



TRANSMITTAL LETTER

The University of North Carolina
General Administration

Transmittal Number 97
January 23, 2015

THIS LETTER TRANSMITS CHANGES TO THE
*UNC POLICY MANUAL**

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|---|--|
| <i>The Code</i> Section 103 | Equality of Opportunity in the University* |
| <i>The Code</i> Section 604B | Impermissible Reasons for Nonreappointment* |
| 300.2.14 | Non-Salary and Deferred Compensation* |
| 300.7.2.1[G] | Guidelines for Implementation of the University of North Carolina Phased Retirement Program* |
| 700.1.1.1[R] | Regulations on Minimum Requirements for Undergraduate Admission* |
| 700.1.1.2[R] | Regulations on Transfer Student Admission* |
| 700.4.2 | Policy on Student Conduct* |
| 700.7.1[R] | Regulations for Military Student Success |
| 700.7.1[G] | Guidelines for Military Student Success |
| 1000.1.5[R] | Regulations on Tuition Surcharge |
| 1000.1.5[G] | Tuition Surcharge Guidelines – <i>Repealed</i> – (not included herein) |

*A redline version reflecting changes to the document is attached.

CHAPTER I - ESTABLISHMENT, INCORPORATION AND COMPOSITION OF THE
UNIVERSITY OF NORTH CAROLINA

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SECTION 103. EQUALITY OF OPPORTUNITY IN THE UNIVERSITY.

Admission to, employment by, and promotion in the University of North Carolina and all of its constituent institutions shall be on the basis of merit, and there shall be no unlawful discrimination against any person on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.

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CHAPTER VI - ACADEMIC FREEDOM AND TENURE

SECTION 604. APPOINTMENT, NONREAPPOINTMENT AND REQUIREMENTS OF NOTICE AND REVIEW FOR TENURE TRACK FACULTY.^{12.1}

604 A. Notice of Reappointment or Nonreappointment.

(1) The decision not to reappoint a faculty member at the expiration of a fixed term of service shall be made by the appropriate institutional faculty and administrative officers early enough to permit timely notice to be given.^{12.2} For full-time faculty at the rank of instructor, assistant professor, associate professor, or professor, the minimum requirement for timely notice shall be as follows:

(a) during the first year of service at the institution, the faculty member shall be given not less than 90 calendar days' notice before the employment contract expires; and

(b) during the second year of continuous service at the institution, the faculty member shall be given not less than 180 calendar days' notice before the employment contract expires; and

(c) after two or more years of continuous service at the institution, the faculty member shall be given not less than 12 months' notice before the employment contract expires.

(2) Notice of reappointment or nonreappointment shall be written. If the decision is not to reappoint, then failure to give timely notice of nonreappointment will oblige the chancellor thereafter to offer a terminal appointment of one academic year.

604 B. Impermissible Reasons for Nonreappointment.

In no event shall a decision not to reappoint a faculty member be based upon (a) the exercise by the faculty member of rights guaranteed by the First Amendment to the United States Constitution, or by Article I of the North Carolina Constitution, or (b) any of the protected statuses included in Section 103 of *The Code*, or other forms of discrimination prohibited under policies adopted by campus Boards of Trustees, or (c) personal malice. For purposes of this section, the term "personal malice" means dislike, animosity, ill-will, or hatred based on personal characteristics, traits or circumstances of an individual. See Policy 101.3.1 II.B. for details.

^{12.1}Because of the unique character and mission of the University of North Carolina School of the Arts and of the North Carolina School of Science and mathematics, regular faculty holding fixed-term contracts at those institutions are entitled to the rights afforded in this Section.

^{12.2}Faculty at North Carolina School of Science and Mathematics shall be given notice no later than January 15 during the first year of continuous regular service and no later than December 15 during the second or any subsequent year of continuous regular service.

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Non-Salary and Deferred Compensation

A. Non-salary compensation

1. Irrespective of the campus' status regarding management flexibility in personnel, all constituent institutions and the General Administration shall have a policy concerning the granting of non-salary compensation for all personnel exempt from the State Personnel Act except for the chancellor and the president. The policy shall either provide specified non-salary compensation to a defined category of employees uniformly or shall require approval by the board of trustees or Board of Governors upon recommendation by the chancellor or president, respectively, regarding non-salary compensation granted to an individual employee before non-salary compensation is provided.

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

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

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

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

B. Delayed or Deferred Salary/Compensation

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

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

deferred compensation also include both tax qualified and non-qualified plans, and any other similar form of payment, whether tax sheltered or not.

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

C. Non-salary or deferred compensation of Chancellors and President

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

D. Employees exempt from this policy

Members of faculty medical practice plans, such as physicians, dentists, and veterinarians, are exempt from this policy. Athletic directors and head coaches remain subject to Policy 1100.3 and its guideline, and are exempt from this policy.

E. Review and Approval

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

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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.
- 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.

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.

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 605A. 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"). Once developed, or when substantively amended, each Institution's Institutional Guidelines must be forwarded to the President of the University for the President's approval.

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 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 non-revocation 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.

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.

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

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.

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 605A. 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"). Once developed, or when substantively amended, each Institution's Institutional Guidelines must be forwarded to the President of the University for the President's approval.

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 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 non-revocation 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 ~~age, race, gender, national origin, disability, creed, color, veteran status, sexual orientation, or religion~~. These circumstances should play no part in information the Institution provides regarding the Program.

Regulations on Minimum Requirements for Undergraduate Admission

This regulation confirms the minimum undergraduate course requirements to be in effect at all constituent institutions.

I. Minimum Course Requirements (MCR) for Undergraduate Admissions

For degree-seeking applicants for first-time undergraduate¹ admission, the following courses will be required. An institution may add specific requirements.

A. MCR shall include:

Six course units² in **language**, including

- four units in **English** emphasizing grammar, composition, and literature, and
- two consecutive units of a **language other than English**.

Four course units of **mathematics**, in any of the following combinations:

- common core I, II, and III, and one unit beyond common core III;
- algebra I and II, geometry, and one unit beyond algebra II; or
- integrated math I, II, and III, and one unit beyond integrated math III.

(The fourth unit of math affects applicants to all institutions except the University of North Carolina School of the Arts.) In some cases, students may combine math courses from the different combinations listed above to meet the requirement. It is recommended that prospective students take a mathematics course unit in the twelfth grade.

Three course units in **science**, including

- at least one unit in a life or **biological science** (for example, biology),
- at least one unit in **physical science** (for example, physical science, chemistry, physics), and
- at least one **laboratory course**.

Two course units in **social studies**, including one unit in **U.S. history**, but an applicant who does not have the unit in U.S. history may be admitted on the condition that at least three semester hours in that subject will be passed by the end of the sophomore year.

¹A first-time undergraduate shall be defined as a degree-seeking student with no prior post-secondary experience (after high school) attending any institution for the first time at an undergraduate level. This includes students enrolled in academic or occupational programs. It also includes students enrolled in the fall term who attended college for the first time in the prior summer.

²"Course units" as defined in these requirements may include those high school-level courses taken and passed by an applicant after graduating from high school, as well as those taken while enrolled as a high school student. For some transfer students and students who graduated from high school prior to 1990, special considerations have been made.

B. For any individual who receives admission by this exception and has not met the requirement for the fourth unit of mathematics, then the student will have 12 months from the first day of the first semester of the first year to fulfill the requirement.

The course taken to fulfill this mathematics requirement may count as elective or general education credit.

II. Minimum Admissions Requirements (MAR).

All degree-seeking applicants for first-time admission as undergraduates must have:

A. A minimum 2.5 weighted high school grade point average (GPA);³ and

B. A minimum SAT of 800 or ACT of 17.

1. The SAT score scale on which this minimum standard is based is the sum of the critical reading and mathematics subtests, a sum that has a possible range of 400-1600. The ACT score scale on which this minimum standard is based is the average (rounded to the nearest whole number) of the four subtests, and the possible range is 1-36.

2. The standards may be met by a “superscore,” defined as a combination of subtests from more than one administration of the same test. However, the SAT scores may not be calculated by conversion of ACT scores, or vice versa.

III. Campus Criteria

Any campus may set admissions requirements that exceed minimums established by the Board of Governors upon the approval of their campus board of trustees.

IV. Applicants Who May Require Special Consideration or Exceptions to Policies

Each campus shall establish policies describing the admission of students requiring special consideration with regard to MCR or students for whom exceptions are made to MAR. Such students would not otherwise be admissible at the institution. Further evaluation of their records is necessary. Any student admitted who would not otherwise be admissible must show demonstrable promise for academic success at the institution. Policies must include faculty participation in the decision-making process and must be approved by the campus board of trustees.

