CHAPTER VI
POLICIES OF THE UNIVERSITY

6.1 ACADEMIC FREEDOM, TENURE AND DUE PROCESS

For the complete text of the University’s policy on Academic Freedom, Tenure and Due Process, see this policy on the Provost’s website and on the University’s policy website.

6.2 AFFIRMATIVE ACTION

The Affirmative Action Program is designed to assure and to further employment opportunities for women, members of minority groups, veterans, and persons with disabilities.

Each vice chancellor, dean, director, department chairperson, and supervisor is responsible for implementing the Affirmative Action Program of the University in his/her administrative unit. This program shall be an important objective of the University as it moves toward its goal of educational excellence. (See Equal Employment Opportunity, Section 6.6 of this Chapter.)

A copy of the Equal Employment Opportunity/Affirmative Action Policy of the University is available on the Personnel Policies page of the Division of Human Resources’ website: http://www.ncat.edu/hr/eeo/. The current Affirmative Action Plan may be obtained from the Division of Human Resources.
6.3 APPOINTMENTS TO ADMINISTRATIVE AND SUPERVISORY POSITIONS

Appointments to administrative and supervisory positions of North Carolina Agricultural and Technical State University do not carry tenure. The tenure policy of the University applies only to tenured and tenure track instructional positions. However, an administrator may obtain tenure as a faculty member in his/her academic discipline.

6.4 CRITERIA FOR THE EVALUATION OF THE FACULTY

See the policy titled “Criteria for the Evaluation of the Faculty.”

6.5 FACULTY EMPLOYMENT PROCEDURES, ACADEMIC FREEDOM, PROFESSORIAL RANK, TENURE, AND DUE PROCESS

For employment of persons who are Exempt from the State Personnel Act (EPA), the hire does not become official until an appointment letter has been signed by both the employee and the chancellor of the University.

See the policy titled “Faculty and EPA Employment Procedures.”
See the policy titled “Academic Freedom, Tenure and Due Process.”

6.6 EQUAL EMPLOYMENT OPPORTUNITY

The Policy on Equal Employment Opportunity is nondiscriminatory and applies to all without regard to race, national origin, color, creed, religion, sex, age, physical or mental disability, veteran’s status, political affiliation, sexual orientation, and sexual identity. Except where religion, gender, and/or age are physical requirements and are bona-fide job related employment requirements, this policy covers all conditions of employment, including the following: recruitment, hiring, training, promotion, compensation, fringe benefits, opportunities to serve on committees and decision making bodies, and participation in social and recreational programs.

Each vice chancellor, dean, director, department chairperson, and supervisor is responsible for implementing the Equal Employment Opportunity Policy of the University. This policy shall be an important objective of the University as it continues to move toward its goal of educational excellence.

The Equal Employment Opportunity Policy of the University is administered through the Division of Human Resources. The University has two (2) positions designated to be responsible for implementing this Policy: the Vice Chancellor for Human Resources and the Director of Employee Relations and Affirmative Action Officer.

6.7 EXTERNAL PROFESSIONAL ACTIVITIES OF FACULTY AND OTHER PROFESSIONAL STAFF

See the policy on “External Professional Activities for Pay by Faculty and Non-Faculty EPA Employees.”
6.8 FACULTY DEVELOPMENT AND DOCTORAL COMPLETION GRANT PROGRAMS

The Academy for Teaching and Learning (ATL) administers two major faculty development grant opportunities for faculty members at North Carolina Agricultural and Technical State University. The policies and procedures governing these programs are outlined below.

6.8.1 Faculty Development Grants

The Academy for Teaching and Learning supports the ongoing professional development of faculty members in the area of teaching and learning by funding participation in workshops, conferences, short courses, seminars, and other professional experiences that enhance teaching effectiveness and student learning. Faculty members must complete a Faculty Development Grant Application to request financial support for eligible activities. Grant requests should be aimed at developing knowledge and skills related to: (1) effective and innovative teaching pedagogies, (2) new and emerging ideas, processes, and discoveries within academic disciplines, or (3) broad-based academic leadership skills related to teaching and learning.

The Faculty Development Grant Application, along with conditions governing Faculty Development Grant applications and awards, are provided on the Academy for Teaching and Learning website: http://www.ncat.edu/divisions/academic-affairs/atl/faculty-development-grants.

