

1. EHRA non-faculty employees of the UNC General Administration System Office at the level of president, senior vice president, vice president, and chief of staff subject to Section 300.1.1.I.A., of the UNC Policy Manual;

2. EHRA non-faculty SAAO employees of the constituent institutions at the level of chancellor, provost, vice chancellor, dean, or substantially similar titles, and any other individuals subject to Section 300.1.1.I.A., of the UNC Policy Manual;

3. EHRA EPS employees who concurrently hold tenured faculty appointments;

4. Athletic directors, head coaches, and associate and assistant coaches; and
5. Post-doctoral scholars.

This requirement shall not apply to temporary and other non-benefit eligible ~~EHRA~~EHRAEPS employees.

C. Notwithstanding the above provisions, the president retains authority to establish alternative performance appraisal processes for all or for any subsection of EHRA faculty and staff.

IV. Format

A. ~~The Office of UNC System~~ Human Resources ~~at UNC-GA~~ shall publish a standard performance appraisal instrument (instrument) for use annually by the constituent institutions and the UNC-GA System Office. Use of this instrument shall be mandatory unless a constituent institution implements an alternate procedure and/or instrument in accordance with subsection B., below.

B. At its option, a constituent institution may develop and implement one or more alternate performance appraisal procedure(s) and instrument(s) for covered employees or subsections of covered employees. In the event alternative procedures and/or instruments are established, the following elements must be included:

1. A statement that identifies the major strategic priorities of the University of North Carolina in accordance with the most current institutional and system-wide strategic plans;
2. A description of goals and objectives for the employee for the cycle;
3. A description of any job-related personal or professional development activities for the employee for the cycle;
4. A summary of the employee's observed performance during the cycle, including outcomes related to assigned goals and objectives; and
5. An annual performance rating ("overall rating") that represents the supervisor's assessment of the covered employee's total performance during the cycle and conforms to the rating methodology described in section V., below.

C. Performance Cycle

1. Each constituent institution may determine its annual cycle for conducting performance appraisals for covered employees provided that the cycle shall begin no earlier than April 1 and no later than July 1 of each year.
2. Each constituent institution shall provide to ~~the UNC-GA System~~ Human Resources the overall rating for each covered employee in a prescribed digital format no later than ~~August 31~~September 30 of each year.

D. A constituent institution choosing to implement alternate procedures and/or instruments must ensure the current instrument is available on the institution's website or otherwise available upon request by UNC-~~GA System~~ Human Resources.

V. Rating Methodology

A. Constituent institutions have the flexibility to use the rating scale on the standard performance appraisal provided by UNC-~~GA System~~ Human Resources or to establish their own rating scale(s) as part of an alternate appraisal procedure.

B. Regardless of the rating system employed within an institution, the overall rating reported to UNC-~~GA System~~ Human Resources (section IV.C.2., above) must convert to the following three-point scale for UNC-~~GA System~~ Human Resources reporting purposes:

1. Employees rated as "Not Meeting Expectations" often perform below an acceptable level of performance of their assigned duties or have demonstrated substantial performance deficiencies in certain assigned duties.

2. Employees rated as "Meeting Expectations" generally perform at, and on occasions may exceed, a successful level of performance of their assigned duties.

3. Employees rated as "Exceeding Expectations" routinely perform above expected performance of their assigned duties and are generally considered among the highest performing employees within the work unit.

C. Prior to any performance ratings being shared with covered employees, each defined organizational unit shall facilitate a process that ensures consistent application of ratings across similar positions.

VI. Communication with Supervisors and Employees

A. Each constituent institution and the UNC-~~GA System~~ Office shall deliver either face-to-face and/or on-line training materials for both supervisors and employees that describe the performance appraisal process and the roles and responsibilities for each party in this process. UNC-~~GA System~~ Human Resources will publish a standard template for this training, although the constituent institutions may develop alternate customized training content, if desired.