A. Students Applying for Admission as First-Time Undergraduates

Institutions may waive some minimum course requirements for applicants who have superior academic records in high school, as measured by grades, rank in class, test scores, or the rigor of courses taken, or who demonstrate special talents. These applicants must have completed the eleventh grade and met virtually all of the minimum course requirements as well as requirements for high school graduation. Any student being admitted under the fourth math exception must comply with section I.B, above.

³The weighted GPA, as calculated from an unweighted base scale of four points, where added weighting is applied to accelerated, honors, and dual enrollment coursework.

1. The following groups of first-time, undergraduate applicants are exempt from one or both of the MAR criteria (grade point average and test scores), although institutions may set alternative undergraduate admissions requirements for these populations. Students in these categories are not counted as Chancellor's Exceptions.

a. Applicants who are at least 21 years old at the start of their first undergraduate term are exempt from both MAR and MCR;

b. Applicants who have earned at least 24 transferrable credits from a regionally accredited postsecondary institution⁴ are exempt from both MAR and MCR;

c. Graduates of home schools are exempt from the minimum GPA requirement but must meet the minimum test score and MCR;

d. Graduates of non-traditional high schools that do not have grades or operate on a scale other than that on which this admissions policy is based are exempt from the minimum GPA requirement but must meet the minimum test score and MCR; and

e. Graduates of foreign high schools for which high school GPA and/or required admissions test scores are not provided, or are provided on a scale that is not comparable to the GPA scale on which this admissions policy is based, may be exempt from the MAR.

2. In instances where an admissions officer requires supplemental information about academic performance in order to enforce the Board of Governors standards, the ACT with writing or SAT II achievement tests shall be considered acceptable. This regulation limits the supplemental information an admissions officer may request to one of the two tests. Admissions officers should refrain from setting any minimum scores on these tests unless and until they have been validated for predicting graduation and retention and found to be nondiscriminatory with regard to these applicants.⁵

B. Chancellor's Exceptions

1. A Chancellor's Exception may be applied to any first-time undergraduate who:

a. Does not meet the SAT/ACT minimum requirement;⁶ and/or

⁴Transferrable undergraduate credit counted as part of these 24 hours shall also include credit earned at foreign institutions deemed to have the equivalence of regional accreditation. Equivalence of regional accreditation generally refers to recognition by the foreign country's Ministry of Education and/or recognition by a credible organization offering credential evaluation services. Undergraduate credits awarded for AP, IB, or other credit by exam may not be included as part of these 24 hours.

⁵Validation can be either through national, UNC system, or campus data.

⁶Mapping from a below-threshold score on one test to an above-threshold score on another test by means of concordance tables or other methodologies is not permitted.

- b. Does not meet the minimum high school GPA requirement.
2. The maximum number of Chancellor's Exceptions is limited to one percent (1%) of the total number of first-time undergraduate applicants accepted in the academic year of admittance.⁷ The calculation of this one percent shall exclude the populations described in paragraph IV.A.2.⁸
 - a. Graduates of home schools shall only be excluded from GPA requirements, not test score requirements.
 - b. Graduates of high schools that do not have grades shall only be excluded from GPA requirements, not test score requirements.
 - c. Graduates of high schools with grades on a scale other than that described in I.A., of this regulation shall be excluded from GPA requirements for the purposes of calculating this percentage. However, campuses shall be responsible for applying consistent methodologies for determining applicant admissibility and shall report the alternative grading scales and grade averages to General Administration. General Administration shall monitor the distribution of those alternative grades.
3. Students admitted through Summer Bridge or other summer enhancement programs must still meet MAR or otherwise be counted as Chancellor's Exceptions.

V. Reporting Requirements

A report of the admission of students requiring special consideration and Chancellor's Exceptions must be made annually to the board of trustees at each respective campus. Notation of any special consideration or exceptions shall be required annually as a part of student data reported to General Administration. Responsibility for oversight rests with the chancellor.

⁷Calculation of the exceptions for an academic year will include students granted admission and requiring exception in the summer terms preceding the fall term of that academic year.

⁸Specifically, populations for whom neither GPA nor test scores are required will be excluded from both numerator and denominator in calculating the percentage of Chancellor's Exceptions, and populations for whom one of those components (GPA or test score) is not required will be included in the calculation and assumed to have met the requirement for the non-required component.

Regulations on Minimum Requirements for Undergraduate Course Requirements and the Admission of Students Requiring Special Consideration

This regulation confirms the minimum undergraduate course requirements to be in effect at all constituent institutions ~~beginning with the fall of 2004 and continuing.~~

I. Minimum Undergraduate Course Requirements: (MCR) for Undergraduate Admissions

~~For students who graduate from high school in 2003-04 and beyond, degree-seeking applicants for first-time undergraduate¹ admission, the following courses will be required for admission, in addition to an institution's own. An institution may add specific requirements:~~

~~———— In addition, it is recommended that prospective students complete at least one mathematics course unit in the twelfth grade.~~

~~———— “Course units” as defined in these requirements may include those high school level courses taken and passed by an applicant after graduating from high school, as well as those taken while enrolled as a high school student.~~

~~———— For students who graduate from high school in 2005-06 and beyond, the following courses will be required for admission, in addition to an institution's own specific requirements:~~

~~Applicants Who May Require Special Consideration for A. MCR Requirements~~

~~Special Consideration 1~~

~~———— Applicants who are at least 24 years old and are seeking admission as nontraditional students: institutions may waive some of the minimum requirements for applicants in this category.~~

~~Special Consideration 2~~

~~———— Applicants with superior academic records in high school who have completed the 11th grade and have met virtually all the minimum course requirements as well as the requirements for high school graduation: institutions may waive some of the minimum requirements for these applicants.~~

~~Special Consideration 3~~

¹A first-time undergraduate shall be defined as a degree-seeking student with no prior post-secondary experience (after high school) attending any institution for the first time at an undergraduate level. This includes students enrolled in academic or occupational programs. It also includes students enrolled in the fall term who attended college for the first time in the prior summer.

~~Transfer applicants who~~

~~(a) have received the associate of arts, the associate of science, the associate of fine arts, the baccalaureate or any higher level degree, or~~

~~(b) have successfully completed the 44 hour general education core courses needed to satisfy the requirements of the Comprehensive Articulation Agreement between the University of North Carolina and the North Carolina Community College System, or~~

~~(c) have completed at least six (6) semester hours of degree credit hours in each of the following subjects: English, mathematics, the natural sciences, the social and behavioral sciences, and (for students who graduate from high school in 2004 and beyond) a second language;~~

~~will be considered to have satisfied the minimum course requirements.~~

~~Special Consideration 4~~

~~Applicants who apply to the University of North Carolina School of the Arts and do not meet the minimum high school course unit requirements: UNCSA may admit such applicants on the condition that course deficiencies be removed by successfully completing required courses in the UNCSA high school program by the end of the freshman year.~~

~~Special Consideration 5~~

~~The University of North Carolina and its constituent institutions are committed to equality of opportunity. There will be no discrimination on the part of the constituent institutions of the University against applicants for admission, regardless of whether they attended a public or non-public high school.~~

~~Therefore, it is the intention of the University to administer nondiscriminatory admissions policies by fairly evaluating the records of applicants.~~

~~The undergraduate admissions policy of each constituent institution shall define a uniform set of application materials for all applicants that comprise a complete application for admission. No additional information will be required from any applicant based upon the type of high school attended. Whenever the information presented by any applicant to any of the constituent institutions of the University of North Carolina does not clearly indicate whether an applicant is admissible under the institution's current policy, the institution may request supplemental information and test scores. Additional information or testing may not be arbitrarily requested. Although the institution may recommend the test alternatives that it believes will maximize the applicant's chance of acceptance, the choice of which supplemental test scores to submit is left to the applicant. include:~~

Six course units² in **language**, including

- four units in **English** emphasizing grammar, composition, and literature, and
- two consecutive units of a **language other than English**.

Four course units of **mathematics**, in any of the following combinations:

- common core I, II, and III, and one unit beyond common core III;
- algebra I and II, geometry, and one unit beyond algebra II; or
- integrated math I, II, and III, and one unit beyond integrated math III.

(The fourth unit of math affects applicants to all institutions except the University of North Carolina School of the Arts.) In some cases, students may combine math courses from the different combinations listed above to meet the requirement. It is recommended that prospective students take a mathematics course unit in the twelfth grade.

Three course units in **science**, including

- at least one unit in a life or **biological science** (for example, biology),
- at least one unit in **physical science** (for example, physical science, chemistry, physics), and
- at least one **laboratory course**.

