1.1 THE UNIVERSITY OF NORTH CAROLINA SYSTEM

The University of North Carolina system is composed of all the public institutions of higher education in North Carolina that confer degrees at the baccalaureate level or higher. It also includes one high school, the North Carolina School of Science and Mathematics, the nation’s first public residential high school for gifted students. The University of North Carolina was authorized by the State Constitution in 1776 and chartered in 1789 by the General Assembly.

The University of North Carolina at Chapel Hill opened its doors to students in 1795. During the latter part of the nineteenth century, the General Assembly of North Carolina established and supported fifteen other public senior institutions. This was done in compliance with Article IX, Section 8, of the Constitution of North Carolina:

"The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise."

By 1969, six constituent institutions, governed by a single Board of Trustees, were included under the University of North Carolina. This multi-campus University had its beginnings in legislation enacted in 1931, which defined the University of North Carolina to include the campus at Chapel Hill (now the University of North Carolina at Chapel Hill), North Carolina State University at Raleigh, and the Woman’s College of the University of North Carolina (now the University of North Carolina at Greensboro). In the 1960s, three additional campuses were
added: the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington.

After 1971, additional state-supported senior institutions of higher education became part of the University of North Carolina system: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, North Carolina School of the Arts (now the UNC School of the Arts), Pembroke State University (now the University of North Carolina at Pembroke), Western Carolina University, and Winston-Salem State University. In 1971, the General Assembly redefined the University of North Carolina, and under the terms of that legislation all sixteen public senior institutions became constituent institutions of the University of North Carolina (UNC). In 1985, the North Carolina School of Science and Mathematics was declared an affiliated school of the University, and by legislative action in 2007, it became a constituent institution of the University.

The UNC Board of Governors is the policy-making body of the University of North Carolina. The Board consists of voting members elected by the General Assembly. It is charged with "the general determination, control, supervision, management, and governance of all affairs of the constituent institutions." The chief executive officer of The University is the President.

Each constituent institution of the University has its own board of trustees, faculty and student body. The chief administrative officer of each institution is the chancellor, and the chancellors report to the President of the University. Each board of trustees generally is composed of thirteen members: eight elected by the Board of Governors, four appointed by the Governor, and the elected president of the student body, who serves ex officio. The principal powers of these institutional boards are exercised under a delegation of authority from the Board of Governors.

1.2 COMPOSITION OF THE UNIVERSITY

The University of North Carolina is a single, multi-campus university composed of the following constituent institutions:

<table>
<thead>
<tr>
<th>Institutions Comprising the University of North Carolina</th>
<th>Chartered or Founded</th>
<th>Admitted to the UNC System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appalachian State University (Boone)</td>
<td>1899</td>
<td>1972</td>
</tr>
<tr>
<td>East Carolina University (Greenville)</td>
<td>1907</td>
<td>1971</td>
</tr>
<tr>
<td>Elizabeth City State University (Elizabeth City)</td>
<td>1892</td>
<td>1971</td>
</tr>
<tr>
<td>Fayetteville State University (Fayetteville)</td>
<td>1867</td>
<td>1972</td>
</tr>
<tr>
<td>North Carolina Agricultural and Technical State University (Greensboro)</td>
<td>1891</td>
<td>1972</td>
</tr>
<tr>
<td>North Carolina Central University (Durham)</td>
<td>1909</td>
<td>1972</td>
</tr>
</tbody>
</table>
1.3 EQUAL OPPORTUNITY

North Carolina A&T State University strongly supports equal opportunity for applicants, students, and employees and forbids unlawful harassment or discrimination.

The Equal Opportunity and Non-Discrimination Policy may be found here. The Unlawful Harassment and Discrimination Policy may be found here. The Sexual Misconduct: Discrimination, Harassment and Sexual Assault Policy may be found here, and the Student-on-Student Sexual Misconduct Policy may be found here.

Approved by the Board of Trustees

Date Revision is Effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

UNIVERSITY POLICY

CHAPTER II

BACKGROUND INFORMATION

2.1 HISTORICAL BACKGROUND

North Carolina Agricultural and Technical State University (N.C. A&T) is a learner-centered community that develops and preserves intellectual capital through interdisciplinary research, discovery, engagement and operational excellence. The university’s rich history dates back to March 9, 1891, when the institution was established as the Agricultural and Mechanical College for the Colored Race by an act of the General Assembly of North Carolina.

The college actually began operations in the fall of 1890, before the North Carolina General Assembly officially created it as a second college to meet the federal Morrill Act requirements that proceeds from land sold by the state be used to fund public colleges focused on agriculture and the mechanical arts. The College operated in Raleigh as an annex to Shaw University during the academic years 1890-1891, 1891-1892, and 1892-1893. A group of Greensboro citizens, including DeWitt Clinton Benbow, a Guilford County businessman and philanthropist, and Charles Henry Moore, an African-American educator and businessman, pledged to make Greensboro the permanent home for the institution. Fourteen acres of land were donated for the site and an additional $11,000 in cash aided in construction of the buildings. This amount was supplemented by an appropriation of $2,500 from the General Assembly. The first building was completed in 1893.

In 1915, state legislators changed the college’s name to the Agricultural and Technical College of North Carolina, and in 1967 elevated its status to university. North Carolina Agricultural and Technical State University became a constituent university of the University of North Carolina in 1972.
Since its inception, N.C. A&T has maintained a tradition of excellence in education. Under the leadership of Dr. Harold L. Martin Sr., the University’s current Chancellor, N.C. A&T continues to thrive and sustain its rich legacy. Now situated on 200 beautiful acres, it is classified by the Carnegie Foundation for the Advancement of Teaching as a doctoral research university. There is also a 492-acre university farm. N.C. A&T’s enrollment is more than 11,000 students and its workforce includes more than 2,200 employees.

N.C. A&T offers 177 undergraduate degree programs, 45 master’s concentrations through 30 master's degree programs, 11 doctoral concentrations through 9 degree programs, and a number of certificate programs. The University’s academic programs are offered through the College of Agriculture and Environmental Sciences; College of Arts, Humanities, and Social Sciences; College of Business and Economics; College of Education; College of Engineering; College of Health and Human Sciences; College of Science and Technology; Joint School of Nanoscience and Nanoengineering; and The Graduate College.

N.C. A&T’s outstanding student body is the primary strength of the university. Students are carefully selected from thousands of applicants annually. Once enrolled, they are taught and mentored by excellent faculty, the majority of whom have earned doctoral and other degrees from many of the nation’s most prestigious graduate and professional schools.

N.C. A&T graduates are among the largest number of African-American engineers at the undergraduate, master’s, and doctoral levels. The number of African-American psychology graduates also surpasses any other university in the nation. Through its School of Business and Economics, which is internationally accredited by the Association to Advance Collegiate Schools of Business (AACSB International), the institution is among the largest producers of African-American certified public accountants. True to its heritage, N.C. A&T is home to the largest agricultural school among Historically Black Colleges and Universities (HBCUs) and is the second largest producer of minority agricultural graduates. In 2008, the institution was the only HBCU to be awarded a prestigious National Science Foundation Engineering Research Center (ERC) grant for biomedical engineering and nanobiomedical applications research.

The University is widely recognized for its advancements in funded research opportunities. For the fiscal year 2015-16, N.C. A&T generated more than $60 million in sponsored programs. It also secures contracts and partnerships with national and international corporations, federal agencies and foundations to enhance academic programs and provide student scholarships.

N.C. A&T is proud of its 55,000 alumni of record who occupy leadership positions throughout the United States and internationally. These alumni spread the Aggie tradition everywhere they go as they continue to strive for excellence and make their mark on society. The University’s well-known successful alumni include the Rev. Jesse Jackson Sr., civil rights activist; U.S. Congressman Edolphus Towns (D-NY); retired Maj. Gen. Charles D. Bussey; retired Brig. Gen. Clara Adams–Ender; Ralph Shelton, founder of Southeast Fuels; Dr. Joe Dudley, Sr., founder of Dudley Products, Inc.; Alvin Attles, vice president of the Golden State Warriors; former District Court Judge Lawrence McSwain; U.S. Congressman Jesse Jackson Jr. (D-IL); former North Carolina Supreme Court Chief Justice Henry E. Frye; The Greensboro/A&T Four, Jibreel Khazan, Joseph McNeil, the late Franklin McCain and the late David Richmond; North Carolina
legislator Alma Adams; Elvin Bethea, 2003 Pro Football Hall of Famer; Janice Bryant-Howroyd, founder and CEO of ACT 1 Group; Willie Deese, president, Merck Manufacturing Division; Donna Scott James, managing director, Lardon Associates LLC; Dmitri Stockton, president and CEO of GE Consumer Finance for Central and Eastern Europe; and the late astronaut Dr. Ronald E. McNair.


2.2 UNIVERSITY MISSION AND VISION STATEMENTS

N.C. A&T is one of the state's two land-grant institutions and is an interdisciplinary university offering degree programs at the baccalaureate, master’s and doctoral levels. The University conducts a wide range of sponsored science and technology-related research programs and activities.

2.2.1 Mission.

2.2.2 Vision.

For both, see https://www.ncat.edu/about/vision-mission.html

2.3 UNIVERSITY GOALS

To become the premier interdisciplinary university in North Carolina and America, North Carolina Agricultural and Technical State University has six strategic goals:

1. Create an intellectual climate that encourages the creative exchange of ideas and increases the quality of the professional environment.

2. Commit to excellence in teaching, research, public service and engagement.

3. Position the University to be a national, premier research-intensive, doctoral, science and technology-focused learning institution.

4. Embrace an entrepreneurial spirit that intentionally engages university and community partners to expand economic development and civic engagement.

5. Foster a more diverse and inclusive campus community by promoting cultural awareness, collegiality, and by cultivating respect for diverse people and cultures.

6: Achieve excellence in academic and operational effectiveness and efficiency.
In 2006, N.C. A&T was classified as a doctoral research university (high research activity). The current classification became effective in 2011.

Approved by the Board of Trustees

Date Revision is Effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
3.1 BOARD OF TRUSTEES

The 1971 General Assembly provided that, effective July 1, 1973, the Board of Trustees shall consist of thirteen members: (1) eight elected by the Board of Governors; (2) four appointed by the Governor; and (3) the President of the student government, ex-officio. The term of office of all trustees, except the ex-officio member, shall be four years.

3.2 THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The Board of Trustees shall promote the sound development of the University with the functions prescribed for it, helping it to serve the people of the State in a way that will complement the activities of the other institutions and enable it to perform at a high level of excellence in every area of endeavor. The Board of Trustees shall serve as advisor to the Board of Governors on matters pertaining to the University and also shall serve as advisor to the Chancellor concerning the management and development of the University.

The Board of Governors’ delegated authority to campus boards of trustees is set forth in Appendix 1 of the Code of the Board of Governors of The University of North Carolina, and may be found here.

Implementation of that authority may be found in the Board of Trustees’ bylaws, here, and the “Duties, Responsibilities, and Expectations of Members of the Board of Trustees,” here.
3.3 CENTRAL ADMINISTRATION ORGANIZATION

3.3.1 Chancellor

The chancellor is the chief executive officer of North Carolina Agricultural and Technical State University and is recommended by the Board of Trustees and selected by the president of the University of North Carolina and the Board of Governors. The chancellor reports to the Board of Trustees for the operation and management of the University.

As the University’s chief executive officer, the chancellor is authorized by the Board of Trustees to develop and maintain efficiency and operational excellence within the University. The chancellor is charged with recommending certain policies for the Board’s consideration and approval and is responsible for implementing these and other policies once they have been approved. The chancellor has the final authority to approve, reject or modify recommendations of the faculty and administrative staff on matters that do not require board action. The chancellor is the official spokesperson for the University.

3.3.2 The Chancellor’s Executive Cabinet

This group acts in an advisory role to the chancellor. Cabinet membership may be found [here](#).

Membership includes individuals holding the following positions:
- Provost and Executive Vice Chancellor for Academic Affairs
- Vice Chancellor for Business and Finance
- Vice Chancellor for Information Technology and Chief Information Officer
- Vice Chancellor for Research and Economic Development
- Vice Chancellor for University Advancement
- Vice Chancellor for Student Affairs
- General Counsel for Legal Affairs
- Vice Chancellor for Human Resources
- Chief of Staff

3.3.3 Deans

The deans are responsible for the overall administration and management of the colleges and school. The list of current deans may be found [here](#).

The colleges of the University include:
- College of Agriculture and Environmental Sciences
- College of Arts, Humanities, and Social Sciences
- College of Business and Economics
- College of Education
- College of Engineering
- Graduate College
- College of Health and Human Sciences
- College of Science and Technology
- Joint School of Nanoscience and Nanoengineering
- Library Services

Deans are responsible for providing a vision, direction and oversight for strategic planning in support of the University’s strategic plan. Other administrative responsibilities include: managing and allocating financial resources; program development and planning; evaluation and assessment; accreditation oversight; faculty and staff development; faculty hiring, appointments and reappointments, promotion and tenure and post-tenure review; developing strong relationships with other Colleges and external communities; and enforcing academic policies and regulations. Academic deans provide curricular supervision and coordination. In addition, academic deans present the perspectives of faculty, students, and the university librarian in University planning, while also developing relationships with external constituencies and internal units.

3.3.4 Deans Council

The Deans Council is composed of deans of the colleges, school, and Library Services. This Council makes recommendations to the chancellor through the provost and vice chancellor for academic affairs on broad categories of academic issues such as faculty employment guidelines and other areas related to faculty development, implementation and discontinuance of academic programs and activities, admission criteria, retention, and graduation.

3.3.5 Department Chairpersons

The department chairpersons report to the deans of the designated colleges and school. The department chairpersons are responsible for the leadership and administration of the academic departments. Engaging faculty in the strategic planning process for the academic unit is an important role. Each department chairperson is responsible for budget development, management and allocation. Primary responsibilities of the department chairpersons related to personnel management include: recruitment and hiring; faculty assignments and workload; evaluation, development and professional guidance; and participation in the reappointment, promotion and tenure and post-tenure review process. The department chairperson oversees accreditation and curricular and program development, secures external funding, and supports faculty research, teaching and service. Facilities management duties include coordination and oversight of classroom and laboratory usage.

Approved by the Board of Trustees

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NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

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CHAPTER IV

CONSTITUTION OF THE FACULTY SENATE

4.1 ARTICLE I - AUTHORITY

4.1.1 Faculty

The Faculty of North Carolina Agricultural and Technical State University, hereinafter designated as "the Faculty," shall be governed by the rules set forth in this document entitled "Constitution of the Faculty Senate."

4.1.2 Chancellor

The Faculty recognizes and accepts that the authority and responsibility for the governance of North Carolina Agricultural and Technical State University, by law, are vested in the Chancellor, subject to policies established by the Board of Governors and the Board of Trustees, to the direction of the President, and to such authority as the Chancellor may define for faculties, councils, committees, and officers of North Carolina Agricultural and Technical State University.

4.2 ARTICLE II - PURPOSES

4.2.1 The Code of the Board of Governors of the University of North Carolina
Faculty governance takes place within the guidelines, set forth in The Code of the Board of Governors of The University of North Carolina, which stipulates that the Chancellor is responsible for the campus and, in turn, is responsible to North Carolina Agricultural and Technical State University’s Board of Trustees, the President, and the Board of Governors of the University of North Carolina. To the extent that any of these sections may be inconsistent with The Code, as it may be amended from time to time, said Code shall control.

4.2.2 Purposes of Faculty Governance

The Purposes of Faculty Governance are as follows:

A. To promote the conceptualization of University governance as a cooperative responsibility of administration, faculty, students, and other constituents and stakeholders who are concerned with the growth and development of the University.

B. To clearly define the responsibilities delegated to each constituent group.

C. To assure the active participation of faculty members on committee assignments.

D. To provide and facilitate effective communication among constituents and stakeholders within the University community.

E. To give full recognition to the Chancellor of the University, who has the ultimate authority and responsibility for administrative action according to the policies of this document.

4.3 ARTICLE III – ORGANIZATION

The name of this organization shall be the Faculty Senate of North Carolina Agricultural and Technical State University.

4.4 ARTICLE IV - FACULTY SENATE

4.4.1 Governance

The Faculty Senate shall be the main body of faculty governance of North Carolina Agricultural and Technical State University.

4.4.2 Purposes

A. To be the legislative body of the faculty and represent faculty interests within and outside the University.
B. To recommend and monitor program and department requirements pertinent to admission into academic programs, curricular and the awarding of undergraduate and graduate degrees.

C. To recommend academic policies that impact educational programs of study, instructional standards and grading criteria.

D. To recommend or endorse the implementation or modification of undergraduate and graduate degree programs.

E. To recommend faculty to represent the University in the following committees:
   - Faculty Grievance Committee
   - Faculty Hearing and Reconsideration Committee

F. To nominate and elect faculty to represent the University in the following committees:
   - The Faculty Assembly at the University of North Carolina General Administration

G. To recommend academic programs designed to serve and benefit the students and the communities in which they live.

H. To participate in and contribute to efforts that enhance the academic development, growth and profile of the University.

I. To recommend changes to the Faculty Handbook and maintain the Faculty Handbook.

4.4.3 Membership

Each academic department, including the Joint School of Nanoscience and Nanoengineering, the School of Nursing, and Library Services, shall elect one Senator and one Alternate to the Faculty Senate. One faculty member represents the Graduate College in the Faculty Senate. The Chancellor and the Provost and Vice Chancellor for Academic Affairs are ex officio members.

A. Each Senator and Alternate is elected for a two-year term. A Senator may be re-elected for a maximum of three consecutive terms. The Alternate does not automatically elevate to the status of Senator if the Senator is not re-elected or is ineligible to serve another term. Exceptions to the maximum number of consecutive terms should be recommended by the department chair and approved by the Faculty Senate Executive Committee.
B. Election of the Senator and Alternate should occur by the end of January. The names of these elected representatives should be forwarded to the Faculty Senate Chair and Secretary no later than the third Tuesday in February. Newly elected Senators and Alternates shall commence their term at the beginning of the upcoming academic year.

C. Only full-time tenured and tenure-track faculty who are at least in their second year at North Carolina Agricultural and Technical State University may be elected as a Senator or Alternate.

D. Individuals with administrative appointments (including department chairpersons, directors, assistant/associate deans, and deans) are ineligible to serve as Senators or Alternates.

4.4.4 Responsibilities of Senators

A. Each Senator is expected to attend all regular and called meetings of the Faculty Senate.

B. In the event the Senator is unable to attend a meeting, the Alternate should be notified by the Senator and attend the meeting.

C. Senators and Alternates are to represent and report the interests and concerns of their departmental faculty.

D. Senators should report the business of the Faculty Senate to their respective departments.

E. Only Senators (or the Alternate in absence of the Senator) are to make and vote on motions.

F. Each Senator must serve on at least one (1) standing committee of the Faculty Senate.

4.4.5 Officers

The officers of the Faculty Senate shall be the Chair, Vice Chair, Secretary, and such other officers as deemed necessary. The Administrative Assistant may assist the secretary, if needed.
A. The officers shall be elected from the elected membership of the Faculty Senate prior to the last meeting of each academic year. The newly elected officers shall assume duties and responsibilities of their respective offices at the beginning of the upcoming academic year.

B. The officers shall serve an initial two-year term and may be re-elected for an additional two-year term. Following the cessation of the second two-year term, the officer is not eligible for re-election until after a full one term break in service.

C. The Chair and the Vice Chair shall be elected in different years. The Secretary shall be elected in the same year as the Vice Chair.

4.4.6 Duties of the Officers

A. The duties of the Chair shall be as follows:
   (1) To preside at all meetings of the Faculty Senate and the Executive Committee of the Faculty Senate;
   (2) To appoint the standing committees and other committees deemed necessary (Exception: Committees elected or recommended by the Faculty Senate, as described in Section 4.4.2);
   (3) To attend Board of Trustees meetings at North Carolina Agricultural and Technical State University;
   (4) To represent the University as a delegate to the Faculty Assembly at the University of North Carolina System;
   (5) To execute other duties incumbent with that office.

B. The duties of the Vice Chair shall be as follows:
   (1) In absence of the Chair, the Vice Chair acts in the official capacity of the Chair and performs all the duties of that office;
   (2) To complete the term of the Chair if the Chair is unable or unwilling to complete the two-year term. If the Vice Chair should succeed the Chair during a term in office, a new Vice-Chair shall be elected to complete the term of the Vice Chair.

C. The duties of the Secretary shall be as follows:
   (1) To record the minutes of all meetings of the Faculty Senate and prepare copies of the minutes for distribution to the members of the Faculty Senate;
   (2) To notify all Senators of meetings;
   (3) To record minutes of the Executive Committee meetings and distribute copies of the minutes to members of the Executive Committee;
(4) At the end of the academic year, provide a bound copy of minutes for placement in the Reserves location in the Library;

(5) Keep a record of current senators with beginning of service and current term end.

4.4.7 Meetings – Quorum – Voting

There shall be a regular meeting of the Faculty Senate once during each month of the academic year. The Faculty Senate may not meet during the months of December and May.

A. Special meetings may be called by the Chair of the Faculty Senate or at the request of one-third of the Faculty Senate membership in the case of urgent matters. Special meetings shall be called by written, electronic or telephone correspondence;

B. A quorum for the conduct of business in the Faculty Senate shall consist of a majority of the academic departments represented in the Faculty Senate;

C. The most recent revision of Robert's Rules of Order shall be observed in the conduct of business;

D. Absentee and proxy voting shall not be permitted;

E. Disposition of motions shall be determined by a majority vote of the members present.

Copies of minutes and action taken by the Faculty Senate shall be deposited in the Office of the Provost and Vice Chancellor for Academic Affairs, accessible electronically via the Faculty Senate website, and placed in the Reserves location in the Library.