B. Each covered employee shall receive no less than one face-to-face meeting (or telephone or video conference meeting in the instance of a remote or teleworking employees) in which the supervisor reviews the employee's annual performance, the overall rating, and the specific expectations for goals, objectives, and professional development activities for the upcoming cycle.

C. Supervisors should provide employees regular feedback throughout the cycle on their performance.

D. Employees shall be provided an electronic or written copy of their completed

performance appraisal, and shall be required to acknowledge receipt of their appraisal either through signature or electronic confirmation.

VII. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

~~VII.~~

**Regulation on Campus Law Enforcement Officers
Exempt from the Provisions of the State Human Resources Act**

I. Purpose. Pursuant to the Board of Governors Resolution,¹ which delegated authority to the president to implement a human resources program for campus law enforcement officers that are exempt from certain provisions of the North Carolina Human Resources Act (“NC HR Act”), this regulation sets forth guidelines and procedures for the constituent institutions to implement and administer this program. This regulation relates to sworn campus law enforcement officers employed by the constituent institutions of the University of North Carolina System (“law enforcement officer” or “LEO”).

II. Coverage and Position Conversion of Existing Law Enforcement Employees. These regulations apply to employees in LEO positions subject to Section 300.21.1 of the UNC Policy Manual.²

A. Upon adoption of this regulation, constituent institutions shall provide that all employees currently serving in LEO classifications subject to the NC HR Act, and all vacant LEO positions, shall be transitioned to ~~EHRA non-faculty appointments (“EHRA”)~~Exempt Professional Staff (EPS) positions subject to Section 300.21.1 of the UNC Policy Manual as soon as practicable, but no later than June 30, 2023. Each employee so affected shall receive an appointment letter confirming their new ~~EHRA non-faculty~~EPS status pursuant to Section 300.21.1 of the UNC Policy Manual and the additional EHRA provisions relevant to LEO positions contained herein.

B. Unless otherwise set forth in this regulation, employees in LEO positions subject to this regulation are subject to the same human resources policies and regulations applicable to other ~~information technology, instruction, and research (IRIT)~~EPS positions pursuant to Section 300.21.1 of the UNC Policy Manual.

III. Job Protections and Grievance Procedures. Consistent with the authority granted in G.S. 126-5(c16) and notwithstanding any provisions to the contrary in paragraph III of Section 300.21.1 of the UNC Policy Manual, all employees in positions covered by this regulation remain subject to Articles 6, 7, and 8 of the NC ~~HR~~Human Resources Act and shall be subject to the disciplinary action and grievance policies as prescribed for employees subject to that Act. As such, EHRA LEOs, other than those classified as Senior Academic and Administrative Officers (“SAAO”), shall not be considered at-will employees of the University.

A. Probation and Employment Eligibility for Disciplinary and Grievance Procedures. Employees in LEO positions subject to this regulation must complete an initial probationary employment period. During the probationary period, employee appointments remain at-will, and employees may be separated from employment during probation without the protections of the disciplinary policy and without coverage under most provisions of the grievance policy. Those who have completed Basic Law Enforcement Training (BLET) certification must have worked at least 12 continuous months in a permanent position, including any continuous service achieved at the time of conversion to EHRA status, to satisfy the probation requirement. Employees who have not completed BLET at the time of conversion from SHRA status or at the time of hire into an EHRA LEO position must have worked at least 24 continuous months in a permanent position and must

have completed BLET training certification to satisfy the probation requirement.

B. Repayment of Certain BLET Expenses. At the chancellor's discretion, the institution may require an employee to repay all or part of any expenses for BLET training that the institution provided, including costs associated with any custom-issued equipment, if the employee separates from a LEO position at that institution within 24 months of completing BLET training. Such repayment requirements if implemented must be included in the terms and conditions of employment communicated to the employee at the time of hire.-

IV. Constituent Institution Authority for Classification Actions.

A. The chancellors or their authorized designee(s) at institutions that have received classification authority from the UNC System Office for **IRIFEPS** positions are authorized to establish EHRA LEO positions in the same manner as all other positions in this category.