Two course units in **social studies**, including one unit in **U.S. history**, but an applicant who does not have the unit in U.S. history may be admitted on the condition that at least three semester hours in that subject will be passed by the end of the sophomore year.

~~———— All of the constituent institutions of the University of North Carolina accept SAT I or ACT scores in support of an application for admission. Whenever a student applies from a high school where class rank or grade point average is not available or readily assessable, the applicant is encouraged to submit supplemental test scores.~~

Special Consideration 6

~~———— Other applicants who, due to unusual or special circumstances, do not meet all of the minimum high school course unit requirements but who have achieved a superior academic record, as measured by grades, rank in class, admissions tests scores, the rigor of courses taken, or who demonstrate special talents: institutions may waive some of the minimum requirements for applicants in this category upon a finding that such individuals are qualified. The process resulting in an exception must include faculty participation with final authorization for an exception to be made by the chancellor.~~

²“Course units” as defined in these requirements may include those high school-level courses taken and passed by an applicant after graduating from high school, as well as those taken while enrolled as a high school student. For some transfer students and students who graduated from high school prior to 1990, special considerations have been made.

B. For any individual who receives admission by this exception and has not met the requirement for the fourth unit of mathematics ~~(beginning in Fall 2006)~~, then the student will have 12 months from the first day of the first semester of the first year to fulfill the requirement. ~~The course taken to fulfill this mathematics requirement may count as elective credit, but cannot be used to fulfill general education requirements after August 1, 2007. Exceptions may be granted for the fourth unit of mathematics requirement under this policy until September 1, 2014. A review of the fourth mathematics requirement will be undertaken in the fall of 2013 to determine the appropriate regulation for the fourth mathematics requirement.~~

Reporting Requirements

~~Reports on exceptions under each of the foregoing categories will be required annually as a part of the student data file. In addition, reports will be required annually to show that students who received exceptions from the fourth unit of mathematics have fulfilled this requirement by the start of the student's second year of study. Responsibility for oversight rests with the chancellor.~~

The course taken to fulfill this mathematics requirement may count as elective or general education credit.

II. Minimum Admissions Requirements (MAR).

All degree-seeking applicants for first-time admission as undergraduates must have:

A. A minimum 2.5 weighted high school grade point average (GPA);³ and

B. A minimum SAT of 800 or ACT of 17.

1. The SAT score scale on which this minimum standard is based is the sum of the critical reading and mathematics subtests, a sum that has a possible range of 400-1600. The ACT score scale on which this minimum standard is based is the average (rounded to the nearest whole number) of the four subtests, and the possible range is 1-36.

2. The standards may be met by a "superscore," defined as a combination of subtests from more than one administration of the same test. However, the SAT scores may not be calculated by conversion of ACT scores, or vice versa.

III. Campus Criteria

Any campus may set admissions requirements that exceed minimums established by the Board of Governors upon the approval of their campus board of trustees.

³The weighted GPA, as calculated from an unweighted base scale of four points, where added weighting is applied to accelerated, honors, and dual enrollment coursework.

IV. Applicants Who May Require Special Consideration ~~for Campus Criteria~~ or Exceptions to Policies

Each campus shall establish ~~a policy for~~ policies describing the admission of students requiring special consideration with regard to ~~campus-based admissions criteria. The policy shall describe the process for admitting students requiring special consideration and must include faculty participation in the decision-making process. The policy and any subsequent changes to the policy must be approved by the Board of Trustees at the campus.~~

~~Students included in this category may or may not have met all the MCR requirements. However, these students require special consideration because they MCR or students for whom exceptions are made to MAR. Such students would not otherwise be admissible at the respective institution without. Further evaluation of their records is necessary. Any student admitted who requires special consideration would not otherwise be admissible must show demonstrable promise for academic success at the institution. Policies must include faculty participation in the decision-making process and must be approved by the campus board of trustees.~~

A. Students Applying for Admission as First-Time Undergraduates

Institutions may waive some minimum course requirements for applicants who have superior academic records in high school, as measured by grades, rank in class, test scores, or the rigor of courses taken, or who demonstrate special talents. These applicants must have completed the eleventh grade and met virtually all of the minimum course requirements as well as requirements for high school graduation. Any student being admitted under the fourth math exception must comply with section I.B. above.

1. The following groups of first-time, undergraduate applicants are exempt from one or both of the MAR criteria (grade point average and test scores), although institutions may set alternative undergraduate admissions requirements for these populations. Students in these categories are not counted as Chancellor's Exceptions.

a. Applicants who are at least 21 years old at the start of their first undergraduate term are exempt from both MAR and MCR;

b. Applicants who have earned at least 24 transferrable credits from a regionally accredited postsecondary institution⁴ are exempt from both MAR and MCR;

⁴Transferrable undergraduate credit counted as part of these 24 hours shall also include credit earned at foreign institutions deemed to have the equivalence of regional accreditation. Equivalence of regional accreditation generally refers to recognition by the foreign country's Ministry of Education and/or recognition by a credible organization offering credential evaluation services. Undergraduate credits awarded for AP, IB, or other credit by exam may not be included as part of these 24 hours.

c. Graduates of home schools are exempt from the minimum GPA requirement but must meet the minimum test score and MCR;

d. Graduates of non-traditional high schools that do not have grades or operate on a scale other than that on which this admissions policy is based are exempt from the minimum GPA requirement but must meet the minimum test score and MCR; and

e. Graduates of foreign high schools for which high school GPA and/or required admissions test scores are not provided, or are provided on a scale that is not comparable to the GPA scale on which this admissions policy is based, may be exempt from the MAR.

2. In instances where an admissions officer requires supplemental information about academic performance in order to enforce the Board of Governors standards, the ACT with writing or SAT II achievement tests shall be considered acceptable. This regulation limits the supplemental information an admissions officer may request to one of the two tests. Admissions officers should refrain from setting any minimum scores on

these tests unless and until they have been validated for predicting graduation and retention and found to be nondiscriminatory with regard to these applicants.⁵

B. Chancellor's Exceptions

1. A Chancellor's Exception may be applied to any first-time undergraduate who:

a. Does not meet the SAT/ACT minimum requirement;⁶ and/or

b. Does not meet the minimum high school GPA requirement.

2. The maximum number of Chancellor's Exceptions is limited to one percent (1%) of the total number of first-time undergraduate applicants accepted in the academic year of admittance.⁷ The calculation of this one percent shall exclude the populations described in paragraph IV.A.2.⁸

⁵Validation can be either through national, UNC system, or campus data.

⁶Mapping from a below-threshold score on one test to an above-threshold score on another test by means of concordance tables or other methodologies is not permitted.

⁷Calculation of the exceptions for an academic year will include students granted admission and requiring exception in the summer terms preceding the fall term of that academic year.

⁸Specifically, populations for whom neither GPA nor test scores are required will be excluded from both numerator and denominator in calculating the percentage of Chancellor's Exceptions, and populations for whom one of those

a. Graduates of home schools shall only be excluded from GPA requirements, not test score requirements.

b. Graduates of high schools that do not have grades shall only be excluded from GPA requirements, not test score requirements.

c. Graduates of high schools with grades on a scale other than that described in I.A., of this regulation shall be excluded from GPA requirements for the purposes of calculating this percentage. However, campuses shall be responsible for applying consistent methodologies for determining applicant admissibility and shall report the alternative grading scales and grade averages to General Administration. General Administration shall monitor the distribution of those alternative grades.

3. Students admitted through Summer Bridge or other summer enhancement programs must still meet MAR or otherwise be counted as Chancellor's Exceptions.

V. Reporting Requirements

A report ~~on~~of the admission of students requiring special consideration and Chancellor's Exceptions must be made annually to the board of trustees at each respective campus. Notation of any special consideration or exceptions shall be required annually as a part of student data reported to General Administration. Responsibility for oversight rests with the chancellor.

components (GPA or test score) is not required will be included in the calculation and assumed to have met the requirement for the non-required component.

Regulations on Transfer Student Admission

The following regulations are designed to provide system-wide consistency and clarity regarding the definitions and treatment of undergraduate transfer students for admissions purposes, the transfer of credits, and services supporting transfer student success.

I. Definitions. These definitions are intended only for UNC system data reporting purposes. For purposes of determining admissions and student services eligibility, other UNC policy provisions and/or campus specific admissions and eligibility see UNC Policy Manual 700.1.1.1[R] and 700.1.1.2[R], Section II.

A. An undergraduate first-time student is one who has not attended another postsecondary institution after graduating from high school. It also includes students enrolled in the fall term who attended college for the first time in the prior summer.