4.4.8 Standing Committees

The Standing Committees of the Faculty Senate shall be the: Constitution Committee; Education Policy Committee; Faculty Welfare Committee; Nominating Committee; New Programs and Curricula Committee; Academic Calendar Committee; and Faculty Handbook Committee. All of the standing committees present reports and recommend their committee actions to the Faculty Senate for approval. The duties of the standing committees are as follows:

A. Constitution Committee: This committee shall periodically review the Constitution of the Faculty Senate and make recommendations for necessary changes.

B. Education Policy Committee: This committee shall study and recommend new policies or changes to existing policies relating to the academic programs of the University.
C. Faculty Welfare Committee: This committee shall be concerned with matters pertaining to employment, appointments, tenure, benefits, and professional development.

D. Nominating Committee: This committee shall consist of one member of the Faculty Senate from each of the colleges and the Library Services. This committee should submit a slate of nominations in April for Senate officers, school/college representatives to serve as faculty grievance committee members (Grievance and Hearing and Reconsideration), and Faculty Assembly delegates. In conjunction with the Executive Committee of the Faculty Senate, the Nominating Committee should identify faculty to be named to various university-wide committees to be appointed by the Chancellor, Provost, or a Vice Chancellor.

This committee shall be comprised of one member of the Faculty Senate from each College and Library Services. Prior to the April meeting of the Faculty Senate, the Nominating Committee is to submit nominations to be considered for the following positions:
- Offices of the Faculty Senate
- Faculty Grievance Committee
- Faculty Hearing and Reconsideration Committee
- The delegation to represent the University on the Faculty Assembly at the University of North Carolina General Administration (UNC-GA)

In conjunction with the Executive Committee of the Faculty Senate, the Nominating Committee should identify faculty for consideration to serve on University committees identified by the Chancellor, Provost or a Vice Chancellor.

E. New Programs and Curricula Committee: This committee shall review, analyze and approve all proposed curricular changes and new programs recommended by academic departments or other representative individuals or groups. The Senators from the Graduate College and Library Services shall serve on the New Programs and Curricula Committee. A representative from the Teacher Education Council will serve as an ex officio member of the committee.

F. Academic Calendar Committee: This committee shall review the Academic Calendar each year to ascertain accuracy and fairness before the Calendar is officially printed. Its operations will be in accordance with The Code of the Board of Governors of the University of North Carolina (Section 400.1.6), which defines the number of class days per semester and reports the date for approved calendar submission – namely, October 15 for the following academic year.

G. Faculty Handbook Committee: This committee shall review the Faculty Handbook annually and/or deliberate on issues pertaining to the Faculty Handbook as directed
by the Faculty Senate and make recommendations to the Faculty Senate for approval of any changes deemed necessary to the Faculty Handbook. It is the responsibility of this committee to update the Faculty Handbook with changes approved by the Faculty Senate.

4.4.9 Committee Appointments – Hearing and Reconsideration and Grievance

Faculty appointed to the Faculty Hearing and Reconsideration Committee and the Faculty Grievance Committee have a duty to impartially consider the oral testimony and written evidence submitted at hearings. At committee meetings other than hearings, each committee may provide input that reflects the interest of the faculty. The (faculty) committee should submit and/or present a written report to the Faculty Senate of meetings other than hearings. Information should be presented in a timely manner.

4.4.10 Executive Committee

The Executive Committee shall consist of the Chair, Vice Chair and Secretary of the Faculty Senate and the chairperson of each Standing Committee. It shall be the duty of the Chair of the Faculty Senate to convene meetings of the Executive Committee, as necessary, to handle matters where it would not be expedient or possible to call a meeting of the Faculty Senate. It shall be the power and duty of the Executive Committee to act on behalf of the Faculty Senate when the Faculty Senate is not in session. A quorum shall be a majority of the members of this Committee (one more than half).

4.4.11 Methods of Submitting Business Matters to the Faculty Senate for Consideration

Business matters may be brought before the Faculty Senate by academic and administrative units, constituents and stakeholders of North Carolina Agricultural and Technical State University.

Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
5.1 COMMITTEES OF THE FACULTY - ELECTED

Any faculty member appearing before any committee at the University, which will make a decision or recommendation concerning that faculty member, has the right to an impartial consideration when a decision or recommendation must be rendered. Faculty members have the right to challenge the participation of a committee member based on a showing of a conflict of interest that may affect the impartiality of that committee member. Such challenges should be made before the committee in question. The challenged committee member shall not participate in the vote. That committee must decide by a simple majority vote of the non-challenged members the validity of the challenge before consideration is given to the issue before the committee. If the entire committee is challenged, the committee shall decide the validity of the challenge by majority vote.

No tenured faculty member who is an applicant for promotion will be allowed to serve on any of the three promotion and tenure committees. If an individual has already been elected to one of these committees prior to his/her decision to apply for promotion, a replacement (only for that year) will be elected by the same faculty body that elected the original member.

A faculty member applying for promotion may not serve on any application of a “related person” as defined in the University’s Nepotism Policy.
5.1.1 Faculty Reappointments, Promotions, and Tenure – University

The University Committee on Reappointments, Promotions, and Tenure is responsible for reviewing all recommendations from all College Deans and the Dean of Library Services with respect to reappointments, promotions, and tenure, and shall recommend appropriate action to the Provost and Executive Vice Chancellor for Academic Affairs. For the purpose of faculty reappointments, promotions, and tenure, the Joint School of Nanoscience and Nanoengineering (JSNN) is operationally defined as a college and the School of Nursing is operationally defined as a department. The University Committee on Reappointments, Promotions, and Tenure shall consist of thirteen (13) faculty members, each of whom shall have permanent tenure and shall be elected annually by tenured and tenure-track faculty on a two-year term from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, college/school dean, or other administrative officer may serve on this committee.

In relation to applications for tenure, this review is not for the purpose of judging the professional qualifications of the applicant. The scope of this review is restricted to determining whether the University has the resources to support the application, and whether a positive recommendation concerning the application is consistent with current University goals. Such factors as the following are considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. In regards to application for promotion, following the review by the Dean, the University Committee is to review the applicant's professional qualifications in relation to the comparability of qualifications with previous and, if applicable, current applicants and a proven consistency with those at the same rank throughout the University.

The Committee shall elect from its membership a chairperson, a vice chairperson, and a secretary. The number of Committee members allotted to each College (including JSNN) and Library Services as follows:

**COLLEGE (including JSNN) and LIBRARY SERVICES NUMBERS OF MEMBERS**

<table>
<thead>
<tr>
<th>College</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>College of Arts, Humanities, and Social Sciences</td>
<td>2</td>
</tr>
<tr>
<td>College of Education</td>
<td>1</td>
</tr>
<tr>
<td>College of Agriculture and Environmental Sciences</td>
<td>1</td>
</tr>
<tr>
<td>College of Business and Economics</td>
<td>2</td>
</tr>
<tr>
<td>College of Engineering</td>
<td>2</td>
</tr>
<tr>
<td>College of Health and Human Sciences</td>
<td>1</td>
</tr>
<tr>
<td>Library Services</td>
<td>1</td>
</tr>
<tr>
<td>College of Science and Technology</td>
<td>2</td>
</tr>
<tr>
<td>Nanoscience and Nanoengineering</td>
<td>1</td>
</tr>
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**TOTAL NUMBER OF MEMBERS** 13
COLLEGE (including JSNN) AND LIBRARY SERVICES NUMBER OF MEMBERS

The University Reappointment, Promotion, and Tenure committee shall comprise a total of 13 members elected from the various Colleges (including JSNN) and Library Services of the University.

Every even-numbered year, the Provost will review the number of Committee members being allocated proportionately to each College based upon the current number of approved faculty positions. The Provost will submit a reallocation of numbers to the Faculty Senate, the College Deans, and the Dean of Library Services.

5.1.2 Faculty Reappointments, Promotions, and Tenure – College

Each College (including JSNN) Committee on Faculty Reappointments, Promotions, and Tenure is responsible for reviewing all recommendations from department chairpersons and departmental Reappointments, Promotions, and Tenure Committees within the college with respect to the academic merits of the faculty member, taking into consideration criteria published in the department, college and University policies, including, but not limited to, “Criteria for the Evaluation of Faculty” and “Policies Concerning the Minimum Requirement and General Criteria for Promotion in Rank and/or Permanent Tenure” and/or other relevant criteria as promulgated by the individual department and college. The committee shall then recommend to the college dean appropriate action with respect to reappointments, promotions, and tenure. The review of this Committee is restricted to the evaluation of the faculty member’s application with respect to satisfying the criteria for reappointment, promotion, and tenure. The scope of this review is limited to the professional qualifications, professional performance, collegiality and potential professional contributions to the University.

Each College Committee on Faculty Reappointments, Promotions, and Tenure shall consist of a minimum of five (5) faculty members. The selection of Committee members shall be within the province of the faculty of the college. Each committee member shall have permanent tenure and shall be elected annually by the College’s tenured and tenure-track faculty for a two-year term from the following professorial ranks: professor, associate professor, and assistant professor. No department chairperson, division director, college dean, or other administrative officer may serve on this committee.

The Committee shall elect from its membership a chairperson, a vice chairperson, and a secretary.

If the College Committee on Faculty Reappointments, Promotions and Tenure, and the dean, need further information related to the applicant, they should consult a source qualified to provide the required information.
5.1.3 Faculty Reappointments, Promotions, and Tenure – Department

Each Department (including the School of Nursing) within a College shall have a Committee for Reappointments, Promotions, and Tenure that is responsible for reviewing all applications for Reappointments, Promotions, and Tenure from within the department. New tenure-track faculty members shall receive departmental standards for reappointments, promotion and tenure within the first week of employment from the Chairperson of the department. The Committee shall use the criteria published in University policies, including, but not limited to, “Criteria for the Evaluation of Faculty” and “Policies Concerning the Minimum Requirement and General Criteria for Promotion in Rank and/or Permanent Tenure” and the current published standards for Reappointments, Promotions, and Tenure of the department, which may include collegiality, for its review. The Committee shall be composed of the department chairperson (director of nursing) and a maximum of six tenured faculty members who shall be elected by the department/school tenured and tenure-track faculty from the following professorial ranks: professor, associate professor, and assistant professor (if tenured). If the department/school has more than six tenured faculty members, then six candidates will be elected annually by the departmental tenured and tenure-track faculty. In the case of small numbers, the Committee may contain four (4) or a minimum of two (2) tenured faculty members, excluding the chairperson. This total number must always be odd. If the department does not have two (2) tenured faculty members to serve on the Committee, tenured and tenure-track faculty of the department will elect one (1) or two (2) eligible tenured faculty from other departments in their college to serve on their departmental Committee. The department chairperson will participate in the evaluation of all other departmental applications except his/her own or that of a “related person” as defined in the University’s Nepotism Policy. For the evaluation of the department chairperson, an alternate tenured faculty member will be elected from the eligible tenured faculty of the department or from another department within the college. The Committee shall elect a chairperson from its membership.

5.1.4 Faculty Reappointments, Promotions, and Tenure – Third Review Committee for the Faculty of the Library

The professional Library Services faculty will have two (2) recommending bodies review the applications for faculty reappointments, promotions, and tenure. The applications will undergo a third review in case of a tied vote between the Library Services committee and the Dean of Library Services. The third review committee shall use the same standard of review as the Library Services committee. The third review committee shall consist of the following:

- A three (3)-member standing committee of tenured faculty, drawn from a slate of five (5) tenured faculty nominated by the Faculty Senate, will serve as the voting body;
- The slate of nominees will be submitted to the affected units by the Faculty Senate;
• This committee will be elected by the tenured and tenure-track faculty members of Library Services.

5.1.5 Performance Review Committee

Tenured faculty in all departments in all colleges shall constitute the pool eligible to serve as members of a Performance Review Committee (PRC). The purpose of the PRC is to process post-tenure reviews. Administrative tenured faculty members are ineligible to serve on a PRC. The Office of the Provost and Executive Vice Chancellor for Academic Affairs shall verify annually the eligibility of all committee members and maintain records of the members of the University-wide PRCs. From this pool, three faculty members shall be elected by tenured faculty to serve on the PRC for a tenured faculty member who has been identified for a performance review. No committee member may be selected individually by the reviewee; all members shall be elected by the tenured faculty from the reviewee’s department or, where appropriate and permitted by a department, one from another department. Reviewees may vote for committee members. The selection process shall provide for the replacement of a PRC member in the event of illness or separation from the University. Committee members shall select a chairperson of the PRC.

The Office of the Provost and Executive Vice Chancellor for Academic Affairs shall endeavor to provide a training session for PRC members relative to peer review. Please see the latest version of the University’s Post-Tenure Review Policy for detailed procedures. To the extent that the Policy is inconsistent with the provisions of this section, the Post-Tenure Review Policy shall prevail.

5.1.6 Faculty Grievance Committee

The Faculty Grievance Committee shall be authorized to hear and advise with respect to the adjustment of grievances of members of the faculty. The power of the Committee shall be solely to hear representations by the person directly involved in a grievance and to advise resolution by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the chancellor only after the department chairperson, dean or other administrative official most directly empowered to adjust the issue has been given similar advice and has not acted upon it within a reasonable time, not to exceed ten (10) working days.

“Grievances” within the province of the Committee's power shall include matters directly related to a faculty member's employment status and institutional relationships within the institution, including matters related to post-tenure review. However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member, or is within the jurisdiction of another standing committee of the faculty, may be considered by the Committee.

The Committee on Faculty Grievances shall consist of seven (7) faculty members elected by the faculty from the following professorial ranks: professor, associate professor, and
assistant professor. No department chairperson, division director, college dean, or other administrative officer may serve on this Committee. If a Committee member is in the same department as the person seeking the hearing, or is a “related person” as defined in the University’s Nepotism Policy, that member shall recuse himself/herself from sitting in that hearing.

The Committee shall elect from its membership a chairperson, a vice chairperson, and a secretary.

The Faculty Senate shall recommend persons for appointment to the Faculty Grievances Committee. The Chancellor shall appoint members based on these recommendations. For additional information, please see the Faculty Grievance, Policy and Procedures.

5.1.7 Hearing and Reconsideration

The Hearing and Reconsideration Committee is responsible for conducting a proper hearing to determine the facts concerning discharge, non-reappointment, and termination cases and render a recommendation in accordance with specific findings of fact with regard to the allegations.

The Hearing and Reconsideration Committee shall consist of seven (7) faculty members elected by the faculty from the following professorial ranks: professor, associate professor, and assistant professor. No department head, division director, college/school dean or other administrative officer may serve on this Committee. If a Committee member is in the same department as the person seeking the hearing, or is a “related person” as defined in the University’s Nepotism Policy, that member shall recuse himself/herself from sitting in that hearing.

The Committee shall elect from its membership a chairperson, a vice-chairperson and a secretary.

The Faculty Senate shall recommend persons for appointment to the Faculty Hearing and Reconsideration Committee. The Chancellor shall appoint members based on these recommendations.

Hearings shall be conducted in accordance with Section 603, 604, or 605 of The Code and policies of the Board of Governors of the University of North Carolina and the applicable NC A&T policy concerning “Academic Freedom, Tenure, and Due Process.”

5.2 COMMITTEES OF THE FACULTY – APPOINTED (Some committees are not exclusively composed of faculty members.)
The following sections define the committees of the faculty that are appointed by the Chancellor or the Provost.
5.2.1 Athletics Academic Monitoring and Eligibility Certification Committee (appointed by the Chancellor)

The Athletics Academic Monitoring and Eligibility Certification Committee is charged to monitor the progress of student athletes and aid them in making progress toward completion of their degrees, via periodic cohort assessments of an athlete’s academic performance(s).

5.2.2 Advising Excellence Award Committee (appointed by the Provost)

The Advising Excellence Awards Committee, composed of faculty, staff and university administrators, has designed a process that incorporates guidelines that will help ensure that awardees are selected with integrity and in a manner consistent with ethical guidelines of the University. To ensure that advisors on all levels are appropriately recognized, The Advising Excellence Awards Committee has chosen to distinguish between professional advisors and faculty advisors on both the undergraduate and graduate levels. The Selection Committee will evaluate nominations on the evidence of qualities and practices that distinguish the nominees as an outstanding faculty advisor or student services provider.

5.2.3 Athletics Budget and Finance Committee (appointed by the Chancellor)

The Athletics Budget and Finance Committee is charged to provide:

1. Feedback, consultation and input on the Department of Intercollegiate Athletics’ budgets based upon realistic projected income and expenditures by sports activities, as developed and presented by the Athletics Director, Business Manager for Athletics, and the Office of the Vice Chancellor for Business and Finance;
2. A review and analysis of the department’s fiscal position and stability;
3. A review of the current year NCAA Financial Dashboard and Comparative Data;
4. Information regarding booster club organization and activity;
5. On a semester basis, assessments of Aggie Athletic Foundation financial compliance;
6. A monthly report to the Chancellor’s Council of Intercollegiate Athletics (CCIA);
7. An annual report to the CCIA.

5.2.4 Athletics Compliance Committee (appointed by the Chancellor)

The Athletics Compliance Committee is charged to complete monitoring tasks, educate constituents, and ensure compliance with NCAA legislation and bylaws through a system of checks and balances that involve both athletics and non-athletics administrators and staff.
5.2.5 Athletics Equity/Student Welfare Committee (appointed by the Chancellor)

The Athletics Equity/Student Welfare Committee is charged to assist in the development and implementation of plans in accordance with the NCAA’s principles of equity, minority opportunities, protection and enhancement of the physical and educational welfare of student athletes; and ensures that student athletes, coaches and all others associated with intercollegiate athletics adhere to such fundamental values as respect, fairness, civility, honesty, and responsibility.

5.2.6 Awards, Honorary Degrees, Fall Convocation and Honors Day Committee (appointed by the Chancellor)

The Awards, Honorary Degrees, Fall Convocation and Honors Day Committee will be responsible for selecting and recommending nominations to the Chancellor for:

1. The Outstanding Administrator;
2. The Outstanding Alumnus/Alumna;
3. The O. Max Gardner Award nominee;
4. Excellence in Public Service;
5. The Outstanding Person(s) to receive Honorary Degrees for recognition at the commencement exercises.

The Committee is also responsible for planning the programs for the Fall Convocation and the Honors Day Convocation. This responsibility includes working with the Chancellor’s office in selecting the speakers, obtaining the Chancellor’s approval, and securing the speakers for the programs.

Beginning in 2009 – 2010, the Outstanding College/School Teaching Award, Junior Faculty Teaching Excellence Award, and UNC Board of Governors Award for Excellence in Teaching. Awards processes will be managed by the respective divisions.

5.2.7 Campus Safety Advisory Committee (appointed by the Chancellor)

The Campus Safety Advisory Committee shall have specific advisory responsibility for matters of personal safety and is charged to:

1. Conduct on-going assessment of the quality of personal safety policies, practices, procedures and programs through the use of surveys, examination of critical incidents and crime statistics provided by the University Police Department;
2. Recommend improvements in safety education programs to ensure appropriate focus on the issues of personal safety;
3. Recommend improvements to campus preventive and judicial policies on sexual assault; such review will include an assessment of the availability of counseling services for victims and a review of the victim referral procedures and campus
response protocols for sexual assault situations;
4. Prepare a monthly and annual report to be submitted to the vice chancellor for student affairs for incorporation into a safety report to be forwarded to the chancellor.

5.2.8 Chancellor’s Council of Intercollegiate Athletics (CCIA) (formerly known as Chancellor’s Advisory Committee for Athletics) (appointed by the Chancellor)

The Chancellor’s Council of Intercollegiate Athletics is charged to recommend policies to govern the intramural and intercollegiate athletic programs of the University, including such matters as the income and expenditures, budgets, seasonal and post-seasonal schedules, financial aid to athletics, eligibility of athletes, awards to athletes, ticket distribution, public and campus relations to the athletic programs, scouting and recruitment activities, and faculties.

5.2.9 Chancellor’s Holiday Celebration Committee (appointed by the Chancellor)

The Chancellor’s Holiday Celebration Committee is charged to plan and implement all arrangements associated with the University’s annual holiday celebration.

The co-chairs are responsible for: selecting the theme, establishing sub-committees to execute duties related to decorations, audio-visual and other technical set up, parking, catering, and security, and ensuring that expenditures for the event are kept within budget.

5.2.10 Commencement Committee (appointed by the Chancellor)

The Commencement Committee is charged to plan and implement all arrangements for the commencement ceremonies at the end of the fall and spring semesters, recommend a list of three (3) speakers who are available for each of those events, obtain the Chancellor’s approval accordingly, and secure speakers. With prior notice to the Chancellor, the Chair of the Commencement Committee may replace members unable to continue service.

5.2.11 Environmental Health and Safety Committee (appointed by the Chancellor)

The charge to the Environmental Health and Safety Committee includes the following duties and responsibilities:

1. Review all safety and health policies and procedures established by the University;
2. Review incidents involving work-related fatalities, injuries, or illnesses;
3. Review employee complaints regarding safety and health hazards;
4. Analyze the University’s work injury and illness statistical records;
5. Conduct inspections of work sites at least annually and in response to complaints
regarding safety and health hazards;
6. Conduct interviews with employees in conjunction with inspections of the workplace;
7. Review the University’s training records to ensure compliance with regulatory training requirements;
8. Conduct meetings at least once every three months, maintain written minutes of such meetings, send copies to each Committee member, and ensure that a copy of the minutes is posted in the appropriate place;
9. Designate employee safety and health representative(s) to accompany representatives from regulatory agencies (i.e., NCOSHA, NC Department of Insurance and NC Division of Environmental Management) during safety and health inspections of the workplace;
10. Make written recommendations on behalf of the Committee to the next highest safety and health committee and/or University head.

5.2.12 EPA Non-Teaching Grievance Committee (appointed by the Chancellor)

Each category of University employees must have access to a grievance committee. The EPA Non-Teaching Grievance Committee is charged to hear and advise with respect to the adjustment of grievances of employees in covered positions. It hears grievances, receives and reviews the evidence, evaluates the validity of the evidence, and makes a recommendation to the Chancellor. Accordingly, the Committee should meet with the University’s general counsel or deputy general counsel to schedule an orientation and education session.