B. For institutions without **IRIFEPS** classification authority, all EHRA non-faculty LEO classification actions must be submitted for approval by the UNC System Office in the same manner as all other positions in this category.

C. Classification actions for LEO positions that are classified as SAAO ~~Tier II~~ must be submitted for approval to the UNC System Office in the same manner as all other SAAO positions. This is relevant for LEOs that function as campus police agency heads or deputy agency heads.²

V. Compensation Policies.

A. **Salary Ranges.** Salary ranges for employees covered under this regulation shall be published and periodically updated by the UNC System Office. These ranges may be revised at any time at the direction of the president or their designee.

B. **Fair Labor Standards Act.** All employees subject to the overtime provisions of the Federal Fair Labor Standards Act ("FLSA") in positions covered by this regulation shall be subject to the same policies concerning hours of work and overtime compensation as prescribed for employees subject to the NC HR Act unless otherwise specified herein.

C. **Special Pay Compensation.** All employees subject to the overtime provisions of the FLSA, in positions covered by this regulation, shall be subject to the same compensation policies concerning holiday premium pay, shift premium pay, and on-call and emergency call-back pay as may be prescribed for employees subject to the NC HR Act unless otherwise specified herein.

D. **Longevity Pay.** Employees in LEO positions who were originally appointed to their LEO positions as subject to the NC HR Act shall be subject to the same policies concerning longevity pay as may be prescribed for employees subject to that Act, and such compensation shall be carried through and effected. For employees hired into LEO positions initially as EHRA, there shall be no eligibility for longevity compensation.

E. **Career Progression Steps and Salary Adjustments.** The UNC System Office will establish, publish, and periodically revise an LEO career progression structure. These shall include defined career progression steps and an associated salary range for each step. This structure shall be governed by the following procedures and shall be subject to change at any time at the sole

discretion of the president or their designee.

1. Each career progression step shall have specified eligibility criteria based on years of experience as a certified LEO, years of experience in a particular LEO career progression step, and/or achievement of a specified state law enforcement certificate.

2. No LEO covered by this regulation shall fall below the minimum of the salary range or above the maximum of the salary range associated with the applicable EHRA LEO classification and career progression step without approval of the constituent institution chief human resources officer and the UNC System Office.

3. When an LEO employee covered by this regulation shall satisfy the criteria for attainment of a defined LEO career progression step, the LEO shall be responsible for submitting documentation of this qualification using a form provided for this purpose by the constituent institution.³ Such request shall be processed in accordance with procedures established by the constituent institution generally within thirty (30) days of such event. The constituent institution may establish mechanisms to assist eligible LEOs in tracking this eligibility, but the responsibility for initiating a career progression event shall rest with the eligible employee.

4. Upon confirmation of eligibility for attainment of a career progression step, the eligible employee shall be reclassified to their newly eligible step and granted a salary adjustment. This salary adjustment will include a pay increase of the greater of 5% above the employee's current base salary or the minimum increase necessary for the employee's new salary to achieve the minimum of the salary range for the new step. For purposes of this calculation, when using base salary, it shall exclude any overtime and special pay amounts, temporary pay amounts, salary supplements, educational supplement, or longevity pay. The effective date of this adjustment shall be the next pay period following submission by the eligible employee of the required documentation specified in paragraph V.E.3. above. There shall be no entitlement for a retroactive action solely due to a delay on the part of the eligible employee in submitting documentation of their eligibility for a new career progression step.

5. To be eligible for a career progression step and associated salary adjustment, the employee must be in good standing with a current overall performance rating of at least "Meeting Expectations" and not subject to an active internal investigation, performance improvement plan, or disciplinary action. In the event an employee shall be deemed ineligible, the career progression step and salary adjustment may be made effective as of the first of the month when any impediment to such action shall be no longer present. In the event an internal investigation shall sustain no misconduct, then the career progression step and salary action may be accomplished retroactively to its original eligibility date.