B. An undergraduate transfer student is one who has attended another postsecondary institution after graduating from high school.

II. Admission of Transfer Students

A. For purposes of undergraduate admission, transfer applicants who have earned at least 24 transferrable undergraduate credits from one or more regionally accredited, post-secondary institutions shall not be required to meet Minimum Admissions Requirements (MAR) and Minimum Course Requirements (MCR).

1. Transferrable undergraduate credit counted as part of these 24 hours shall also include:

a. Credit earned at foreign institutions deemed to have the equivalence of regional accreditation; equivalence of regional accreditation generally refers to recognition by the foreign country's Ministry of Education and/or recognition by a credible organization offering credential evaluation services; and

b. Credit awarded for prior learning as part of military service, with the military branch designated as the transfer institution.

2. Undergraduate credits awarded for AP, IB, or other credit by exam shall not be included as part of these 24 hours.

3. The 24-hour credit threshold is a minimum threshold with which all UNC campuses must comply. Campuses may, however, choose to set thresholds above the system-wide minimum.

4. Applicants under the age of 21 with fewer than 24 hours of transferrable undergraduate credit earned in a post-secondary institution must meet MAR and MCR, unless campus specific exceptions are made (Section F., below).

B. Transfer applicants who are 21 years of age or older shall not be required to meet MAR and MCR for admissions purposes, though institutions shall only admit applicants who meet campus-specific admissions requirements.

C. UNC institutions shall comply with all requirements of the policy on Military Student Success (700.7.1), though institutions shall only admit applicants who meet campus-specific admissions requirements.

D. UNC institutions shall comply with all requirements of the Comprehensive Articulation Agreement (CAA), though institutions shall only admit applicants who meet campus-specific admissions requirements.

E. UNC institutions shall publish any further criteria used to determine admissibility of transfer applicants, including minimum required transfer credits, minimum GPA, and other factors.

F. Each campus shall establish policies describing the admission of transfer students for whom exceptions are made to MCR and/or MAR. Criteria pertaining to admissions exceptions shall be developed with faculty participation and approved by the campus board of trustees.

III. Acceptance of Transfer Credits

A. UNC institutions shall determine and publish the procedures and criteria for accepting transfer credits.

1. The procedures shall identify the positions or offices that determine transferability and the process for appealing such determinations;

2. The criteria shall address minimum grades required in courses and other considerations for determining transferability of credits;

3. These criteria shall be consistent with the Comprehensive Articulation Agreement and the Military Student Success policy.

B. Each campus shall apply the tuition surcharge to all transfer credits accepted by the institution based on the Tuition Surcharge policy and regulations (1000.1.5 and 1000.1.5[R]).

IV. Transfer of Student Success

A. Consistent with its institutional mission, each UNC institution shall establish programs and resources to promote the success of all transfer students.

B. These programs and resources may include special orientation sessions, designated first-year seminars for transfer students, academic advisement resources specifically for transfer students, financial aid counseling, inclusion in early warning systems, and others.

C. UNC General Administration shall work with institutions to develop effective reporting protocols for transfer student persistence and graduation rates in order to promote the development and improvement of campus-based services and resources to support transfer student success.

D. UNC General Administration shall facilitate the sharing of information among institutions about successful strategies employed by UNC campuses for promoting the success of transfer students.

Policy on Student Conduct

I. Purpose

The Code of the University of North Carolina describes the University as an academic community “dedicated to the transmission and advancement of knowledge and understanding.” Pursuant to *The Code*, the Board of Governors is committed to supporting and encouraging “freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.” *The Code* also provides, “The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.”

These freedoms come with certain responsibilities. Faculty and students “share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.” Students, specifically, must conduct “themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.”

Balancing these freedoms and responsibilities can be challenging. The Board of Governors is committed to preserving and protecting these freedoms, while recognizing that certain conduct which intentionally targets a person or identifiable group of persons based in whole or in part upon any of the protected statuses included in Section 103 of *The Code* may interfere with the University’s core mission of advancing knowledge and understanding. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to advance the University’s mission, the Board of Governors’ adopts this policy. This policy is not intended to expand the legal rights of any person or identifiable group of persons under state or federal law.

Every constituent institution has adopted a student code of conduct that establishes rules and regulations concerning student conduct and discipline. All such codes of conduct address criminal and unlawful conduct, as well as behaviors that violate University policies, rules or regulations. University Policy 700.4.1 sets forth the minimum procedural and substantive due process standards applicable to student disciplinary proceedings. This companion policy reflects recommendations received by the President on March 31, 2009, from the UNC Study Commission to Review Student Codes of Conduct Relating to Hate Crimes. It sets forth provisions for inclusion in all UNC campus student codes of conduct. These provisions are not exclusive. Student codes of conduct may include other provisions not inconsistent with these mandatory provisions. This policy also accommodates the different legal standards that may apply to the high school programs at the North Carolina School of Science and Mathematics and the UNC School of the Arts.

II. Mandatory Provisions

A. The following statements shall be included in all codes of student conduct:

1. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.
2. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.
3. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline.

B. The following provisions addressing specific student conduct that could lead to disciplinary action shall be included:

1. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based in whole or in part upon any of the protected statuses included in Section 103 of *The Code*.

2. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:

- a. Directed toward a particular person or persons;
- b. Based in whole or in part upon any of the protected statuses included in Section 103 of *The Code*;
- c. Unwelcome;
- d. Severe or pervasive;
- e. Objectively offensive; and
- f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

3. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

III. Discipline

Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of *The Code*, Policy 700.4.1, and applicable campus policies.

IV. Education and Advancement

University and campus attorneys, student affairs personnel, and campus law enforcement shall familiarize themselves and remain current regarding legal standards applicable to targeting individuals based in whole or in part upon any of the protected statuses included in Section 103 of *The Code* through

- A. Unlawful threats, or
- B. Unlawful harassment creating a hostile environment as defined in this policy.

Policy on Student Conduct

I. Purpose

The Code of the University of North Carolina describes the University as an academic community “dedicated to the transmission and advancement of knowledge and understanding.” Pursuant to *The Code*, the Board of Governors is committed to supporting and encouraging “freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion, and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.” *The Code* also provides, “The University and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.”

These freedoms come with certain responsibilities. Faculty and students “share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.” Students, specifically, must conduct “themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.”

Balancing these freedoms and responsibilities can be challenging. The Board of Governors is committed to preserving and protecting these freedoms, while recognizing that certain conduct which intentionally targets a person or identifiable group of persons based in whole or in part upon any of the protected statuses included in Section 103 of *The Code*~~upon the person’s or identifiable group’s race, color, religion, national origin, gender, sexual orientation, gender identity, creed, disability, or veteran status~~ may interfere with the University’s core mission of advancing knowledge and understanding. Accordingly, to support and assist the constituent institutions of the University of North Carolina in their continuing efforts to advance the University’s mission, the Board of Governors’ adopts this policy. This policy is not intended to expand the legal rights of any person or identifiable group of persons under state or federal law.

Every constituent institution has adopted a student code of conduct that establishes rules and regulations concerning student conduct and discipline. All such codes of conduct address criminal and unlawful conduct, as well as behaviors that violate University policies, rules or regulations. University Policy 700.4.1 sets forth the minimum procedural and substantive due process standards applicable to student disciplinary proceedings. This companion policy reflects recommendations received by the President on March 31, 2009, from the UNC Study Commission to Review Student Codes of Conduct Relating to Hate Crimes. It sets forth provisions for inclusion in all UNC campus student codes of conduct. These provisions are not exclusive. Student codes of conduct may include other provisions not inconsistent with these mandatory provisions. This policy also accommodates the different legal standards that may apply to the high school programs at the North Carolina School of Science and Mathematics and the UNC School of the Arts.

II. Mandatory Provisions

A. The following statements shall be included in all codes of student conduct:

1. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.
2. All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

3. Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline.

B. The following provisions addressing specific student conduct that could lead to disciplinary action shall be included:

1. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based in whole or in part upon any of the protected statuses included in Section 103 of The Code~~upon the person's race, color, religion, national origin, gender, sexual orientation, gender identity, creed, disability, or veteran status.~~

2. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:

a. Directed toward a particular person or persons;

b. Based in whole or in part upon any of the protected statuses included in Section 103 of The Code~~upon the person's race, color, religion, national origin, gender, sexual orientation, gender identify, creed, disability, or veteran status;~~

c. Unwelcome;

d. Severe or pervasive;

e. Objectively offensive; and

f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

3. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

III. Discipline

Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of *The Code*, Policy 700.4.1, and applicable campus policies.

