



TRANSMITTAL LETTER

The University of North Carolina *General Administration*

Transmittal Number 115
November 15, 2017

THIS LETTER TRANSMITS CHANGES TO THE *UNC POLICY MANUAL*

The Code	Chapter V, Section 502 B. and Section 502C. *
300.2.4[R]	<i>Regulations on Approval of Academic Personnel Actions</i> – REPEALED
300.7.2.1[G]	<i>Guidelines for Implementation of the University of North Carolina Phased Retirement Program*</i>
400.1.10[G]	<i>Guidelines on Teacher Education Program Actions under Resolution 27 of the 1983 General Assembly</i> – REPEALED
400.3.5.1[G]	<i>Guidelines on Training, Monitoring, and Evaluating Graduate Teaching Assistants*</i>
500.4[R]	<i>Regulation on Administering Sponsored Programs*</i>
600.3.3	<i>Expenditure of Funds Generated Through Lapsed Salaries</i> – REPEALED
600.3.4	<i>Granting of Management Flexibility to Appoint and Fix Compensation*</i>
600.6.3[G]	<i>Guidelines on Recycling*</i>
1000.2.2.1[R]	<i>Regulations on the Waiver of Tuition and Fees for Faculty and Staff*</i>
1300.6	<i>Policy on Efficiency and Effectiveness*</i>

The above policies were amended or repealed by the Board of Governors at its November 2017 meeting. The above regulations and guidelines were amended or repealed as a result of the deregulation efforts on part of the University and approved by the president.

A copy of each above policy, regulation, and guideline is attached below or is accessible on the website at: <http://www.northcarolina.edu/apps/policy/index.php>

*A redline version reflecting the changes that were made to each policy, regulation, and guideline is attached as a separate file. To view changes that were made to the above policy, regulation, or guideline, please refer to it.

CHAPTER V - OFFICERS OF THE UNIVERSITY
SECTION 502. CHANCELLORS OF CONSTITUENT INSTITUTIONS.

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502 B. Relation of the Chancellor to the Board of Governors and the President.

(1) It shall be the duty of the chancellor to keep the president, and through the president the Board of Governors, fully informed concerning the operations and needs of the institution. Upon request, the chancellor shall be available to confer with and make reports to the president or with the Board of Governors concerning matters that pertain to the institution. [See G.S. 116-34(c)]

(2) The chancellor shall make recommendations for development of the educational programs of the institution [See G.S. 116-34(d)] and shall serve as general adviser to the president, and through the president the Board of Governors, with respect to all programs and activities of the institution.

(3) The chancellor shall be responsible to the president for the administration of the institution, including the enforcement of the decisions, actions, policies, and regulations of the Board of Governors applicable to the institution.

(4) Subject to policies prescribed by the Board of Governors and by the institutional board of trustees, the chancellor shall make recommendations for the appointment of personnel within the institution. [See G.S. 116-34(d)] With respect to all personnel matters, including appointments, promotions, removals, and compensation for the institution's academic, administrative, and other staffs, which are required to be acted upon by the Board of Governors, the chancellor shall make recommendations to the president.

(5) The chancellor shall present to the president all matters concerning the institution which are to be considered by the Board of Governors or any of its committees. In accordance with prescribed administrative procedures uniformly applicable to all institutions, the chancellor shall participate in the development of the proposed budget of the University of North Carolina.

(6) The chancellor shall be the official medium of communication between the president and all deans, heads or chairs of departments, directors, and all other administrative officers, faculty members, students, and employees.

502 C. Relation of the Chancellor to the Board of Trustees.

(1) It shall be the duty of the chancellor to attend all meetings of the board of trustees and to be responsible for keeping the board of trustees fully informed on the operation of the institution and its needs. [See G.S. 116-34(b)]

(2) The chancellor shall submit such reports to the board of trustees as the chancellor may deem wise or as the board may require. The chancellor shall seek the counsel of the board of trustees concerning the affairs of the institution.

(3) The chancellor shall be responsible to the board of trustees for enforcing all policies, rules, and regulations of the board of trustees.

(4) The chancellor shall be the official medium of communication between the board of trustees and all individuals, officials, agencies, and organizations, both within and without the institution.

300.2.4[R]
Adopted 07/18/72
Repealed 11/14/17

Regulations on Approval of Academic Personnel Actions

The Board of Governors' "Delegations of Duty and Authority to Boards of Trustees" (the Appendix to *The Code*) in Article I treats the subject of academic and administrative personnel actions, and distinguishes between those personnel matters which are to be reviewed by the president and approved by the Board of Governors and those which will require no action beyond that taken by the chancellor and the Board of Trustees.

The following instructions and suggestions are given to expedite the processing and approval of these personnel matters:

1. Personnel Actions to be Approved by the Board of Governors

a. Proposed personnel actions conferring permanent tenure on a member of the faculty in accordance with Section 602 of *The Code* (whether through initial appointment, through reappointment, or through promotion) and proposed senior administrative appointments (including persons appointed or promoted to the rank of vice chancellor, provost, and dean; reference to "directors of major educational and public service activities" includes those persons whose duties are equivalent to those of a dean or a higher administrative officer).

1. All such proposals shall be sent to the president's office at least two weeks in advance of the meeting of the Board of Governors at which it is anticipated that the proposal would be considered.

2. All such proposals submitted shall include the information listed below:

- a. Name, age, and present position
- b. Proposed rank
- c. Proposed salary and present salary (present salary need not be given if it is a new appointment from outside the University)
- d. Source of funds (State, non-State, or both)
- e. Effective date of proposed action
- f. Service obligation (12 months or 9 months)
- g. New position or replacement
- h. University official(s) by whom the person was interviewed if it is a new appointment
- i. Degrees held and where they were earned, with dates
- j. Teaching and other prior professional experience
- k. Scholarly and professional organizational memberships
- l. Publications
- m. Awards and honors

2. Personnel Actions Delegated to the Chancellor and the Board of Trustees.

The delegation in the appendix provides that all faculty and administrative personnel decisions, other than those which require the concurrence of the President and the

approval of the Board of Governors, shall be made by the chancellor and the Board of Trustees.

Each chancellor may wish to consider a request to the Board of Trustees for authorization for the chancellor to take certain measures which would serve to expedite this category of personnel actions without further reference to the Board of Trustees if the volume of these actions should be substantial or if it should seem desirable for other reasons:

- a. With respect to academic personnel actions (including appointment, promotion, and changes in compensation), the President recommends that a distinction be made between persons appointed for a term of service longer than one year and those whose term is one year or less, and also between those persons who hold full-time appointments and those who are part-time. Under these distinctions, the chancellor might be authorized by the Board of Trustees to take final action on appointments which are for one year or less and on those which are for part-time service.
- b. With respect to faculty appointments for longer than one year, but not conferring permanent tenure, you may wish to consider the desirability of suggesting the establishment of a trustee committee to act on behalf of the full board.
- c. With respect to administrative appointments other than those requiring action by the Board of Governors (e.g., department chairmen), similar delegation of authority either to the chancellor or to a committee of the trustees, or both, may be appropriate.
- d. Finally, with respect to changes in compensation for faculty and administrative personnel enumerated in 2.b. and c., the President recommends that authority to take action be delegated to the chancellor within any guidelines that may be established by the Board of Trustees.

[This is a rewrite of Administrative Memorandum #2.]

300.7.2.1[G]
Adopted 5/16/97
Amended 09/10/04
Amended 09/25/07
Amended 01/20/15
Amended 11/14/17

Guidelines for Implementation of the University of North Carolina Phased Retirement Program

I. Purpose

The University of North Carolina Phased Retirement Program (the “Program”) provides an opportunity for eligible full-time tenured faculty members to make an orderly transition to retirement through half-time (or equivalent) service for a predetermined period in return for half-time compensation. The Program is completely voluntary and is available when agreed to and entered into by a mutual written agreement between an Eligible Faculty Member and his or her employing institution.

