

Personnel Policies For Senior Academic and Administrative Officers (Tier II)

Adopted by the Board of Trustees, November 16, 2000
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These policies are adopted by the Board of Trustees of the University of North Carolina at Greensboro pursuant to the Personnel Policies for Senior Academic and Administrative Officers amended by the Board of Governors of the University of North Carolina on November 13, 1998, to recognize two separate categories of administrative employment.

Identification of Senior Academic and Administrative Officers (Tier I and Tier II)

- A. Tier I Senior Academic and Administrative Officers of The University of North Carolina (Tier I senior officers) are subject to the provisions of Section II of the Board of Governors' policy on Senior Academic and Administrative Officers. These persons include: the President [N.C.G.S. 116-14(a)]; the vice presidents, associate vice presidents, assistant vice presidents, and other members of the President's professional staff designated by the Board of Governors on recommendation of the President [N.C.G.S. 116-14(b)]; the chancellors of the constituent institution [N.C.G.S. 116-11(4)]; the vice chancellors, provosts, and deans of the constituent institutions, and the directors of major administrative, educational, research, and public services activities of the constituent institutions designated by the Board of Governors [N.C.G.S. 116-11(5)].
- B. Tier II Senior Academic and Administrative Officers of The University of North Carolina (Tier II Senior Officers) are subject to the provisions of Section III of the Board of Governors' policy on Senior Academic and Administrative Officers. These persons include: (1) members of the President's professional staff other than those identified in paragraph A above (N.C.G.S. 116-14(b)); and (2) associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the constituent institutions, other than those identified in paragraph A above, that have been designated by the President.[N.C.G.S. 116-11(5)].

Board of Governors Policy on Senior Officers

The duties and responsibilities of the President of The University of North Carolina and the chancellors of each constituent institution, and of their respective senior staff members, and their relationships to one another, to the Board of Governors, to the Boards of Trustees, and to all other officers and agencies within and without the University are set forth in Chapter Five of *The Code of the Board of Governors of The University of North Carolina*. To complement the provisions of Chapter Five and further to clarify these duties, responsibilities, and relationships, the Board of Governors adopted regulations for Senior Academic and Administrative Officers.

Campus-Based Policy on Tier II Senior Officers

The Board of Governors requires each constituent institution to specify additional policies related to various respects of the Tier II personnel classification. Accordingly, in addition to the Board of Governors' Policy on Senior Academic and Administrative Officers, the following policies apply specifically to Tier II senior officers at UNCG.

I. Scope and Applicability of Employment

A. Scope of Category

Employment positions within The University of North Carolina at Greensboro that are covered by these regulations are those defined in paragraph B. above. This category includes the following positions:

1. Associate and assistant provosts and vice chancellors;
2. Associate and assistant deans; and
3. Other administrative positions within the University that have been designated by the President and approved by the Board of Governors.¹

B. Applicability of Regulations

These regulations apply to all Tier II Senior Academic and Administrative Officers, as defined in Section I.A. above.

C. Administration

The Chancellor shall be responsible for the implementation of these regulations and may delegate his or her authority to other identified officers of The University of North Carolina at Greensboro as he or she deems appropriate.

II. Appointments

A. All Tier II senior academic and administrative officers as defined in Section I.A. above, are employed in their administrative positions pursuant to these regulations. The authority to make appointments and determine salaries for these positions is delegated by the Board of Governors to the Chancellor and the Board of Trustees. Every appointment within the University covered by these regulations shall be made by the Chancellor, or the Chancellor's delegate, by means of a letter of appointment that fulfills the requirements of this section.

B. Every letter of appointment to a position covered by these regulations shall include:

1. the title of the position;
2. the initial salary;
3. provision for periodic review and compensation²;

¹ Other officers include (a) members of the Chancellor's professional staff; (b) those responsible for the administrative direction of separately designated divisions or departments of institutional activity commonly associated with institutions of higher education; (c) those positions whose primary responsibility is to attract external funds for and/or market the University; and (d) other officers holding positions characterized by active, substantial independence of administrative authority and discretion in areas such as program planning and design and allocation of resources.

² Subject to any compensation policies adopted by the Board of Governors or the Board of Trustees.