IV. Education and Advancement

University and campus attorneys, student affairs personnel, and campus law enforcement shall familiarize themselves and remain current regarding legal standards applicable to targeting individuals based in whole or in part upon any of the protected statuses included in Section 103 of The Code~~upon race, color, religion, national origin, gender, sexual orientation, gender identify, creed, disability, or veteran status~~ through

A. Unlawful threats, or

B. Unlawful harassment creating a hostile environment as defined in this policy.

Regulations for Military Student Success

This regulation provides a framework for the constituent institutions of the University of North Carolina to develop and maintain a comprehensive network of services for military-affiliated students seeking to meet their educational goals. This regulation implements the requirements of UNC Policy Manual, Section 700.7.1 and intends to promote the general welfare of service members, veterans, spouses, and dependent family members at the constituent institutions.

I. Admission of Active Duty Service Members and Veterans. For purposes of undergraduate admission, all persons having completed a minimum of three years of active duty service¹ will be considered transfer students in the admissions process pursuant to UNC Policy Manual, Section 700.1.1.2[R], with the branch of service functioning as the institution of transfer. Applicants in this profile shall be required to submit the high school transcript or GED, college transcript(s) (if applicable) and relevant military transcript for evaluation.

A. For applicants who have completed a minimum of three years of active duty service, but do not meet the campus specific transfer admission requirements, constituent institutions are encouraged to develop academic contracts² to assure admission for a future term. Upon successful completion³ of college-level courses required for admission as outlined in the academic contract, these students will be admitted subject to campus safety policies and procedures.⁴

B. Application Fees for Active Duty Service Members. Campuses are encouraged to waive the admissions application fee for all service members if they are in an active duty status at the time of application.

II. Data Collection and Reporting on Military-Affiliated Students. Consistent with the recommendations contained in the *UNC SERVES April 2010 Report to the President* and the intent of the President of the United States' Executive Order 13607, "Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members" issued April 27, 2012, University of North Carolina constituent institutions shall establish a section in their undergraduate and graduate admissions application entitled, "Military Status for Financial Aid and Residency Determination."⁵

The General Administration will work with the constituent institutions to create space in the Student Data File for the information and develop an annual report of this information.

Campuses must develop appropriate protocols to assure the security of all information related to status of active-duty students and students eligible to be activated.

¹ Years of service should be calculated on a calendar years basis from date of enlistment to present (if still enlisted) or exit date (if discharged or retired). Student should provide proof of enlistment and exit date (if discharged or retired) by submitting one of the following:

- Most recent Leave and Earnings Statement (enlisted)
- DD214 (discharged or retired)

² See UNC Policy Manual, Section 700.7.1[G].

³ A minimum GPA of no less than 2.0 defines "successful," but does not guarantee admissions.

⁴ Required checks for campus safety will be performed.

⁵ The questions posed in this section are detailed in UNC Policy Manual, Section 700.7.1[G].

III. Residency Status for Military-Affiliated Students.

A. Campuses shall clearly articulate the process for military-affiliated students to establish residency. All campus processes shall comply with State law and the North Carolina State Residence Classification Manual. The procedures shall be publicized as part of both undergraduate and graduate recruitment and admissions. Campuses shall publicly publish a clearly articulated appeals process that includes the rights and responsibilities of the student as outlined in the North Carolina State Residence Classification Manual (section V. Procedures, subsection D. Student Appeals to Residence Appeals Board).

B. Campuses shall train the appropriate staff to provide accurate and adequate information on these issues to military-affiliated students. Professional advisors and faculty should be alerted to the continuous enrollment provisions in order to assist military-affiliated students in making the best decisions about their academic program choices.

IV. Campus Support Structures for Military-Affiliated Students

A. Campus-Based Military Affairs Committee. Campuses are encouraged to create a Military Affairs Committee to assist military-affiliated students in successfully transitioning to and succeeding in the educational environment.⁶

B. Financial Support

1. Tuition, fees, books. UNC campuses shall create policies that guarantee that undergraduate and graduate military-affiliated students using United States Veterans Administration (VA) educational benefits are held harmless from VA processing delays that prevent timely payment of their educational benefits. These policies shall include provisions:

- a. Granting forgiveness of late payment fees on students whose VA educational benefits are delayed; and
- b. Maintaining students' course registrations until such delayed payments are received.

Campuses are encouraged to develop a policy providing undergraduate and graduate students using GI Bill benefits with "bridge loans," payment plans, tuition deferments, vouchers or some combination of these items to cover tuition, fees, housing, books, and other expenses related directly to university life as defined by campus policy until payment is received from the VA.

2. Scholarships and grants. UNC campus development offices are encouraged to create, fund, and maintain scholarships and grants for undergraduate and graduate military-affiliated students.

3. Campus employment. UNC campuses are encouraged to recruit veterans, when appropriate, for on-campus VA work study.

C. Faculty and Staff Support Training. Campuses are encouraged to provide and/or make available support for faculty and staff training on issues military-affiliated students encounter. This training should conform to best practices guidelines.⁷

D. Campus Organizations and Communication. Campuses are encouraged to support Student Veteran Organizations and/or other Military-Affiliated Student Organizations. The student organization advisor is encouraged to communicate updates on veterans and military affairs on campus as well as topics and announcements related to any military-affiliated student groups.

⁶ See UNC Policy Manual, Section 700.7.1[G].

⁷ See UNC Policy Manual, Section 700.7.1[G]

E. Academic Support

1. Orientation/transition seminar. To the extent practicable, campuses shall provide break-out sessions focused on military-affiliated students as part of their regular orientation programs. When possible, the resources of this session should be made available online. Campuses offering a credit-bearing introduction to the university course should consider providing a section or sections exclusively for military-affiliated students.
2. Priority enrollment. When possible, campuses should recognize the scheduling challenges and the limitations on the benefits of active duty students using Armed Forces Tuition Assistance (TA), as well as those students who are released from active duty for a specific amount of time to attend college through a military degree completion program, and provide such students with priority enrollment.
3. Academic Assistance. Campuses shall evaluate, review, adapt, and monitor academic assistance, including mentoring and tutoring, to its military-affiliated students. Reports of challenges and successes should be made to the campus Military Affairs Committee.
4. Military Science courses and tuition surcharge. Campuses should refer to the tuition surcharge exception list that is part of UNC Policy 100.1.5[G].
5. Service cords. Campuses are encouraged to provide service cords for graduating student veterans, active-duty, members of the National Guard, and reservists. Campuses shall communicate to these students a process for acquisition of the cord. These cords shall be provided free of charge, when possible. Campuses shall consider officially recognizing these graduates in the printed program and/or during the ceremony.

V. Military Learning and Academic Credit

A. General Principles. The University of North Carolina seeks to maximize and make consistent the transfer of credit from the military to UNC campuses. The following general principles will apply:

1. If a campus determines that military learning is equivalent to academic credit then that credit shall be applied consistently to all students who have acquired the same military learning.
2. Campuses shall establish equivalence mapping for courses frequently seen on military transcripts (Joint Services Transcript and Community College of the Air Force transcripts) and, if applicable, for credit by exam (CLEP, DSST, and Defense Language Institute exams) to assure students receive consistent and fair transfer of credit.⁸
3. Campuses shall publish these equivalencies online in a manner accessible to military-affiliated students.
4. Campuses shall establish and publish a process for active duty military, reservists, and veterans to receive credit for or a waiver of the general education health and/or physical education requirements based on military recruit training.
5. Campuses are encouraged to train admissions counselors, registrars, academic advisors, department chairs or heads, and deans in military credit transferability.⁹
6. Campuses shall exempt transfer credits resulting from military learning from the tuition surcharge calculation.

B. Language Requirements. Campuses shall accept foreign language coursework completed through the Defense Language Institute Foreign Language Center (DLIFLC) as transfer credit.¹⁰

⁸See UNC Policy Manual, Section 700.7.1[G].

⁹See UNC Policy Manual, Section 700.7.1[G].

Campuses are encouraged to establish a process for students to demonstrate proficiency and, potentially, to waive campus language requirements for other foreign language skill development outside of DLIFLC. Examples include: CLEP credit, Defense Language Proficiency exams, continuing education mission specific language training, etc.

C. Military Learning. Campuses shall evaluate the military transcript to determine if any military learning applies toward a program of study. The American Council on Education (ACE) credit equivalency recommendations serve as the standard reference work for recognizing learning acquired in the military. Nothing in this policy prevents constituent institutions from evaluating military learning independent of the ACE evaluation. Credit shall be awarded in a consistent manner and a schedule of such awards should be developed, published, and updated regularly.

D. College-Level Examination Program (CLEP). Campuses awarding academic credit for CLEP shall establish and publish a chart with the minimum allowable score (no lower than 50) and the credit/course equivalences.