Eligible Faculty members or faculty members who later become eligible may elect annually to seek to participate in the Program during the enrollment life of the Program, with active participation to commence with the start of the next academic year following acceptance by the Eligible Faculty Member’s employing institution. Enrolling Eligible Faculty Members may elect to begin receiving the benefits they have accrued under either the N.C. Teachers’ and State Employees’ Retirement System (“TSERS”) or the UNC Optional Retirement Program (the “ORP”), but they are not required to do so. However, so long as an Eligible Faculty Member does not receive a monthly retirement benefit, he or she will not receive university paid State Health Plan benefits.¹

II. Eligibility

- A. The Program is available only to full-time tenured faculty members. Non-tenured and tenure-track faculty are not eligible for the Program.
- B. Except as set forth in Section III, below, the Program is available to all full-time tenured faculty members who:
 1. Have at least five years of full-time service at the constituent institution of the University of North Carolina (“the University”) at which he or she is currently employed (“the Institution”);
 2. Are age 62 or older for members of TSERS or 59½ or older for participants in the ORP; and
 3. Are eligible to receive retirement benefits through either TSERS or the ORP, as applicable.
- C. The Program contemplates actual retirement and reemployment of participating faculty on a part-time basis for a limited period. For purposes of the Program, “normal retirement age” is 62 years of age for TSERS members and 59½ for participants in the ORP. When a faculty member has achieved the above-listed age for his or her applicable participating retirement program, he or she will have reached “normal retirement age” and, therefore, need not undertake a break in service prior to entering the Program.

¹If a faculty member does not elect to receive a monthly retirement benefit from TSERS or ORP, upon entering phased retirement he/she may continue participation in the State Health Plan as a permanent half-time employee on a fully contributory basis. In that case, the faculty member would not be eligible to receive the University contribution.

D. Tenured faculty occupying full-time administrative positions are not eligible to participate in the Program until they vacate such positions. Thus, only individuals under faculty appointment involving teaching, research and service are eligible to participate in the Program.

E. Individual faculty members are responsible for providing to their Institution all information necessary for it to determine their eligibility as to age, service at the Institution, and retirement benefit eligibility within either TSERS or the ORP. For these purposes, the Institution shall determine an applicant's age and service longevity with reference to the August 1 that follows submission of an application for participation.

F. As set forth in Section III, Eligible Faculty Members do not have an absolute right to participate in the Program. Rather, departments, schools or Institutions may limit participation in the Program based on various conditions. However, if an Eligible Faculty Member and the Institution tentatively agree to an Eligible Faculty Member's participation and "work plan" as described below, the final decision to enter or not enter the Program rests with the Eligible Faculty Member.

G. Once made, a decision to enter the Program (signified by the Eligible Faculty Member's signing and non-revocation of the Phased Retirement Application and Reemployment Agreement and Release described in Section VI.E.) is binding.

III. Limitations and Eligibility

A. Institutions may limit participation in the Program as follows:

1. An Institution may establish departmental, school and/or institutional caps or limits on the number of Eligible Faculty Members who may participate in the Program.

2. A department, school, or Institution may deny an application to participate in the Program in response to a bona fide finding that financial exigencies of the Institution prohibit further enrollment in the Program. This finding must be based on quantifiable budget constraints of the affected Institution, consistent with Section 605 A. of *The Code*.

3. A department, school, or Institution may also deny an application to participate in the Program upon a finding that granting the application would substantially weaken academic quality or disrupt program sequence in the department, school or Institution. This finding must be supported by external measures of academic quality, such as accreditation standards. (See Section IV.B.3., below.)

B. Phased retirement under the Program may be for a period of at least one but not greater than five years. Each Institution will set the length of phased retirement for its faculty. However, all Eligible Faculty Members at each Institution must have the same participation period of phased retirement.

C. Upon entering the Program, Eligible Faculty Members give up tenure. They terminate full-time employment and contract for a period of half-time (or equivalent) service to their Institution. Half-time responsibilities may vary by Institution and among departments in the same Institution. In addition, half-time service may consist of full-time work for one-half of a year (e.g., full-time work for one semester of an academic year) or half-time work for a year (e.g., half-time work in each of the two semesters of an academic year).

D. Under either pattern, the enrollment period for the Program begins with the fall semester, with actual participation to commence at the start of the next academic year (provided an Eligible Faculty Member's application is approved). (See Section VI.A., below.) Teaching, research and service assignments during the period of phased retirement are individually negotiated by the Eligible Faculty Member and the appropriate supervisors and/or personnel committee(s). The details of such half-time service (a "work plan") must then be set forth in a University of North Carolina Phased Retirement Program Application and Reemployment Agreement, as described in Sections VI.D., and E., below.

E. Participating Faculty Members will remain subject to *The Code* and Policies of the University and their respective campus. In addition, without expressly or constructively terminating any Agreement, an Institution may place a Participating Faculty Member on

temporary leave with pay and/or reassign a Participating Faculty Member's duties during or as a result of any investigation or disciplinary action involving the Participating Faculty Member. Such authority shall be invoked only in exceptional circumstances when the Participating Faculty Member's department or division head determines that such action is in the best interests of the Institution. Further, nothing in the Program or these guidelines shall in any way be interpreted to provide a Participating Faculty Member with greater rights, claims or privileges against his or her Institution and/or the University regarding continued employment than otherwise provided in *The Code* and Policies of the University and their respective campus.

IV. Institutional Program Guidelines

A. Each Institution must develop Institutional Guidelines for its implementation of the Program ("Institutional Guidelines").

B. Each set of Institutional Guidelines shall include, or be accompanied by, an official description of any of the following Program participation policies, *to the extent adopted by and applicable to the Institution*:

1. A detailed description of any caps on Program participation, referencing the level (department, school, or Institution) to which a cap pertains. A cap should be applied with reference to predetermined, non-subjective criteria such as length of service or percentage of faculty. The cap of an Institution and/or a department or school must be applied consistently to all Eligible Faculty Members timely seeking to commence enrollment in the Program for a given academic year. (See Sections V. and VI.A. and C., below.) A cap may be an absolute number or a formula that produces a number. In addition, the cap should be consistent over a substantial period of years, not less than five.

2. A detailed description of any limitations the department, school, or Institution places on Program participation because of financial exigencies. The description should include specific references to the budget constraints that prohibit participation and to the means for determining that such exigencies exist. The limitation with respect to financial exigencies of an Institution and/or a department or school must be applied consistently to all Eligible Faculty Members timely seeking to commence enrollment in the Program for a given academic year. (See Sections V. and VI.A. and C., below.)

3. A detailed description of any departmental, school, or institutional limitations on the number of eligible faculty who can participate in the Program based on preservation of academic quality and/or program sequencing. The description should include reference to objective factors that require limitations on participation such as a shortage of professors in a department or school, the required number of faculty necessary for the department or Institution to operate, or student/faculty ratios. These factors should not be based in any way on age or the expected retirement date of specific faculty members. The limitation with respect to preservation of academic quality or program sequencing of an Institution and/or a department or school must be applied consistently to all Eligible Faculty Members timely seeking to commence enrollment in the Program for a given academic year. (See Sections V., and VI.A., and C., below.)

C. In addition, each set of Institutional Guidelines shall include, or be accompanied by, the following:

1. A number of academic years that participants will be allowed to remain on phased retirement. One uniform time period must be adopted by the Institution with the same number of years for all participants, between one and five, and may not vary by department or school within the Institution. Participation in the Program may not be extended or renewed beyond completion of those years.

2. A detailed description of the procedures that the Institution will use to ensure that Eligible Faculty Members are informed about the Program.

3. A detailed description of the procedures the Institution will use to receive, review, and approve applications for participation in the Program.