VI. Paid Leave. Employees covered by this regulation shall have the following paid leave provisions.

A. Employees shall accrue 24 or 26 days of annual or personal leave each calendar year consistent with ~~paragraph VII of~~ Section 300.2.122 of the UNC Policy Manual as that section may be amended in the future.

B. A LEO employee of a constituent institution of the University who is converting to EHRA status who at that time earned more than 24 days of vacation leave each year as an SHRA employee will retain their higher accrual rate, which shall be carried through and effected across continuous employment in any position subject to this regulation. This shall not apply to an individual who is newly employed by the University as a transfer from another State agency.

C. Sick leave accruals for employees and eligibility for other paid leave programs covered by this regulation shall be equivalent to all other EHRA non-faculty employees, [as also provided in Section 300.2.22 of The UNC Policy Manual](#).

VII. Expanded Educational Benefits.

A. Expanded Tuition Waiver Benefit. Pursuant to Paragraphs I.A.3. and II.B. of Section 1000.2.2.1[R] of the UNC Policy Manual (“Regulation on the Waiver of Tuition and Fees for Faculty and Staff”), employees in LEO positions (0.5 FTE or greater) are eligible to receive tuition waivers for all eligible academic courses taken at UNC constituent institutions with appropriate supervisory approval. These employees are not subject to the limit of three tuition waivers per academic year.

B. Educational Salary Supplement. Employees in LEO positions shall be entitled to additional annual pay for college degrees as described below.

1. Employees in Police Officer, Master Police Officer, and Police Supervisor classifications who hold a baccalaureate degree shall receive an educational salary supplement of \$1,500 per fiscal year, and those who also hold a post-baccalaureate degree receive an educational salary supplement of \$3,000 per fiscal year. The supplements are not cumulative and will be tracked separately from base salary, but treated as regular salary for benefits purposes. These supplements shall be paid out in equal amounts each pay period rather than paid as a single lump sum. Payments are prorated for part-time employees.

2. Employees in Senior Police Supervisor classifications who hold a post-baccalaureate degree shall receive an educational salary supplement of \$3,000 per fiscal year paid in the same manner as set forth in Section VII.B.1.

3. Employees in all other LEO classifications are not eligible for this benefit.

4. All degrees must be from accredited institutions and verified by the constituent institution’s central human resources office.

5. Once the degree has been verified by human resources, payment of the educational salary supplement shall begin in the next pay period.

VIII. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

¹ See May 26, 2022, Resolution of the Board of Governors of The University of North Carolina System “Delegated Authorities to the President Related to Campus Law Enforcement Officers Exempt from the Provisions of the State Human Resources Act.”

² Pursuant to G.S. 126-5(c16). Cf. S.L. 2020-56, Section 7. This regulation does not apply to chiefs of police and other senior commissioned officers otherwise covered by Section 300.1.1 of the UNC Policy Manual for positions established under G.S. 116-11(5).

³ During initial implementation of this program at a constituent institution, the chief of police and chief human resources officer may implement a crosswalk of current LEOs to the appropriate EHRA job classification and career progression step without receiving requests from individual employees based on available documentation of qualifications and experience that is on file or available to the institution.

Guidance Amended 06/05/24

Regulation on the “Student-Employee” Exclusion from the State ~~Personnel~~Human Resources Act

I. On October 13, 1976, the State ~~Personnel~~Human Resources Commission adopted the following policy on “Student-Employees”:

A. The employment of students by the institutions in which they are enrolled is designed primarily to constitute one type of student financial aid. Such employment usually is characterized by flexible accommodation of the student’s primary involvement in educational pursuits. Thus, in terms of hours worked, scheduling of work, and required skill and productivity, such student workers are materially distinguishable from regular career employees.