E. DANTES Standardized Subject Tests (DSST). Campuses awarding academic credit for DSST exams shall establish and publish a chart with the minimum allowable score and the credit/course equivalencies.

VI. Service Member Call to Duty

A. Military Withdrawal. Students called to active duty (and/or their spouses and dependents) may need to withdraw from coursework during the course of a semester.

As stated in UNC Policy Manual, Section 400.1.5[R], students are expected to complete all the courses for which they are registered at the close of the Course Adjustment Period *unless* withdrawal is permitted due to extenuating circumstances or military service.

Campuses shall develop policies that permit an undergraduate or graduate student to withdraw from a course or courses at any time and without academic penalty due to their military service.¹¹ Campuses may extend some or all components of this policy to apply to the spouse or child of a person called to active duty if they demonstrate sufficient cause for consideration due to changed circumstances¹². These policies must:

1. Be published in the appropriate sections of the university catalogue and website;
2. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the DOD) gives advance written or verbal notice of call to duty to the designated campus body or official;¹³ and
3. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service.

B. Refund of Tuition, Fees, and Other Expenses. Enrolled undergraduate and graduate students called to active duty during the semester and who complete a military withdrawal from

¹⁰The DLIFLC is a regionally accredited higher education institution. In terms of transfer, courses completed through this institution should be evaluated and academic credit awarded under the same criteria as any other regionally accredited college or university.

¹¹See UNC Policy Manual, Section 700.7.1[G].

¹²Campuses may choose to process family requests under the extenuating circumstances provision of their policies, as outlined in the UNC Policy Manual, Section 400.1.5[R]. Alternatively, campuses may choose to process family requests under documentation and review requirements set up for persons called to active duty.

¹³No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

their course(s) shall be afforded special consideration with regard to refunds of tuition, fees, and other expenses. Campuses shall develop policies that direct:

1. All tuition and fee charges to be waived with:
 - a. Personal payments refunded,
 - b. Financial aid adjusted as required by law,
 - c. Financial aid refunds paid by student, if appropriate;
2. A full refund for textbooks purchased through the university bookstore for the semester in progress is available by presenting the textbooks, the receipt, and a copy of the applicable military orders;¹⁴
3. A per-diem refund of room rent in a campus residence facility will be issued based on the student's official check-out date;¹⁵
4. Board fees will be prorated from the opening date of the dining hall for the term;
5. Unpaid account balances will be subject to a payment plan formulated with the student; and
6. No collection actions will occur during a deployment.

C. Academic Credit

1. Campuses must have a separate transcript notation appropriate for students who withdraw for active or reserve military service. Such withdrawals will not count in the calculation of the GPA or tuition surcharge.
2. Campuses shall develop policies that permit a student called to active duty, as circumstances are presented, either to:
 - a. Receive the "I," or incomplete, grade and adjust the date for resolving the incompletes accordingly, including in a post-deployment return to the university and for students who do not return to the university within three years post-deployment¹⁶, any "I" assigned for a call to duty should convert to a military withdrawal;¹⁷ or
 - b. complete the coursework, when possible, online, by testing out early, or through an academic contract with the faculty member(s)¹⁸

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

1. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the DOD) gives advance written or verbal notice of call to duty to the designated campus body or official;¹⁹

¹⁴ Campuses with a rental program should consider a refund or a pro-rating of the rental fee.

¹⁵ If the student is receiving a BAH benefit from the VA for housing, they are entitled to keep all funds through their last date of attendance (as certified on campus). Any funds received after the last date of attendance become a student debt.

¹⁶ A student upon the completion of a period of service in the uniformed services, notifies the institution of the intent to return no later than three years after the completion of the period of service. HEA Sec. 484C (c)(4)(A)through (c)(4)(C).

¹⁷ There will be no refund of tuition, fees, or books in this case.

¹⁸ For courses completed, policies on refunds will be adjusted accordingly.

2. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service;
 3. Publish the details of the process in the appropriate sections of the university catalogue and website;
 4. Include provision for a full refund on all deposits paid by the student; and
 5. Clarify the notification process of all relevant offices on campus.
- E. Military Leave of Absence for Graduate Students. Campuses shall develop policies permitting graduate students called to duty to take a military leave of absence from their program of study. These policies should:
1. Be published in the appropriate sections of the university catalogue and website;
 2. Describe the process by which the student (or an appropriate officer of the Armed Forces or official of the DOD) gives advance written or verbal notice of call to duty to the designated campus body or official;²⁰
 3. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service;
 4. Describe the process of resumption of study;
 5. Establish the process for adjustment of any time clocks for degree completion; and
 6. Describe a process that recertifies the currency of all graduate degree requirements that may be beyond allowed time limits, including review in the case of required repetition of course work that might be outdated.
- F. Readmission to the University. All campuses shall readmit undergraduate and graduate students who were called to active duty. Campuses shall:
1. Readmit students who were in good academic standing at the time of their call to duty and seek readmission no later than three years after the completion of the period of service;²¹
 2. Waive any new application process or fees;²²
 3. Describe the process by which the student informs the appropriate campus body or official of intent to return to the institution upon completion of period of service;
 4. Adjust the registration window for students to allow for early registration, if possible;
 5. Clarify variations in regulations for readmission for students:
 - a. Who were on academic probation or suspension

¹⁹ No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

²⁰ No notice is required if the giving of such notice is precluded by military necessity, such as a mission, operation, exercise, or requirement that is classified or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge (HEA Sec. 484C(c)(1)(A)(B)(C)).

²¹ A student hospitalized or convalescing from an illness or injury during the performance of service shall notify the institution of the intent to return no later than two years after the end of recovery. A student who fails to apply for readmission within the period described shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution's established leave of absence policy and general practices. (HEA Sec. 484C (c)(4)(A)through (c)(4)(C)).

²² Required checks for campus safety will be performed. Campuses will incur the fee.

b. Who were away longer than three calendar years following completion of service; and

6. Indicate a process for reinstatement to a specific undergraduate program of study.

F. **Scholarship Status.** When possible and depending on availability of funds, undergraduate and graduate students receiving university scholarships at the time of their call to duty should be able to receive the remainder of the scholarship upon their return. Campuses shall develop policies related to the impact of call to duty on the scholarships they award. These policies must:

1. Include provisions to notify students about the status of their scholarships at the time of a military withdrawal or leave of absence; and

2. Describe the rules related to reinstatement of scholarships and the process to initiate reinstatement when possible.

G. **National Guard and Reserves**

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

2. Students should be advised to inform their course instructors that they are members of the National Guard or Reserves and to avoid registering for courses that will significantly and substantially impact their academic learning by missing more than one-third (1/3) of the class meetings.

3. If a student seeks to be excused from class for Guard or Reserve duty, he/she is encouraged to provide a copy of orders or a letter from the unit command to the course instructor and inquire about making up missed course work. The course instructor is encouraged to permit the student a reasonable amount of time to make up missed assignments. Whether or not students are allowed to make up missed assignments or tests relies upon faculty discretion.

Guidelines for Military Student Success

- I. Admission of Active Duty Service Members and Veterans
- A. If an active duty or veteran member of the armed services seeks undergraduate admission, but does not meet campus specific transfer admission requirements, the constituent institution is encouraged to offer the student an “academic contract” assuring admission upon completion of specified college-level coursework at another regionally accredited higher education institution with a minimum grade point average of no less than 2.0.
- B. The contract should include the student’s name, branch of service, length of prior military service, number of credit hours to be awarded based on military training/experience and transferable college credit, and reason for inadmissibility (for example, MCR deficiency). The terms of the contract should set forth the conditions for admission and include specific courses to be completed at a regionally accredited higher education institution and the cumulative grade point average required for admission. (See Addendum A for copy of suggested contract template. Campuses may elect to use or modify the template or create and use a campus specific contract.)
- C. The contract should also note that all students seeking admission to a UNC constituent institution must submit an application and supporting documents prior to published deadlines, and be cleared with regard to campus safety issues.
- II. Data Collection and Reporting on Military-Affiliated Students. Consistent with recommendations in the *UNC SERVES April 2011 Report to the President* and the intent of the President of the United States’ Executive Order 13607, “Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members” issued April 27, 2012, University of North Carolina constituent institutions will establish a section in their undergraduate and graduate admissions application (CFNC.org, Common Application, and campus-specific application) entitled “Military Status for Financial Aid and Residency Determination.”
- A. This section must ask the following questions:
1. “Are you currently serving or have you ever served in the United States Armed Forces?”
 2. “Are you a dependent or spouse of a current or prior United States service-member?”
- B. A “yes” response to question (a) should lead to the following statement and questions:
- Please complete the following if you currently serve or have ever served in any branch or status in the United States Armed Forces. This information will help us connect you with financial aid benefits and determine your eligibility for in-state residency.
1. Your current status.
The answers allowable under this heading shall be: Active-duty, NC National Guard, Other National Guard, Reservist, Separated Veteran, Retiree.
 2. Branch of service.
The answers allowable under this heading shall be: Army, Air Force, Navy, Marine Corps, Coast Guard.
 3. Current or last pay grade.
The answers allowable under this heading will be: E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, O-1, O-2, O-3, O-4, O-5, O-6, O-7, O-8, O-9, O-10, O-11, W-1, W-2, W-3, W-4, W-5.
 4. Do you plan to use military or veterans educational benefits while enrolled at this institution?
The answers allowable under this heading shall be: Yes, No, Not Sure

If yes, which benefit do you plan to use?