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4. provision consistent with Sections II.C. and II.D. below, if contingencies based on availability of funding are applicable;
 5. the annual leave entitlement of the employee;
 6. except as provided in subparagraph (9) below, notice that the employment conferred is an "employment at will" subject to continuation or discontinuation at the discretion of the Chancellor;
 7. notice that the employment is subject to these regulations as originally adopted and as they may be periodically revised;
 8. a copy of these policies shall be attached to the letter of appointment; and
 9. contracts or letters of appointment of Directors of Athletics may be for a term of years and are governed by Policy 1100.3.
- C. When a position covered by these regulations is funded in whole or substantial part from sources other than continuing State budget funds or permanent trust accounts, the letter of appointment shall state the continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the additional notice otherwise required by Sections IV.A., IV.B., and IV.C.; provided, that the affected employee shall be informed at the earliest practicable date of the occurrence of such a funding contingency.
- D. 1. When an employee is to serve simultaneously in both a position covered by these regulations and a position of University employment not covered by these regulations, with the result that two different prescriptions may appear to obtain with respect to a particular condition of employment or a right or responsibility of the employee, one position shall be designated the base position to determine the conditions of employment and the rights and responsibilities of the employee. If appointment to a position covered by these regulations occurs subsequent to an appointment to a position not covered by these regulations, the letter of appointment to the position covered by these regulations shall embody the required designation of base employment; conversely, if appointment to a position covered by these regulations precedes appointment to the other category of University employment, the letter of appointment or contract establishing the second employment shall embody the required designation of base employment. In either case, the designation of base employment shall specifically describe the different rights, duties, and compensation for each position and the relationship, if any, between the two positions.
2. Any funding contingency of the type referred to in Section II.C. shall be set forth separately for the position covered by these regulations and for the other position, since the operation of any such contingencies may be independent.
 3. When an appointment to a position covered by these regulations is to be accompanied by appointment to a faculty position that is intended to be nominal or honorary, or to create a faculty affiliation not entailing significant duties or compensation, the term "adjunct," or similar nomenclature, shall be used to identify the faculty appointment.

III. Evaluation of Performance

Any employee in a position covered by these regulations shall be reviewed annually by the employee's supervisor. Each supervisor shall devise his or her own method of performance evaluation, including an evaluation form.

IV. Discontinuation of Employment

A. Discontinuation of appointment, with notice or severance pay

Employment within a position covered by these regulations that is established by the letter of appointment to be an employment at will is subject to discontinuation at any time at the discretion of the Chancellor; provided, that such a discontinuation (as distinguished from discharge for cause, Section IV.D.) shall be subject to advance timely notice of discontinuation or the payment of severance pay, in calendar days, as follows:

1. During the first year of service either:
 - not less than 30 days notice prior to discontinuation of employment
 - or the payment of severance pay for 30 days
2. During the second and third years of service,
 - not less than 60 days notice prior to discontinuation of employment
 - or the payment of severance pay for 60 days
3. During the fourth and all subsequent years of continuous service:
 - not less than 90 days notice prior to discontinuation of employment
 - or the payment of severance pay for 90 days

The Chancellor may provide the employee with a combination of notice and severance pay that totals the respective required number of days.

The determination of whether the employee shall receive notice of discontinuance of the appointment or severance pay or a combination of the two shall be in the sole discretion of the Chancellor.

B. Expiration of term appointment

Employment within a position covered by these regulations that is established by the letter of appointment dated prior to December 1, 2004 to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be extended at the option of the employer on an appointment at will basis, by written notice satisfying the requirements of Section II. If the employer intends not to extend the employment, the following pertains:

1. for an employee with a term of one year or less, no notice of intent not to extend shall be required;

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2. for an employee with a term of more than one year but less than four years, notices of intent not to extend shall be transmitted in writing at least 60 days prior to this expiration date of the term;
3. for an employee with a term of four years or more, notice of intent not to extend shall be transmitted in writing at least 90 days prior to the expiration date of the term.

Failure to provide written notices as required in subsections 2 and 3 shall result in the automatic extension of employment for a period, respectively, of either 60 days or 90 days, beyond the date the notice is given to the employee.

C. Termination of employment because of financial exigency or program curtailment or elimination

Employment within a position covered by these regulations that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of (a) demonstrable, bona fide institutional financial exigency or (b) major curtailment or elimination of a program. "Financial exigency" is defined to mean a significant decline in financial resources of the University that compels a reduction in the institution's budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or an elimination of a program shall be made by the Chancellor, with advance notice to and approval by the President and the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the contractual obligation to an employee within a position covered by these regulations cannot be met, the employment of the individual may be terminated, subject to the following notice requirements:

1. during the first year of service, not less than 30 days notice prior to termination;
2. during the second and third years of service, not less than 60 days notice prior to termination; and
3. during the fourth and all subsequent years of service, not less than 90 days notice prior to termination.