B. Any person who during any period of enrollment as a student in a public educational institution concurrently is employed by that institution shall be considered an employee within the meaning of and subject to the State ~~Personnel~~Human Resources Act only if the student-employee is employed by the institution on a full-time permanent basis (as defined by regulations issued by or under the authority of the State ~~Personnel~~Human Resources Commission) in a permanent position established and governed pursuant to requirements of the State ~~Personnel~~Human Resources Commission.

II. This policy was adopted after concern was expressed by the University that “student employment” within the higher education context is not amendable to close, detailed, and uniform regulation of the type otherwise applicable to employment within the jurisdiction of the State ~~Personnel~~Human Resources Commission. Of particular (though not exclusive) concern was the potentially negative impact on institutional “student financial aid” programs of the originally proposed requirement that “student workers” be compensated for their employment in the same manner and to the same extent as “other employees.” Recognition of the special character of “student employment” and the corresponding inducements to treat “student-employees” differently is reflected by the policy adopted by the State ~~Personnel~~Human Resources Commission.

III. Under the State ~~Personnel~~Human Resources Commission policy, a person who is properly determined to be a “student-employee” is thereby excluded from the coverage of the State ~~Personnel~~Human Resources Act. However, a person may not be so excluded if employed (1) on a “full-time permanent basis” (2) in a “permanent position” within the classified State ~~Personnel~~ActsHuman Resources Act service. But the policy does not otherwise provide a clear basis for defining the class of persons (viz., “student-employee”) which is the subject of the exclusion.

IV. Consistent with the clear spirit of the policy adopted by the State ~~Personnel~~Human Resources Commission, the following conclusions are reached:

A. The fact that an individual concurrently is both enrolled in the institution and employed by the institution does not, standing alone, render an individual a “student-employee” for purposes of exclusion from the State ~~Personnel~~Human Resources Act.

B. _____ Classifying a person under the State ~~Personnel~~Human Resources Commission policy should rest on the following judgmental inquiry: was it the primary purpose and intent of the institution in establishing its relationship with the individual to confer student status or to confer employee status?

If a person is primarily a student and employment is merely incidental to student status, then that person is a “student-employee.” Conversely, if a person is primarily an employee and enrollment is merely incidental to employee status, then that person is not a “student-employee.”

V. _____ Although administration of this primary-status test would be simplified by the availability of an easily applied formula, the matter is not usually amendable to such treatment. Rather, the institution most often must determine from all pertinent circumstances whether or not, in its judgment, the individual is a “student-employee.” Pertinent circumstances to be considered would include, but not necessarily be limited to, the following: ~~(1)~~

A. _____ the relative amounts of time devoted to enrollment and to employment; ~~(2)~~

B. _____ whether the employment was initiated before, concurrent with, or after assumption of student status; ~~(3)~~

C. _____ whether or not the employment constitutes a form of “student aid” responsive to the individual’s financial needs.

VI. _____ The classification of individuals relative to the State ~~Personnel~~Human Resources Commission policy is simply achieved in two types of situations: the individual is not a “student-employee” if ~~(1)~~:

A. _____ the individual is an employee of the institution but is not enrolled in the institution; or ~~(2)~~

B. _____ the individual is enrolled in the institution and, in addition, is employed by the institution on a full-time permanent basis in a permanent position within the classified State ~~Personnel~~Human Resources Act service.

However, in all other cases in which there are concurrent enrollment and employment, the judgmental exercise prescribed above must be undertaken.

[This is a rewrite of Administrative Memorandum #99.]

Regulation Guideline on Reporting Misuse of State Property by State Employees

I. North Carolina General Statute § ~~114-15.1~~143B-1208.6 creates an obligation on State employees who are informed of or have evidence of misuse of State property by a State employee to report that information within three (3) days to the reporting employee's immediate supervisor. The statute further specifies that the information must then be reported to the immediate supervisor's institutional head, and, in turn, ~~that individual will report the institutional head,~~ within ten (10) days, ~~of the employee reporting of the incident, will report the incident~~ to the director of the State Bureau of Investigation- (SBI). Misuse includes such offenses as arson, attempted arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or ~~otherwise~~ misuse of any State-owned personal ~~or property,~~ building, or other real property.