5.2.13 Institutional Animal Care and Use Committee (appointed by the Chancellor)

The Institutional Animal Care and Use Committee is the advisory body to the Vice Chancellor for Research and Economic Development, and is responsible for protecting the rights and welfare of animal subjects in research in accordance with the Animal Welfare Act and the Health Research Extension Act of 1985 and subsequent revisions. The Committee chair is responsible for submitting semi-annual reports of the Committee’s activities to the Vice Chancellor for Research and Economic Development by the end of December and May of each year.

5.2.14 Institutional Biosafety Committee (appointed by the Chancellor)

The Institutional Biosafety Committee is the advisory body to the Vice Chancellor for Research and Economic Development and functions in accordance with policies and procedures, as required by the National Institutes of Health and the Occupational Safety & Health Association (OSHA), to oversee faculty research involving infectious biological agents and recombinant DNA materials. The committee upholds the University’s responsibility for ensuring that research and teaching activities are carried out in a manner that protects students, university employees, and the community. The
committee chair is responsible for submitting semi-annual reports of the Committee’s activities to the Vice Chancellor for Research and Economic Development by the end of December and May of each year.

5.2.15 Institutional Review Board (appointed by the Chancellor)

The Institutional Review Board is the advisory body to the Vice Chancellor for Research and Economic Development and is responsible for protecting the rights and welfare of human subjects in research in accordance with the Public Health Service Act (P.L. 93-348) as implemented by Health and Human Services (HHS) regulations in 45 CFR 46. The Board shall be responsible for determining for each activity planned and conducted that (1) the rights and welfare of human subjects are adequately protected, (2) the potential benefits to the human subjects outweigh the risks involved, and (3) the informed consent of human subjects will be obtained by methods that are adequate, appropriate, and in conformity with the guidelines established by the federal government concerning the use of human subjects in research. All research on human subjects, sponsored and non-sponsored, must be reviewed by this Committee. It is the responsibility of each faculty member to institute the review process through the department chairperson. The Committee chair is responsible for submitting semi-annual reports of the Committee’s activities to the Vice Chancellor for Research and Economic Development, by the end of December and May of each year.

5.2.16 Pre-professional Scholars Program Planning Committee (appointed by the Provost)

The purpose of the Pre-professional Scholars Program Planning Committee (PPSP) is to provide scholarly and thoughtful advice to the Office of the Provost and Executive Vice Chancellor for Academic Affairs, and later to provide a faculty-driven basis for recommendations to the Chancellor.

The PPSP Program Task Force is charged to develop a comprehensive plan to establish a Pre-Professional Scholars Program. This plan should support the mission, vision and goals of the University and academic units, and should include, but not be limited to, resource needs, level of support, possible funding sources, integrative initiatives, timetable for initial implementation and assessment methodologies and metrics to evaluate the effectiveness of the program on an annual basis.

5.2.17 Protocol Review and Education Program (PREP) Committee (2-year appointment by Chancellor)

The PREP Committee serves as the advisory body to the Vice Chancellor for the Division of Research and Economic Development (DORED) and is responsible for reviewing human subject research protocols approved by the University’s Institutional Review Board (IRB).
5.2.18 Radiation Safety Committee (appointed by the Chancellor)

The Radiation Safety Committee is the advisory body to the Vice Chancellor for Research and Economic Development and is responsible for ensuring that research involving the use of radioactive materials and radiation-producing devices is conducted in accordance with the North Carolina Radiation Protection Act (Chapter 104E of the North Carolina General Statutes), the companion Radiation Protection regulations found in the North Carolina Administrative Code (15A NCAC 11.0101 et seq.), and the National Regulatory Commission regulations found in 10 CFR Part 20.

5.2.19 Research Awards Committee (appointed by the Chancellor)

The Research Awards Committee is responsible for selecting and recommending to the Vice Chancellor for Research & Economic Development:

1. The Outstanding Senior Researcher of the Year;
2. The Outstanding Junior Researcher of the Year;
3. The Rookie of the Year;
4. The Intellectual Property Award;
5. The Interdisciplinary Team Award.

5.2.20 STEM (Science, Technology, Engineering and Mathematics) Planning Committee (appointed by the Provost)

The STEM Planning Committee is charged to develop a comprehensive plan to establish and maintain STEM (Science, Technology, Engineering and Mathematics) as an academic emphasis at North Carolina A&T State University. This plan should support the mission, vision, and goals of the University and academic units, and should include, but not be limited to, resource needs, level of support, possible funding sources, and integrative initiatives, timetable for initial implementation and assessment methodologies, and metrics to evaluate the effectiveness of this program on an annual basis.

5.2.21 Council of Educator Preparation Programs (Appointed by the Provost)

The Council of Educator Preparation Programs (CEPP) is charged to ensure the quality of professional education programs through development and implementation of policies that are aligned with state/national standards and regulations. The CEPP is a standing University-wide governance committee. Its membership consists of all licensure program coordinators as well as relevant department chairs and other administrators in the College of Arts, Humanities, and Social Sciences, College of Agriculture and Environmental Sciences, College of Business and Economics, College of Education, and the College of Science and Technology.
5.2.22 Teaching Excellence Awards Committee (appointed by the Chancellor)

The Teaching Excellence Awards Committee is responsible for selecting and recommending to the Chancellor: (1) the UNC Board of Governors Excellence in Teaching Award, and (2) the NC A&T Junior Faculty Teaching Excellence Award.

5.2.23 Threat Assessment Team (appointed by the Chancellor)

The Threat Assessment Team is charged to:

1. Establish a protocol for identifying and responding to students and employees who potentially pose a threat to themselves or others;
2. Develop a comprehensive program to educate faculty, staff, and students about how best to recognize the signs and known indicators of violence, suicide and mental illness, and collaborate with institutional resources available to assist with these situations;
3. Educate community members on issues related to privacy of educational and medical/psychological records, including clarification of policies related to FERPA, HIPAA and state laws;
4. Develop a policy for the involuntary withdrawal of students who demonstrate through their behavior that they potentially pose a threat to themselves or others, but who may not have otherwise violated the campus Code of Conduct.

5.2.24 Traffic Review Committee (appointed by the Chancellor)

The Traffic Review Committee is responsible for conducting a proper hearing of appeals from students, faculty members or other University employees whose parking permits are suspended or revoked, or who are fined for violation of any University traffic regulation. The Committee shall consist of three (3) members. Two (2) of the members shall be faculty members appointed by the Chancellor, and one (1) shall be a student selected by the President of the Student Government Association. All decisions of the Committee shall be deemed final under the Traffic Regulations.

5.2.25 University Judicial Tribunal (appointed by the Chancellor)

The University Judicial Tribunal hears all cases referred to it by the Chancellor, Vice Chancellor for Student Affairs, or Office of the Dean of Students concerning actions against students for charges or violations of University Rules and Regulations.

5.2.26 University Technology Transfer Team (appointed by the Provost)

The purpose of the University Technology Transfer Team is to help determine how the findings of the study, “Innovate, Collaborate, Accelerate: The UNC Vision for Innovation and Technology Development,” will be implemented at the University in the most effective manner.
Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
6.1 ACADEMIC FREEDOM, TENURE, AND DUE PROCESS

See Appendix B-2, “Regulations on Academic Freedom, Tenure and Due Process.”

6.2 AFFIRMATIVE ACTION

See the Division of Human Resources’ webpage on this topic at http://www.ncat.edu/hr/eeo/.

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 faculty 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 Appendix C-2, “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 Human Resources Act (EHRA, formerly EPA), the hire does not become official until an appointment letter has been signed by both the employee and the Chancellor of the University or the Provost for faculty and instructional hires.


6.6 EQUAL EMPLOYMENT OPPORTUNITY


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.

6.7 EXTERNAL PROFESSIONAL ACTIVITIES OF FACULTY AND OTHER PROFESSIONAL STAFF

See Appendix D-3, “External Professional Activities for Pay by Faculty and Non-Faculty EHRA Employees.”

6.8 FACULTY DEVELOPMENT AND DOCTORAL COMPLETION GRANT PROGRAMS

The Center for Teaching Excellence administers 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 Center for Teaching Excellence 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. Please see the Center’s website at https://www.ncat.edu/divisions/academic-affairs/cte/index.html
6.9 ANNUAL LEAVE/FACULTY WITH ADMINISTRATIVE APPOINTMENT

Information about Leave for EHRA non-faculty (faculty with administrative appointment) may be found in the policy titled “Employment Policies for EPA Non-Faculty,” at http://www.ncat.edu/hr/documents/policies/emp-prov/epaf-emp.pdf.

6.9.1 Eleven-month Employees

Personnel with EHRA status, employed regularly on an eleven (11)-month 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

For requirements about jury duty, see the policy titled “Civil Leave,” at http://www.ncat.edu/hr/documents/policies/leave/civil-leave.pdf

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.

6.9.4.1 Extended Faculty Leave Due to Illness

See Appendix C-5, “Faculty Serious Illness Leave.”

6.10 NEPOTISM

6.11 OUTSIDE WORK ON A CONSULTING OR CONTRACTUAL BASIS

See Appendix D-3, “External Professional Activities for Pay by Faculty and Non-Faculty EHRA Employees.”

6.12 PAYROLL FOR EHRA FACULTY PERSONNEL

All full-time permanent faculty members are paid in twelve equal installments on the last business day of each month. Faculty are paid early, at the beginning of the fiscal year and before start of the academic year, and have an obligation to repay that pre-payment of salary if he/she leaves employment during the period prior to having earned his/her salary in the academic year.

6.13 POLITICAL ACTIVITIES OF UNIVERSITY EMPLOYEES

See Appendix D-1, “Political Activities of University Employees.”

6.14 PROCUREMENT OF CONSULTANT SERVICES

State law and University of North Carolina policy limits the employment of consultants by the University. For rules regarding the procurement of consultant services, see http://www.ncat.edu/divisions/business-and-finance/purchasing/policies/consultant-svcs.html.

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

See Appendix B-2, “Regulations on Academic Freedom, Tenure and Due Process,” Appendix C-2, “Criteria for the Evaluation of the Faculty,” and Appendix C-3, “Minimum Requirements and General Criteria for Promotion in Rank and/or Permanent Tenure.”

6.16 CONFIDENTIALITY OF PERSONNEL RECORDS


6.17 RETIREMENT OF FACULTY

See http://www.ncat.edu/hr/benefits/index.html for information about retirement.

For phased retirement, see http://www.ncat.edu/provost/docs/Phased%20Retirement%20Guidelines%20-%20Amended-Fall%202009.pdf
6.18 EMERITUS FACULTY STATUS


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 the University, 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 the University.

For more information about senior officers, see the policy titled “Employment Policies for EPA Non-Faculty,” at http://www.ncat.edu/hr/documents/policies/emp-prov/epanf-emp.pdf.

6.20 STUDENTS’ RIGHTS AND RESPONSIBILITIES


6.21 IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES


6.22 WEAPONS


6.23 REVIEW OF FACULTY HANDBOOK

The chapters of the Faculty Handbook shall be evaluated for revisions no later than five years from the last revision/review.
Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: February 21, 2007
Revised:  April 8, 2011
            July 20, 2018
The “Guidelines for Professional Conduct” formerly contained in this chapter were deemed more appropriate to be included in Appendix C-2, “Criteria for the Evaluation of the Faculty” and Appendix C-3, “Policies Concerning the Minimum Requirements and General Criteria for Promotion in Rank and/or Permanent Tenure.”


Approved by the Board of Trustees

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Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
NORTH CAROLINA AGRICULTURAL AND
TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

UNIVERSITY POLICY

CHAPTER VIII

BENEFITS

Benefits information may be obtained at http://www.ncat.edu/hr/benefits/index.html

EXIT INTERVIEW

A permanent employee who is regularly scheduled to work 20 or more hours per week and plans to terminate employment will complete an exit interview with the Benefits Office. The employee’s department administrator is responsible for scheduling the interview appointment at least one week prior to the effective date of the leave or termination. The employee may also contact the Benefits Office to schedule the exit interview.

Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
        July 20, 2018
NORTH CAROLINA AGRICULTURAL
AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

UNIVERSITY POLICY

CHAPTER IX

UNIVERSITY REGULATIONS

The content of this chapter was moved to a policy titled “Selected Faculty and Staff Policies,” at https://www.ncat.edu/legal/policies/sec2-acad-affairs/faculty-handbook/AA-Selected-Faculty-and-Staff-posted-2018.pdf.

Approved by the Board of Trustees

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Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
10.1 University Bookstore

http://ncat.bncollegel.com/webapp/wcs/stores/servlet/BNCBHomePage?storeId=74236&catalogId=10001&langId=-1

The University Bookstore offers a wide variety of services to the university community. Textbooks may be purchased through the bookstore on-site or online. The store offers snacks, school supplies, Aggie spirit wear, cards, notebooks and calculators.

10.1.2. Textbook Adoptions

https://www.facultyenlight.com/node/add/adoptions-request

The University Bookstore is responsible for providing all textbooks and additional learning materials, such as course packs, for all courses. The bookstore can obtain the copyrights for course pack materials at no charge to the faculty and make those packs available for student purchase.
10.2 Office of Career Services  
The Office of Career Services (OCS) offers a variety of programs and services for University students, employees, faculty and alumni. It provides centralized, comprehensive and progressive interdisciplinary programs, services and resources to prepare undergraduates, graduate students, and alumni for the achievement of personal, professional, and career development that meet the needs of a global society.

10.3 Center for Academic Excellence  
http://www.ncat.edu/divisions/academic-affairs/cae/  
The Center for Academic Excellence (CAE) is a full-service learning support unit designed to assist all university students in reaching high levels of academic success. Its core functions include academic coaching (advising), academic monitoring, academic support and student success. The CAE’s mission is to equip students with skills for academic success and learning support to help them chart efficient learning paths, achieve their academic goals, and become productive citizens and global contributors to society.

10.4 Child Development Laboratory  
http://www.ncat.edu/caes/agresearch/facilities/cdl/  
The University’s Child Development Laboratory is a high-quality early childhood educational facility. It serves children age 2 1/2 to 5-years old and focuses on the physical, cognitive, social, emotional, and creative development of the child. The Child Development Laboratory is also a teaching, research and service laboratory for University students.

10.5 Counseling Services  
Counseling Services offers a variety of services to help currently enrolled University students. These services include personal counseling, academic skills training, career appraisals, testing/assessments, consultations, Collegiate Recovery Community, support groups, outreach and practicum and internships for graduate students.

10.6 University Advancement  
University Advancement includes the following four areas: Alumni Relations, Development, Advancement Services, and the North Carolina A&T Real Estate Foundation, Inc. (previously known as NC A&T University Foundation). Its mission is to support the university through the enhancement and management of private resources by expanding opportunities for engagement, increasing the division’s resources, strengthening the university’s brand, and improving communications.
10.7 Dining Services
https://www.uncatdining.com/
Aggie Dining provides a dining services program for the entire University community. In addition to Williams Dining Hall and other dining options, a Faculty/Staff Dining room is located on the first floor in Williams Dining Hall. The following methods of payment are accepted: cash, credit card, or faculty block plan. Catering services are also available.

10.8 University Event Center
The University Event Center serves as the centralized operation through which all campus events and activities are planned, scheduled, coordinated and executed. The University Event Center’s online scheduling process is used by University departments and registered student organizations. All university departments and student organizations requesting use of campus facilities for event/meeting space are required to use this process.

10.9 University Farm
http://www.uncat.edu/caes/University%20Farm/index.html
The University Farm is a 492-acre working farm where crops and livestock are raised. Students and faculty in the College of Agriculture and Environmental Sciences use the farm for research and education, as well as to test and demonstrate new crops and farming practices before introducing them to the state’s farming community. The farm is also the site for research on sustainable agriculture and natural resources conservation, including swine waste research and soil conservation.

10.10 University Galleries
http://www.uncat.edu/cahss/departments/vpa/visual-arts/university%20galleries.html
The University Galleries are comprised of two main galleries and their corresponding art collections: the Mattye Reed African Heritage Gallery and the H.C. Taylor Art Gallery. The galleries and collections are housed in the historic Dudley Building located behind the A&T Four Monument.

10.11 Reid Greenhouse
http://www.uncat.edu/caes/agresearch/facilities/reid.html
The Reid Greenhouse is an important teaching, research, and demonstration facility. This 4,000 square-foot state-of-the-art greenhouse is used to grow and maintain horticultural and agronomic plants for laboratory classes and research experiments.

10.12 University Relations
http://www.uncat.edu/about/leadership/chancellor/university-relations/
University Relations is the central communications office for the University and is responsible for marketing, branding, crisis communications and media relations. The office works with colleges and departments across the university to promote news, information and events that align with the institution’s strategic priorities and brand positioning.
10.13 Information Technology Services
http://www.ncat.edu/divisions/its/index.html
Information Technology Services (ITS) helps students, staff, and faculty navigate state-of-the-art technology on campus and provides technical support, computer and software guidance, network/internet services, wireless access, multimedia setups and support, teleconference requests and remote access as well as supports general use and residential computer labs.

10.13.1 Instructional Technology Services and Distance Education
http://www.ncat.edu/divisions/its/dept/tlt
The Instructional Technology Services and Distance Education (ITSDE) team provides workshops, learning communities, and consultations for faculty, staff, and students to support technology adoption and innovation to meet the needs of the University.

10.14 Office of Strategic Planning and Institutional Effectiveness
http://www.ncat.edu/provost/ospie/
North Carolina A&T State University is committed to institutional effectiveness. The Office of Strategic Planning and Institutional Effectiveness (OSPIE) supports all institutional units in planning, assessment, research, and analytics in order to accomplish the goal of institutional effectiveness.

10.15 Center for Leadership and Organizational Excellence
http://www.ncat.edu/hr/cloe/index.html
The Center for Leadership and Organizational Excellence (CLOE) provides professional development opportunities for all permanent University employees. This office coordinates, designs and delivers training programs for departments and also offers faculty and staff organizational development consultations.

10.16 Bluford Library
http://www.library.ncat.edu/
The Ferdinand Douglass Bluford Library is the intellectual heart of the campus, providing a place for interaction, collaboration, study and reflection. The Bluford Library offers a dynamic learning environment that supports the research and educational efforts of its students, faculty and staff.

10.17 University Mail Center
The University Mail Center (UMC) has the primary responsibility for providing mail services for the campus community. The UMC examines, evaluates and enhances the extent to which mail services are provided for students, faculty, staff and administrators.

10.18 University Police Department
The University Police Department (UPD) aims to provide a safe and harmonious environment wherein the community can thrive. The UPD is dedicated to excellence in upholding and enforcing the law and managing risks to ensure the safety of faculty, staff, students and guests at the University.
10.18.1 Parking and Transportation Services
Parking and Transportation Services manages the university’s parking resources and is committed to a safe and orderly parking environment. See the link for more rules and regulations governing parking on campus.

10.18.2 Aggie Alert Registration:
http://www.ncat.edu/gateway/faculty-staff.html
AggieAlert! is the University text notification system for emergencies, life-threatening situations and inclement weather. Registration is via Aggie Access. If you do not have an unlimited text plan, you may be charged a text messaging fee by your mobile service carrier.

10.19 Facility Services
Facility Services is responsible for developing and executing the University’s master plan, providing capital improvement, accomplishing day-to-day operations, and maintenance and repair of facilities and campus grounds. The Physical Plant Department ensures daily operations of facilities, and each building has a Building Representative who is responsible for generating work requests. After-hour emergencies are coordinated by Campus Police.

10.20 The Student Center
The Student Center functions as the community center for the University and its constituents by providing diverse services, activities and amenities. The student center serves as the headquarters for the Student Government Association, Student University Activities Board, Aggie Escort Shuttle Service and a recreation area.

10.21 Campus Media
The University offers several campus media outlets to keep both the campus and community informed. Learn more information about campus media within the sections below.

10.21.1 Television Studio
The University’s Television Studio is a state-of-the-art high definition studio, complete with virtual-set technology. The primary function of the television studio is to train broadcast production students in the Department of Journalism and Mass Communications. For a fee, the studio provides video production services to support university-wide academic and administrative programs. The services provided include video production, non-linear editing, post-production, and video transfer and duplication.

10.21.2 WNAA-FM Radio Station
http://www.ncat.edu/cahss/affiliated-programs/wnaa-radio/
WNAA-FM/HD is the University’s public radio station. The station operates 24 hours a day throughout the calendar year and offers educational programs, news, sportscasts and music.
WNAA Radio station is primarily used as a training laboratory for students interested in developing their skills in radio announcing, production and broadcast journalism.

### 10.21.3 The A&T Register (Student Newspaper)
**http://www.ncatregister.com/**
The A&T Register student newspaper is published every Wednesday and made available at 9:00 a.m. at multiple sites throughout campus. The A&T Register covers campus and community news, as well as national and international news of interest to college students.

### 10.22 Division of Research and Economic Development (DORED)
**http://www.ncat.edu/research/index.html**
The Division of Research and Economic Development (DORED) advances research, innovation, entrepreneurship and economic development. University researchers create new learning opportunities, spur economic activity, and improve the quality of life for our community and the world. DORED also provides services to faculty and student researchers, to current and potential research partners, funding agencies, and economic development agencies.

#### 10.22.1 Research/University Centers
**https://www.ncat.edu/research/dored-research-centers/**
The Research Centers at North Carolina A&T State University are designed to enhance students’ learning and expand faculty development and research opportunities.

### 10.23 Student Health Center
The Student Health Center’s mission is to provide high quality health care services and to confer health sustaining education and guidance to the students of North Carolina A&T State University. Our care should help to maintain and improve the physical and mental health of our students. Additionally, through our education efforts, we aspire to engage our students in a lifelong process to understand and participate in their own healthcare and wellness plans.

Health is an essential element of our quality of life. Therefore, at the Student Health Center, our challenge is to educate our students in health matters and to assist them in their quest for health maintenance and illness prevention.

