

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

N.C. Gen. Stat. § 116-143(d) (G.S.) 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*,¹ the Board of Governors has delegated to the president the authority to issue necessary and appropriate regulations. The following regulation is hereby adopted.

I. Definitions. With respect to the provisions of G.S. 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 North Carolina Teachers' and State Employees' Retirement System (TSERS) or the UNC Optional Retirement Program (ORP).² 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 (UNC) System as a permanent change of station;
2. Civilian personnel federally employed 30 or more hours per week on a continuing basis in a position adjunct to an ROTC program of a constituent institution of the UNC System; and
3. Law enforcement officers at constituent institutions or affiliated entities with a probationary, time-limited, or permanent appointment employed 20 or more hours per week on a continuing basis, regardless of eligibility for participation in either the North Carolina Teachers' and State Employees' Retirement System (TSERS) or the UNC Optional Retirement Program (ORP). Temporary staff, including student temporary staff, are not considered law enforcement officers for purposes of this regulation.

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

C. Enrolling Institution. Enrolling Institution shall mean a constituent institution of the UNC System 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 G.S. 116-143.1(m), an employee of the UNC System who is a legal resident of North 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.

A. The waiver of tuition for an employee shall be limited to three 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.

B. Notwithstanding subsection II.A., of this regulation, and beginning in the 2021-22 academic year, law enforcement officers employed at constituent institutions or affiliated entities, excluding student employees who are working as part-time law enforcement officers, may enroll in an unlimited number of courses per academic year. In addition to the other requirements of this regulation, enrollment in courses by a campus law enforcement officer shall be subject to approval by the officer's campus police chief or director of campus safety and security. Enrollment in courses by the campus police chief or director of campus safety and security is subject to approval by the chief's or director's immediate supervisor.

C. 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 (SHRA) or separated for budgetary reasons (EHRA) 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 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 this regulation 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.

IX. 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 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.

¹Section 1000.2.2 of the UNC Policy Manual.

²Employees are eligible for retirement system participation if they are employed on a recurring basis (permanent position) for 30 or more hours per week for nine or more months per calendar year.