4. A schedule of potential services to be provided by a Participating Faculty Member for the Institution (or for each department or school if they differ among departments or schools). The services that comprise a faculty member's individual work plan under the Program will be drawn from this schedule. A typical work plan will likely call for services to be rendered over the two regular-term semesters of the academic year. The work plan may call for services over all 12 months of the participation year, as often occurs under research professorships. However, no work plan may include duties incident to summer school curricula.

V. Distributing Information on the Phased Retirement Plan

A. The following materials should be prepared and distributed (in hard copy or electronic form) to every tenured Faculty Member who appears eligible for likely to become eligible for the Program.

- The University of North Carolina Phased Retirement Program Policy (UNC Policy Manual 300.7.2)
- A letter announcing the Program.
- A copy of the Model University of North Carolina Phased Retirement Application and Reemployment Agreement.
- A copy of the Model University of North Carolina Phased Retirement Program Release.
- A Chart reflecting information regarding persons who are eligible and those who are ineligible for potential participation in the Program. (See example at Section VI.E.4., below.)

B. At the time of each distribution of Program materials to faculty, the Institution should place a notice of the Program in an institutional newsletter or other organ of general circulation among faculty (including electronic publications) that invite faculty who believe they may be eligible to inquire at an identified Institution office about their Program eligibility.

C. The Institution should distribute Program materials by September 1 of the calendar year preceding the academic year in which it appears that a Faculty Member could first apply to participate in the Program.

VI. Application Procedures

A. Time Periods and General Process.

1. An application to enter the Program must be made at least six (6) months but not more than eleven (11) months before the commencement of the first semester of an Eligible Faculty Member's requested participation in the Program, to begin at the start of the next academic year.

For purposes of this Program, a semester will be deemed to commence on the date that a faculty member rendering services under an individual work plan is required to begin performing services with respect to the pertinent semester.

2. An application to enter the Program must be submitted to the Eligible Faculty Member's department or division head. An application is subject to final approval by the Institution's Chief Academic Officer following evaluation of the conditions outlined in Sections II and III above and the development of a mutual "work plan" with the Eligible Faculty Member as outlined in Section VI.D., below.)

3. If an Eligible Faculty Member and the employing institution tentatively agree to the faculty member's participation and a mutual "work plan" that addresses the same, the

decision to enter or not enter the Program then rests with the Eligible Faculty Member. Once made, a decision to enter the Program (signified by the Eligible Faculty Member's signing and nonrevocation of the Phased Retirement Application and Reemployment Agreement and Release described in Section VI.E.) is binding.

B. Meetings. Faculty group meetings should be held or at least made available at each Institution for all persons eligible to apply for Program participation. Persons who plan to apply to participate in the Program should meet with the officials appointed or designated by their Institution to answer questions about the Program. Faculty may then approach their respective department or division head or school dean to negotiate participation and their half-time "work plan" for the phased retirement period.

C. Participation Limits or Caps. As described in Sections III.A., and IV.B.1., above, some departments, schools or Institutions may have approved limits or caps on the number of Program participants independent of limitations based on financial exigency or academic quality. If the department, school or Institution receives more qualified applications for the Program than it has available spaces, it should select participants based on non-subjective criteria, such as an applicant's employment start date at the Institution (that is, by institutional seniority, with the qualified person having the most institutional seniority being selected first).

Applications to participate in the Program will be taken in two different formats, depending on the situation.

1. Where There Are Openings Available Under a Quota or Openings Without Limitation.

In Institutions, departments or schools with openings available under a preset participation limit or cap larger than the number of applicants or which do not have a limitation on the number of participants, timely applications will be accepted on a first come, first eligible basis. When an Eligible Faculty Member submits an application for the Program, the application shall be processed in the manner described in Sections VI.D., and E., below.

2. Where the Number of Applicants Exceeds Openings Available Under a Quota or Other Institutional Limitation After Announcement of Such Limitation.

Where the pertinent Institution, department or school has established, pursuant to Sections III., and IV., above, a limitation on Program participation by means of a cap, a bona fide finding of restricting financial exigency, or the need to deny participation to preserve academic quality or program sequence integrity, the Institution shall limit its consideration of applications for positions in such restricted positions to those applications timely submitted as required under Section VI.A., above.

If, under these conditions, more timely applications are received than spaces are available, the Institution shall cease accepting applications for the pertinent positions and shall announce to all Eligible Faculty members who had timely submitted a relevant application that each is to have a period of two weeks (14 calendar days) from the date of the institutional announcement to submit the Eligible Faculty Member's written response, conveying a determination to continue pursuing or to cease pursuing the corresponding phased retirement position. (The date of institutional announcement and the date of faculty response shall each be determined with reference to their date of physical delivery to the addressed party, their postmark date, or the date of receipt for postal handling, whichever is earliest.)

The Institution shall promptly and appropriately acknowledge its receipt of all faculty responses. The seniority procedures established pursuant to this Section VI.C., shall then be used with respect to all applications that continue to be viable.

D. Work Plans

1. The Program permits Eligible Faculty Members to work half-time (or its equivalent) for half-time compensation. Each Institution is responsible for developing an individual half-time “work plan” with Eligible Faculty Members who wish to participate in the Program. These agreements should be between an institutional officer designated for this purpose (such as a dean or department or division head) and the Eligible Faculty Member.
2. Before beginning discussions with Eligible Faculty Members, each Institution should devise a half-time schedule of potential services. (See Section IV.C.4., above.) The schedule may vary by department or school but should cover the complete range of contracted faculty activities (for example, teaching, research and creative activities, service, advising, writing of grants, and publications). The schedule should be as detailed as possible and may be used as an attachment to the agreements with Eligible Faculty Members accepted to participate in the Program.
3. Once the duties and arrangements with an Eligible Faculty Member are fully determined, the agreement to participate in the Program must be stated in writing in a formal Phased Retirement Application and Reemployment Agreement and signed by the head of the employing department, dean of the school or division, and the Chief Academic Officer.
4. In cases where the Institution and the Eligible Faculty Member cannot agree on a half-time work plan, the Eligible Faculty member will not be allowed to participate in the Program. Conversely, once made, a decision to enter the Program is binding. That decision is signified by the Eligible Faculty Member’s signing and non-revocation of the Phased Retirement Application and Reemployment Agreement and Release described in Section VI.E., below. However, after an Agreement is finalized, the parties may still terminate the Agreement at any time upon mutual written agreement.
5. Each Institution should strive to make the Phased Retirement Application and Reemployment Agreements as uniform as possible within each department or school. The Agreements must be based on the objective needs of the employing department, school or Institution. Under no circumstances should “deals” be made to encourage faculty members to accept the Program. Likewise, each Institution must not take unjustifiably harsh positions to dissuade an Eligible Faculty Member from participating.

E. Agreement and Release

1. Procedure. The last step in the application process is to obtain a signed, completed Phased Retirement Application and Reemployment Agreement (the “Agreement”) and Release (the “Release”) from the electing Eligible Faculty Member. The requirements for a valid release are set out in detail under the Age Discrimination in Employment Act (“ADEA”) and, thus, it is mandatory that each Institution follow the steps outlined below:
 - a. When negotiation of a “work plan” has been completed, the electing Eligible Faculty Member should be provided a completed Agreement, which has been signed by the Institution’s administrators, and a Release for review and signature.
 - b. The Agreement and Release package should contain:
 - (1) The letter announcing the Program;
 - (2) The Program Summary;
 - (3) The Agreement;
 - (4) The Release; and
 - (5) A job title and age Chart for the Institution and the department or school, as described in Section VI.E.4., below.

It is essential to the validity of the Agreement and the Release that this entire Package be provided to the Eligible Faculty Member when he or she is offered the completed Release for execution.