### 10.24 Campus Recreation Center
The Campus Recreation Center provides a broad and diversified program of sports and activities to meet the needs and interests of the entire campus community. The activities are intended to provide a recreational break from academic pursuits, improve physical health, and develop skills and interests that contribute to healthy lifestyles.

#### 10.24.1 Swimming Pool
The Swimming Pool is available for use by University faculty, staff, and students. To check current hours for recreational swimming, contact the Campus Recreation Center.
10.24.2 Tennis Courts
The all-weather, lighted tennis courts are for the use of the University students, faculty, and staff. To check current hours for recreational use of the tennis courts, contact the Campus Recreation Center.

10.25 Paul Robeson Theatre
http://www.ncat.edu/cahss/departments/vpa/theatre-program/season.html
The Paul Robeson Theatre houses the Richard B. Harrison Players, the varsity theatre guild of the University. The theatre guild performs various productions annually.

10.26 Office of Veterans & Disability Support Services
The Office of Veteran and Military Affairs is designed to meet the needs of students who are veterans, service members, or veteran dependents.

10.27 Office of Accessibility Resources
https://www.ncat.edu/divisions/academic-affairs/accessibility/
The Office of Accessibility Resources assists students with documented medical conditions who may need services and/or accommodations to participate in the academic programs at North Carolina A&T State University.

Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: April 8, 2011
July 20, 2018
Disclaimer

The Faculty Handbook outlines the mutual understanding between the administration and the faculty governed by the document. It also defines the relationship between the faculty and the administration and defines the responsibility of university personnel directly involved with faculty affairs.

The Faculty Handbook is intended for use by the faculty members and university administrators. Serving as a compendium of policies, guidelines and procedures, it serves as a source for faculty rights and defines the nature of service that faculty provide. It is a living document and will be revised often.

The Handbook Committee of the Faculty Senate is responsible for updating the Faculty Handbook on an annual basis and as needed when new policies pertaining to the faculty are approved. It is hoped that the handbook will be useful and informative to the faculty and others.
APPENDIX A

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The Code of the Board of Governors of the University of North Carolina

http://www.northcarolina.edu/policy/index.php
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of The UNC Code

Code 600 Freedom and Responsibility in the University Community
http://www.northcarolina.edu/policy/index.php?pg=dl&id=s4430&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dvb%26tag%3DChapter%2BVII

Code 601 Academic Freedom and Responsibility of Faculty
http://www.northcarolina.edu/policy/index.php?pg=dl&id=s4431&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dvb%26tag%3DChapter%2BVII

Code 602 Academic Tenure
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Code 603 Due Process Before Discharge or the Imposition of Serious Sanctions
http://www.northcarolina.edu/policy/index.php?pg=dl&id=s4433&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dvb%26tag%3DChapter%2BVII

Code 604 Appointment, Nonreappointment, and Requirements of Notice and Review
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Code 605 Termination of Faculty Employment
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Code 606 Retirement of Faculty
http://www.northcarolina.edu/policy/index.php?pg=dl&id=s4466&inline=1&return_url=%2Fpolicy%2Findex.php%3Fpg%3Dvb%26tag%3DChapter%2BVII

Code 607 Faculty Grievance Committee for Constituent Institutions
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Code 608 Students’ Rights and Responsibilities
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Code 609 Appellate Jurisdiction of The Board of Governors
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Code 610 Rights of Special Faculty Members
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Code 611 Review of Personnel Actions Affecting Specified Employees Exempt from the State Personnel Act (EPA)
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NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK

Appendix B-2

SEC. II—Faculty: Tenure 1.0

UNIVERSITY POLICY

REGULATIONS ON ACADEMIC FREEDOM, TENURE AND DUE PROCESS

SECTION 1. FREEDOM AND RESPONSIBILITY IN THE UNIVERSITY COMMUNITY

A. North Carolina Agricultural and Technical State University is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. This institution therefore supports and encourages 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.
B. N.C. A&T shall protect faculty and students in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth.

C. Faculty and students of this institution shall 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.

SECTION 2. ACADEMIC FREEDOM AND RESPONSIBILITY OF FACULTY

A. It is the policy of North Carolina Agricultural and Technical State University to support and encourage full freedom, within the law, of inquiry, discourse, teaching, research, and publication for all members of the academic staffs of this institution. Members of the faculty are expected to recognize that accuracy, forthrightness, and dignity befit their association with this institution and their position as men and women of learning. They should not represent themselves, without authorization, as spokesmen for N.C. A&T.

B. N.C. A&T will not penalize or discipline members of the faculty because of the exercise of academic freedom in the lawful pursuits of their respective areas of scholarly and professional interest and responsibility.

SECTION 3. ACADEMIC TENURE

A. In General

Academic tenure refers to the conditions and guarantees that apply to a faculty member's employment. More specifically, it refers to the protection of a faculty member against involuntary suspension without pay or discharge from employment or reduction in rank by N.C. A&T, except upon specified grounds and in accordance with the procedures provided in Section 4 of this policy, or against termination of employment except as provided for in Section 6. In all instances, the tenure conferred on a faculty member is held with reference to employment by N.C. A&T, rather than to employment by the University of North Carolina System.

The intended purposes of according the protection of academic tenure to faculty members are to secure their academic freedom and to help the institution attract and retain faculty members of the high quality it seeks. While academic tenure may be withheld on any grounds other than those specifically stated to be impermissible under Section 5.A., its conferral requires an assessment of the faculty member's demonstrated professional competence; his/her potential for future contributions; his/her commitment to effective teaching, research, and public service; and the needs, resources, and the mission of N.C. A&T State University.
B. In Relation to Faculty Ranks

Academic tenure, as herein defined, can only be earned by faculty members appointed to one of the following faculty ranks: Assistant Professor, Associate Professor or Full Professor. Once tenure is earned it is generally continuous until retirement, death, or resignation ("permanent tenure").

The faculty ranks to which appointments may be made and the incidents of academic tenure applicable to each are:

1. **Assistant Professor.** The initial appointment to the rank of assistant professor shall be for a probationary term of two years. Unless at any point the assistant professor is not reappointed, he/she will be reappointed to a second two-year term and then to a three-year term before a decision is made to recommend permanent tenure and promotion to higher rank, or not to reappoint.

   At least 180 days before the end of the first two-year appointment (no later than November 15th), the assistant professor shall receive written notice whether he/she will be reappointed at that rank for an additional two-year term or not reappointed when his/her current term expires. At least 12 months before the end of the second consecutive two-year appointment, the assistant professor shall receive written notice whether he/she will be reappointed at the rank of assistant professor for a three-year term or not reappointed when his/her current term expires. If the decision is negative, the faculty member will be given a one-year terminal appointment at the rank of assistant professor. If reappointed to a three-year term, before the end of the second year of that term, the assistant professor shall receive written notice indicating whether he/she will be reappointed when his/her current term expires, recommended for permanent tenure at the higher rank, or not reappointed. If not reappointed, the faculty member's employment will cease at the end of the three-year term.

   Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3. D.

2. **Associate Professor.** When a faculty member's initial appointment by the institution is to the rank of associate professor, the appointment is to a probationary term of two years. Unless at any point the associate professor is not reappointed, he/she will be reappointed to a three-year term before a decision is made whether to recommend permanent tenure at the same or higher rank or to give notice of a terminal one-year appointment. At least 180 days before the end of the two-year appointment, the associate professor shall receive written notice of whether, when his/her current term expires, he/she will be reappointed at the rank of associate professor for a three-year term or not reappointed. Before the end of the second year of the three-year term, the associate
professor shall receive written notice whether, when his/her current term expires, he/she will be recommended for permanent tenure at the same or higher rank or not be reappointed.

Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3.D.

A promotion at any time from the rank of associate professor to the rank of professor confers permanent tenure from the effective date of the promotion. Both the President and the Board of Governors must approve this action since the promotion confers tenure, unless this approval has been delegated to the Board of Trustees.

3. **Professor.** When a faculty member's initial appointment by the institution is to the rank of professor, the appointment is to a single probationary three-year term. Before the end of the second year of the three-year term, the professor shall receive written notice whether, when his/her current term expires, he/she will be recommended for permanent tenure or not be reappointed.

Should the Chancellor fail to meet the required deadline for the notice of the decision not to reappoint, the faculty member will receive a terminal one-year appointment at the same rank. The decision herein required shall be made as provided in Section 3.D.

**New Hires with Exemplary Credentials.** In exceptional cases an academic unit might hire a candidate with exemplary credentials to associate or full professor rank with tenure. In such a case, the candidate’s credentials must be reviewed based on the University’s tenure policy, and the process must result in a positive decision before an offer of permanent tenure can be made to the candidate. The candidate will be asked to prepare a package of his/her credentials and apply for tenure. The Provost will call upon the relevant tenure committees and the Dean to expedite the review process (as outlined in Section 3.D) and reach a positive or negative recommendation in a timely fashion. The decision of the tenure process will be communicated to the candidate and it may result in an offer for hire with or without tenure.

Policies concerning the minimum requirements and general criteria for promotion in rank and/or permanent tenure are given in the Policy Concerning the Minimum Requirements and General Criteria for Promotion in Rank and/or Permanent Tenure.

**C. Committees of the Faculty—Elected**

Any faculty member appearing before any committee at the University, which will make a decision or recommendation concerning that faculty member, has the right to an impartial consideration. Faculty have the right to challenge the participation of a committee member
based on showing of a conflict of interest that may affect the impartiality of that committee member. Such challenges should be made before the committee in question. That committee must decide, by majority vote, the validity of the challenge before consideration is given to the issue before the committee. The faculty member in question cannot participate in this vote.

The committee composition for faculty reappointments, promotion, and tenure may be found in the Faculty Handbook, Chapter V, Section 5.1 (Committees of the Faculty – Elected). The following additional guidelines are provided for the faculty Reappointments, Promotions and Tenure committees at all three levels, i.e., University, College (including the Joint School of Nanoscience and Nanoengineering and Library Services), and Department (including the School of Nursing):

- Where numbers permit, all committee members will be elected to two-year terms.
- The terms of the committee members will be staggered so that approximately half of the committee members will be newly elected each year.
- Where numbers permit, each member will be allowed to serve a maximum of two consecutive terms.
- For departments with limited number of tenured faculty members, to satisfy the requirement of one member per department on the College committee, an individual might be required to serve more than two consecutive two-year terms. In such a case, the requirement of one member per department on the College committee will not apply.
- A faculty member will be allowed to review a candidate only one time, as a member of only one of the three committees.
- No tenured faculty member who is an applicant for promotion will be allowed to serve on any of the three committees. If an individual has already been elected to one of these committees prior to his/her decision to apply for promotion, a replacement (only for that year) will be elected by the same faculty body that elected the original member.
- The above provisions, as they apply to various units, must be published by the corresponding unit and made available to all the faculty members in that unit.


1. Initiation, Review, and Approval of Reappointments, Promotions, and Conferral of Tenure. The applicant will initiate his/her candidacy for reappointment, promotion, and/or tenure by submitting an appropriate application to the department chairperson. The candidate may seek (1) an appointment with a fixed or probationary term for two years or longer, (2) promotion in rank, (3) reappointment to a fixed term,
and/or (4) reappointment as an assistant professor, associate professor, or professor, whether or not the reappointment recommends the conferral of permanent tenure. The relevant dates for the reappointment promotion and tenure process will be distributed by the Provost’s office no later than May 1 of each year.

The department chairperson shall convene the department RPT committee. The committee will elect a chairperson. The committee will deliberate on the application, and reach a positive or a negative decision by a majority vote. The committee members will use the department’s currently published standards for reappointments, promotion and tenure for their evaluations. The committee will also prepare a written recommendation, using the attached form that reflects the collective and individual evaluations of all committee members. The form, containing the voting record and the written recommendation, will be signed by all committee members and added to the candidate’s application package. The department chairperson will provide a copy of the document to the applicant, who will be given an opportunity to give his/her response. The applicant’s response will be uploaded to the portal by the department chairperson so that it can be accessed by the College Dean.

The Dean shall convene the College RPT committee. The committee will elect a chairperson. The committee will deliberate on the application, and reach a positive or a negative decision by a majority vote. The committee will use the College’s currently published standards for reappointments, promotion and tenure for their evaluations. The committee will use the form provided to present the voting record and a written recommendation that reflects the collective and individual evaluations of all committee members. The document will be signed by all committee members, submitted to the Dean and uploaded to the portal.

The Dean shall review the applicant’s package. In relation to applicants for reappointment and tenure, the Dean’s review will not be limited to only judging the professional qualifications of the applicant, but also to determining whether the College will have the resources to support the application, and whether a positive recommendation concerning the application will be consistent with the current College goals. Such factors as the following will be considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. The Dean shall make his/her decision to approve or decline the application. A document containing this decision with statements of justification, and signed by the Dean, will be added to the application package.

Of the three bodies (the department RPT committee, the College RPT committee, and the Dean) who have evaluated the application, if two or all three bodies support the application, the application shall be forwarded to the Provost, with a positive
recommendation. If two or all three bodies do not support the application, the application shall be forwarded to the Provost with a negative recommendation. Any unit without three recommending bodies at the College level, in case of a tied vote, will undergo a third review by the elected standing committee as outlined in Section 5.1.4 of Chapter V of the Faculty Handbook. In either case, the Dean will provide the candidate copies of all the documentation leading to the recommendation within a week after the package is forwarded to the Provost.

If the College recommendation is negative, the Provost may ask for additional justification and reconsideration by the three College bodies. Through the process of justification and reconsideration, if the College recommendation is reversed, the Provost will forward the application to the University RPT Committee for review. If the College recommendation is still negative, the Provost will forward the application to the Chancellor, who will send an unelaborated written statement to the candidate denying his/her application. This decision is final except as it may later be reviewed in accordance with the provisions of Section 5.

If the recommendation is positive, the Provost shall convene the University Committee. The University Committee reviews all applications with positive recommendations in relation to the published university standards. The University Committee is to review the applicant’s professional qualifications in relation to the published University standards. The committee will reach a decision by a majority vote of all its members and prepare a document (form provided) containing the voting record. A written recommendation signed by all the committee members will be submitted to the Provost.

The Provost shall review the application and the University committee’s recommendation. In relation to applicants for reappointment and tenure, the Provost’s review will not be limited to only judging the professional qualifications of the applicant, but also to determining whether the University will have the resources to support the application, and whether a positive recommendation concerning the application will be consistent with current University goals. Such factors, as the following will be considered in this review: tenure density, enrollment trends, needs in critical areas of specialization, and results of program audit and review. If the Provost decides not to support the application, a letter stating the recommendation, with a brief explanation, and signed by the Provost will be added to the package. If the Provost decides to support the application, a letter of support signed by the Provost will be added to the package. The package will then be presented to the Chancellor. In either case, the Provost will provide the candidate copies of all the documentation leading to the decision, within a week after the Provost’s review. If the Provost’s positive recommendation is in contradiction to the
University committee's recommendation, the Provost will send a letter to the University committee explaining the reasons for his/her decision. If a negative tenure decision is reached because of factors other than the professional qualifications of the applicant, the Provost might make a recommendation to the Chancellor, with special arrangements to prolong the employment of the applicant at the University.

If the Chancellor shall decide not to recommend a reappointment, promotion, or permanent tenure, he/she shall send the candidate a letter with a simple, unelaborated, statement of the decision. This decision is final except as it may later be reviewed in accordance with the provisions of Section 5.

If the Chancellor shall concur in a recommendation that will confer permanent tenure, he/she shall consult with the Board of Trustees and, unless dissuaded, forward the recommendation to the President and Board of Governors for final approval, unless approval has been delegated to the Board of Trustees. All other favorable recommendations by the Chancellor in regard to appointments, reappointments, and promotions shall be forwarded by him/her to the Board of Trustees for final approval. A letter approving appointment, reappointment, promotion or tenure will be sent to the candidate by the Chancellor.

The procedure outlined above applies to all resident tenure-track and tenured faculty, to candidates for new appointment at the ranks of Associate Professor or Full Professor, and to candidates for new appointments being considered for conferral of tenure. For a candidate for new appointment, timetable for review will be set consistent with the needs of the new appointment.

2. Early Promotion and Tenure. Nothing in these regulations shall be construed to preclude a faculty member from being recommended for permanent tenure and/or promotion at any time. However, each candidate will have just one opportunity to apply for tenure, and candidates at the rank of Assistant Professor must apply for both permanent tenure and promotion to the rank of Associate Professor at the same time.

3. Terms and Conditions of Appointments. The terms and conditions of each initial appointment and of each reappointment to the faculty shall be set out in writing. A copy of the terms, signed by the Provost, shall be delivered to the faculty member and the Provost shall retain a copy. The general terms and conditions of such appointments, including those provided herein, shall be either set out in the document of appointment or incorporated therein by clear reference to specified documents that shall be readily available to the faculty member.
Any special terms and conditions shall be clearly stated in the written appointment. Except as herein provided, no special terms or conditions may be included that vary the general terms and conditions stated herein. The responsibility for initiating the inclusion of special terms and conditions in documents of appointment is with the Chairperson who recommends the appointment.

4. **Continued Availability of Special Funding.** The appointment, reappointment, or promotion of a faculty member to a position funded in whole or in substantial part from sources other than continuing state budget funds or permanent trust funds shall specify in writing that the continuance of the faculty member's services, whether for a specified term or for permanent tenure, shall be contingent upon the continuing availability of such sources. This contingency shall not be included in a faculty member's contract in either of the following situations:

   a. In a promotion to a higher rank, if before the effective date of that promotion, the faculty member had permanent tenure and no such condition is attached to the tenure,

   b. If the faculty member held permanent tenure in the institution on July 1, 1975, and his/her contract was not then contingent upon the continuing availability of sources other than continuing state budget or permanent trust funds.

The federal funds provided to the North Carolina Agricultural Extension Service through the Smith-Lever Act shall be considered to be permanent trust funds. Faculty who are funded in whole or in substantial part from these funds shall not be subject to the contingency provisions of this section.

5. **Provisions for Less than Full-Time Employment.** Special terms for less than full-time employment with commensurate compensation, or for relief from all employment obligations for a specified period, may be included in an appointment or reappointment to any faculty rank or may be added by a written memorandum of amendment during the term of an appointment. For compassionate reasons of health, or requirements of childbirth or child care, or similar compelling reasons, such terms may, with the concurrence of the faculty member, include extensions of the period of a current probationary term of appointment to coincide with the extent and duration of the relief from the full-time employment obligation. Such special terms must be expressly stated in initial appointment documents or, if added by memorandum of amendment, must be approved by signature of the Provost and the faculty member, with a copy to be retained by each. Except as may be otherwise expressly provided in the document of appointment, all appointments to any faculty rank are on the basis of a full-time employment.
obligation and confer the full incidents of academic tenure pertinent to the particular appointment.

These provisions do not apply to informal temporary adjustments of the regularly assigned duties of faculty members by the department Chairperson who is responsible for their direct supervision; nor to the university's granting of extended leaves of absence with or without compensation.

E. Resignation

A faculty member shall give prompt written notice of his/her resignation with its effective date to the Provost. Copies should go to the Chancellor, the College Dean, and his/her department chairperson. A professor or associate professor should ordinarily give at least four months' notice and an assistant professor or instructor at least three months' notice of resignation.

SECTION 4. DUE PROCESS BEFORE DISCHARGE OR THE IMPOSITION OF SERIOUS SANCTIONS

A. A faculty member who is the beneficiary of institutional guarantees of tenure shall enjoy protection against unjust and arbitrary application of disciplinary penalties. During the period of such guarantees the faculty member may be discharged from employment, suspended without pay, or demoted in rank for reasons of:

1. incompetence, including significant, sustained unsatisfactory performance after the faculty member has been given an opportunity to remedy such performance and fails to do so within a reasonable time;

2. neglect of duty, including sustained failure to meet assigned classes or to perform other significant faculty professional obligations; or

3. misconduct of such a nature as to indicate that the individual is unfit to continue as a member of the faculty, including violations of professional ethics, mistreatment of students or other employees, research misconduct, financial fraud, criminal, or other illegal, inappropriate or unethical conduct. To justify serious disciplinary action, such misconduct should be either (i) sufficiently related to a faculty member's academic responsibilities as to disqualify the individual from effective performance of university duties, or (ii) sufficiently serious as to adversely reflect on the individual's honesty, trustworthiness or fitness to be a faculty member.

These sanctions may be imposed only in accordance with the procedures prescribed in
this section. For purposes of this policy, a faculty member serving a stated term shall be regarded as having tenure until the end of that term. These procedures shall not apply to non-reappointment (see Section 5) or termination of employment (see Section 6).

B. The Provost/Vice Chancellor for Academic Affairs shall send the faculty member a written notice of intention to discharge the faculty member or impose a serious sanction together with a written specification of the reasons. The notice and specification of reasons shall be sent by a method of mail or delivery that requires a signature for delivery. The statement shall include notice of the faculty member's right, upon request, to a hearing by the Faculty Hearing and Reconsideration Committee.

C. If, within fourteen (14) calendar days after receiving the notice and written specifications referred to in paragraph (B) above, the faculty member makes no written request for a hearing, the faculty member may be discharged or serious sanction imposed without recourse to any institutional grievance or appellate procedure.

D. If the faculty member makes a timely written request for a hearing, the Chancellor shall ensure a process is in place so that the hearing is timely accorded before the Faculty Hearing and Reconsideration Committee. The hearing shall be on the written specification of reasons for the intended discharge or imposition of a serious sanction.

E. When a faculty member has been notified of the institution's intention to discharge the faculty member, the Chancellor may reassign the individual to other duties or suspend the individual at any time until a final decision concerning discharge has been reached by the procedures prescribed herein. Suspension shall be exceptional and shall be with full pay.

See the “Hearing Policy” for details of the hearing process.