II. Each chancellor is appointed to function as institutional head as contemplated under N.C.G.S. § 114-15.1-143B-1208.6. The President's office will administer N.C.G.S. § ~~114-15.1~~143B-1208.6 with respect to ~~General Administration~~the UNC System Office. The chancellor or president may further delegate the role of "institutional head" to one or more parties within their institution.

~~Attached is a form for submitting written reports to the SBI.~~ III. Incidents must be reported to the SBI on the State Property Incident Reporting Form. The SBI also requests, that in addition to the written report, immediate telephone notification be made to SBI headquarters ~~(919-733-4311)~~ as soon as such information is available. A copy of any report made by local law enforcement authorities relating to the offense should be forwarded to the SBI.

IV. Concurrent with filing a report to the SBI, institution heads must provide a copy of the report to the UNC System Office to the attention of the Vice President of Safety and Enterprise Risk Management and the Chief Audit Officer.

V. Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

[This is a rewrite of Administrative Memorandum #84.]

STATE PROPERTY MISUSE-REPORT TO S.B.I.

(SUBMIT IN DUPLICATE. AS REQUIRED BY G.S. 114-15.1, FORM FOR USE BY DEPARTMENT HEAD TO REPORT INFORMATION OR EVIDENCE OF AN ATTEMPTED ARSON, OR ARSON, DAMAGE OF, THEFT FROM, OR THEFT OF, OR EMBEZZLEMENT FROM, OR EMBEZZLEMENT OF, OR MISUSE OF ANY STATE-OWNED PERSONAL PROPERTY, BUILDINGS, OR OTHER REAL PROPERTY.)

Department: _____ Div/Instit/Agency: _____
 Address: _____ Tel.#: _____
 Employee Reporting Info: _____ Bus. Tel.#: _____
 Type of Crime: _____ Property Attacked: _____
 Date of Crime: _____ Time: _____ City & County: _____
 Description of Crime: _____

STOLEN/DAMAGED PROPERTY:

	(QUANTITY)	(ITEMS)	(EQUIP. #)	(SERIAL #)	(MODEL)	(COLOR)	(SIZE)	(VALUE)
1.								
2.								
3.								
4.								

SUSPECTS:

Name: _____ Race: _____ Sex: _____ Age: _____ Add: _____
 Name: _____ Race: _____ Sex: _____ Age: _____ Add: _____
 Name: _____ Race: _____ Sex: _____ Age: _____ Add: _____

(If reported to Local Authorities: Department: _____ Date: _____
 (Attach copy of Local Authorities' Report)

Was Stolen Property Entered into NCIC: _____

 (DATE OF REPORT) (DEPARTMENT HEAD)

FOR SBI USE

SBI File #: _____

Date Report Received: _____

_____ Filed with no Bureau Action. Info. copy sent to _____ District on

_____ Referred to _____ District for investigation on

_____ Case handled by local Department

_____ Case referred to _____ Dept. for administrative action on

_____ Other (Specify): _____

 (DATE) (AGENT)

Regulation on Pre-Employment Background Checks and Applicant Salary History

I. Purpose. This regulation sets forth requirements related to the administration of pre-employment background checks and prior salary history to ensure that such checks are accomplished in a fair and compliant manner in accordance with industry standards and federal and state requirements and to promote a safe and secure environment for the University's faculty, staff, students, and visitors.