The answers allowable under this heading will be:

Chapter 30 - Montgomery GI Bill
Chapter 31 - Vocational Rehabilitation
Chapter 33 – Post 9/11 GI Bill
Chapter 35 – Dependents Education Assistance (DEA)
Chapter 1606 – Selected Reserves GI Bill
Chapter 1607 – Reserves Education Assistance Program (REAP)
Military Tuition Assistance
Military Spouse Career Advancement Accounts (MyCAA)
Marine Gunnery Sgt. John David Fry Scholarship
Not sure

5. Your current or last permanent duty station.

The answers allowable under this heading shall be: Fort Bragg, Camp Lejeune, MCAS Cherry Point, MCAS New River, Pope Army Airfield, Seymour Johnson AFB, USCG North Carolina, Other installation outside of NC. NC National Guard, Other National Guard, Reservist.

6. Your current or last home of record.

7. Your state of legal residence last claimed on your DD Form 2058 (State of Legal Residence Certificate)

8. Date of initial entry into military service.

9. Discharge or retirement date (actual or anticipated).

10. If discharged or retired, your final duty station.

The answers allowable under this heading will be: Fort Bragg, Camp Lejeune, MCAS Cherry Point, MCAS New River, Pope AFB, Seymour Johnson AFB, USCG North Carolina, Other installation outside of NC, NA - NC National Guard, NA - Other National Guard, NA – Reservist.

C. A “yes” response to question (b) should lead to the following statement and questions:

Please complete the following if you are the dependent or spouse of someone currently serving or who has ever served in any branch or status in the United States Armed Forces. This information will help us connect you with financial aid benefits and determine your eligibility for in-state residency. Please respond to these questions in reference to the connected service member.

1. Your relationship to the service-member or veteran.

The answers allowable under this heading shall be: dependent, spouse.

2. Current status of service member.

The answers allowable under this heading will be: Active-duty, NC National Guard, Other National Guard, Reservist, Separated Veteran, Retiree.

3. Branch of service of service member.

Army, Air Force, Navy, Marine Corps, Coast Guard.

4. Current or last pay grade of service member.

The answers allowable under this heading will be: E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, O-1, O-2, O-3, O-4, O-5, O-6, O-7, O-8, O-9, O-10, O-11, W-1, W-2, W-3, W-4, W-5.

5. Do you plan to use United States Department of Defense or veterans educational benefits while enrolled at this institution?

The answers allowable under this heading will be: Yes, No, Not Sure.

If yes, which benefit do you plan to use? The answers allowable under this heading will be:

Chapter 33 – Post 9/11 GI Bill
Chapter 35 – Dependents Education Assistance (DEA)
Military Spouse Career Advancement Accounts (MyCAA)
Marine Gunnery Sgt. John David Fry Scholarship
Not sure

6. Current or last permanent duty station of service member.

The answers allowable under this heading will be: Fort Bragg, Camp Lejeune, MCAS Cherry Point, MCAS New River, Pope Army Airfield, Seymour Johnson AFB, USCG North Carolina, Other installation outside of NC. NC National Guard, Other National Guard, Reservist.

7. Current or last home of record of service member.

8. What is/was the state of legal residence the service member last claimed on his/her DD Form 2058 (State of Legal Residence Certificate)?

9. Date of initial entry into military service for service member.

10. Discharge or retirement date of service member (actual or anticipated).

11. If discharged or retired, service member's final duty station.

The answers allowable under this heading will be: Fort Bragg, Camp Lejeune, MCAS Cherry Point, MCAS New River, Pope AFB, Seymour Johnson AFB, USCG North Carolina, Other installation outside of NC, NA - NC National Guard, NA - Other National Guard, NA – Reservist.

The president shall work with the constituent institutions to create space in the Student Data File for the information and develop an annual report of this information.

III. Campus Support Structures for Military-Affiliated Students

A. Campus-Based Military Affairs Committee. Chancellors are encouraged to appoint the members of the Military Affairs Committee. Suggested campus-based personnel include:

1. An admissions counselor whose portfolio includes working with Military-Affiliated Students.
2. A financial aid counselor whose portfolio includes working with Military-Affiliated Students.
3. A representative from the Registrar's Office whose portfolio includes working with Military-Affiliated Students.
4. A representative from Career Services whose portfolio includes working with Military-Affiliated Students.
5. A student affairs representative whose portfolio includes working with Military-Affiliated Students.
6. A diversity affairs representative whose portfolio includes working with Military-Affiliated Students.
7. The UNC Military Affairs Council representative.
8. A Military Affairs Liaison who serves as the official link between the campus and military communities as well as between the campus and UNC General Administration/

the Military Affairs Liaison will serve as a campus ombudsperson for military-affiliated students as well as the campus representative to the UNC Military Affairs Council.

9. A G.I. Bill School Certifying Official.
10. A representative from disability services whose portfolio includes working with Military-Affiliated students.
11. Representatives from campus health services and/or campus counseling center who work with Military-Affiliated students.
12. Faculty, including but not limited to campus-based professors of Military Science and faculty members who are veterans of the armed services.
13. Students, including leadership of campus-based Military Student and/or Veterans Organizations.

To ensure effectiveness, this committee should, at the minimum, be charged with:

1. Facilitating awareness and communication between key departments with regard to campus-based services for military-affiliated students;
2. Coordinating and evaluating programs and services for military-affiliated students; and
3. Factoring military-affiliated students into institutional planning particularly with regard to diversity

B. Faculty and Staff Support Training. UNC General Administration will be responsible for providing campuses with resources for use in support of campus-based faculty/staff military awareness training program. UNC General Administration will also work to create an online system-wide training program that will be made available to constituent institutions to use in place of or in addition to campus-based programs.

IV. Military Learning and Academic Credit. General principles:

A. The General Administration will assist constituent institutions with identifying the training, experience and education most frequently seen on military transcripts in order to determine appropriate transfer credit.

B. The General Administration will assist constituent institutions with identifying the CLEP and DSST exams most frequently seen on military transcripts.

C. The General Administration will provide technical assistance to assist with the training of constituent institution staff members who are designated to work with students regarding the transfer of military credit.

V. Service Member Call to Duty. Consistent with Public Law 110-315, Sections 484C(c)(1)(A)(B)(C) and 484C (c)(4)(A)through (c)(4)(C), otherwise known as the Higher Education Opportunity Act (HEOA) and 20 U.S.C. 1091c:

A. Any student whose absence from an institution is necessitated by reason of service in the uniformed services shall be entitled to readmission to the institution if the:

1. Student (or an appropriate officer of the Armed Forces or official of the DOD) gives advance written or verbal notice of such service to the appropriate official at the institution;
2. Cumulative length of the absence and of all previous absences from that institution, by reason of service in the uniformed services, does not exceed five years; and
3. Student submits a notification of intent to reenroll in the institution, except as otherwise provided in this section.

The term “service in the uniformed services” means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve, for a period of more than 30 days under a call or order to active duty of more than 30 days.

Exception: No notice is required if providing such notice is precluded by military necessity, such as:

1. A mission, operation, exercise, or requirement that is classified; or
 2. A pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge.
- B. Readmission to the University
1. A student upon the completion of a period of service in the uniformed services, notifies the institution of the intent to return no later than three years after the completion of the period of service.
 2. A student hospitalized or convalescing from an illness or injury during the performance of service shall notify the institution of the intent to return no later than two years after the end of recovery.
 3. A student who fails to apply for readmission within the period described shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution’s established leave of absence policy and general practices.

Regulations on Tuition Surcharge

This regulation provides a framework for implementing a tuition surcharge on undergraduates as required by North Carolina General Statute § 116-143.7 as codified by Section 9.10(a) of Session Law 2009-451.