SECTION 5. NON-REAPPOINTMENT OF FACULTY MEMBERS ON PROBATIONARY TERM APPOINTMENT

A. Permissible and Impermissible Grounds for Non-reappointment

The decision whether to reappoint a faculty member when a probationary term of appointment expires may be based on any factor considered relevant to the total institutional interests, but it must consider the faculty member's demonstrated professional competence, his/her potential for future contributions, and institutional needs and resources. Policies concerning the minimum requirements and some general criteria for promotion in rank and/or permanent tenure are given in the Policy Concerning the Minimum Requirements and General Criteria for Promotion in Rank and/or Permanent Tenure. These considerations may form, in whole or in part, the basis of the ultimate decision, except that in no event a decision not to reappoint may be based upon (1)
the faculty member's exercise of rights guaranteed by either the First Amendment to the United States Constitution or Article I of the North Carolina Constitution; (2) discrimination based upon the faculty member's race, color, sex, religion, national origin, age, disability, veteran's status, or other forms of discrimination prohibited under policies adopted by the Board of Trustees; or (3) 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. The burden of proof is upon the aggrieved faculty member to establish by the preponderance of the evidence that his or her contention is true.

See UNC Code 604A for the minimum time frame to provide notice of a non-reappointment.

B. Conference with Dean with Dean

Within fourteen (14) calendar days after receiving a written notice of non-reappointment, a faculty member may in writing request a private conference with the Dean of his/her college to discuss the reasons for non-reappointment. This request shall be granted and the conference held forthwith, within five days after receipt of the request, if possible.1

Within five (5) days after the conference, the Dean shall give the faculty member a simple, unelaborated, written statement of whether the original decision remains in effect.

C. Conference with the Provost/Vice Chancellor for Academic Affairs with the Provost/Vice Chancellor for Academic Affairs

Within fourteen (14) calendar days after receiving notice that the original decision remains in effect, the faculty member may in writing request a conference with the Provost/Vice Chancellor for Academic Affairs. This request shall be granted and the conference held forthwith, within five (5) days after receipt of the request if possible.

Within ten (10) days after this conference, the Provost/Vice Chancellor shall send a written evaluation of the matter to the faculty member, the Dean, and the department chairperson. The evaluation may be in the form of an unelaborated concurrence with the decision; an expression of disagreement with the decision, with or without supporting reasons; or a recommendation for reconsidering the decision, with or without suggestions for specific procedures in doing so. Whatever form the evaluation may take, it is merely recommendatory and is not binding upon the Dean or final as to the faculty member.

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1 If the Provost/Vice Chancellor for Academic Affairs makes the initial decision not to reappoint, substitute her/his name for that of Dean wherever the latter appears. If the initial decision not to reappoint is made by the Chancellor or Board of Trustees, the faculty member who is not to be reappointed may seek review of that decision in accordance with the procedure set out in Section 604 of The Code.
Within five (5) days after receiving an evaluation that disagrees with the decision or recommends it reconsideration, the Dean shall give the faculty member and the Provost/Vice Chancellor for Academic Affairs his/her response in writing.

D. Request for Review by Faculty Hearing Committee; Scope of Review

Within fourteen (14) calendar days after he/she receives notice of an unfavorable action resulting from the conference with the Vice Chancellor, the faculty member may request that the Faculty Hearing Committee reviews the decision. This review is limited solely to determining whether the decision not to reappoint was based on any grounds stated to be immissible in Section 5. A. If the faculty member does not request review of the notice of non-reappointment in a timely fashion as specified by this paragraph, the non-reappointment is final without recourse to any further review by faculty committees, N.C. A&T, or the Board of Governors.

The request for review shall be written and addressed to the Chairperson of the Faculty Hearing Committee. Such a request constitutes on the faculty member's part: (1) a representation that he/she can support his/her contention by factual proof, and (2) an agreement that the institution may offer in rebuttal of his/her contention any relevant data within its possession.

[See the "Hearing Policy for details of the hearing process."

SECTION 6. TERMINATION OF FACULTY EMPLOYMENT

A. Reasons Justifying Termination and Consultation Required

1. Reasons for Terminating Employment. The employment of a faculty member with permanent tenure or of a faculty member appointed to a probationary or fixed term may be terminated by North Carolina Agricultural and Technical State University because of (1) demonstrable, bona fide institutional financial exigency, or (2) major curtailment or elimination of a teaching, research, or public service program. Financial exigency is defined as a significant decline in the financial resources of the institution that is brought about by decline in institutional enrollment or by other action or events that compel a reduction in the institution's current operations budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment or elimination of a teaching, research, or public service program shall be made by the Chancellor, after consulting with the academic administrative officers and faculties as required by Section 6.A.2. This determination is subject to concurrence by the President and the approval by the Board of Governors. If the financial exigency or curtailment or elimination of program is such that the institution's contractual obligation to a faculty member cannot be met, the employment of the faculty member may be terminated in accordance with the institutional procedures set out in Section 6.B.
2. Consultation with Faculty and Administrative Officers. When it appears that the institution will experience an institutional financial exigency or when it is considering a major curtailment in or elimination of a teaching, research, or public service program, the Chancellor or his/her delegate shall first seek the advice and recommendations of the academic administrative officers and faculties of the departments or other units that might be affected.

B. Termination Procedure

1. Considerations in Determining Whose Employment is to be Terminated. In determining which faculty member's employment is to be terminated for the reasons set forth in Section 6. A (1), consideration shall be given to tenure status, to years of service to the institution, and to other factors deemed relevant, but the primary consideration shall be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

2. Timely Notice of Termination

a. When a faculty member's employment is to be terminated because of major curtailment or elimination of a teaching, research, or public service program and such curtailment or elimination of program is not founded upon financial exigency, he/she shall be given timely notice as follows:

i. One who has permanent tenure shall be given not less than twelve months' notice and;

ii. One who was appointed to a fixed term and does not have permanent tenure shall be given notice in accordance with the requirements specified in Section 604 A (1) of UNC Code.

b. When a faculty member's employment is to be terminated because of financial exigency, the institution shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limits of available resources, to give the same notice as set forth in Section 6. B.2a.

3. Type of Notice to be Given. The Chancellor or his/her designee shall send the faculty member whose employment is to be terminated a written statement of this fact by certified mail, return receipt requested. This notice shall include a statement of the conditions requiring termination of the faculty member's employment; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other data upon which the decision was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision by the Reconsideration
Committee if he/she alleges that the decision to terminate him/her rather than another faculty member was arbitrary or capricious; and a copy of this procedure on termination of employment.

4. **Termination if Reconsideration not Requested.** If, within fourteen (14) calendar days after he/she receives the notice required by Section 6.B (3), the faculty member makes no written request for reconsideration hearing, his/her employment shall be terminated at the date specified in the notice given pursuant to Section 6.B (3), and without recourse to any institutional grievance or appellate procedure.

5. **Request for Reconsideration Hearing.** Within fourteen (14) calendar days after receiving the notice required by Section 6.B (3), the faculty member may request by certified mail, return receipt requested, a reconsideration of the decision to terminate his/her employment if he/she alleges that the decision was arbitrary or capricious. The request shall be submitted to the Chancellor and shall specify the grounds upon which the faculty member contends that the decision to terminate his/her employment was arbitrary or capricious and shall include a short, plain statement of facts that the faculty member believes support the contention.

Submission of such a request shall constitute on the faculty member’s part:

a. a representation that he/she can support his/her contention by factual proof;

b. an agreement that the institution may offer in rebuttal of his/her contention any relevant data within its possession.

C. **Assistance for Faculty Members and Rights to New Positions**

1. **Institutional Assistance to Employees who are Terminated.**
   The institution, when requested in writing by an employee whose employment has been terminated, shall give him/her reasonable assistance in finding other employment.

2. **First Right of Refusal of New Positions.** For two years after the effective date of termination of a faculty member’s contract for any of the reasons specified in Section 6.A, the institution shall not replace the faculty member without first offering the position to the person whose employment was terminated. The offer shall be made by certified mail, return receipt requested, to the faculty member’s last known address, and the faculty member will be given thirty calendar days after attempted delivery to accept or reject the offer.

[See the “Hearing Policy for details of the hearing process.”]
SECTION 7. RETIREMENT OF FACULTY

A. Retirement Policy for Members of the Faculty

See http://www.ncat.edu/hr/benefits/index.html and Phased Retirement, at
http://www.ncat.edu/provost/docs/Phased%20Retirement%20Guidelines%20-%20Amended-Fall%202009.pdf

SECTION 8. SPECIAL FACULTY APPOINTMENTS, NEW HIRES WITH EXEMPLARY CREDENTIALS, AND INSTRUCTORS

A. Special Faculty Appointments

Appointments may be made to non-tenure track positions with title designations including "adjunct professor, lecturers, etc. (see the Non-tenure Track Faculty (NTTF) Policy) and any faculty rank designation with the prefix-qualifier “clinical,” or "research" under the conditions and with the incidents herein provided. These appointees are regarded as “special faculty members” for purposes of the University Code. Special faculty members may be paid or unpaid. Such an appointment, using any of the foregoing title designations, is appropriate for one who has unusual qualifications for teaching, research, academic administration, or public service, but for whom neither the professorial ranks nor the instructor rank is appropriate because of the limited duration of the mission for which the appointment has been made or because of concern for continued availability of special funding for the position, or for other valid institutional reasons.

Special faculty members who are paid shall be appointed for a specified term of service from one to three years, as set out in the letter of appointment. Subsequent appointments to fixed terms may be made either in direct succession or at intervals. The term of appointment of any paid special faculty member concludes at the end of the specified period set forth in the letter of appointment, and the letter of appointment, or the Internal Salary Authorization Form, constitutes full and timely notice that a new term will not be granted when that term expires. Each is considered an initial appointment.

Special faculty members who are not paid may be appointed for a specified term of service or at will. The terms of their appointment should be set out in the letter of appointment.

North Carolina Agricultural and Technical State University is not obliged to give any notice before a current term expires as to whether appointment will be offered for a succeeding term. Thus, the specification of the length of the appointment shall be deemed to constitute full and timely notice of non-reappointment when that term expires. But the appropriate college dean or division director, upon the faculty member’s written request made not later than 90 days before a
current term expires, shall within 20 days after he/she received the request give the faculty member a written decision whether an offer of reappointment will be made and, if so, its terms. Failure to communicate a decision constitutes notice that no offer will be made. The decisions herein required shall be made as provided in Section 3.D.

During the term of their employment, special faculty members are entitled to seek recourse under Section 607 of the University Code (relating to faculty grievances).

Special faculty members, whether paid or unpaid, are not covered by Section 604 of the University Code, and that section does not accord them rights to additional review of a decision by a constituent institution not to grant a new appointment at the end of a specified fixed term.

Approved by the Board of Trustees

Date Revision is Effective: upon approval

First approved: April 19, 2004
Revised: November 28, 2006
February 21, 2007
September 18, 2009
November 20, 2009
July 20, 2018
I. INTRODUCTION

The Post Tenure Review (hereafter “PTR”) process outlined herein is part of North Carolina Agricultural & Technical State University’s (hereafter “A&T”), as well as the University of North Carolina System’s (hereafter “UNC”) effort, to ensure faculty development and to promote faculty vitality. This policy is implemented to comply with Section 400.3.3 of the UNC Policy Manual and the Guidelines on Performance Review of Tenured Faculty, Section 400.3.3.1 of the UNC Policy Manual. In accordance with these guidelines, the performance review process for tenured faculty at A&T is a comprehensive, formal, periodic evaluation of cumulative faculty performance. Faculty must undergo post tenure review no less often than every five years following the award of tenure. This policy is reviewed every five years.

A. Purpose

PTR is intended to assure continuous improvement in the performance of the faculty as they carry out the institutional mission of teaching, research, creative work and service. The objectives of the post tenure performance review are to: 1.) recognize and reward faculty performance that exceeds expectations; 2.) provide a clear plan and timetable to improve faculty performance that does not
meet expectations; and 3.) provide for the administration of appropriate sanctions for faculty whose performance continues not to meet expectations. PTR review should encompass and acknowledge the importance and significance of annual performance reviews while providing for a comprehensive, periodic, cumulative review of the performance of all faculty, whose primary professional responsibilities are teaching, research, and service. PTR must provide for the evaluation over an appropriate period of time of all aspects of professional performance of faculty relative to the mission of the institution, college, and program. For each tenured faculty member, a cumulative review shall take place no less frequently than every five years. A review undertaken to decide on promotion qualifies as such a cumulative review. The performance review of tenured faculty is a peer-coordinated process which assesses level of performance, productivity, and/or career development over a longer term than is usually provided by an annual review.

II. FACULTY EVALUATIONS AND FIVE-YEAR PLAN

At the beginning of the PTR cycle, each faculty member shall develop with his/her department chair a five-year plan. Those faculty members who have fewer than five years before their next PTR shall develop such a plan for their remaining years. The plans described above may be modified annually by the faculty member, in consultation with the department chair, as deemed appropriate by changes in institutional, college departmental, or personal circumstances. This plan should indicate milestones aligned with the annual performance evaluations.

The annual performance evaluation of each faculty member by the department chair shall explicitly evaluate the faculty member’s progress on the five-year (or other) plan, and offer suggestions for improvement.

III. PTR EVALUATION PROCEDURES

PTR evaluations are based on performance standards developed and established by the faculty within the departments of each college and the Library. All references to ‘department or department faculty’ as used herein shall refer to all departments in the University, the School of Nursing, and the Library. And, all reference to college shall include the Joint School of Nanoscience and Nanoengineering.

A. Standards for Performance

Tenured faculty within each department shall develop a narrative statement of the department’s standards for performance by tenured faculty. (Department chairpersons are considered administrators, and thus may not participate in writing departmental performance standards, which is a faculty function. Standards for the categories of “exceeds expectations”, “meets expectations”, and “does not meet expectations” shall be established for each of these areas: (1) teaching
performance, (2) research performance/professional growth/related activities, and (3) service to the University, the profession, and the broader community.

Department standards shall be consistent with the standards used for annual performance evaluations and the Faculty Handbook. All department standards shall be fully consistent with the mission of the university, college, and department. Department standards for post tenure review shall in no way abrogate the due process protections in Chapter VI of the Code or abridge the rights of the faculty member as described in the Regulations on Academic Freedom, Tenure and Due Process (Appendix B-2 of the Faculty Handbook). The University shall provide reasonable resources needed by the faculty to achieve the required level and quality of performance. The statement of standards, approved by the departmental tenured faculty, shall be the basis for evaluating a tenured faculty member’s performance. The dean shall forward the statement of standards for each department to the Provost and Vice Chancellor for Academic Affairs along with verification that the standards have been written and approved by the tenured departmental faculty. At the beginning of each fall semester the standards shall be distributed to all tenured and tenure-track faculty. Departments shall review their standards at least once every five years. A revised policy must follow the process for approval as set forth for the initial policy. Faculty shall undergo post tenure review under the standards that were in place in the first year of their five-year cycle of post tenure review, except for standards imposed by the Board of Governors.

B. Schedule of Evaluation

In accordance with UNC policy, faculty shall undergo PTR no less frequently than every five years following the awarding of permanent tenure. A successful review for promotion, after a faculty member receives tenure, satisfies the requirements for the faculty member’s post tenure review. If the faculty member has an unsuccessful review for promotion, that faculty member shall undergo a PTR during the next academic year.

A faculty member whose performance is deemed to be below expectation shall establish a Performance Development Plan (hereafter “PDP”), aimed at significantly improving performance in the next academic year or two (to be determined with the department chair and approved by the dean). Following a PTR evaluation that results in a PDP, the faculty member shall undergo his/her next PTR evaluation in five years after the end of the PDP period successfully completing his/her PDP.4

If a faculty is on approved absence, the five-year counting process shall be put on hold during the period of time of the absence) or 2) while a faculty member serves in an administrative role. The post tenure review clock will resume when the leave of absence or administrative appointment ends. When necessary, a faculty member may make a written request to the dean, with a copy to the chairperson, for a delay of up to one year.
Review of a faculty member with a joint appointment shall be conducted in the primary department where the faculty member’s tenure was granted, with input from other department(s) in which the faculty member holds joint appointment(s).

Faculty who have submitted to their department chairperson and dean a certified letter of irrevocable intent to retire and/or resign, effective within one year of their scheduled PTR, may elect not to undergo a PTR.⁵

**IV. PTR EVALUATION TIMELINE and PROCEDURES**

The calendar for PTR evaluation procedures shall be:

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<tr>
<th>DATES (Do by)</th>
<th>EVALUATION PROCEDURES</th>
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<tr>
<td>First Department meeting in the Fall (by mid-August)</td>
<td>Department chairperson shall distribute department PTR standards to all tenured or tenure-track faculty.</td>
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<tr>
<td>Last Friday in August</td>
<td>The Provost shall notify the dean of faculty members who are scheduled for PTR in accordance with the five-year cycle.</td>
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<tr>
<td>By September 15th</td>
<td>The dean shall notify the department chairperson of faculty in the department who are scheduled for review.</td>
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<tr>
<td>Last Friday in September</td>
<td>☐ The department chairperson shall notify the faculty member in writing that a performance review will be conducted. The notification letter should include the website addresses of the University’s PTR policy and a copy of the PTR Submission Form. (See Sample - FORM A: The Submission Form p. XXX.)</td>
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<td>☐ The department chairperson will call a meeting of the tenured faculty who will select three tenured faculty to serve on the Performance Review Committee (hereafter “PRC”). The</td>
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⁵Both a review for promotion and the successful completion of a PDP are cumulative reviews and satisfy the PTR requirement.

⁶Faculty members who have entered into a Phased Retirement Program with the University, as part of their agreement, have relinquished tenure and consequently are not subject to PTR.
members selected for the PRC will select a PRC chairperson in that meeting. A faculty member being reviewed many not participate in the selection of the PRC members.

| Last Friday in October (or 30 days after receiving the request for the portfolio) | The faculty member being reviewed shall submit his/her portfolio, in accordance with the department standards, to the department chairperson. |
| First Friday in November | The department chairperson or academic unit head will forward the portfolio to the PRC and charge the PRC to begin the review. |
| January 15th | The PRC submits its report to the department chairperson or academic unit head and the faculty member being reviewed. |
| Within 7 business days after receiving the PRC report | The faculty member being reviewed may respond in writing to the PRC report with copies to the PRC and the department chairperson. |
| February 1st | The department chairperson shall write a letter to the faculty member, with copies to the PRC members, indicating his/her evaluation. The chairperson will forward a copy of the PRC’s report to the dean along with the chair’s evaluation, a copy of the departmental standards, and any response from the faculty member. The faculty member’s portfolio will be forwarded to the dean if applicable. |
| March 1st | The dean shall send his/her evaluation to the faculty member, with copies to the PRC members and the department chairperson, indicating his/her response to the PRC’s findings. |
| Within 7 business days after receiving the Dean’s response | The faculty member being reviewed may respond to the PRC Report, the chairperson’s evaluation, and the dean’s evaluation in writing to the dean. |
| April 1st | The dean will notify the faculty member by letter of his/her final PTR evaluation and shall send a copy to the Provost and Vice Chancellor for Academic Affairs along with all of the following: a copy of the PRC report, the department standards, the chair’s evaluation, and any correspondence from the reviewee, the department chairperson, and members of the PRC. |
| By May 1st | The Provost will respond to the dean and faculty member in writing regarding the PTR decision. |
A. Selection of Performance Review Committee

Tenured faculty in all departments of all colleges shall constitute the pool eligible to serve as members of a Performance Review Committee (hereafter “PRC”). Administrative tenured faculty are ineligible to serve on a PRC. The Office of the Provost and Vice Chancellor for Academic Affairs shall verify annually the eligibility of all committee members and maintain records of the members of the University-wide PRCs. From this pool, three faculty members shall be selected to serve on the PRC in accordance with the selection process and term of service agreed upon by the tenured faculty in the department, School of Nursing, or the Library. The selection process shall provide for the replacement of a PRC member in the event of illness or separation from the University. Committee members will select a chairperson of the PRC. Mandatory review training is required; a PRC member shall timely complete the training prior to service on the PRC.

B. The Review Portfolio

The faculty member selected for review shall submit a review portfolio to his/her department chairperson by the last Friday in October or 30 days after receiving the letter of notification from his/her department chairperson, whichever is the later date. Failure to submit a portfolio on a timely basis may result in disciplinary actions.6

The post tenure review portfolio shall include both qualitative and quantitative documentation of performance over the review period. The PTR Submission Form (p. XXX) is provided as a sample.

The faculty member has the right and obligation to provide all the documents, materials, and statements relevant and necessary for review in accordance with department standards, and all materials submitted shall be included in the portfolio. The documentation shall include evidence of teaching, research, creative work, professional growth, and service to the University and the broader community. At a minimum, the portfolio must include the last four annual reviews and the reviewer’s current curriculum vita. Other materials, at the discretion of the faculty member, may include a maximum of six letters of support from A&T colleagues and persons external to the university. The portfolio shall be submitted digitally, with a table of contents and divided into sections for ease in locating sections and materials. The faculty member has final determination regarding the contents of the review portfolio and no documents may be added to the portfolio without the faculty member’s approval.

6 Included in such actions is the possibility of dismissal, suspension of employment, reduction in rank or reduction in rank with commensurate reduction in salary. If the faculty member fails to submit the portfolio, the Dean shall so advise the Provost/Vice Chancellor for Academic Affairs. Penalties may be imposed only in accordance with the procedures prescribed in Appendix B-2, Section 4 - Faculty Handbook and with Chapter VI of The Code of the Board of Governors of the University of North Carolina. (See the APPEAL section.)
V. THE REVIEW PROCESS

The performance review focuses on the faculty member's (1) teaching performance, (2) research performance/professional growth, related activities, and (3) service to the University and broader community, based on the departmental standards.

A. Evaluation of the Portfolio

Upon receiving a portfolio, the department chairperson shall forward it to the chairperson of the PRC, who will convene the PRC.

