

**Regulation Concerning Discharge for Stated Cause  
for Non-Faculty Employees Exempt from the North Carolina Human Resources Act**

I. Background. Any non-faculty employees exempt from the North Carolina Human Resources Act (EHRA) may be discharged for stated cause.<sup>1</sup> Discharge for cause is to be distinguished from discontinuation with notice and automatic expiration of term contract as defined in UNC Policy 300.1.1, Policy on Employees Exempt from the North Carolina Human Resources Act. Additionally, discharge for cause shall be used to separate from employment any employee subject to this regulation who is appointed by a stated definite term appointment prior to the expiration of the term. At-will employees do not have a right to the discharge for cause process outlined in this regulation, regardless of whether grounds for a discharge for cause exist, and nothing in this regulation is intended to limit the university's discretion to elect to discontinue an at-will employee in accordance with UNC Policy 300.1.1.

II. Process for Discharge for Cause.

A. Stated Causes. Stated causes for discharge shall include, but not necessarily be limited to: incompetence, unsatisfactory job performance, neglect of duty, unacceptable personal conduct, misconduct, or any material violation of university policy.

B. Written Notice.

1. Discharge for cause is to be preceded by written notice of intent to discharge at least 24 hours prior to the scheduled pre-discharge conference.

2. The notice of intent to discharge shall include the following elements:

- a. date, time, and location of a pre-discharge conference;
- b. the procedures governing the pre-discharge conference;
- c. the basis of the proposed discharge; and
- d. the employee's review rights in the event of discharge.

3. If an employee covered by this regulation has not already been placed on administrative leave or reassignment pending the review or investigation of an alleged university policy violation or allegations that may support an instance of stated cause under this regulation, the president or chancellor, or their designee, as applicable, may place the employee on such administrative leave or reassignment when the employee is notified of the intent to discharge for cause. This administrative leave or reassignment may continue until the president or chancellor, or their designee, as applicable, has made a final decision concerning discharge. Any such placement on administrative leave or reassignment of the employee shall be with full pay, whether beginning while the review or investigation occurs or when the employee is notified of the intent to discharge.

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<sup>1</sup>For the discharge for cause of commissioned police officers, see Section III.

C. Scheduling of Pre-Discharge Conference and Disposition of Notice of Intent.

1. The purpose of scheduling the pre-discharge conference is to provide the affected employee with the opportunity to attend and respond to the basis for the proposed discharge.

2. The decision on the proposed discharge shall be made within seven (7) calendar days following the scheduled pre-discharge conference, and the employee shall be notified in writing of the decision.

a. If the decision is to discharge the employee, the notification shall inform the covered employee of the effective date of the discharge and notify the employee of any applicable review rights that may exist under relevant university policies and regulations.

b. As of the effective date of the discharge, any administrative leave with pay, if previously invoked, shall cease, and the covered employee's appointment with the university shall end without regard to whether the employee pursues any applicable review or appeal.

c. For avoidance of doubt, an employee's right to pay ends on the effective date of discharge, without regard to whether any review or appeal is pending.

III. Disciplinary Action and Discharge for Commissioned Police Officers. Notwithstanding the above provisions, any employee occupying a covered commissioned police officer position shall be subject instead to the disciplinary procedures as prescribed in Article 8 of G.S. 126 and applicable policy or regulation.

IV. Reviews of Personnel Actions. The UNC System Office and each constituent institution respectively shall adopt and publicize procedures to permit review of final decisions regarding discharge in accordance with the provisions of Section 612 of *The Code*.

V. Other Matters.

A. Effective Date. The requirements of this regulation shall be effective for any discharge for cause on or after the date this regulation is adopted.

B. Relation to Federal and State Laws. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments which may govern or relate to the subject matter of this regulation.