2. Consideration period.

a. As required by the ADEA, the Eligible Faculty Member must be offered at least forty-five (45) calendar days to execute and return the Agreement and Release to the Institution. The forty-five day period begins with the date of the final offer, which is the date on which the Institution physically delivers to the Eligible Faculty Member the completed, signed Agreement and the separate Release. If the final offer is not hand delivered to the Eligible Faculty Member, it must be sent by a method of delivery that requires a signature for delivery, as described in UNC Policy 101.3.3.

b. The Eligible Faculty Member should be encouraged to use the full 45 days and to consult an attorney, if he or she desires. Under no circumstances should the Eligible Faculty member be requested or pressured to return the package in a shorter period. However, the Eligible Faculty Member may sign the Agreement and Release before the end of the 45-day period, if he or she so chooses.

3. Revocation option.

a. Once an Eligible Faculty Member signs the Agreement and Release, he or she also has the right under the ADEA (if he or she so chooses) to revoke the Agreement and the Release at any time within seven (7) calendar days of the date both documents are fully executed by the parties.

b. An election to participate in the Program does not become final until after the seven-day revocation period has passed without the Eligible Faculty Member's revocation. Consequently, if an Eligible Faculty Member uses his or her entire 45-day consideration period, his or her Agreement may not be binding until almost two months after he or she receives the Agreement and the Release to sign.

c. Revocations must be in a writing personally signed by the Eligible Faculty Member and received by the official to whom prior application to participate in the Program had been submitted.

d. Revocation may be effected by personal delivery of the revocation, or by submission of it for postal delivery. (The date of revocation is the date on which the faculty member physically delivers the revocation to the appropriate institutional officer or office or the date on which the revocation is posted to that officer or office; the postmark date or date of receipt for postal handling of the revocation shall be prima facie evidence of the date of the revocation.)

e. If an Eligible Faculty Member elects to revoke the Agreement and Release within the seven-day revocation period, the Agreement is void. Moreover, in such circumstances, the Eligible Faculty Member will continue in his or her same full-time employment status as the Faculty Member held immediately prior to the execution of the Release.

4. Job title and age list.

a. The ADEA requires that for a release of age discrimination claims to be valid, the release must include the job titles and ages of all individuals in the same job classification or organizational unit eligible for the Program, and the ages of all individuals in the same job classification or organizational unit who are not eligible. The Chart each Institution must attach to the Agreement and Release Package is meant to satisfy this requirement.

b. Each Institution is responsible for preparing this Chart, showing eligibility/ineligibility for the Institution as a whole by department or school. Such chart should specifically:

- Contain a list by faculty position, age and department (but without name) of those faculty eligible and those ineligible to participate in the Program.
- Include as persons eligible to participate those tenured faculty members who would be eligible to participate if they resigned their current full-time administrative positions (including both faculty and administrative titles).
- Include as persons ineligible to participate those tenured faculty members who meet the eligibility requirements but who are disqualified for one of the reasons identified under the Program (other than current employment in an administrative position), as well as tenured faculty members who do not meet the basic eligibility requirements.

c. Faculty members remain individually responsible for providing to the Institution age and service data needed to determine their particular Program eligibility.

d. The Chart should be in the format of the Example set forth below. Data appearing initially on the Chart were required to reflect projected age and service as of August 1, 1998. The Chart should then be updated each year as of August 1, reflecting projected age and service as of the next August 1, to the extent known or reasonably predictable.

e. The Chart should be prepared by individuals not involved in any other aspect of the institution's implementation of the Program. The age data used to prepare the Chart should not be made available to any person who is involved in determining limits on participation in the Program or who is developing individual agreements under the Program. This information is highly sensitive and should be treated accordingly.

<u>Example</u>			
Job title*	Age*	Number Eligible*	Number Ineligible*
History Professor	60	2	1
History Professor	59	0	1
[This age 59 professor is under admin. appointment, so also give admin. title.]			
Assoc. History Professor	51	0	1
Assoc. History Professor	43	0	2
Assoc. History Professor	41	<u>0</u>	<u>1</u>
Subtotal (History Dept.)		2	6
Latin Professor	<u>62</u>	<u>1</u>	<u>0</u>
TOTAL (Institution)		3	6

This Chart is based upon current institutional information. However, if any error or omission is detected, it should be promptly reported to the appropriate academic department or school. Faculty

members are individually responsible for providing age and service data needed to determine their Program eligibility.

In addition, tenured faculty occupying full-time administrative or staff positions are deemed potentially eligible on the assumption that, prior to accepting early retirement, they must voluntarily resign/vacate their administrative appointment.

5. Data updates. Prior to an Eligible Faculty Member receiving a final Agreement and Release package, the chart and data discussed in Section VI.E.4., above, must be updated for the Application and Release to remain valid. The Chart's revision date should appear in the upper right hand corner. A Chart will be deemed current with respect to an application if the Chart has been updated as of the August 1 next proceeding the date on which the application is timely received from a faculty member.

VII. Questions and Answers

A. There are sure to be numerous questions about the Program. Each Institution shall designate specific officials who will be the only persons authorized to respond to these questions. They will likely be Human Resource personnel, such as the campus Benefits Officer or other Personnel Department staff. The number of individuals appointed for this purpose should be kept to a minimum. The more individuals an Institution authorizes to answer questions, the greater the risk that an Institution's answers to questions will not be uniform.

B. Each Institution must ensure that the information provided to faculty members is accurate and generally consistent. This may be aided by presentations at scheduled Program orientations, like the faculty group meetings suggested in Section VI.B., above. These faculty and administrative personnel designated to provide Program information should be told not to respond to interpretive policy questions about the operation of the Program and, instead, advised to refer such questions to a single designated official of the Institution.

C. Institutions may seek assistance from representatives in the UNC General Administration Divisions of Academic Affairs, Legal Affairs, or Human Resources. This assistance is intended to be a source of information for each Institution's Program officials, not a hotline for faculty members.

D. A frequent question will likely be, "Should I apply to participate in the Program?" Faculty members should be advised that the decision to seek entry into the Program is a personal one and one they will have to make on their own. An Institution SHOULD NOT advise a faculty member to seek or not seek to participate in the Program. For example, a Program officer should not say, "If I were in your shoes, I would seek to participate," or "I think this is a good opportunity for you since you are close to retirement age."

E. The following do's and don'ts also may be helpful:

DO

- Spend as much time with the faculty member as necessary to fully explain the Program.
- Answer any question the faculty member has about the operation of the Program or the eligibility and disqualification provisions of the Program.

DON'T

- Provide an opinion to a faculty member on whether he or she should seek to participate in the Program.
- Indicate to a faculty member that anything about his or her current position and work at the Institution will change if he or she does not seek to participate in the Program.
- Give out names of faculty members who are participating or not participating in the Program.

- Discuss the effect that a faculty member's decision may have on another faculty member's opportunity to participate in the Program.
- Discuss or mention in any fashion or form the protected statuses included in Section 103 of *The Code*. These circumstances should play no part in information the Institution provides regarding the Program.

400.1.10[G]
Adopted 05/10/84
Repealed 11/14/17

**Guidelines on Teacher Education Program Actions under
Resolution 27 of the 1983 General Assembly**

During the 1983 Session, the General Assembly adopted Resolution 27 (House Bill 334) that urges the Board of Governors and the State Board of Education "to develop and implement experimental programs designed to improve the quality of the teaching in the public schools including exchanges among teachers in the public schools and university faculty members teaching courses in educational methods ..."

In that regard, there were discussions with the chancellors and with members of the University Council on Teacher Education about how to respond most effectively to the particular interest in exchanges expressed in the Resolution. Given the importance of this issue and the need to assure that the University is taking steps to strengthen every aspect of its teacher education programs, the institutions should initiate the following actions:

1. Arrangements should be made annually to assign at least two full-time faculty members in "educational methods" to teach in appropriate subject areas in public schools for a period of at least ten (10) consecutive school days. In association with such assignments, teachers from participating public schools should be invited to meet with methods classes. "Educational methods" is defined here to include courses in teaching methods and pedagogical techniques and the supervision of student teaching.
2. All such arrangements are to be reported when they are established so that timely reports can be made to the General Assembly. The institutions should submit annual reports to General Administration and the University Council on Teacher Education will be asked to assist in a review and evaluation of these activities.