The PRC shall render a judgment of exceeds expectations, meets expectation, or does not meet expectations in each of the three faculty areas of responsibility and an overall judgment of exceeds expectations, meets expectation, or does not meet expectations. Considerable justification must be given if findings of the PTR differ substantially from the findings of the four most recent annual reviews. Additionally, the review is to provide informed and candid constructive feedback to the faculty member concerning the quality of his/her contributions, as well as any weaknesses or deficiencies in performance, along with constructive recommendations. If the faculty member has received an overall judgment of does not meet expectations, recommendations for the PDP must be included in the report. The PRC, after reaching its decisions, shall collectively draft its findings. The chairperson of the PRC shall write a finished version of the committee’s report and circulate it to committee members for agreement and/or suggested changes. The finalized report shall be signed by each of the three committee members. By January 15th of each year, the chairperson of the PRC shall, on the same day, give the report to the faculty member and a copy to the department chairperson.

B. PTR Overall Assessments

The performance review shall result in one of three possible overall assessments: exceeds expectations, meets expectations, or does not meet expectations. An overall assessment of exceeds expectations, meets expectations concludes the faculty member’s PTR for the current five-year cycle. An overall assessment of does not meet expectations shall result in the faculty member having to address the deficiencies. The overall assessments are outlined as follows:

1. Exceeds expectations- An overall judgment of exceeds expectations requires that the faculty member is judged as exceeding expectations in both teaching performance and in research performance/professional growth/related activities and exceeds or meets expectations in service to the University. An overall judgment of exceeds expectations may also be awarded when the faculty member is judged to exceed expectations in both teaching and in service to the University when extraordinary and long-term service has been rendered in a particular area of the University
mission. An overall assessment of “exceeds expectations” concludes the PTR process for the five-year cycle.

All faculty members whose performance is judged to exceed expectations must receive:

- a letter of commendation from the Provost;
- recognition in the local media, Aggie Report, University website or campus newspaper;
- public recognition and awarding of a University lapel pin.

Additionally,

- the faculty member may be considered for campus amenities such as a one-year free membership at the fitness center, passes for the faculty or student dining hall and season football/basketball passes.
- the faculty member may be considered for a professional development grant, i.e., a monetary award, which may be used for such things as travel to professional meetings, professional association memberships, computer hardware/software, office supplies, etc.;
- the faculty member may be recommended for priority consideration for a one-semester three-hour teaching load reassignment with the agreement of the faculty member and approval by the department chairperson and dean;
- the faculty member may be recommended by the department chairperson for consideration by the /college Awards Committee/University Awards Committee, including the UNC Board of Governor’s Excellence in Teaching Award Committee.

2. Meets expectations - An overall judgment of meets expectation requires that the faculty member is judged to meet expectations in teaching performance and in research performance/professional growth/related activities, and in service to the University. A faculty member who is judged to meet expectations will receive a letter from the Provost with copies to the dean and chairperson. An overall assessment of meets expectations concludes the PTR process for that faculty member for the five-year cycle.

3. Does not meet expectations - A faculty member who is judged not to meet expectations shall develop a PDP. A negative review must include a statement of the faculty member’s primary responsibilities and specific descriptions of shortcomings as they relate to the faculty member’s assigned duties and provide guidance for the directional goals that should be established. The recommendations for the PDP shall be included in the report. The PRC will provide a copy of the report to the faculty member and the department chairperson.
C. The Faculty Member’s Response to the PRC Report

The faculty member must be given an opportunity to provide a written response to the report of the PRC, the chairperson’s evaluation, and the dean’s evaluation and each must be included in the PTR report that is submitted to the next highest administrative level. The faculty member will have seven days to respond to each.

D. Department Chairperson and Dean Evaluations

The department chairperson must consult with all of the members of the PRC in rendering his/her evaluation, which must be framed by the department standards. The chair shall send a letter of evaluation to the faculty member, with copies to the PRC members. The chairperson will forward to the dean both a copy of his/her evaluation and the PRC’s report, along with a copy of the departmental standards, and any response(s) from the faculty member. When the faculty member is judged not to meet expectations, the chairperson will forward the faculty member’s portfolio. The dean must provide an evaluation review in addition to that done by the PRC and the chair. The dean shall send a copy of this evaluation and that of the department chairperson, along with a copy of the PRC report and any correspondence from the reviewee, the department chairperson, and members of the PRC to the Provost/Vice Chancellor for Academic Affairs.

VI. PROFESSIONAL DEVELOPMENT PLAN

When a faculty member is judged overall to exceed expectations or to meet expectations, the PTR process for the current five-year cycle ends for that person. When a faculty member is judged not to meet expectations, the faculty member must address each deficiency and establish a
PDP in consultation with the department chairperson and in accordance with the recommendations of the PRC. If duties are modified as a result of not meeting expectations, then the development plan should so indicate and take into account the new allocation of responsibilities. The PDP should be formulated within 30 days of the faculty member receiving the PRC report and shall be designed for completion within a maximum two-year period.

Developing the Performance Development Plan

The department standard for meeting expectations in teaching, research, and service shall form the basis of the PDP criteria. Although each PDP is tailored to individual circumstances, the PDP will:

1. Identify specific strengths and weaknesses of the faculty member’s performance
2. Provide specific steps designed to lead to improvement, such as defining specific measurable and objective goals or outcomes necessary to remedy the deficiencies and outlining the activities to be undertaken to achieve the necessary outcomes
3. Set appropriate timelines for accomplishing improvement, including achieving intermediate and ultimate outcomes
4. Indicate appropriate criteria by which the faculty member can monitor progress
5. Identify institutional resources to support the PDP
6. Include a clear statement of consequences should improvements not occur within the designated timeline.

When the department chairperson and the faculty member have developed a PDP, the department chairperson shall submit the PDP to the dean with a copy to the PRC. When the PDP is not accepted, the department chairperson and the faculty member must revise the PDP and resubmit it to the dean with a copy to the PRC. When the dean accepts the PDP, the faculty member, the department chairperson and the PRC are so informed in writing by the dean, who also forwards a copy to the Provost and Vice Chancellor for Academic Affairs.

Failure of the faculty member and the department chairperson to reach an agreement on a PDP shall necessitate mediation by the dean, with input from the PRC. This meeting shall include the dean, department chairperson, the faculty member, and the three members of the PRC. When the PDP is accepted, the faculty member must comply with the PDP or be subject to the consequences of non-compliance.

VII. ASSESSMENT

A PDP requires periodic assessment. This assessment must include accomplishments relative to: 1.) the measurable and objective goals and outcomes 2.) activities to be undertaken 3.) timelines for accomplishment of activities and achievement of outcomes 4.) criteria by which the faculty member can monitor progress; and 5.) institutional resources that will support the PDP, including mentoring by peers.

Assessment of Progress and Completion of a PDP
The use of mentoring by peers is encouraged for the faculty member. The faculty member and the department chairperson shall meet semiannually to review the faculty member's progress toward remediating the identified deficiencies. The second meeting of the year shall determine whether the annual progress on the PDP is acceptable and shall include the department chairperson, the faculty member, and the three members of the PRC. The decision to accept or reject the annual progress on the PDP shall be based on a simple majority with the department chairperson and the PRC members each having one vote. A tie will be construed as acceptable progress. The faculty member shall not vote. The department chairperson will forward the PDP progress report, signed by the PRC members and the chairperson, to the dean at the end of the academic year.

If the dean does not agree with the annual assessment of the PDP and the department chairperson, the dean shall notify the PRC, the department chairperson and the faculty member in writing within 14 days and shall initiate a consultation with the department chairperson, faculty member and the three members of the PRC. The decision to accept or reject the annual progress on the PDP shall be based on a simple majority with the Dean, Department Chairperson, and the PRC members each having one vote. A tie will be construed as acceptable progress. The faculty member shall not vote. The department chairperson, the PRC, and/or the faculty member may respond in writing to the dean within 14 days of the dean's letter or the consultation.

In the last year of the PDP, the faculty member, the department chairperson, and the PRC shall meet by the last Friday in February. The final meeting and report may come earlier if the faculty member is ahead of schedule in completing his/her PDP. When the department chairperson and the PRC conclude that the objectives of the PDP have been met, the department chairperson shall make a final report to the dean and send a copy to the faculty member and the PRC. When the dean accepts the report, the faculty member and the department chairperson are so informed, by the first Friday in March, and a copy is forwarded to the Provost and Vice Chancellor for Academic Affairs. This ends the PDP assessment process for that faculty member. The PDP is a cumulative review and the faculty member's next PTR evaluation shall come five years after this cumulative review is fully concluded.

When the dean disagrees that the objectives of the PDP have been fully met, the dean shall initiate a consultation with the department chairperson, the faculty member, and the three members of the PRC. The decision to accept or reject the completion of the PDP shall be based on a simple majority vote, with the Dean, Department Chairperson, and the three PRC members each having one vote. A tie will be construed as acceptable completion. The faculty member shall not vote. When the conclusion of the meeting is that the objectives of the PDP have been met, the dean shall write a letter to the faculty member, with copies to the department chairperson, the PRC and the Provost and Vice Chancellor for Academic Affairs. This ends the PDP assessment process for that faculty member. The PDP is a cumulative review and the faculty member's next PTR evaluation shall come five years after this cumulative review.

When the outcome of the vote is that the faculty member has not satisfied the objectives of his/her PDP, the dean's letter to the Provost/Vice Chancellor and the faculty member shall recommend an appropriate sanction. Any action shall be in compliance with the criteria and procedures for due process and for discharge or other disciplinary action established in Chapter VI of The Code of UNC. The Provost and Vice Chancellor for Academic Affairs shall, by the third Friday in May, write a letter to the dean supporting his/her recommended
sanction or replacing it with an alternative sanction. The Provost and Vice Chancellor for Academic Affairs shall send a copy of his/her letter to the faculty member, the department chairperson, the chairperson of the PRC, and the dean. The faculty member may appeal the sanction. (See the **APPEAL** section.)

**VIII. APPEAL**

If the faculty member believes the post tenure review process and resulting sanctions have been unjustly or arbitrarily applied, within five days after receiving a written notice of the penalty, he/she may request, in writing, a private conference with the dean. This request shall be granted, and the conference held forthwith, within five days after receipt of the request, if possible.

Within five days after the conference, the dean shall give the faculty member an unelaborated, written statement of whether the original decision remains in effect. Within five days after receiving notice that the original decision remains in effect, the faculty member may in writing request a conference with the Provost and Vice Chancellor for Academic Affairs. This request shall be granted, and the conference held forthwith, within five days after receipt of the request, if possible.

Within ten days of this conference, the Provost and Vice Chancellor for Academic Affairs shall send a written evaluation of the matter to the faculty member, the dean and the department chairperson. The evaluation may be in the form of an unelaborated concurrence with the decision; an expression of disagreement with the decision, with or without supporting reasons; or a recommendation for reconsidering the decision, with or without suggestions for specific procedures in doing so.

Within five days of receiving an evaluation from the Provost and Vice Chancellor for Academic Affairs that disagrees with the decision or recommends its reconsideration, the dean shall give the faculty member and the Provost and Vice Chancellor for Academic Affairs a response in writing.

For a grievance pertaining to this process, prior to initiating a discharge or imposition of other sanction, the full faculty grievance process becomes operative as prescribed in the Policy Manual of UNC (*Grievances filed pursuant to Section 607 of The Code*) and in the *Regulations on Academic Freedom, Tenure and Due Process* (Appendix B-2 of the Faculty Handbook). A discharge or imposition of other sanction may be appealed pursuant to Section 603 of The Code and in the *Regulations on Academic Freedom, Tenure and Due Process* (Appendix B-2 of the Faculty Handbook).

**IX. ANNUAL REPORT TO GENERAL ADMINISTRATION**

The Provost shall annually certify that all aspects of the PTR process are in compliance with UNC Policy 400.3.3 and 400.3.3.1[G], including training.
Date new policy is effective: Upon approval

First approved: July 1998
Revised: April 15, 2004
September 17, 2008
September 18, 2009
July 20, 2018

Approved by the Board of Trustees

1 Approved by the Faculty Senate March 23 2004 with revisions approved by the Board of Trustees on September 17, 2008. Original policy dated July 1998.
FORM A: SUBMISSION FORM

North Carolina A&T State University
Submission for Faculty Post Tenure Review

1. Teaching Performance
   a. Summarize evidence of effectiveness in teaching in the last five years. This may include:
      - Brief discussion of teaching methods used in classroom
      - Summary of student evaluation results with discussion of additional efforts to collect student evaluations
      - Attendance at workshops, seminars and conferences in specialty area
      - Relationships maintained with other professionals in specialty area
   b. Summarize special contributions to course and curriculum development, experimentation with new methods, materials, etc. in the last five years. This may include:
      - Description of courses developed and taught
      - Use of appropriate technologies in the classroom
      - Use of other materials (e.g., journal articles, study guides, etc.)
      - Innovative approaches to teaching
      - Other devices used to enhance the learning experience (e.g., field trip)
   c. Summarize evidence of effectiveness in academic advising and counseling.

2. Research Performance, Professional Growth and Related Activities.
   a. List in bibliographic form publications in the last five years OR describe creative works/performances in the last five years
   b. Summarize evidence from last five years of funded research
   c. Summarize evidence of professional growth with the past five years. This may include:
      - Professional meetings/conferences/workshops/seminars attended
      - Professional memberships/registrations maintained

3. Service to the University
   a. List significant committee and administrative responsibilities and contributions. Provide evidence of level of participation/contribution.
      - Department
      - School/College
      - University
   b. Indicate significant contributions to the broader community outside the University.
      - Consulting/professional activities outside of the University
      - Other contacts with and/or participation in professional organizations
      - Workshops/seminars conducted

*If faculty responsibilities are primarily only to one or two of these areas, post tenure review and resulting recommendations should take this allocation of responsibilities into account.*
The former content of this appendix is repealed.

For information regarding the process of hiring permanent employees, see

https://www.ncat.edu/hr/talent-solutions/rec-staffing/index.html

Approved by the Chancellor

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Date Policy is Effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018
CRITERIA FOR THE EVALUATION OF THE FACULTY

UNIVERSITY POLICY

FACULTY HANDBOOK

APPENDIX C-2

A. TEACHING PERFORMANCE

Effective teaching has many manifestations. In addition to well-planned, meaningful lectures and demonstrations, it includes the total range of faculty-student relationships through which learning is achieved. In evaluating teaching performance, consideration should be given to a number of items.

These include, but are not limited to the following:

1. Conducting classes, seminars and other group discussions. Competence in this area is related to one’s preparation for his/her subject and his/her continuous growth through study and productive scholarship in his/her academic field or discipline. It includes evidence of the ability to organize the general program or course, the ability to
develop appropriate lesson plans and assignments, and evidence of the ability of the faculty member to evaluate student learning and achievement.

2. Developing productive relations with students, individually and in groups. Consider the extent to which the faculty member works with students in extra-class activities and makes himself/herself available for advising and counseling.

3. Developing or securing and using adequate teaching aids. These include up-to-date course outlines, syllabi, supplementary textbooks and eBooks, demonstration kits, laboratory equipment, videos, smartboards, and other aids to reinforce learning.

B. RESEARCH PERFORMANCE AND PROFESSIONAL GROWTH

The nature and value of research and professional activity vary according to the faculty member’s academic field or discipline. For this reason, each distinct subdivision of the University should adapt this section of the criteria to its purpose and use. In undertaking a general assessment of Research Performance and Professional Growth:

1. Consideration should be given to scholarship as indicated by: (1) the ability to secure grants for research; (2) published research articles; and (3) evidence of other creative activity of high quality and significance. In certain fields such as art, architecture, music, drama and literature, creative activity should receive consideration equivalent to distinction attained in research associated with the natural and social sciences. In evaluating artistic works, originality, scope, richness, and depth of creative expression should be considered.

2. Consideration should be given to professional growth and activity as evidenced through: (1) advanced study in a specific field in a regionally accredited institution; (2) citations received for scholarly achievement; (3) membership, leadership and participation in professional organizations; and (4) travel for professional improvement.

3. Recognition should be given to the research contribution made by the faculty member as an individual or as a member of a group. The supervision of research conducted by undergraduate and graduate students should be considered. Publications and other completed creative work may be regarded as the primary source of evidence. However, a faculty member’s total research program should also be recognized.

C. SERVICE TO THE UNIVERSITY

The faculty has an important role to play in formulating policies and administering the program of the University. In evaluating one’s service to the University:

1. Recognition should be given to faculty members who have made outstanding contributions to the University by participating regularly, effectively and imaginatively in University governance and the formulation of department, college
and University policies. Consider evidence of participation on committees and special administrative assignments, including advising student groups/organizations.

2. Consideration should be given to the faculty member’s sense of responsibility and reliability as evidenced by the execution of assigned tasks on time. These include meeting classes on time, accepting and completing departmental and college assignments, keeping accurate records, and preparing and submitting reports.

It should be remembered that this descriptive statement is not intended to be a complete or comprehensive guide to cover all types of evidence to be considered under the criteria.

Approved by the Board of Trustees

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Date revision is effective: upon approval

First approved: Prior to February 21, 2007
Revised: April 8, 2011
November 16, 2018
MINIMUM REQUIREMENTS AND GENERAL CRITERIA FOR PROMOTION IN RANK AND/OR PERMANENT TENURE

UNIVERSITY POLICY

The following general criteria for promotion are intended to constitute a minimum standard for the total University and do not preclude the establishment of additional criteria where appropriate:

A. Criteria Related to Formal Training and Experience

1. ASSISTANT PROFESSOR Promotion to an assistant professor may be based upon potential. However, the candidate should meet the following minimum requirements:
   a. Should have earned the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);
   b. Demonstrated evidence of promise as a teacher;
   c. Demonstrated evidence of promise in research and/or creative activity;
   d. Demonstrated evidence of promise in service activity;
   e. Demonstrated ability to relate effectively to peers and students.

2. ASSOCIATE PROFESSOR Promotion to the rank of associate professor is based on actual performance as well as future potential. The candidate should meet the following minimum requirements:
a. Should have earned the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);

b. A good record as a teacher;

c. A promising record of performance in research and/or creative activity;

d. A promising record of performance in service activity;

e. Normally a minimum of four years in rank as an assistant professor at North Carolina A&T State University;

f. Demonstrated ability to relate effectively to peers and students.

3. PROFESSOR Promotion to the rank of full professor requires that the individual is recognized by his/her associates, colleagues and students as a capable teacher, researcher and scholar. The candidate should meet the following minimum requirements:

Resolution on Tenure Policies and Regulations adopted by the Board of Trustees of North Carolina Agricultural and Technical State University on February 20, 1974.

a. Should have completed the requirements for the doctor's degree in his/her field of specialization. (Except in cases where the master's degree is the terminal degree prevalent in the field);

b. An established record as a teacher;

c. An established record in research and/or creative activity;

d. An established record in service activity;

e. Normally a minimum of five years in rank as an associate professor at North Carolina A&T State University;

f. Demonstrated ability to relate effectively to peers and students.

B. General Criteria

The following general criteria should be considered for promotion and/or permanent tenure at North Carolina A&T State University.

1. Membership in appropriate professional organizations and societies;

2. Participation in professional meetings;

3. Offices held in state, regional or national professional organizations and societies;

4. Service on University, college/school and departmental committees;
5. Publications;

6. Unpublished research or research activities of a significant nature;

7. Service with or research for a government or other agency;

8. Listing of an individual faculty member in one or more such publications as Directory of American Scholars, American Men of Science, Leaders in Education;

9. Community Service (evaluate with discretion);

10. Professional certifications where applicable;

11. Industrial and/or related experience;

12. Other criteria.

Additionally, a faculty member of the University is expected to:

1. Develop and improve scholarly competence and exercise critical self-discipline and judgment in using, extending, and transmitting knowledge to students.

2. Respect the opinions of colleagues and exercise high professional judgment in relationships with the faculty.

3. Demonstrate competence in conducting classes, seminars, lectures, leading discussions, making (planning in place of making) appropriate assignments of work, organizing the general program (curriculum instead of program) of courses, and evaluating student achievement (or performance instead of achievement). A command of subject matter and continuous growth in the scholarship of the major academic field or discipline are expected.

4. Assist students, individually as well as in groups, by providing academic guidance and by stimulating intellectual curiosity and growth.

5. Develop and use relevant teaching aids, course outlines, syllabi, textbooks, videos, smartboards and other materials sufficiently to ensure (the delivery of) an effective instructional program.

6. Demonstrate professional growth by participating in professional organizations and conferences, presenting professional papers, and publishing articles or books which may be the result of research or creative work, or by giving performances or holding exhibits.

7. Participate regularly in the university, school/college, division, and department meetings.
Approved by the Board of Trustees

Date revision is effective: upon approval

First approved: Prior to February 21, 2007
Revised: April 8, 2011
July 20, 2018
The former content of this appendix is repealed.

For policies and procedures of the Division of Research and Economic Development (DORED), see http://www.ncat.edu/research/dored/procedures.html

Approved by the Chancellor

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Date revision is effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018
Coverage

This policy applies to faculty members who do not accrue sick leave and are eligible to participate in the N.C. Teachers’ and State Employees’ Retirement System or the UNC Optional Retirement Program (i.e., continuing faculty who are employed at least 75% of full-time). Coverage is limited to those faculty members who are eligible under the provisions of the Family and Medical Leave Act (FMLA) (i.e., those who have been employed at least one year and have worked at least 1,040 hours within the last 12 months).

Eligibility

A faculty member covered by this policy is eligible for paid leave under the following conditions, consistent with qualifying conditions under the FMLA:

- The birth of a child and to care for the newborn child after birth. Note: An expectant mother may take leave before the birth of the child for prenatal care or if her condition makes her unable to work or requires a reduced work schedule.
- The placement of or to care for a child placed with the employee for adoption or foster care. Note: Leave may be granted before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.
- The serious health condition of the employee’s child, spouse, or parent that requires the employee’s care;
- The serious health condition of the employee that prevents the employee from performing the essential functions of his or her job.

III. **Serious Illness and Disability Leave**

A. A faculty member who is eligible for leave under this policy pursuant to Section II is entitled to a salary continuation for up to sixty calendar days within a single academic semester, starting from the first day of the qualified absence. The faculty member may be entitled to additional unpaid leave under the FMLA or North Carolina Family Illness Act.