D. Discharge for Cause

Any employee occupying a position covered by these regulations may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuation with notice (Section IV.A.), automatic expiration of term (Section IV.B.), and termination (Section IV.C.). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the grievance procedures of Section V of these regulations. When an employee occupying a position covered by these regulations has been notified of the intention to discharge for cause, the Chancellor may suspend the employment at any time and continue the suspension until a final institutional decision concerning discharge has been reached by the procedures prescribed herein; such suspension during this time period shall be with full pay. However, in no case shall pay be extended beyond the expiration of the employee's term of appointment while an appeal is pending. If the final institutional decision is to discharge the employee, then

the employee may be discharged without further pay without regard to whether there is an appeal to the Board of Governors in accordance with Section 609C of *The Code*.

V. Review of Employment Decisions and Grievances

Employees in positions covered by these regulations may secure review of decisions concerning discharge for cause or other disciplinary action, or of grievances concerning the interpretation and application of any provision of these regulations; provided, however, that grievances concerning discontinuations, expiration of term appointments, or terminations of employment with notice, pursuant to Sections IV.A., IV.B., and IV.C., may be brought only upon allegations of violations of applicable notice requirements or violations of any provision of Sections VI. or VII. of these regulations.

The employee will have ten (10) days from the receipt of the notice (“day” referred to shall mean any day except Saturday, Sunday, or an institutional holiday; the day in which notice is received is not counted; the last day of the period is to be counted) in which to make a brief written statement explaining the grievance and requesting a review. The request will be submitted to the Chair of the Grievance Committee, with a copy to the Chancellor. Requests for all other grievance appeals should be made within a timely fashion. If the notice is not received within the specified time, then the action is final with no further recourse.

Covered persons may seek review of personnel actions based on allegations that:

A. Notice

For discontinuations, expiration of term appointments, or terminations of employment with notice such review may be sought only upon allegations of violations of applicable notice requirements set out in policies 300.1.1. III.B.1., 2., and 3. of the University Policy Manual;

B. Equal Opportunity and Protected Activity

For violation of any provision of subsections II.D., or E. of Policy 300.1.1 of the University Policy Manual;

C. Discharge for Cause, Other Discipline, Policy Interpretation/Application

For discharge for cause or other disciplinary action or for interpretation and application of a policy provision, all pursuant to and limited by policy 300.2.1 IV. of the University Policy Manual,

except that such review may be sought only if the employee alleges the discharge, discipline or policy interpretation or application was illegal or violated a policy of the Board of Governors.

If the employee or former employee timely files a written request for review, the chancellor shall ensure a process is in place so that a hearing is timely accorded before a hearing committee.

In reaching decisions on which its written recommendations to the chancellor shall be based, the committee shall consider only the evidence presented at the hearing and such written or oral arguments as the committee, in its discretion, may allow. The employee or former employee has the burden of proof. In evaluating the evidence, the committee shall use the standard of preponderance of the evidence which is the same as the “greater weight of the evidence.”

If the chancellor concurs in a recommendation of the committee that is favorable to the employee, the chancellor's decision shall be final. If the chancellor either declines to accept a committee recommendation that is favorable to the employee or concurs in a committee recommendation that is unfavorable to the employee, the employee may appeal within 14 calendar days after receiving the chancellor's written decision, by filing with the chancellor for transmission to the Board of Trustees a written notice of appeal, including a brief statement of the basis for the appeal, by certified mail, return receipt requested, or by another means that provides proof of delivery, and alleges as set out in subsection V.a. above. The decision of the Board of Trustees is final with no further appeal.

VI. Equal Employment Opportunity

It is the policy and intention of the University of North Carolina at Greensboro that there be equal employment opportunity and freedom from unlawful discrimination in all employment within the University.³

VII. Political Activity

Employment in positions covered by these regulations shall not be adversely affected by the exercise of rights guaranteed by the First Amendment of the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in positions covered by these regulations shall be subject to any limitations on political activity established by Article 5 of N.C.G.S. Chapter 126. The Board of Governors' policy, "Political Activities of University Employees," as adopted on January 16, 1976, and as it may be revised from time to time, shall apply to positions covered by these regulations.

VIII. Holidays and Leave Entitlement

A. Holidays

Employees in positions covered by these regulations shall be subject to the same State-prescribed holidays given UNCG employees subject to the State Personnel Act.

B. Annual Leave⁴

1. Basic Leave Policy

The amount of annual leave to which a permanent full-time employees (1.00 FTE) in a position covered by these regulations shall be entitled to accrue is 24 workdays per year. Annual leave is accrued at a monthly rate and is adjusted proportionately for permanent part-time employees who work halftime or more (.50 - .99 FTE). The monthly earnings amount is equal to one-twelfth of the annual rate for each month the employee works or is on approved leave with pay. Monthly leave is earned when an employee works or is on approved leave with pay at least half the working days of a month. The scheduling of an employee's annual leave shall be subject to the approval of the employee's supervisor. With respect to an incumbent employee who is earning more than 24 days per year as of the date this policy becomes effective, such employee shall be entitled to continue to earn leave at their current rate.