These activities offer another opportunity for the University to improve its teacher education programs and to broaden our cooperation with individual schools and with the State Board of Education.

[This is a rewrite of Administrative Memorandum #197.]

Attachment: Resolution 27

General Assembly of North Carolina Session 1983

Ratified Bill

Resolution 27

House Bill 334

A JOINT RESOLUTION TO IMPROVE THE COMPETENCE OF FACULTY MEMBERS IN EDUCATIONAL METHODS IN THE UNIVERSITY, THE PRIVATE COLLEGES AND UNIVERSITIES AND IN THE PUBLIC SCHOOLS OF NORTH CAROLINA.

Whereas, the effectiveness of teachers in the public schools of North Carolina depends heavily upon the competence and ability of the faculty members in all approved college and university teacher education programs; and

Whereas, teaching competencies can be more effectively defined and developed by professionals with knowledge and experience pertinent to the contemporary public school classroom and through regular participation in teaching and learning; now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Board of Governors of The University of North Carolina and the State Board of Education are encouraged to develop and implement experimental programs designed to improve the quality of the teaching in the public schools including exchanges among teachers in the public schools and university faculty members teaching courses in educational methods in constituent institutions of the University of North Carolina, and the faculty members in private colleges and universities having approved teacher education programs to participate in exchanges and other experimental programs.

Section 2. The Board of Governors and the State Board of Education shall report to the Committees on Education and the Committees on Higher Education of the Senate and the House of Representatives on the progress of this program at the meeting of the 1983 General Assembly, Second Session, 1984.

Section 3. This resolution is effective upon ratification. In the General Assembly read three times and ratified, this the 10th day of June, 1983.

James C. Green
President of the Senate

Liston B. Ramsey
Speaker of the House of Representatives

400.3.5.1[G]
Adopted 09/22/94
Amended 04/12/96
Amended 01/13/06
Amended 11/14/17

Guidelines on Training, Monitoring, and Evaluating Graduate Teaching Assistants

I. Introduction

The University has an obligation to produce effective, dedicated, well-trained teacher-scholars to fill faculty ranks in the future. Graduate teaching assistants are a major means by which the University introduces young scholars to the professoriate.

Graduate teaching assistants are chosen from highly qualified students who have been accepted into the graduate programs of the University. The number and role of these assistants varies from institution to institution depending on the size of the graduate program, the particular culture of the institution, and the resources available to the institution for their training and support.

By supporting graduate students with assistantships, the University is able to compete in the recruitment of the very best applicants to our nationally recognized programs. The presence and service of bright and promising graduate students make our constituent institutions more valuable resources to the state and the nation.

Guided and supported by senior members of the profession, graduate students can grow in understanding and appreciation for the craft of their discipline through supervised practice and application of teaching and research methodologies.

In September 1993, the Board of Governors of the University of North Carolina adopted a report entitled *Tenure and Teaching in the University of North Carolina*, which included the following recommendation:

That greater efforts be made to develop and strengthen the teaching skills of graduate students, and that the Board of Governors ask the President to prepare, in consultation with the University-wide Graduate Council, a report with specific guidelines and recommendations for the training, monitoring, and evaluation of graduate students who teach courses in UNC institutions.

In the years since the Board adopted this recommendation, UNC campuses have established or enhanced procedures to develop and strengthen the teaching skills of graduate teaching assistants (GTAs) and have reported annually to the president and, through the president, to the Board of Governors on these efforts. In light of the procedures established by UNC institutions to ensure that GTAs are well-trained, supervised, and evaluated, the president issues the following guidelines.

II. Guidelines

The use of graduate teaching assistants within the university is subject to the principles and standards of the regional accrediting body, the Commission on Colleges of the Southern Association of Colleges and Schools (SACS). Institutions employing graduate teaching assistants should consult the current SACS standards, including Comprehensive Standard 3.7.1, *Credential Guidelines*:

Graduate teaching assistants: master's in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluation.

(Commission on Colleges, Southern Association of Colleges and Schools, *The Principles of Accreditation*, 2004.)

In addition, the following University guidelines have been established to ensure that graduate teaching assistants receive the appropriate training, monitoring, and evaluation.

1. Graduate teaching assistants must possess a demonstrated competence in the subject matter that they will be teaching as determined by experts in the field. They should have an appreciation for the theory and practice of the subject matter as well as an appreciation for the teaching and learning enterprise by means of required and optional teaching seminars, symposia, workshops, publications, and access to university staff resources. Competency to teach includes an effective command of the language of instruction, usually American English, and an appreciation for the culture of the American university classroom.

Appropriate procedures to assure competence include the following:

- GTAs will be offered a Teaching Contract from the hiring department or institution which outlines (a) educational requirements, (b) job requirements, (c) duties, and (d) performance standards. A logical and effective match must be established between the level and requirements of the teaching assignment and the experience and knowledge of the prospective GTA.

- In departments where teaching assistantships range from grading and discussion-group leadership to full-course responsibility, GTAs will be assigned to independent classes only after they have performed effectively in a less independent setting.

- Formal training and evaluation programs will be provided for GTAs who are assigned the responsibility for teaching an undergraduate class. At the beginning and during that assignment, the hiring department will provide resources and opportunities for continued growth and development of the GTAs in the theory and practice of teaching. These resources may be school-wide programs, departmentally based programs in discipline-centered pedagogy, programs developed by several participating departments, off-campus programs offered by other institutions or professional associations, or individual mentoring with faculty.

- Departments will provide GTAs and their faculty supervisors with appropriate written guidelines on academic procedures and provisions for formal training and evaluation. The information should include a directory of other university resources available for the further development and training of the GTA.

- The hiring department will verify that GTAs whose first language is not English possess adequate English language proficiency and communication skills. This verification will be in the form of a standardized test which includes an evaluation of verbal skills, supplemented by a personal review by the department's supervising faculty mentor. English as a Second Language courses and other activities, or alternative assignments for assistantships, will be provided to the GTA who does not meet adequate standards of English language proficiency.

- Offices that work with international students will be requested to cooperate with campus and departmental programs for international teaching assistants (ITAs) to facilitate their awareness of the culture of the American university classroom and approaches to communicate effectively to undergraduate students.

- Faculty members who train, supervise, mentor and evaluate GTAs do so as a component of their academic assignment. Such faculty will be recognized for their work and accorded opportunities for additional training and professional development.

2. Graduate teaching assistants must be graduate students in good standing in their programs, as defined by the employing institution.

3. Universities will honor effective graduate teaching assistants by establishing appropriate awards and honors to recognize them for outstanding teaching.

4. Universities must establish and maintain effective channels for communication and dialogue between all populations of the university community affected by the work of graduate teaching assistants. This communication may be facilitated in a number of ways, including appropriate representation of GTAs on campus-wide and departmental student-faculty

committees and the preparation of a brochure which discusses the role, selection, preparation, and supervision of GTAs, to be distributed to students, their families, and other groups as appropriate.

5. The chief academic officer (CAO) will designate the Graduate School or another appropriate administrative unit to oversee and facilitate the training, mentoring, supervision, and evaluation of graduate teaching assistants. At institutions which use graduate teaching assistants to teach undergraduate courses, the graduate dean or other appropriate administrative unit will report annually to the CAO on the effectiveness of GTAs, their utilization on campus, compensation, training, and the impact of their teaching on the overall teaching mission of the school. In addition, the report will document the impact and effectiveness of teaching by graduate students on their learning and professional development. The report will certify that an evaluation is on record for each GTA by a faculty member to whom the GTA is assigned.