II. Coverage. This regulation applies to ~~faculty,~~ permanent ~~EHRA non-~~faculty, SAAO, EPS, and SHRA staff, ~~and as well as~~ temporary employees, including student employees. Sworn law enforcement personnel are subject to the State of North Carolina's background check requirements for law enforcement certification as well as any specific requirements established by the institution's public safety lead; therefore, the chancellor or their designee may exclude these individuals from the provisions of this regulation at the institution's discretion. Students who seek University employment incidental to their status as a student or otherwise related to their education may be exempted from the background check requirement at the institution's discretion unless a background check is mandated by another policy or regulation.

III. Required Policies and Procedures. Each constituent institution and affiliate of the University of North Carolina System will establish and implement policies and procedures to meet the minimum pre-employment background check requirements set forth in this regulation for all hiring decisions of employees to whom this regulation applies. At a minimum, a background check is required for all selected candidates ~~at either prior to the~~ timedate of initial employment or after the date that a conditional employment offer was extended. Constituent institutions and affiliates may choose to exceed these requirements as deemed appropriate to meet operational needs as long as ~~any implemented~~ the procedures comply with applicable federal and state compliance requirements.

IV. Basic Requirements. The policies and procedures required by this regulation must:

A. Prohibit hiring managers from viewing applicants' responses to questions regarding their criminal history on their employment applications.

B. Prohibit the consideration of a candidate's expunged or pardoned convictions; pending charges; arrests not resulting in a conviction; or charges resulting in dismissal or not guilty; however, separate and apart from a specific judicial status or disposition, the institution may consider a candidate's documented conduct incidental to an arrest (including matters that remain pending) if the conduct is demonstrably related to the position's responsibilities or access to institutional resources.

C. Conduct an individualized assessment of adverse background check results following the EEOC "Green" factors and ensure that employment decisions are not based on the criminal history of an individual unless that criminal history is demonstrably job-related and consistent with

business necessity associated with the position, or unless state or federal law prohibits hiring an individual with certain criminal convictions for a particular position.

D. ~~provide an~~Before taking any adverse action based in whole or in part on the background check report, provide the applicant a copy of the background check report, a copy of "Summary of Your Rights Under the Fair Credit Reporting Act", and a description in writing of the rights of the applicant within 3 business days of taking such action, as prescribed by section 609(c)(3) of the Fair Credit Reporting Act, if a criminal record is obtained as part of the employment process, unless the act of sharing the criminal record is prohibited by state or federal law.

E. Set forth the procedure and criteria for considering an applicant's criminal history, consistent with section VI., of this regulation, the U.S. Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions¹ under Title VII of the Civil Rights Act, and any guidance provided by the North Carolina Office of State Human Resources (OSHR).

F. If the results of a background check may result in a non-selection decision:

1. Allow the applicant a reasonable opportunity to explain the circumstances surrounding their relevant conviction(s) and/or charge(s) and provide any proof of rehabilitation, including a certificate of relief;

2. Address under what circumstances, if any, a previously completed background check may be used for a subsequent position or appointment; and

3. Include consequences for an applicant or employee either failing to provide the required information in a complete and timely manner or willfully omitting, concealing, or falsifying information.

V. Minimum Requirements for Pre-Employment Background Checks. The following minimum standards apply to all background checks conducted by the UNC System and its constituent institutions and affiliates.

A. Accreditation. Any vendor conducting a background check must be accredited by the Professional Background Screening Association (PBSA).

B. Length of criminal history. All background checks must cover a period of at least seven years ~~as of prior to~~ the date of the check, when available, within the relevant jurisdictions, or until age 18 if the applicant is younger than 25 years old, or as required by external, affiliated programs.

C. Scope. All background checks must include, at a minimum, federal criminal history national criminal search, applicable criminal history for all local, state, and ~~state~~international jurisdictions in which an individual has previously lived within the period of the check, the national sex offender registry, and, for designated positions, a federal System for Award Management (SAM) and Office of Inspector General debarment check. Checks may also include but are not limited to verification of driver's licenses and other credentials and professional licensures as may be procured through a consumer report. UNC Lab Schools are also required to conduct an FBI and SBI criminal history check on prospective candidates. The check should include a good faith

attempt to identify any omissions by the candidate with respect to prior residences during the period being checked.