I. Surcharge

The Board of Governors of the University of North Carolina shall ensure that procedures are established that are necessary to impose a 25 percent tuition surcharge prior to the 2010-2011 academic year and a 50 percent tuition surcharge beginning with the 2010-2011 academic year on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than 110 percent of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of the credit hours taken at the constituent institution or accepted for transfer shall include courses failed by the student or that are not completed unless officially dropped by the student pursuant to the academic policy of the appropriate institution. The calculation of the credit hours taken shall exclude hours earned through the College Board's Advanced Placement or CLEP examination, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program.

II. Waiver

Upon application by a student, the tuition surcharge shall be waived if the student demonstrates that any of the following have substantially disrupted or interrupted the student's pursuit of a degree: (1) a military service obligation, (2) serious medical debilitation, (3) a short-term or long-term disability, or (4) other extraordinary hardship. (See Appendix A for the language and terms applicable to the waiver procedure.)

III. Effective Date

Effective beginning with the 2009-2010 academic year, all undergraduates seeking a baccalaureate degree at a constituent institution will be subject to the requirements listed herein.

Effective beginning with the 2010-2011 academic year, the tuition surcharge will be raised from 25 percent to 50percent.

IV. "Counted Credit Hours"

The undergraduate credit hours to be counted for this requirement include: (1) those courses taken at the constituent institution or accepted for transfer, (2) failed courses, and (3) those courses not completed unless officially dropped by the student consistent with the academic policy of the appropriate constituent institution. All credit hours transferred after August 15, 2013, shall be included for tuition surcharge calculation purposes regardless of their application to the student's major or minor, unless otherwise exempted consistent with this regulation. However, the following credit hours shall be excluded from the calculation: (1) those earned through the College Board's Advanced Placement (AP) and College Level Examination Program (CLEP) or similar programs, (2) those earned through institutional advanced placement, course validation, or any similar procedure for awarding course credit, (3) those earned through summer session or extension programs on the campus or at another institution,(4) Military Science courses required to earn a military commission, and (5) credits earned from private and out of state colleges and universities transferred prior to August 15, 2013. In addition, and consistent with this regulation, credit hours taken while enrolled as a high school student shall be excluded from the tuition surcharge calculation.

V. Students Subject to the Surcharge

The surcharge shall be imposed on all counted credit hours in excess of the threshold defined below for each of the following three categories of undergraduates:

- A. For students earning a first baccalaureate degree in a program that requires no more than 128 credit hours, the surcharge shall be applied to all counted credit hours in excess of 140.
- B. For students earning a first baccalaureate degree in a board-approved program that requires more than 128 counted credit hours, the surcharge shall be applied to all credit hours that exceed 110 percent of the credit hours required for the degree. Such programs include those that have been officially designated by the Board of Governors as five-year programs, and combined bachelor's/master's degrees.
- C. For students earning a baccalaureate degree other than their first, the surcharge shall be applied to all counted credit hours that exceed 110 percent of the minimum additional credit hours needed to earn the additional baccalaureate degree.

VI. Students Exempt from the Surcharge

The surcharge shall not be imposed on undergraduates who:

- A. Complete a first baccalaureate degree program that has not been officially designated by the Board of Governors as a five-year program and whose counted credit hours were taken in eight (8) or fewer regular term semesters or the equivalent; or
- B. Complete a first baccalaureate degree program that has been officially designated by the Board of Governors as a five-year program and whose counted credit hours were taken in ten or fewer regular term semesters or the equivalent.

VII. How to Calculate the Surcharge

The surcharge shall be imposed on tuition charged in the current semester and in subsequent semesters where a student's cumulative credit hours total – with that semester's course load included – exceeds the threshold. The surcharge does not apply to required fees.

Appendix A Waiver Procedure

I. Definitions

With respect to the provisions of North Carolina General Statute § 116-143.7(c) the following terms are defined:

- A. “Military Service Obligation” shall mean the performance of duty on a voluntary or involuntary basis in connection with service in the Armed Forces, Reserves, or National Guard including, but not limited to; active duty, active duty for training, initial active duty for training, and inactive duty training.
- B. “Serious Medical Debilitation” shall mean an illness, injury, impairment, or physical or mental condition requiring; (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider; provided that such incapacity did not result from the student’s violation of University policy or the commission of a felony.
- C. “Disability” shall mean a mental or physical incapacity that causes the performance of the student’s academic commitments to become impossible or impractical; provided that such incapacity did not result from the student’s violation of University policy or the commission of a felony.
- D. “Other Extraordinary Hardship” shall mean a hardship of any kind which, despite responsible handling, resulted in the substantial disruption or interruption of the student’s pursuit of a degree.

II. Documentation Requirements

In order to demonstrate the applicability of a waiver category the student shall provide the following documentation:

- A. Military Service Obligation: verification of the student’s voluntary or involuntary performance of a duty in connection with service in the Armed Forces, Reserves, or National Guard including, but not limited to; active duty, active duty for training, initial active duty for training, and inactive duty training.
- B. Serious Medical Debilitation
 - Certification issued by the treating health care professional(s) stating each of the following:
 - 1. The approximate date on which the Serious Medical Debilitation commenced.
 - 2. The extent to which the serious medical condition has impacted the student’s pursuit of a degree.
 - 3. The relevant and appropriate medical facts regarding the condition.
- C. Short-Term Disability
 - Certification issued by the treating health care professional(s) stating each of the following:
 - 1. The approximate date on which the Short-Term Disability commenced.
 - 2. The extent to which the student’s physical or mental incapacity has impacted the student’s pursuit of a degree.
 - 3. The relevant and appropriate medical facts regarding the condition.
 - 4. That, to the best of the treating health care professional’s knowledge, the student’s disability is not permanent.

D. Long-Term Disability

Certification issued by the treating health care professional stating each of the following:

1. The approximate date on which the Long-Term Disability commenced.
2. The extent to which the student's physical or mental incapacity has impacted the student's pursuit of a degree.
3. The relevant and appropriate medical facts regarding the condition.
4. That, to the best of the treating health care professional's knowledge, the student's disability is likely to be permanent.

E. Extraordinary Hardship: verification of any circumstances which, despite responsible handling, led to the substantial disruption or interruption of the student's pursuit of a degree.

III. Tuition Surcharge Waiver Process

A. Constituent Institution

A constituent institution shall:

1. Include with the student's bill that applies the tuition surcharge: (1) a tuition surcharge waiver form including, at a minimum, the information contained in Attachment 1, and (2) a copy of this guideline.
2. Establish procedures by which the institution shall receive each tuition surcharge waiver request.
3. Establish procedures by which the waiver request shall be reviewed and determined by a committee of no fewer than three (3) members, excluding initial decision makers when reasonably possible, drawn from departments whose expertise is relevant to the waiver category upon which the student's waiver request is based.
4. Establish procedures by which the student shall be informed of the institution's final decision within thirty (30) business days of receipt of the waiver request and Student Accounts shall be informed in a timely fashion.

B. Student

A student who wishes to request a tuition surcharge waiver shall:

1. Complete and submit a tuition surcharge waiver request form provided by the constituent campus, and
2. In a manner consistent with the UNC Policy Manual 1000.1.5[R] including Appendix A, and to the satisfaction of the constituent institution:
 - a. Demonstrate that his/her pursuit of a degree has been substantially disrupted or interrupted and that the reason for such substantial disruption or interruption fits within one of the four waiver categories enumerated above and defined in Appendix A, and;
 - b. Meet the necessary documentation requirements that accompany each waiver category as articulated in Appendix A, and;
 - c. Successfully complete and submit the form to the institution within thirty (30) business days of receiving written notice of the tuition surcharge.

Written notification of the result of the waiver request shall be provided to the student within thirty (30) business days from the date of receipt by the institution. The determination of the institution shall be the final decision.

Attachment 1**

Minimum Content Required for the Tuition Surcharge Waiver Form

I. Student Information

- A. Student's Name and Address
- B. Student's Email Address
- C. Student's Identification Number
- D. Student's Major(s)/Degree Program
- E. Other

II. Basis for Waiver Request

The following four waiver categories constitute the only grounds for waiver of the tuition surcharge (select one of the following):

- A. Military Service Obligation
- B. Serious Medical Debilitation
- C. Short-term or Long-Term Disability
- D. Other Extraordinary Hardship

III. Documentation Requirements

Attach to this form the necessary documentation requirements that correspond with the waiver category selected in section II. Documentation not included with this form will not be considered.

IV. Form Completion and Submission

Once this form has been timely completed in its entirety, including the necessary information and documents listed in sections I, II, and III, the form shall be submitted to the institution for consideration.