6. Each program that utilizes graduate teaching assistants must develop, regularly update, and file with the appropriate administrative unit, as determined by the CAO, a plan for graduate teaching assistants including a definition of teaching tasks and responsibilities, provisions for support, supervision, and training for each type of teaching assignment, and provisions for feedback and evaluation. The plan should specifically address the selection, funding, training, mentoring, supervision, and evaluation of graduate teaching assistants. Programs must provide for a formal training program, classroom observations, explicit procedures for supervision and evaluation of GTAs. Formal evaluations of each GTA by an assigned faculty member must be kept on record.

Regulation on Administering Sponsored Programs

I. Purpose. This regulation establishes the general requirements, responsibilities, and relationships, with respect to sponsored programs, of the University of North Carolina and the 17 constituent institutions (together referred to as the "University"), and its faculty, staff, and students. "Sponsored programs" refers to scholarly, professional, and creative activities that University personnel conduct with support from external funding instruments such as grants, contracts, cooperative agreements, or other agreements deemed appropriate by the chancellors of constituent institutions, or the president for agreements issued to the University of North Carolina General Administration. Sponsored programs, therefore, are key instruments through which the University fulfills its diverse mission. The efficient and effective administration of sponsored programs is imperative.

II. Delegation of Authority. The Board of Governors retains overall policy-making authority with respect to sponsored programs. The Board of Governors has delegated contracting authority with regard to sponsored programs to the president, pursuant to Section 500.3 of the UNC Policy Manual. The president may further delegate authority to the chancellors for the conduct of sponsored programs of their respective constituent institutions. The authority not delegated, nor prohibited herein, is reserved to the institutions.

III. Guidelines. Generally, two basic features define sponsored programs: (1) they are separately supported in whole or in part by external sponsors, and (2) they are executed under the terms of agreement between the University and sponsors. While the specific instruments (e.g., grants, contracts, cooperative agreements) authorizing sponsored programs typically are associated with specific individuals or groups, those instruments legally are awarded to the constituent institution or the University of North Carolina. General criteria that must be considered in the development of sponsored programs include:

- A. Adequate budgetary support, both direct and indirect, is to be provided by the sponsor or other appropriate sources. No obligations are to be assumed without University authorization.
- B. Sponsored programs must be compatible with the overall mission of the University.
- C. Sponsored programs must be consistent with federal and state laws and University policies.

IV. The University of North Carolina General Administration Requirements and Responsibilities. The University of North Carolina General Administration will:

- A. Collect and review sponsored programs data from the constituent institutions and disseminate reports.
- B. Advocate for sponsored programs support and communicate the role of research.
- C. Provide leadership in the professional development of research administration staff concerning sponsored programs through support of networking, sharing best practices, and technical assistance.
- D. Maintain and disseminate guidelines and procedures related to sponsored programs.
- E. Interface with federal and state governmental entities on behalf of the constituent institutions on broad topics and themes that impact research administration.
- F. Facilitate interinstitutional collaboration on sponsored program activities.

V. Constituent Institution Requirements and Responsibilities. Each constituent institution will:

- A. Report sponsored programs data to the University of North Carolina General Administration consistent with established data definitions and procedures for submission.

- B. Ensure that sponsored programs are conducted and funds are used in a manner consistent with federal and state laws and University policies.
- C. Ensure that sponsored programs funds reside in a designated University account.
- D. Ensure that a statement of work and budget exists explaining the purpose and use of each sponsored program's funds.
- E. Ensure that only those with delegated authority enter into agreements that commit the University to provide for the delivery of goods or services.
- F. Ensure the constituent institution has granted prior approval for the following:
 - 1. Commitment to continue an activity, retain personnel, provide cash matching/cost sharing funds, or provide capital improvements or equipment beyond the expiration of sponsored support or in excess of institutional resource levels.
 - 2. Creation of a new organizational unit within the institution or the University.
 - 3. Creation of a new degree program.

VI. Faculty and Staff Requirements and Responsibilities. Each faculty or staff member involved with sponsored programs will:

- A. Submit all requests for support of sponsored programs through the appropriate institutional office for review and approval prior to submission to the sponsor.
- B. Adhere to all federal and state laws and University policies.
- C. Disclose all financial interests consistent with federal, state, University, and constituent institutions policies and procedures.
- D. Conduct sponsored program activities in accordance with the highest ethical standards.

VII. Other Matters

- A. Effective Date. The requirements of this regulation shall be effective on the date of adoption of this regulation by the president.
- B. Relation to Federal and State Laws and Policies. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or relate to the subject matter of this regulation.

600.3.3
Adopted 07/14/00
Repealed 11/03/17

Expenditure of Funds Generated Through Lapsed Salaries

Prior to the expenditure of funds generated through lapsed salaries, each chancellor shall submit to the Board of Governors, through the president, his/her respective plans and justifications for the expenditure of such funds. Further, the chancellors shall identify the staff positions by department or school that generated the lapsed salary funds. In the case of vacant positions, the plan should document the position and the length of time the position has been vacant, as well as the expected duration of the vacancy. A report shall be due on or before sixty days prior to the end of each fiscal year on all lapsed salaries. Reporting requirements are set out in policy 600.3.1.

600.3-4
Adopted 01/11/02
Amended 07/12/02
Amended 01/09/04
Amended 02/11/05
Amended 07/01/07
Amended 07/29/16
Amended 11/03/17

Granting of Management Flexibility to Appoint and Fix Compensation

I. Purpose

A. Pursuant to N.C.G.S. § 116-11(13), and other North Carolina law as referenced herein, and in an effort to enhance the administrative efficiency of the University, the Board of Governors has delegated to the president the authority to establish a human resources program and to approve management flexibility plans at constituent institutions for faculty and EHRA non-faculty (those employees exempt from Chapter §126 of the North Carolina General Statutes). (Section 200.6 of the UNC Policy Manual.)

B. In accordance with this authority, the president may further delegate authority for approving human resources matters within the UNC General Administration.

C. Also in accordance with this authority, the president hereby further delegates the authority to administer certain human resources actions as described in Section II of this policy to the boards of trustees for all constituent institutions.

D. Also in accordance with this authority, the president hereby further delegates additional authority to administer certain human resources actions as described in Section III of this policy to the boards of trustees for institutions with management flexibility (Special Responsibility Constituent Institutions).

E. The authority granted by the Board of Governors through the president is subject to the *Code* of the University of North Carolina, policies of the Board of Governors, and all applicable federal and state laws, policies, regulations, and rules. (See Section 200.6 of the UNC Policy Manual for limitations on the president's delegated authority.) Along with any other rules and regulations the Board of Governors and/or the president adopt, this policy requires each constituent institution to comply with all rules and regulations concerning equal employment opportunity; to act in recognition of funding availability and constraints within each institution's budget; and to take into account the actions of the Governor, the Office of State Budget and Management, and the General Assembly.

II. Authority Delegated to All Constituent Institutions

A. The president delegates to the board of trustees for each constituent institution the authority to execute the following personnel actions for faculty and EHRA non-faculty instructional, research, and public service (IRPS) employees:

1. Permanent and temporary appointments and salaries
2. Promotion, including faculty rank changes but excluding tenure
3. Permanent and temporary salary increases or stipends

B. The president further authorizes the boards of trustees for the constituent institutions to delegate any of these actions to their chancellors, or to specific designees of the chancellor by title, as they deem appropriate.

C. Notwithstanding the delegations above, the president may establish regulations and guidelines that limit delegation for certain actions (for example, salary adjustments) within these categories.

III. Delegation of Authority to Boards of Trustees of Institutions with Management Flexibility

A. Simultaneous with the president's authorization of an institution's management flexibility plan, the board of trustees of that institution is delegated the authority to execute the following personnel actions, which it shall not delegate further unless the president or the Board of Governors shall allow:¹

1. Upon recommendation of the chancellor, appoint² and fix the salary and non-salary compensation³ for all vice chancellors and other Tier 1 senior academic and administrative officers (as defined in Section I.A., of Policy 300.1.1) with the exclusion of the chancellor.
2. Approve appointments and salary changes for SAAO Tier 1 appointments, with the exclusion of the chancellor.
3. Upon recommendation of the chancellor, establish salary ranges for SAAO Tier 2 positions, consistent with both the salary ranges and the policies established by the Board of Governors and the regulations and guidelines established by the president. The institution may otherwise elect to adopt salary ranges established by the UNC General Administration for these positions.
4. Upon recommendation of the chancellor, and consistent with the approved tenure policies and regulations of each institution, confer permanent tenure.