6.8.2 Doctoral Completion Grant Assistance

Financial assistance is available to full-time faculty members who are working on doctorate degrees in their teaching area to help cover tuition, fee, and book expenses related to their doctoral education. Requests for Doctoral Completion Grant assistance should be submitted in writing to the Title III Coordinator. The following conditions apply:

a. The applicant must be a citizen of the United States or he/she must be able to give reasonable assurance of his/her intention and right to remain in the country.

b. The applicant must be a full-time faculty member of the University.

c. The applicant must present evidence to substantiate enrollment in graduate school.

d. Grant assistance may be applied for and awarded on an ongoing basis, provided that the recipient provides evidence of satisfactory progress toward the doctorate degree during each academic term that assistance is being requested.

e. Grant recipients are expected to return to North Carolina Agricultural and Technical State University at the end of the grant period and remain in the employment of the University for a period of two (2) years after the grant period. In no case shall the employment period be less than one academic year.

f. If the grantee does not return to the services of North Carolina Agricultural and Technical State University immediately following the end of his/her leave for study, if he/she resigns from the service of the university, or if he/she gives unsatisfactory service to the University, the entire amount of the award shall become due and payable in full.
6.9 ANNUAL LEAVE/FACULTY WITH ADMINISTRATIVE APPOINTMENT

6.9.1 Annual Vacation

The University recognizes the importance of rest and recreation as necessary for personnel and essential to their continued vitality and efficiency in carrying out their job assignments. Therefore, the University supports a policy of annual vacation for all EPA personnel paid by State and non-State funds. The following enunciated policy supports this belief and provides an official uniform procedure in awarding and keeping records of annual vacation.

A. Twelve-month Employees

1) Personnel with EPA status, employed regularly on a twelve-month (12) basis, are entitled to annual vacation with pay as established by the “Employment Policies for EPA Non-Faculty.”

2) EPA personnel on a twelve-month (12) basis may accumulate and carry forward from one calendar year to the next the number of vacation days earned that have not been used. Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee separates from service, payment for accumulated leave shall not exceed 240 hours.

On December 31 of each year, any employee with more than 240 hours of accumulated unused annual leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January of the next calendar year.

Accumulation for part-time employees shall be prorated.

3) Annual vacation for EPA employees on a twelve-month (12) basis whose first and/or final period of employment is fewer than twelve (12) months entitlement will be on a pro-rata basis for the period involved.

4) Official University approved holidays are not charged against annual vacation.

5) The EPA employee on a twelve-month (12) basis will arrange the particular time of his/her vacation with his/her immediate supervisor and obtain the approval of the chief administrative officer of the unit (vice chancellor/chancellor).

6) Annual Leave Report Forms for EPA Personnel on a twelve-month (12) basis must be signed by the immediate supervisor and the chief administrative officer of the unit to which the employee reports. A copy of the Annual Leave Report Form must be filed with or submitted electronically to the Division of Human Resources or Salary Administration of the University, with the chief administrator of the unit, and with the Vice Chancellor of Academic Affairs (where appropriate).
**B. Eleven-month Employees**

Personnel with EPA status, employed regularly on an eleven-month (11) basis, are given a contract from July 1 through June 30. This requires the chancellor to inform these employees of their vacation period each year based on the academic year and summer term sessions. There is a total of thirty (30) days involved. Employment on federal grant projects is permissible during this off-period, excluding a two (2) week period (fifteen days including weekends) when vacation must be taken unless otherwise authorized. This two-week vacation period will be at the choice of the faculty member and must be coordinated through the department chairperson, school/college dean, and the vice chancellor for academic affairs.

**6.9.2 Extended Leave Of Absence**

Extended leave of absence for professional growth is granted to full-time tenured faculty for the purpose of study, research, or other professional reasons. These leaves of absences must be approved by the department chairperson, school/college dean, and the provost and vice chancellor for academic affairs.

**6.9.3 Jury Duty**

Faculty members who are serving jury duty should notify in advance, and arrange for the teaching of their classes with, the department chairperson.

**6.9.4 Personal Leave**

Request for a leave of absence for personal reasons must be approved by the department chairperson and the school/college dean.

**6.10 NEPOTISM**

The following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to institutional personnel who are not subject to the State Personnel Act. (Employees covered by the State Personnel Act are subject to a different Nepotism Policy.)