B. A faculty member with a balance of accrued leave from a prior 12-month appointment shall exhaust that leave before receiving leave under this policy.

C. Employees are eligible for short-term disability benefits under the N.C. Disability Income Plan if they have at least one year of contributing membership service in the N.C. Teachers’ and State Employees’ Retirement System or the UNC Optional Retirement Program earned within the 36 calendar months preceding the disability. Benefits become payable following a 60-day waiting period from the date of disability onset. Leave under this policy may be exhausted prior to participation in the N.C. Disability Income Plan.

The faculty member may apply to the Benefits Office in the Department of Human Resources at N.C. A&T for salary continuation through the N.C. Disability Income Plan and through the optional disability plan, if eligible.

The UNC System offers, for a premium, a supplemental disability policy to supplement the State’s disability program. This may be obtained through N.C. A&T’s Benefits Office.

D. Any unused leave under this policy shall not be
1. accumulated or carried over to another academic year;
2. allowable as terminal leave payment when the faculty member leaves the University; or
3. used to extend years of creditable state service for retirement benefit purposes.

IV. **Procedure for Requesting Leave**

A. Faculty members should request leave in writing to the department chair. Requests for leave should be submitted as least 60 days in advance of the leave or as soon as practicable after the need for leave is foreseeable.

B. The University may request medical verification of the faculty member’s illness or disability, including a physician’s statement about the probable length of absence from
normal duties, as would be required under the FMLA. If the request is for the purpose of caring for a family member or dependent, the University may also request medical verification of that person’s illness or disability and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties. To facilitate the gathering of necessary verification, the department chair may request the assistance of the Benefits Office in the Department of Human Resources.

C. The department chair will make a recommendation to the dean concerning whether or not to grant the request for leave.

D. The dean is responsible for deciding whether or not to approve the request for leave and provides written notification to the department chair and the faculty member. If leave is denied, the written notification should include the grounds for denial.

E. If the request for leave is denied, the faculty member may appeal the denial to the Provost by forwarding the request for leave and the dean’s written notification of denial of the request to the Provost within five (5) business days. Within fifteen (15) business days, the Provost shall make a decision and notify the faculty member, the dean, and the department chair of his or her decision.

V. University Responsibilities

A. The department chair is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member’s leave. Any adjustments in work schedules within the department are at the discretion of the department chair, with the approval of the dean, and are subject to departmental and institutional needs and resources.

B. The cost of substitute personnel is the department’s responsibility. In recommending approval of a leave request to the dean, the department chair will certify that he or she is prepared to develop a plan to cover the responsibilities of the faculty member for the duration of the leave.

C. The need for securing and paying the cost of substitute personnel should not be a factor in the decision whether to approve a request for leave under this policy.

VI. Confidentiality

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records.

VII. Record Keeping

Since this policy provides an important financial benefit, accurate records on its invocation must be maintained. The Benefits Office of the Department of Human Resources will be
responsible for maintaining medical certifications and other documentation that must accompany requests for leave consistent with the FMLA.

VIII. Coordination with Other Policies

A. Paid leave provided under this policy has no effect on the faculty member’s other employment benefits.

B. All periods of paid leave under this policy will be construed as family and medical leave under the FMLA. The FMLA entitlement of 12 weeks of leave without pay will run concurrently with any period of paid time off.

C. The North Carolina Family Illness Act allows for an extension of up to 52 weeks of leave without pay during a five-year period in cases of a serious illness of a child, spouse, or parent.

D. At the time a request for leave under this policy is granted, the faculty member, the department head, dean, and the Provost will agree in writing whether time spent on leave will count as probationary service (i.e., whether the tenure clock continues to run). In the absence of an agreement or if the parties fail to reach an agreement, time spent on leave will count as probationary service.

A faculty member granted leave under this policy may have his or her five-year post-tenure review delayed by a period agreed upon by the faculty member, department head, and dean.

E. Faculty members will not be penalized in their condition of employment because they require time away from work caused by or contributed to by conditions such as pregnancy, miscarriage, childbirth, or recovery. Requests for leave because of these conditions shall be treated the same as a temporary disability.

Approved by the Chancellor

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018
APPENDIX C-6
SEXUAL HARASSMENT POLICY

This policy has been replaced by the policy named “Sexual Misconduct: Discrimination, Harassment and Sexual Assault,” which may be found on the Human Resources section of the A&T Policy website. The url for this policy is:
NORTH CAROLINA AGRICULTURAL AND
TECHNICAL STATE UNIVERSITY

SEC. II—FACULTY--Employment Terms 9.0
SEC. III—Employment Terms 5.0

POLITICAL ACTIVITIES OF UNIVERSITY EMPLOYEES

ADMINISTRATIVE POLICY

FACULTY HANDBOOK

APPENDIX D-1

The following policy applies to all North Carolina Agricultural and Technical State University employees who are exempt from the State Human Resources Act (EHRA). This policy addresses political activities including, but not limited to, candidacy for and holding public office for elective and appointive positions.

University employees retain the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States. Employees are encouraged to exercise fully and freely their right to participate or refrain from participating in political processes without fear of penalty or reprisal, consistent with the University’s commitment to encouraging the full freedom within the law of inquiry, discourse, teaching, research, service, and publication. Certain types of activities by University employees related to political processes, however, may be incompatible with the general responsibilities of employment or with the responsibilities of University employment.

1. DEFINITIONS. For purposes of this policy, the following words and phrases shall have the meanings indicated:

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1 For employees who are subject to the State Human Resources Act (SHRA), political activities and activities related to holding public office are governed by N.C. General Statutes § 126-13 and policies adopted by the Office of State Human Resources (OSHR), see https://files.nc.gov/ncoshr/documents/files/Limitation_of_Political_Activity.pdf.
a. “Appointive public office” means a public office filled or obtained by means other than an election.

b. “Campaign” or “campaigning” means all acts done by a candidate and his or her supporters to obtain votes to be cast for a nomination or in an election.

c. “Candidate” means an individual who seeks nomination or election to any elective public office whether or not the person is elected. Absent any other evidence of candidacy, an individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with the purpose of bringing about the individual’s nomination or election.

d. “Compensation which is more than nominal” means with reference to part-time public office (other than membership in the General Assembly) actual annual compensation or expected annual compensation, whichever is greater, in excess of $10,000, excluding direct reimbursement for expenses incurred by the office holder incident to holding office, whether such expenses are calculated on a per diem basis or on an actual-expense basis.

e. “Conflict of interest” means situations in which financial or other personal considerations, circumstances, or relationships may compromise, may involve the potential for compromising, or may have the appearance of compromising an employee’s objectivity in fulfilling their university duties or responsibilities, including research, service, and teaching activities and administrative duties.

f. “Conflict of commitment” relates to an individual’s distribution of time and effort between obligations to university employment and participation in other activities outside of university employment. A conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time or is conducted at a time that interferes with the employee’s fulfillment of university employment responsibilities.

g. “Election” includes a primary, special, runoff, or general election.

h. “Elective public office” means a public office filled or obtained through the results of an election.

i. Employee" means an individual who is employed by North Carolina Agricultural and Technical State University and is exempt from the State Human Resources Act pursuant to N.C.G.S. § 126-5(c1).

j. “Endorse” means to make a public statement or take public action expressing support or approval of another individual’s candidacy for public office.
k. “EHRA nonfaculty employee” means an individual who is employed in a position covered by Section 300.2.1 of the UNC Policy Manual.

l. “Full-time employee” means an individual who is employed by the university at least three-quarter (3/4) time, including faculty who are employed on a nine-month per calendar year basis.

m. “Major public office” means (a) any public office requiring full-time service, regardless of the amount of compensation; (b) any public office requiring service on a part-time basis for which the compensation is more than nominal; and (c) membership in the North Carolina General Assembly.

n. “Minor public office” means any public office that is not a major public office.

o. “On duty” means the time period when an employee is (a) in a pay status other than paid leave, compensatory time off, or excused or authorized absence (including leave without pay) (b) representing the University of North Carolina or any constituent institution or subdivision thereof in an official capacity; or (c) expected to perform services for which he or she receives compensation from the university. Provided, however, that an employee who is or may be expected to perform his or her duties on a twenty-four-hour-per-day basis shall not be considered on duty except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her office.

p. “Part-time employee” means an individual who is employed but who is not a full-time employee.

q. “Partisan,” when used as an adjective, means related to a political party.

r. “Partisan political group” means any committee, club, or other organization which is afflicted with a political party or candidate for public office in a partisan election, or organized for a partisan purpose, or which engages in partisan political activity.

s. “Partisan political office” means any public office for which any candidate is nominated or elected as representing a political party but does not include any office or position within a political party or affiliated organization.

t. “Political activity” means actions directed toward the success or failure of a candidate for public office, political party, or partisan political group including, but not limited to, campaigning, political management, and soliciting financial contributions for political purposes.

u. “Political management” means taking an active part in the direction, supervision, or management of a partisan political group or a campaign for public office.
v. “Political party” means a national political party, a state political party, or an afflicted organization.

w. “Political purpose” means an objective of promoting or opposing a political party, candidate for public office, candidate for partisan political office, or partisan political group.

x. “Public office” means any national, state, or local governmental position of public trust and responsibility, whether elective or appointive, which is created, prescribed, or recognized by constitution, statute, or ordinance (other than within The University of North Carolina).

y. “Senior academic and administrative officer (SAAO)” means an individual who is employed in a Tier I or Tier II position covered by Section 300.1.1 of the UNC Policy Manual.

z. “Senior officers” means the President, the chancellors, and the senior academic and administrative officers (SAAO) described in Policy 300.1.1 subpart I.A., who are at the rank of vice president, vice chancellor, provost, dean, and other positions of equivalent rank and responsibility (Tier I).

aa. “Solicit” means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

II. POLITICAL ACTIVITIES IN GENERAL

A. Permissible Political Activities

1. An employee may engage in political activity to the extent not expressly prohibited by law or applicable policy.

2. Nothing in this policy prohibits, or otherwise limits, teaching, inquiry, classroom discussion or discourse concerning political issues, including campaigns, candidates, political groups or issues in campaigns for public office, that are within the subject matter of any academic program, course, curriculum, or study.

3. An employee may participate fully in public affairs in a manner that does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the university.

4. The political opinions assumed by employees are personal ones, and employees must ensure that they do not imply that their opinions are endorsed by the university.

5. Permissible activities include, but are not limited to:
   i. Registering, voting, otherwise participating in elections;
ii. Becoming a candidate for and holding public office in accordance with University policy;
iii. Expressing opinions privately and publicly on political subjects;
iv. Participating in political organizations;
v. Participating in political campaigns;
vi. Engaging in political management; and
vii. Soliciting, accepting, receiving, and making financial contributions for political purposes to political parties, partisan political groups, and campaign committees of candidates for public office.

B. Prohibited Political Activities
An employee may not:

i. Participate in political activity while on duty;
ii. Use the authority of his or her position, university funds, services, supplies, equipment, information technology resources, vehicles, or other university property to endorse, campaign for, secure support for or oppose any candidate, political party, partisan political group, referendum or issue in an election, or affect the results thereof; or
iii. Make any promise of preferential treatment (or actually confer such preference) or make any threat of detrimental treatment (or actually impose such detriment) to any person, including with respect to any condition or incident of employment over which the employee has authority, control, or influence, for purposes of inducing support of or opposition to any candidate for public office, political party, or partisan political group.

C. Senior Officers
The university will supply to any candidate for public office information of a substantive nature, whether it is information on agriculture, economics, education or any other topic. It is important that all candidates know that they can receive factual information from the university, but it should be made clear that the administration of the university will not be identified with any candidate or any party. Accordingly, in addition to the restrictions set forth in section II.B., above, a senior officer may not:

i. Solicit, accept, or receive financial contributions from other persons or organizations on behalf of any candidate for partisan political office or campaign committee of any candidate for partisan political office; or

ii. Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material.

D. Violations
Violation of the prohibitions contained in sections II.B. and II.C., above, shall be cause for appropriate disciplinary action, including discharge from employment.
III. SEEKING AND HOLDING PUBLIC OFFICE

A. Minor Public Offices. An employee who assumes, or becomes a candidate for election to, a minor public office shall be subject to the requirements of this section.

1. No Presumption of Conflict of Commitment. The candidacy by an employee for election to a minor public office, or the assumption by an employee of a minor public office, whether appointive or elective, is presumed not to create a conflict of commitment with respect to the responsibilities owed by the employee to the University.

2. Resolution of Potential Conflicts in Particular Cases. If the Chancellor believes, contrary to the presumption, that there will be a material conflict of commitment in a particular case, the Chancellor may direct the employee to submit a petition in accordance with Section III.B.2. of this policy, and refer the petition to the Board of Trustees for resolution.

3. Prompt Reporting of Payments Required. Any employee who files as a candidate for or intends to assume or accept appointment to a minor public office must file promptly with his/her immediate supervisor a written statement setting forth the amount of any payments to which the holder of such office is entitled as officeholder.

B. Major Public Offices. An employee who assumes, or becomes a candidate for election to, any major public office shall be subject to the requirements of this section.

1. Conflict of Commitment Presumed. An employee who assumes, or announces his or her candidacy for election to, a major public office, is presumed to create a conflict of commitment that interferes with the employee’s satisfactory performance of University employment obligations. That presumption is irrebuttable with respect to any full-time employee who assumes any full-time public office. Such conflicts shall be addressed as follows:

   a. Candidacy for major public office. An employee shall resolve conflicts about candidacy in advance of becoming a candidate by:

      i. Resigning from University employment; or

      ii. Submitting a petition in accordance with Section III.B.2. of this policy, in which the employee (1) requests and is granted an appropriate unpaid leave of absence from University employment; or (2) rebuts the presumption of conflict by demonstrating to the satisfaction of the University that there in fact will be no conflict between campaign activity and University employment. If the employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, such candidacy in fact will not create a conflict of commitment which interferes with responsibilities owed the University, the resignation requirement shall not be applicable. If consistent with the presumption the resignation requirement is found to be applicable, the employee may be granted a full or partial leave of absence from
University employment, with corresponding suspension of or reduction in pay, to be coextensive with the period of candidacy.

b. Service in full-time public office by full-time employees.
   i. Full-time public office. Upon assuming any public office requiring full-time service, a full-time employee will be deemed to have resigned his or her University employment, unless prior to assuming office the full-time employee submits a petition in accordance with Section III.B.2 of this policy, through which the employee requests and is granted a full leave of absence, without pay. Such a leave of absence may be granted at the option of the University if it is deemed practicable by the University and may not exceed two years in any case.
   ii. Part-time public office for which compensation is more than nominal; membership in the General Assembly. Upon assuming part-time public office for which the compensation is more than nominal, or upon assuming office as a member of the General Assembly, a full-time employee must resign from University employment, unless prior to assuming office such employee submits a petition in accordance with Section III.B.2 of this policy, through which the employee: (1) requests and is granted an appropriate leave of absence; or (2) rebuts the presumption of conflict by demonstrating that there in fact will be no conflict between officeholding and University employment. If the employee by petition is able to establish to the satisfaction of the University that, contrary to the presumption, holding such public office in fact will not create a conflict of commitment which interferes with responsibilities owed the University, the resignation requirement shall not be applicable. If consistent with the presumption the resignation requirement is found to be applicable, the employee may, if deemed practicable by the University, be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, applicable to the period for public service. If a full leave of absence is deemed necessary and is granted, it shall not exceed two years in any case. If a partial leave of absence is deemed necessary and is granted, the period of leave shall be at the discretion of the University.

c. Service in public office by part-time employees.
   i. Full-time public office; membership in the General Assembly. Upon assuming full-time public office, or upon assuming office as a member of the General Assembly, a part-time employee must resign from University employment, unless prior to assuming office such employee submits a petition in accordance with Section III.B.2 of this policy, through which the employee: (1) requests and is granted an appropriate leave of absence; or (2) rebuts the presumption of conflict by demonstrating that there in fact will be no conflict between officeholding and University employment. If the employee by petition is able to establish to the
satisfaction of the University that, contrary to the presumption, holding such public office in fact will not create a conflict of commitment which interferes with responsibilities owed the University, the resignation requirement shall not be applicable. If consistent with the presumption the resignation requirement is found to be applicable, the employee may, if deemed practicable by the University, be granted a full or partial leave of absence from University employment, with corresponding suspension of or reduction in pay, applicable to the period for public service. If a full leave of absence is deemed necessary and is granted, it shall not exceed two years in any case. If a partial leave of absence is deemed necessary and is granted, the period of leave shall be at the discretion of the University.

ii. Part-time public office for which compensation is more than nominal. A part-time employee who assumes a part-time public office for which compensation is more than nominal shall be subject to the requirements of Section III.A. of this policy.

2. Petition. Prior to assuming major public office, or announcing his or her candidacy for election to a major public office, an employee shall submit a petition using the form/format prescribed by the President.

a. Submission and resolution of petitions.

i. Petitions by senior academic and administrative officers, and by all other employees if the petition concerns candidacy for or service in the General Assembly, shall be addressed to and resolved by the Board of Governors, shall be transmitted through the President, and shall be accompanied by a recommendation from the Chancellor. If the petition pertains to the Chancellor, it shall be accompanied by a recommendation of the Board of Trustees.

ii. Petitions by University employees other than senior academic and administrative officers, with the exception of petitions concerning candidacy for the General Assembly, shall be addressed to and resolved by the Board of Trustees and shall be transmitted through the Chancellor. With respect to each such decision rendered by the Board of Trustees, the Chancellor shall transmit to the Committee on University Governance of the Board of Governors a report, containing such information as the Committee may specify, concerning the action of the Board of Trustees.

b. Timely presentation of petitions.

An employee shall file a petition well in advance of the period of employment that would be affected by assuming major public office or announcing candidacy for major public office. The petition should be filed in accordance with the timeframes set forth in regulations established by the President, except where the President (for petitions under Section III.B.2.a.i. of this policy) or the Chancellor (for petitions under Section III.B.2.a.ii. of this policy) determines that filing the petition in accordance with the deadline is
impracticable and that the University’s interests will not be materially impaired by a later filing.

i. Candidacy for public office. With respect to an employee who intends to announce as a candidate in a race that requires a May primary contest, any petition submitted to rebut the presumption of conflict of commitment should ordinarily be filed with the appropriate governing board by no later than November 1 in the year preceding the May primary election. With respect to an employee who intends to stand for election in November, any such petition should ordinarily be filed with the appropriate governing board by no later than July 1 of the election year.

ii. Appointment to public office. The advance notice provided to the prospective appointee is frequently not sufficient to permit compliance with the petition schedule established by the Board. Accordingly, subject to all other board requirements controlling public officeholding, if circumstances do not permit a prospective appointee to file a required petition on the schedule otherwise prescribed for prospective office holders, the petition may be submitted to and resolved by the officer or agency responsible for the class of employment of which the petitioner is a member, i.e., the President for senior academic and administrative officers, and the Chancellor for faculty and EHRA nonfaculty personnel. In such cases, however, it remains University policy that the prospective appointee will lose University employment if he or she assumes the appointive office before receiving an affirmative response from the alternative decision maker. Thus, even under this expedited procedure, in some cases the prospective appointee may have to defer acceptance of the appointment beyond the normal starting date for the public office. When this alternative procedure is used, the Chancellor in each instance shall report the action taken to the Committee on University Governance through the President.

c. Showings necessary to rebut presumption of conflict.

i. An employee who wishes to campaign for or assume a major public office and simultaneously maintain his or her full-time University employment must demonstrate that, contrary to the presumption established by this policy, no conflict of commitment in fact will occur.

ii. For purposes of this policy it is assumed that each University employee, including members of the faculty, is obligated to be on duty for a minimum eight-hour day and forty-hour week. In conventional employment contexts, entailing a standard eight-hour workday, an employee will be expected to limit campaign and office-holding activities to evenings and weekends in order to satisfy employment obligations. Faculty members, however, typically follow schedules that vary from day to day and, indeed, from week to week in accruing their forty or more hours per week of employment activity. Such variety reflects, among other factors, their scheduled teaching and counseling hours, the demands of their research
projects, the time dedicated to classroom preparation, the requirements of institutional service through committee memberships, and study and travel associated with contributions to the profession, as in visiting lectureships, professional meetings, and reviews of the work of other scholars and programs. Thus, there is no “standard workday” among the professoriate. The need for flexibility in scheduling the component faculty endeavors of teaching, research, and service is universally recognized. Yet, for purposes of this policy, certain shared assumptions must be identified to help quantify employment obligations.

iii. Unless there is clear demonstration to the contrary, it will be assumed that the work day for professors is the conventional one that falls between the hours of 8 a.m. and 5 p.m. However, an individual faculty member may seek to demonstrate that his or her full-time employment schedule for a given semester in fact does not or need not conform to the presumed norm and, accordingly, that times other than evenings and weekends properly would be available for campaign activity. Thus, a petition to the governing board in support of efforts to rebut the presumption of conflict would have to begin with a representation about what basic periods of time would be devoted to campaigning and why such a proposed schedule would not conflict with the forty or more hours per week of his or her University job. The unalterable premise is that the employee must meet the full requirements of employment while campaigning or serving in office, not that he or she will be permitted to reduce in any way his or her full-time University service in order to engage in candidacy for or service in public office. A satisfactory showing therefore must quantify the distribution of time between employment time and personal time devoted to candidacy and officeholding, as required in the petition form prescribed by the President.

3. Conditions Imposed Incident to Permitting Maintenance of Full-Time Employment. If the governing board determines that an employee has successfully rebutted the presumption of conflict, the permission to continue full-time University employment during service in or candidacy for public office may need to be attended by special conditions. For example, the employee may be required to maintain a daily log of time devoted to campaign activity, subject to periodic inspection by the employee’s supervisor. By way of further example, in arranging the division of time between University duties and campaigning or officeholding, a member of the instructional faculty should not be permitted to reschedule class meeting times or office hours for counseling students, if students thereby would be inconvenienced. In summary, there is a need for responsible academic administrators to monitor closely a faculty member’s compliance with the terms of the understanding reached with the governing board.