B. Simultaneous with the president's authorization of an institution's management flexibility plan, the board of trustees of that institution is also delegated the authority for the following personnel actions, which it may further delegate to the chancellor and may authorize the chancellor to further delegate on a limited basis.⁴

1. Establish faculty salary ranges within different academic disciplines, based on relevant data.
2. Appoint and fix the compensation for faculty awarded the designation of Distinguished Professors.
3. Establish IRPS positions and salary ranges.

C. Salaries and salary ranges shall be consistent with salary ranges established or authorized by the UNC General Administration and consistent with guidelines established by the president. Notwithstanding the delegations above and the provisions of any existing approved management flexibility plan, the Board of Governors and/or the president may establish policies, regulations, or guidelines that limit delegation for certain actions (such as establishing mandatory salary ranges or salary adjustments) within the delegations listed in III.A., and III.B.

IV. Responsibility of the Board of Governors and the President

A. The Board of Governors shall:

1. Issue a resolution each year that (a) interprets legislative action regarding salaries and (b) sets annually the salary range for the president and, in consultation with

¹ The delegation authorized by this policy is in addition to the delegation by the Board of Governors to the boards of trustees contained in the Appendix to *The Code of the University of North Carolina*.

² For the purpose of this policy, the term "appoint" means the initial appointment, reappointment, or an appointment that constitutes a promotion or a significant change in position responsibilities.

³ Throughout this policy, all actions of a board of trustees of a Special Responsibility Constituent Institution to "fix the compensation" of employees are subject to the limitations contained in Sections II and III of this policy; the policies of the Board of Governors; guidelines and regulations established by the president; and institutional plans, policies, and procedures.

⁴ The chancellor may delegate authority only to the executive vice chancellor, provost, chief financial officer/chief business officer, and/or chief human resources officer, or any other director-level or senior officer with responsibility for campus-wide EHRA human resources actions.

the president, the salary ranges for the chancellors. These ranges will be based upon relevant available data.

2. Authorize the president's salary and, based on recommendations from the president, the chancellors' salaries.

3. Authorize appointments and employment contracts for the chancellors, the president, the general manager of UNC-TV, and the chief executive officer of the UNC Health Care System as well as authorize certain contract terms and conditions for athletic directors and head coaches at constituent institutions as defined in § 1100.3.

B. The president shall:

1. Establish SAAO Tier 1 and SAAO Tier 2 positions and their salary ranges, with the exclusion of those defined in IV.A., above. In addition, the president will consult with the Board's Committee on Personnel and Tenure for appointments and compensation for senior officers who report directly to the president.

2. The president may authorize any significant changes in the organizational structure of a constituent institution, such as re-organization resulting in the creation of a new vice chancellor, dean, or equivalent administrative position.

3. Review annually the salaries set by the medical schools at the University of North Carolina at Chapel Hill and East Carolina University to ensure that the salaries are coordinated and are consistent with relevant data in a national medical labor market.

4. Provide at least annually to the constituent institutions guidelines regarding EHRA appointments and salary actions.

5. Provide periodic faculty salary studies based on peer data.

6. Withdraw or further limit the delegation of management flexibility from any institution that does not adhere to the policies and procedures set forth in this policy. The president will notify the institution of the discrepancies, and if these are not adequately addressed in the judgment of the president, then the president shall withdraw the delegation. The president may reinstate delegation or remove restrictions to a constituent institution upon further review and following the requirements established in section V of this policy.

C. The Board of Governors and/or the president shall:

1. Conduct performance audits on policies, practices, and other matters related to delegation of management flexibility.

2. For institutions without management flexibility, the president and the Board of Governors shall have the same responsibilities and authority as set forth in the policy on Selection Criteria and Operating Guidelines for Special Responsibility Constituent Institutions.⁵

V. Submitting Institutional Plans for Management Flexibility for Personnel Appointments

The president has the authority to approve institutional management flexibility plans for personnel appointments. Upon approval, the board of trustees of a Special Responsibility Constituent Institution⁶ shall have the authority delegated by this policy. An institutional plan shall include the following:

A. Policies and procedures for promotion and tenure of faculty.

⁵ See Section 600.3.1 of the UNC Policy Manual and in particular Section 600.3.1.A.2.

⁶ In order for an institution to have management flexibility for personnel appointments, the institution must be designated and maintain the status of a Special Responsibility Constituent Institution.

1. An institutional policy for promotion and tenure⁷ that complies with *The Code* of the University of North Carolina, complies with current federal and state law, and provides clear requirements for promotion and the conferral of permanent tenure.
 2. A schedule and process for periodic review of promotion and tenure policies, including a process for amending promotion and tenure policies subject to review by the president or president's designee.
- B. Policies and procedures for senior academic and administrative officers (SAAO) and EHRA non-faculty.
1. Policies and procedures for establishing salary ranges for SAAO Tier 2 and for instructional, research, and public service (IRPS) EHRA non-faculty positions, consistent with the salary ranges and the policies established by the Board of Governors and the regulations and guidelines established by the president. The institution may otherwise elect to adopt salary ranges established by the UNC General Administration for these positions.
 2. Policies and procedures for the recruitment and selection of senior academic and administrative officers and other EHRA non-faculty positions.
- C. Policies and procedures for compensation policies for faculty and EHRA non-faculty.
1. An institutional policy on non-salary compensation of faculty and EHRA non-faculty, and on compensation from non-state sources such as grants, endowment funds, practice plan funds, etc.
 2. Documentation of comprehensive salary studies that establish salary ranges for tenured faculty within different disciplines based on relevant data and for EHRA non-faculty, including methodology and relevant data.⁸
 3. Documentation of EHRA salary-setting guidelines provided to institutional management.
- D. Policies and procedures for audits and accountability.
1. Documentation that the institution has not had audit findings related to personnel practices, salary, or payroll for the previous three years or, if there have been audit findings in this period, documentation supporting that any findings have been remedied.
 2. Documentation of appropriate accountability procedures in the event that the board of trustees delegates the authority granted pursuant to this policy to the chancellor.
- VI. Implementation of the Delegated Authority under Management Flexibility
- The president shall determine the effective date of the delegation authorized by this policy upon approval of the institution's management flexibility plan.

⁷ As applied to the North Carolina School of the Arts and the North Carolina School of Science and Mathematics, the terms "tenure policy" or "policy for promotion and tenure," as used herein, refer to the institution's policy governing the appointment of faculty.

⁸ When used in this policy, the phrase "relevant data" indicates that the institution shall draw comparisons to peer institutions as approved by the Board of Governors. Data from peer institutions will be used when available except in instances in which a campus can demonstrate legitimate labor market differences that justify the use of a supplemental or alternative set of peer institutions.

Guidelines on Recycling

The 1989 Session of the General Assembly produced legislation providing a statewide effort to reduce solid waste through economical reclaiming material which would otherwise be discarded as solid waste. The portion of the legislation known as the Solid Waste Management Act of 1989 (N.C.G.S. § 130A-309.1) provides for the reduction, recycling, and reuse or treatment of solid waste. The Act further establishes a goal of at least a 25 percent reduction in the total waste stream by January 1, 1993. To meet this goal, each state agency is required to develop a recycling plan which is consistent with the solid waste management policy of the state. The purpose of this policy is to provide an outline that will allow each constituent institution to develop solid waste recycling plans tailored to develop strategies and to utilize recycling resources both on campus and in the local area.