For this Nepotism Policy, the expression “related persons” shall include any of the following:

- Parent and child
- Siblings
- Grandparent and grandchild
- Aunt and/or uncle and niece and/or nephew
- First cousins
- Step-parent and step-child
- Step-brothers and step-sisters
- Husband and wife
- Parents-in-law and children-in-law
j. Brothers-in-law and sisters-in-law
k. Guardian and ward
l. Persons engaged in amorous relationships; an amorous relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g., dating or engaged to be married) that may or may not have been consummated sexually.
m. People living in the same household, who share a relationship comparable to immediate family members,

Related persons shall not serve concurrently within A&T in any case where one such person would occupy a position having responsibility for the direct supervision of the other related person. Appointing a different person as supervisor may be an appropriate method of resolving such a situation. An exercise of discretion may be necessary in such situations, with the possibility of varying conclusions depending on the circumstances. In general, if the relationship between an employee and an official in the line of supervision is sufficiently remote to give rise to no substantial supervisory relationship, it may be appropriate to disregard the fact they are related persons.

With respect to proposed employment decisions which would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), a related person may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person. The administrative official who has authority to give final approval to the employment shall obtain from the official recommending employment a certification to the effect that no other candidate for the position in question possesses qualifications superior to those of the candidate who is the related person.

With respect to the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment) neither related person shall be permitted, either individually or as a member of a faculty or a member of a committee of a faculty, to participate in the evaluation of the other related person.

An annual report on all specific cases during the preceding year in which the terms of this policy were applied shall be made to the Board of Trustees by the Chancellor at the meeting falling closest to commencement. See UNC Policy 300.4.2 and 300.4.2.1[G] for reporting details.

6.11 OUTSIDE WORK ON A CONSULTING OR CONTRACTUAL BASIS

See the policy “Regulations on External Professional Activities for Pay by Faculty and Non-Faculty EPA Employees.”

6.12 PAYROLL FOR EPA FACULTY PERSONNEL

All full-time permanent faculty members are paid in twelve equal installments on the last business day of each month.
6.13 POLITICAL ACTIVITIES OF UNIVERSITY EMPLOYEES

See the policy “Political Activities of University Employees.”

6.14 PROCUREMENT OF CONSULTANT SERVICES

The North Carolina General Assembly has enacted legislation that prohibits the employment of consultants by state agencies without prior written gubernatorial approval regardless of the types of funds used. For further information, see the policy “Procurement of Consultant Services.”

6.15 REQUIREMENTS AND GENERAL CRITERIA FOR PROMOTION IN RANK AND/OR PERMANENT TENURE

See the policies “Academic Freedom, Tenure and Due Process,” “Criteria for the Evaluation of the Faculty,” “Minimum Requirements and General Criteria for Promotion in Rank and/or Permanent Tenure.”

6.16 CONFIDENTIALITY OF PERSONNEL RECORDS

According to North Carolina law (G.S. 126-23), A&T and other institutions of the State must make the following information about each of its employees available for public inspection (or provide a copy of a written document): name; age; date of original employment or appointment to State service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that A&T has the written contract or a record of the oral contract in its possession; current position; title; current salary (which includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by A&T); date and amount of each increase or decrease in salary with A&T; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with A&T; date and general description of the reasons for each promotion with A&T; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by A&T (including for a disciplinary dismissal, a copy of the written notice of the final decision of the Chancellor setting forth the specific acts or omissions that are the basis of the dismissal; and the office or station to which the employee is currently assigned. At NC A&T State University, the Division of Human Resources is responsible for maintaining this information and providing access upon request.

All other employment-related or personal information, gathered by A&T, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Personnel, contained in a personnel file including information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination are confidential and not public records. Personal information contained in a personnel file including an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries are also confidential (G.S. 126-22)
Specific information regarding who may have access to confidential personnel files and the criminal penalties for improperly providing access can be provided by the Division of Human Resources, Office of Legal Affairs, or can be found in N.C.G.S. 126-24 and 126-27 respectively.

6.17 RETIREMENT OF FACULTY AND REAPPOINTMENT BEYOND NORMAL DATE OF RETIREMENT

See the policy “Academic Freedom, Tenure, and Due Process” and the “Institutional Guidelines for Implementation of the Phased Retirement Program.”

6.18 EMERITUS FACULTY STATUS

Retired tenured faculty members with the rank of associate professor or higher who have rendered at least 10 years of service to North Carolina A&T State University are eligible for emeritus status at the rank held and in the department home at the time of retirement.