D. Federal Fair Credit Reporting Act (FCRA)² Compliance. The institution shall ensure that all ~~FCRA~~ requirements ~~of the FCRA~~ are satisfied in with respect to the ~~conduct of its~~ pre-employment background check process. This shall include notification to an applicant of any background check results that are determined to have an impact on a non-selection employment decision and providing an opportunity to receive and respond to such results in accordance with the Act.

E. Confidentiality. Background check ~~applications requests~~ and results are considered part of an applicant's or employee's confidential personnel record. The results of background checks will be made available to applicants on request in accordance with State personnel policies as well as the requirements of the FCRA.

F. Records Retention. Records of background checks shall be retained in accordance with the State of North Carolina records retention schedules for universities and the UNC General Records Retention schedule.

VI. Assessment of Background Check Results

A. Designated Individuals. The constituent institution or affiliate must designate a specific individual or individuals within Human Resources, the Provost's Office, Legal Affairs, and/or other appropriate administrative office(s) of the institution to ~~make a determination as to~~ determine whether adverse background check results impact an employment determination. While such designated individuals may consult with the authorized department-level ~~hiring managers official~~ in reviewing adverse results, the authority and responsibility for a final employment decision based upon adverse background check results lies with the individual(s) designated pursuant to this subparagraph, to ensure consistency ~~of application~~ across the institution.

B. Assessment of Adverse Results. The designated individuals who will make such a determination must consider the following factors with respect to each applicable conviction, infraction, or charge and its bearing on a potential employment decision:

1. The relationship of the conduct to the specific job duties and responsibilities that would be performed by the covered individual, if appointed;
2. The nature, gravity, and context of the events surrounding the conduct, as evidenced by the background check results and any supplementary information that can be obtained by the University or that is promptly provided by the covered individual;
3. The time that has elapsed since the conduct occurred and/or the completion of any sentence served;
4. The individual's demonstrated behavior since any conviction and the future potential for illegal activity by the individual, as might be inferred from a past pattern of conduct; and

5. Any other extenuating circumstances documented by the covered individual or otherwise known to the University (e.g., the age of the candidate at the time of the conduct or the totality of the circumstances).

~~VII. Prohibition on~~ VII. Access to Annual Performance Appraisal. Constituent institutions may establish procedures for a hiring manager to review the most recent annual performance appraisal for candidates who are current or former state University or agency employees. Any such review should occur prior to the date of initial employment or after the date that a conditional employment offer was extended.

VIII. Prohibition on the Use of Salary History for Hiring Actions.

A. UNC institutions shall not request an applicant's salary history on the employment application or as part of any supporting documentation provided in the application process.

B. UNC institutions shall not use a selected candidate's salary history to determine the candidate's salary for any hiring action, including new hires, transfers, and promotions. Rather, salary determinations shall be based on other relevant factors including, but not limited to, the salary range of the proposed position, the qualifications and credentials of the candidate, equity to other similarly situated and qualified employees, and available budget.

C. UNC institutions will utilize only the factors listed in VII.B. above and will not utilize current salary information of state employees who apply for other positions, even though such current salary information is publicly available.

D. UNC Laboratory (Lab) Schools as defined by State law, N.C.G.S. 116-239.5 et seq., may be exempted from this requirement when hiring teachers, school administrators, and non-teaching positions if the Lab School has elected to follow the State Salary Schedules developed specifically for public school employees and published by the Department of Public Instruction (DPI). For the purposes of determining a starting salary, the Lab School may ask the prospective employee and/or the employee's current employing unit to verify the employee's current DPI salary step.

~~VIII.~~ Other Matters

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

B. Relation to State Laws. 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 the activities of public officials.

¹See <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>.

²See 15 U.S.C. § 1681.