³ See The University's Policy on Discriminatory Conduct for the complete equal employment opportunity statement.

⁴ Effective July 1, 2001.

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The maximum number of unused days of annual leave that may be accrued and carried forward from one year⁵ to the next shall be 30 workdays. Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the year.⁶

2. Transfer of Accrued Annual Leave

Upon discontinuation of employment from the employing institution, the employee may either elect a payout of accrued annual leave [see 4. Below] or transfer the remaining balance of any unused annual leave to another State or local governmental agency, subject to the receiving agency's approval.

Upon appointment to UNCG, an employee may request to transfer the remaining balance of any unused annual leave, subject to a maximum of 30 days, from another UNC constituent institution or State or local governmental agency. The approval of the request to transfer leave is subject to the employing department's acceptance of the fiscal responsibility.

3. Advancement of Annual Leave

Subject to the approval by the employee's supervisor, an employee may be advanced the amount of leave that can be accrued during the remainder of the calendar year. If an employee separates from the employing institution and has taken more annual leave than has been accrued, the employee must repay to the institution the amount of the difference in leave accrued and leave taken. Repayment will be made through deductions from the employee's final salary check.

4. Payout of Accrued Annual Leave

An employee in a position covered by these regulations who has accrued unused annual leave upon discontinuation of employment from the employing institution and who either does not elect or is not eligible to transfer such accrued leave to another State or local governmental agency, shall be paid for such unused annual leave.⁷ The amount paid to an employee who has been employed an aggregate of 24 months or less by one or more State or local governmental agencies is equal to one day for each month worked less the number of days of annual leave taken during the employment period. An employee who has been employed for more than 24 months shall be paid subject to a maximum of 30 such days. Tier II senior officers who change in employment status to a non-leave earning position not covered by this policy shall receive a payout of accrued annual leave.

C. Sick Leave, Family and Medical Leave, Family Illness Leave, Civil Leave, Military Leave, Community Service Leave, and Special Annual Leave Bonus

⁵ "Year" is defined as a calendar year (January 1 - December 31).

⁶ In the case of an employee who has been prevented from using annual leave by his or her supervisor (due to scheduling conflicts or other job-related reasons) and, as a result, the employee has over 30 days of leave accrued, the supervisor shall decide whether to 1) allow the employee to carry over any such days, 2) allow the days to convert to sick leave (if allowable under the employees retirement program), or 3) pay out the employee for all or some portion of the unused leave.

⁷ When such an employee with accrued annual leave is separating from the University, he or she may be required to use all or some portion of his or her accrued leave rather than receive a full leave payout at the discretion of his or her supervisor.

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Employees in positions covered by these regulations shall be subject to the same provisions concerning sick leave, family and medical leave, family illness leave, civil leave, military leave, community service leave, and special annual leave bonus as may be prescribed for employees subject to the State Personnel Act. With respect to sick leave, subject to approval by the employee's supervisor, an employee may be advanced the amount of sick leave that can be accrued during the remainder of the calendar year.

D. Leave of Absence Without Pay

Employees in positions covered by these regulations may request a leave of absence without pay, subject to approval of such leave by the Chancellor.

E. Educational Entitlement

Employees in positions covered by the regulations are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred in accordance with the Board of Governors Policy 1000.2 regarding Waiver of Tuition and Fees for Faculty and Staff.

F. Voluntary Shared Leave

Employees in positions covered by these regulations shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the State Personnel Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

IX. Statutory and Other Rules of Employment

A. Privacy of Personnel Records

Employees in positions covered by these regulations enjoy the protections of and are subject to the provisions of Article 7 of N.C.G.S. 126, entitled "The Privacy of State Employee Personnel Records."

B. Employment Preference for Veterans

Employees in positions covered by these regulations enjoy the protections of and are subject to the provisions of N.C.G.S. §§ 128-15, which provide for preference in employment for veterans of United States military service and their spouses and widows or widowers.

C. Employment of related persons

Employees in positions covered by these regulations are subject to the policy concerning employment of related persons as adopted by the Board of Governors on April 13, 1972, and as it may be revised from time to time.

D. Retirement

Employees in positions covered by these regulations may retire in accordance with the provisions of Chapter 135 of the North Carolina General Statutes.

X. Effective Date

The effective date of these regulations shall be November 13, 1998. The policies may be revised from time to time, with subsequent changes to selected portions of the policies effective on the dates indicated herein.