Emeritus faculty members are eligible to use campus facilities, participate in sponsored research activities (including serving as principal/co-principal investigators), serving on graduate student advisory committees (not as chair), etc. Emeritus faculty members are also invited to all University convocations and general faculty events, are listed in University catalogs and the telephone directory, and are provided access to the University’s library and computing resources. Faculty office space may be provided if available.

Emeritus faculty members are not eligible to hold an elected faculty office or participate in faculty elections.

Faculty to be considered for emeritus status must be nominated by the department chairperson and approved by the dean, provost and vice chancellor for academic affairs, the chancellor, and the Board of Trustees.

6.19 SENIOR ADMINISTRATIVE OFFICERS

The duties and responsibilities of the chancellor and his/her respective senior staff and their relationships to one another, to the Board of Governors, to the Board of Trustees, and to all other officers and agencies within and without the University are set forth in comprehensive terms in Chapter V of The UNC Code.

“Senior Officer(s) of the University,” as used herein, shall refer to the chancellor and the senior academic and administrative officers of A&T, including persons at the rank of vice chancellor, provost, or dean and other officers of equivalent rank and responsibility.

Senior officers of the University do not have tenure in their administrative positions but may obtain tenure in their academic discipline with a concurrent faculty appointment. It is understood that tenure status as a member of the faculty of a constituent institution held concurrently by any
senior officer of the University is separate and distinct from his/her administrative status, and faculty tenure status is governed by the tenure policies and regulations of A&T.

For more information about senior officers, see the “Employment Policies for EPA Non-Faculty.”

6.20 STUDENTS’ RIGHTS AND RESPONSIBILITIES

The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn without censorship or coercion is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allowed functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities; encouraging their increasing wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities.

No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

All students shall be responsible for conducting 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.

In applying regulations in the area of student discipline, A&T shall adhere to the requirements of due process set forth in the Student Handbook.

6.21 IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

The University does not condone amorous relationships between students and employees. Members of the University community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, University prohibition and punishment of amorous relationships is deemed necessary: (1) when the employee is responsible for evaluating or supervising the affected student; (2) when the student is a minor as defined by North Carolina law.

It is misconduct, subject to disciplinary action, for a University employee, incident to any instructional, research, administrative or other University employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage. It is misconduct, subject to disciplinary action, for a University employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.
6.21.1 Definition of Terms

a. "Amorous relationship." An amorous relationship exists when, without the benefit of marriage, two persons as consenting partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

b. "Related by blood, law or marriage" means:
   i. Parent and child
   ii. Brother and sister
   iii. Grandparent and grandchild
   iv. Aunt and/or uncle and niece and/or nephew
   v. First cousins
   vi. Stepparent and stepchild
   vii. Step-brothers and step-sisters
   viii. Husband and wife
   ix. Parents-in-law and children-in-law
   x. Brothers-in-law and sisters-in-law
   xi. Guardian and ward
   xii. People living in the same household, who share a relationship comparable to immediate family members,

c. "Evaluate or supervise" means:
   i. To assess, determine or influence (1) one's academic performance, progress, or potential or (2) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity, or
   ii. To oversee, manage or direct one's academic or other institutionally prescribed activities.

6.21.2 Corrective Action

Violations of the provisions of this policy on Improper Relationships shall be addressed in accordance with remedial measures prescribed by the University, up to and including discharge; if disciplinary action is brought against an affected employee, it shall be conducted in accordance with existing institutional policies and procedures prescribed for prosecuting misconduct charges against members of the class of employment of which the affected employee is a member. Faculty disciplinary action shall be brought in accordance with, the policy entitled “Academic Freedom, Tenure and Due Process,” Section 4: Due Process Before Discharge or the Imposition of Serious Sanctions.

Alleged violations shall be reported to the Director of Employee Relations and Affirmative Action Officer in the Division of Human Resources or to the Office of the Vice Chancellor for Student Affairs.

6.22 Weapons
North Carolina law prohibits any person from possessing or carrying, whether openly or concealed, any gun, rifle, pistol or any other weapon, not used solely for instructional or school sanctioned ceremonial purposes, on any property owned, used or operated by any public educational institution. This weapons ban does not apply to University law enforcement personnel carrying weapons for work related purposes.

**6.23 Review of Faculty Handbook**

The chapters of the Faculty Handbook shall be evaluated for revisions no later than four years from the last revision/review.

Approved by the Board of Trustees

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Revised: April 8, 2011
Harold L. Martin, Sr., Chancellor

Linda T. Adams, Provost and Vice Chancellor for Academic Affairs