The following policy and procedural guidelines shall be incorporated into the institutional recycling plans:

1. Each constituent institution of the University shall develop a solid waste recycling plan and forward the plan to the North Carolina Department of Environment, Health and Natural Resources with a copy to UNC General Administration by May 1, 1992. To the extent that institutional plans have been previously developed, such plans should be reexamined in light of this policy statement.
2. Each campus will designate a person as the institutional recycling coordinator. Although certain institutions have previously established the recycling coordinator as a full-time position, most institutions will require designation of an individual on an *ad hoc* basis. It is not the intention of this policy to require establishment of a new position for this purpose.
3. Each institutional recycling plan should specifically prohibit non-conforming disposal of waste materials in violation of General Statutes.
4. Each campus should promote the purchase of commodities which are manufactured with recycled products where economically feasible to do so.
5. Each institutional plan should be developed with consideration of local or municipal efforts in recycling and joining with local programs where practical. Copies of a *Directory of North Carolina State and Local Contacts for Recycling Information and Assistance – 1991* and a *Directory of Industrial and Commercial Recyclers Serving North Carolina Businesses and Communities* have previously been provided. These documents are intended to enhance local contacts for joint recycling efforts and as a source of firms specializing in material recycling.
6. Each institutional recycling plan should include a time frame for reporting implementation of the plan. Also previously provided was a document entitled *Guidelines for Developing Recycling Implementation Plans for North Carolina State Agencies* which is intended to serve as a resource for determining program elements which should be considered for inclusion in the institutional recycling plan.

[This is a rewrite of Administrative Memorandum #320.]

*Moved from 600.5.6[G]

1000.2.2.1[R]
Adopted 10/22/77
Amended 02/08/91
Amended 12/01/99
Amended 10/12/01
Amended 08/16/06
Amended 05/19/10
Amended 03/02/15
Amended 11/14/17

Regulations on the Waiver of Tuition and Fees for Faculty and Staff

North Carolina General Statute § 116-143(d) provides for a waiver of tuition and fees for faculty and staff under certain conditions. Through its Policy on the Waiver of Tuition and Fees for Faculty and Staff, the Board of Governors has delegated to the president the authority to issue necessary and appropriate regulations. The following regulations are hereby adopted.

I. Definitions. With respect to the provisions of North Carolina General Statute § 116-143(d), the following terms are defined:

A. Employee. Employee shall mean an individual who is either a faculty member or a staff employee, employed by an Employing Institution, who is eligible for participation in either the NC Teachers' and State Employees' Retirement System or the UNC Optional Retirement Program.¹ The terms "faculty member" and "staff employee" shall include:

1. Personnel of the United States armed forces during the time they are assigned under military orders to a Reserve Officer Training Corps (ROTC) program of a constituent institution of the University of North Carolina as a permanent change of station; and
2. Civilian personnel federally employed thirty (30) or more hours per week on a continuing basis in a position adjunct to an ROTC program of a constituent institution of the University of North Carolina.

B. Employing Institution. Employing Institution shall mean a constituent institution of the University of North Carolina which is the employer of record, including the North Carolina School of Science and Mathematics, the University of North Carolina Health Care System, and General Administration.

C. Enrolling Institution. Enrolling Institution shall mean a constituent institution of the University of North Carolina in which the employee is enrolled and receiving academic credit and to which tuition/fees would be paid if not covered under tuition/fee waiver.

D. Fees. Fees shall mean those student fees required for the course(s) in which the Employee is enrolled. Each constituent institution must adopt a policy that specifies under what circumstances, if any, an Employee may receive a waiver of fees.

E. Normal Employment Obligations. Normal Employment Obligations shall mean those services that the Employee is obligated to perform for the Employing Institution.

F. Period of Normal Employment. Period of Normal Employment shall mean that period of time beginning with the effective date of permanent employment as defined in Section I.A., above, and ending with the effective date of discontinuation of employment.

G. Tuition. Tuition shall mean the tuition charged for credit instruction, regardless of when the instruction occurs or by what means it is delivered. Each constituent institution must adopt a policy that specifies under what circumstances, if any, an Employee may receive a waiver for receipts-supported courses. Pursuant to North Carolina General Statute § 116-143.1(m), an Employee of the University of North Carolina who is a legal resident of North

¹Employees are eligible for retirement system participation if they are employed on a recurring basis (permanent position) for thirty (30) or more hours per week for nine (9) or more months per calendar year.

Carolina qualifies as a resident for tuition purposes irrespective of the length of legal residency in the State.

H. Year. Year shall mean an academic year of fall semester, spring semester, and the summer sessions that follow, unless otherwise specified.

II. Limitations

Employees of an Employing Institution may, during the Period of Normal Employment enroll in certain courses free of charge of tuition and fees, as described in this regulation, provided the enrollment does not interfere with Normal Employment Obligations.

The waiver of tuition for an employee shall be limited to three (3) courses per academic year. The waiver of fees for an Employee may be limited according to institutional policy determined by the Board of Trustees of each employing institution.

The Employee must maintain Employee status, as defined above in Section I.A., for the duration of the course. Otherwise, the Employee shall be responsible for payment of all applicable tuition and fees. However, this payment requirement shall not apply to an Employee who is eligible under this policy at the time of enrollment in a course and is later reduced in force (SPA) or separated for budgetary reasons (EPA) prior to completion of the course. This exception does not apply to the end of a time-limited or term position.

III. General Fund Appropriations

Tuition-waiver enrollment of an Employee shall not be counted for the purpose of receiving general fund appropriations.

IV. Employing Institution Responsibility

The president, the chancellor, or his or her designee shall determine that enrollment in the course shall not interfere with the satisfactory performance of the Employee's Normal Employment Obligations.

V. Enrolling Institution Responsibility

The chancellor of the enrolling institution or his or her designee shall determine:

- A. The Employee seeking to enroll under this regulation is academically eligible for admission to the institution; and
- B. Space is available for the Employee's enrollment in the course.

VI. Employee Responsibility

Prior to the commencement of a course for which tuition and/or fee waiver is requested, the Employee shall:

- A. Complete the application form and obtain all required approvals from the Employing Institution and/or the Enrolling Institution according to procedures set forth by each institution, and;
- B. Deliver one (1) copy of the completed and approved application to the proper authority of the Employing Institution. If enrolling in an institution other than the Employing Institution, the Employee must provide an approved copy to the proper authority of the enrolling institution.

VII. Campus Policies and Procedures

Each constituent institution shall establish policies and procedures, including any delegations of authority, consistent with these regulations and as necessary to implement the Policy on the Waiver of Tuition and Fees for Faculty and Staff.

VIII. Taxability

Each constituent institution is responsible for ensuring that its employees are informed about the possible taxability of courses for which tuition and fees are waived and for appropriately withholding any expected taxes.

1300.6
Adopted 08/01/14
Amended 11/03/17

Policy on Efficiency and Effectiveness

The Board of Governors, consistent with its responsibility for the general direction and control of the University of North Carolina, is committed to ensuring continuous improvement in the consistency, efficiency and effectiveness of the operations of the University of North Carolina system, including the constituent institutions. It shall be the policy of the Board of Governors, the University's General Administration and the constituent institutions to identify and implement efficiencies that strengthen processes and productivity, that compete favorably with our peers and that generate cost or resource savings that may be reinvested to support key initiatives, approved by the Board of Governors, within the University's core mission of teaching, research, and public service.

The Board of Governors delegates to the president authority and responsibility to lead the University in the identification, implementation, and realization of academic and non-academic efficiencies in any area including, but not limited to, expanded shared services, strategic sourcing, non-instructional or instructional positioning, credit hour production, information technology infrastructure, utilization of facilities, energy consumption and such other areas as recommended by the Board of Governors. The Board of Governors shall, on recommendation of the president or on its own initiative, adopt metrics to track operational performance and shall use its best efforts to ensure that the University has the resources and expertise necessary to identify and implement efficiencies. This policy shall be implemented and applied in accordance with such regulations and guidelines as may be adopted by the president consistent with this policy.