4. Leaves of Absence during Candidacy or Service in Public Office.
a. In general. If a University employee concludes or a governing board determines that engaging in a contemplated political campaign or serving in public office will prevent the employee from meeting full-time employment responsibilities, the employee may request a leave of absence, either partial or full, with corresponding reduction in or suspension of pay. The presentation of petitions in support of a request for such leave must follow the same schedule as prescribed above for efforts at rebuttal of presumed conflicts, i.e., by November 1 with respect to May primary contests and July 1 for the general election. In fact, if an employee seeks to be excused from the resignation requirement by rebutting the presumption of conflict, his or her petition on that subject should be accompanied by a petition for leave, to address the contingency of a finding by the governing board that the presumption has not been rebutted. The President will provide a model petition form to be used by University employees to describe the nature and extent of leave requested, with accompanying representations from the Chancellor and other responsible administrators about the feasibility of the proposal, from the University’s perspective, e.g., whether it would be possible to satisfactorily cover the duties of the employee while he or she was absent. If an employee seeks a partial leave of absence, the type of quantification effort described above, with respect to rebuttal of a presumed conflict, would be necessary. A listing of duties to be performed and duties not to be performed would be required, which would account for the total full-time employment responsibilities of the employee; and, derivatively, a judgment then could be made about what percentage reduction in salary would be required.

b. Faculty requests for partial semester leave. Faculty employment is distinguishable from other types of University employment. Other types of University employment are not necessarily keyed to the semester-based provision of educational services to students. Thus, the absence of such employees for intervals of several weeks or several months during a semester might not have the same potentially negative effects on students as would the comparable absence of faculty members. For these other employees, however, a similar consideration would apply to employment duties which fall routinely at particular times of the calendar year.

A faculty member who is assigned a course to teach for a semester will likely not be permitted to discontinue the instruction of that course (actual teaching hours and directly related instructional responsibilities, such as advising enrolled students) part way through the term by using a substitute teacher.

A faculty member who anticipates running for an elective office or serving in public office should broach this issue well in advance of the semester during which such activity will occur and to seek a full or partial leave for all of that semester, rather than for just a portion of that semester. Under such an
C. Consequences of Failure to Comply with Required Procedures.

Sections III.A. and III.B. of this policy are designed to accomplish a timely resolution of questions about an employee’s proposed involvement in activities that could conflict with University employment responsibilities. The purpose is to avoid, through advance planning, any situation in which an employee might neglect his or her duty and thereby disrupt service to students and other beneficiaries of the University enterprise, with consequent need for disciplinary action against the culpable employee. The system established by this policy permits both the employee and the University to identify potential problems in advance and to craft reasonable accommodations. Thus, it is essential that the procedures called for in this policy be observed carefully.

An employee who fails or refuses to observe the procedural requirements established in Sections III.A. and III.B. of this policy has violated the terms and condition of his or her employment and is subject to disciplinary action. All covered employees will be presumed to know the obligations under the policy.

1. With Respect to Officeholding.
   a. If a full-time employee is elected or appointed to a full-time public office, his or her University employment ends automatically (“will be deemed to have resigned”) upon the assumption of that office. The automatic termination of employment may be avoided only if the employee, prior to assuming office, has sought and obtained permission for a leave of absence, not to exceed two years in duration. Since the relevant provisions of the policy are self-executing, there is no occasion for disciplinary action in such a case.

   b. If a University employee (full-time or part-time) is elected to or assumes office as a member of the General Assembly, or if a full-time employee is elected to or assumes a part-time office for which compensation is more than nominal, holding the office is presumed to conflict with the satisfactory performance of University employment obligations, and the employee is obligated to resign upon assuming that public office. The required resignation may be avoided only if the employee, prior to assuming the office, follows prescribed procedures that result either in a finding that it is in fact there will be no conflict created by simultaneous officeholding and University employment or, alternatively, in the approval of a requested leave of absence. If an employee fails to follow the prescribed procedure or declines to resign after failing to rebut the presumed conflict or after being denied a leave of absence, disciplinary action may be brought against him or her for violation of the terms and conditions of his or her employment.

2. With Respect to Candidacy.
Under the terms of this policy, if a candidacy for election to public office entails a presumed conflict with University employment, the affected employee is required to resign when he or she becomes a candidate. Resignation from employment may be avoided only if the employee, prior to becoming a candidate, follows prescribed procedures that result either in a finding that in fact there will be no conflict or, alternatively, in the approval of a requested leave of absence. If an employee fails to follow the prescribed procedure or declines to resign after failing to rebut the presumed conflict or after being denied a leave of absence, disciplinary action may be brought against the employee for violation of the terms and conditions of his or her employment.

D. Appeals

With respect to any decision reached by the Board of Trustees as prescribed in Section III.B. of this policy, an employee aggrieved by the decision may appeal to the Board of Governors only on the basis of an allegation that such decision was contrary to clearly established controlling law or policy. Any such appeal shall be addressed to the Chancellor for transmission to the President, who in turn will transmit the appeal to the Board of Governors.

Related Policies:

- Conflict of Interest and Commitment
- Secondary, Dual and Additional Employment

Approved by the Chancellor

_____________________

Date revision is effective: upon approval

First approved: February 21, 2017
Revised: October 22, 2018
NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK
APPENDIX D-2

PROCUREMENT OF CONSULTANT SERVICES

ADMINISTRATIVE POLICY

The former content of this Appendix is repealed. The subject matter will be covered in the forthcoming Contracts Policy.

Approved by the Chancellor

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018
North Carolina Agricultural and Technical State University faculty and EHRA non-faculty employees (together “Covered Employees”) sometimes engage in external compensated activities that are not a part of University employment. Through such opportunities, employees apply their specialized knowledge and experience to activities outside of their University employment, thereby enhancing their own capabilities in teaching and research and contributing significant societal benefits, including economic development through technology transfer. These activities are encouraged if the intended activity complies with Section 300.2.2 of the UNC Policy Manual, see http://www.northcarolina.edu/apps/policy/index.php?pg=toc&id=s232; specifically, such activities must not create a Conflict of Interest (section II of UNC Policy Manual Section 300.2.2) or a Conflict of Commitment (section III of UNC Policy Manual Section 300.2.2). Definitions can be found in section I of UNC Policy Manual Section 300.2.2.¹

Covered Employees, including faculty with nine-month appointments or contracts, except as provided in section III.C. below, who wish to engage in an External Professional Activity for Pay must adhere to this policy to provide satisfactory assurances that such activity will not interfere with University employment obligations. Covered Employees not complying with this policy will be subject to disciplinary action.

¹This policy incorporates by reference the definitions used in section I of UNC Policy Manual Section 300.2.2.
A full-time Covered Employee’s External Professional Activities for Pay should generally be limited to no more than the equivalent of 20 percent (20%) of the Covered Employee’s contracted time during the appointment.

I. Notice, Approval, and Appeal Requirements

A. Notice Requirements

1. Any Covered Employee who plans to engage in External Professional Activity for Pay shall complete the “Notice of Intent to Engage in External Professional Activity for Pay” (hereinafter referred to as “Notice of Intent,” shown in Appendix I to this policy). A separate Notice of Intent shall be filed for each such activity in which a Covered Employee proposes to engage.

2. Unless there are exceptional circumstances, the Notice of Intent shall be filed not less than ten (10) calendar days before the date the proposed External Professional Activity for Pay is to begin.

3. The Notice of Intent shall be filed with the Covered Employee’s department head.

4. Additionally, Covered Employees must disclose their financial interests consistent with the Board of Governors’ policy on Conflict of Interest and Commitment (UNC Policy Manual Section 300.2.2), and the University’s implementing policies/procedures.

B. Review and Approval Requirements.

1. Except as set out in paragraph B.2. below, the Notice of Intent shall be reviewed and considered as follows:

   a. If, after review of the Notice of Intent and consultation with the Covered Employee, the department head determines that the proposed activity is consistent with the policy statements of the University and the Board of Governors, an approval of the Notice of Intent may be granted for a period not to exceed the balance of either (1) the fiscal year (in the case of 12-month employees and employees with contract service periods that include the summer session), or (2) the academic year (in the case of nine-month employees with no summer session contract period) remaining as of the date of approval. The Covered Employee shall be notified in writing of the approval within ten (10) calendar days of the date the Notice of Intent is filed. If the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was
begun, the Covered Employee must file an additional Notice of Intent at least ten (10) calendar days before engaging in such activity in the succeeding relevant year unless the University has adopted another time period for filing.

b. If, after review of the Notice of Intent and consultation with the Covered Employee, the department head determines that the proposed activity is not consistent with the policy statements of the University or the Board of Governors, the Covered Employee shall be notified in writing of that determination within ten (10) calendar days of the date the Notice of Intent is filed.

2. If the Notice of Intent discloses (1) a proposed activity for an entity that provides funding that directly supports the Covered Employee’s University Employment Responsibilities or activities, or (2) a proposed activity for a private entity in which the Covered Employee or member of the Covered Employee’s Immediate Family (see section I of UNC Policy Manual Section 300.2.2) holds an equity or ownership interest or holds an office, the review and consideration procedure set out in item B.1., above, shall be modified as follows:

a. The decision of the department head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) calendar days of receipt by the administrative officer to whom the department head reports.

b. An appeal of a disapproval by that officer shall be to the Chancellor or the Chancellor’s designee. The decision of the Chancellor or Chancellor’s designee shall be final.

C. Appeal Requirements

1. In the event of a negative decision by the department head, the Covered Employee shall not proceed with the proposed activity but may appeal that decision to the administrative officer to whom the department chair reports, and then to the Chancellor or the Chancellor’s designee. Appeals shall be made in writing within ten (10) calendar days of receipt of the disapproval of the Notice of Intent.

2. A decision on any such appeal shall be given by the Chancellor or Chancellor’s designee to the Covered Employee within ten (10) calendar days of the date on which the appeal is received.

3. The decision of the Chancellor or Chancellor’s designee shall be final.
II. Reporting Requirements

A. Each year, departmental summaries of all Notices of Intent filed and of actions taken in response to such Notices of Intent during the preceding fiscal year shall be submitted by department heads to the Chancellor or the Chancellor’s designee.

B. On or before September 1 of each year, the UNC System’s Office of Research and Sponsored Programs will initiate the submission of annual summary reports from the Chancellors to the president.

III. Special Provisions

A. External Professional Activities for Pay performed for another institution or agency of the State of North Carolina must also comply with State policies governing dual employment and compensation, unless an exception to those State policies is expressly authorized by the Chancellor or the Chancellor’s designee.

B. Senior academic and administrative officers may be subject to special regulations regarding honoraria. (UNC Policy Manual Section 300.2.2.2[R].)

C. Compliance with this policy and the cited UNC System policies/regulations shall not be required of Covered Employees serving on academic year appointments if the External Professional Activity for Pay is wholly performed and completed outside of the academic year, provided that the activity does not conflict with the policy statements of the University or the Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the University during a summer session. Notwithstanding this policy, such employees will disclose their financial interests in accordance with the Board of Governors’ policy on Conflict of Interest and Conflict of Commitment (UNC Policy Manual Section 300.2.2), and the implementing policies and procedures of the University.

References:  
UNC Policy Manual Section 300.2.2
UNC Policy Manual Section 300.2.2.1[R]

Approved by the Chancellor

Date revision is effective: upon approval

First approved: August 12, 2005
Revised: August 27, 2018
Appendix I

Notice of Intent to Engage in External Professional Activities for Pay Data Elements

I. Date of filing

II. Name of Covered Employee

III. Name and address of contracting organization

IV. Nature of proposed activity

V. Beginning date and anticipated duration of activity

VI. Average number of hours per week to be devoted to the activity
   A. For 12-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30____
   B. For 9-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30____
      1. Second Summer Session (post-July 1)
      2. Fall Semester
      3. Spring Semester
      4. First Summer Session (pre-July 1)

VII. Total number of hours to be devoted to the activity

VIII. Identification of classes, meetings, or other university duties that will be missed because of involvement in the proposed activity (identify the duties that will be missed based on the components of the academic year shown above, if 9-month employee) and identification of what arrangements have been made to cover such duties

IX. Identification of any university resources to be used for the activity

X. Determination if the contracting organization listed in the Notice of Intent is providing funding which directly supports the Covered Employee’s university duties

XI. Determination if the contracting organization is a private firm
   A. If yes, determination if the Covered Employee or member of his/her immediate family owns an equity interest in the contracting organization
   B. If yes, determination if the Covered Employee holds an office in the contracting organization

XII. Certifying statement by Covered Employee that information disclosed on the Notice of Intent is consistent with the Board of Governors’ policy on Conflict of Interest and Commitment (UNC Policy Manual Section 300.2.2)
Pursuant to North Carolina General Statutes § 116-143(d) and The UNC Policy Manual Section 1000.2.2.1[R], the following is the policy of North Carolina Agricultural and Technical State University with regard to tuition and fee waivers for employees.

1. Definitions.
   a. “Employee” shall mean a person who is either a faculty member or a staff employee, employed by an Employing Institution (as defined in Section 1.b) in a permanent job position on a recurring basis and who works 30 or more hours per week for nine or more months per calendar year. The terms “faculty member” and “staff member” include (1) personnel of the United States armed forces during the time they are assigned under military orders to an ROTC program of a constituent institution of the University of North Carolina as a permanent change of station; and (2) civilian personnel federally employed 30 or more hours per week on a continuing basis in a position adjunct to an ROTC program of a constituent institution of the University of North Carolina.
b. “Employing Institution” shall mean the constituent institution of the University of North Carolina, including the North Carolina School of Science and Mathematics, the University of North Carolina Health Care System, and General Administration, which is the employer of record of the faculty or staff member.

c. “Enrolling Institution” shall mean a constituent institution of the University of North Carolina in which the Employee is enrolled and receiving academic credit and to which tuition and fees would be paid if not covered under a tuition and fee waiver.

d. “Fees” shall mean those student fees required for the course(s) in which the employee is enrolled. Fees will be waived except for courses supported by fees, such as chemistry lab and nursing fees.

e. “Normal Employment Obligations” shall mean those services that the faculty or staff member is obligated to perform for the Employing Institution.

f. “Period of Normal Employment” shall mean that period of time beginning with the effective date of permanent employment and ending with the effective date of discontinuation of employment.

g. “Tuition” shall mean the tuition charged for credit instruction, regardless of when the instruction occurs or by what means it is delivered. Pursuant to N.C.G.S. § 116-143.1(m), an employee of the University of North Carolina who is a legal resident of North Carolina qualifies as a resident for tuition purposes irrespective of the length of legal residency in the State.

h. “Year” shall mean an academic year of fall semester, spring semester, and the summer sessions that follow, unless otherwise specified.

2. Limitations.

a. Employees of an Employing Institution may, during the Period of Normal Employment, enroll in certain courses free of charge of tuition and fees, as described in this policy, provided the enrollment does not interfere with Normal Employment Obligations.

b. The waiver of tuition for a faculty or staff member shall be limited to not more than three (3) courses per Year.

c. The Employee must maintain Employee status, as defined in Section 1.a, for the duration of the course. Otherwise the Employee shall be responsible for payment of all applicable tuition and fees. However, this payment requirement shall not apply to an Employee who is eligible under this policy at the time of enrollment in a course and is later reduced in force (SHRA) or separated for budgetary reasons (EHRA) prior to
completion of the course. This exception does not apply to the end of a time-limited or term position.

d. Correspondence courses, continuing education courses, extension courses, or other instruction principally supported by receipts, are not eligible for tuition and fee waivers. In addition, expenses such as travel and laboratory and material fees are not covered by waivers.

3. Employee Responsibilities.

a. The Employee must apply and be approved for admission through the appropriate admissions office within the specified deadlines.

b. The Employee must register for courses in accordance with instructions for the program under which the Employee is admitted. A space must exist in the specific course.

c. The Employee must continue to meet Normal Employment Obligations and must attend class outside of his or her established work schedule. The supervisor may alter the Employee’s work schedule to permit him or her to attend courses. Departments are encouraged to use flextime options to accommodate Employee participation in the tuition and fee waiver program.

d. Prior to the commencement of a course for which a tuition and fee waiver is requested, the Employee shall:

   i. Complete the application form and obtain all required approvals from the Employing Institution and/or the Enrolling Institution according to procedures set forth by each institution; and

   ii. Deliver one copy of the completed and approved application to the proper authority of the Employing Institution. If enrolling in an institution other than the Employing Institution, the Employee must provide an approved copy to the proper authority of the Enrolling Institution.

4. Procedures.

a. An application for a tuition and fee waiver must be completed for each semester or summer session that a class is taken. Application forms are available here.

b. Application procedures for participation by an Employee of N.C. A&T in a course at N.C. A&T are as follows:

   i. Complete the tuition and fee waiver form for an N.C. A&T Employee.
ii. Obtain advance signature approval from the department head. The department head should return the request form promptly so that the Employee can meet application deadlines.

iii. Obtain approval from the Division of Human Resources.

iv. Submit the form, with appropriate approvals, to the Office of the Treasurer before the first day of class.

c. Application procedures for participation by an Employee of N.C. A&T in a course at another campus are as follows:

i. Complete the tuition and fee waiver form for the N.C. A&T Employee.

ii. Obtain advance signature approval from the department head. The department head should return the request form promptly so that the Employee can meet application deadlines.

iii. Obtain approval from the Division of Human Resources.

iv. Submit the form to the proposed Enrolling Institution within the deadlines specified by the Enrolling Institution.

v. Comply with any additional regulations of the Enrolling Institution.

5. Tuition and fee waiver enrollments of an Employee shall not be counted for the purpose of receiving general fund appropriations.

6. The Chancellor hereby delegates to the Employee’s department head the authority to make the determination whether (1) an N.C. A&T Employee’s enrollment in a course pursuant to the this Policy will not interfere with the satisfactory performance of the Employee’s Normal Employment Obligations; and (2) an N.C. A&T Employee is eligible to receive a waiver.

7. The Chancellor hereby delegates to the Provost the authority to make the determination whether (1) the Employee seeking to enroll with a tuition and fee waiver is academically eligible for admission to the University; and (2) space is available for the Employee’s enrollment in the course.

8. Employees are responsible for any tax liability arising from tuition and fee waivers.

Approved by the Chancellor

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018
I. PURPOSE OF MEDIATION

Faculty members may seek redress concerning employment-related grievances, including against another faculty member, through the intervention of trained mediators. The goal of the mediation procedure is to reach a consensual resolution of the dispute.

II. DEFINITION

Mediation is a procedure in which disputing parties use the assistance of a neutral party to help them in achieving a voluntary, bilateral agreement that finally and definitively resolves all or portions of their dispute, without using adversarial procedures such as grievance hearings, administrative hearings, or litigation. Any such mediated agreement that the parties are able to negotiate will be embodied in a written agreement.
III. THE ROLE OF THE MEDIATOR

The mediator will only assist the parties in defining, clarifying, communicating about, and ascertaining the substantiability and relevance of the issues that appear to divide the parties. Consequently, he/she will aid the parties in generating, considering, and communicating with each other about possible bases for resolving the dispute. Mediators may be trained members of the faculty or staff, outside mediators from the community, or mediators from other campuses within the University system. Mediators may not be members of the Faculty Grievance Committee that hears the Faculty Grievances.

IV. CRITERIA FOR QUALIFIED MEDIATORS

A mediator should have successfully completed formal mediation training substantially equivalent to that required for certification by the North Carolina Administrative Office of the Courts or to have been formally trained in mediation specifically designed for use in a university setting. The Provost’s Office will obtain and provide names of qualified mediators, upon request.

V. COMMENCING MEDIATION

Where no grievance has yet been filed, both parties involved in a dispute may agree to present the concern to a mediator. However, no punishment, blame, or accusation of wrong-doing will be applied to a party not in agreement with appearing before a mediator or not agreeing to a settlement. Under such circumstances, the faculty member may appeal his/her case to the Faculty Grievance Committee.

If a grievance has been timely filed, and mediation has not yet been attempted, the parties may participate in mediation if the Faculty Grievance Committee determines the allegations merit a detailed investigation. The parties are not obligated to reach a settlement, and no blame shall be assigned to any party not reaching a settlement.

If a mediation does not lead to a full settlement, no record of the failed mediation process will be produced by the mediator other than an unelaborated written statement to the Faculty Grievance Committee chair so as to invoke the next step in the grievance process, i.e., that mediation was attempted but settlement was not reached.

Any time limit adopted by this University or by Board of Governors policy concerning the formal resolution of Faculty Grievances will be suspended for the duration of a mediation process being held pursuant to this policy.

VI. SPECIAL CIRCUMSTANCES

Attorneys for either of the parties involved in the dispute may not participate in the mediation.
The mediator shall not be called as a witness in any subsequent proceeding, and nothing done or said by either party during a mediation process may be referred to or used against a party in any subsequent proceeding.

Any mediation agreement that obligates this University must be signed by an official with the authority to bind the University concerning the particular agreement.

Any other policy on mediating faculty disputes that is not posted on the University’s Approved Policies website is void and repealed.

Related policy:

UNC Policy Manual 101.3.2, Sec. III. Mediation of Grievances

Approved by the Chancellor

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Date revision is effective: upon approval

First approved: April 21, 2004
Revised: February 21, 2007
October 22, 2018
I. COMPOSITION

See Section 5.1.6 of the Faculty Handbook ("Faculty Grievance Committee"), for details about the selection and composition of the committee, [https://www.ncat.edu/legal/policies/sec2-acad-affairs/faculty-handbook/aa-fhb-chapter-5-2018.pdf](https://www.ncat.edu/legal/policies/sec2-acad-affairs/faculty-handbook/aa-fhb-chapter-5-2018.pdf). No officer of administration shall serve on the committee. For these purposes “officer of administration” shall be deemed to include department heads and division heads.

II. TERMS OF OFFICE

Members of the Faculty Grievance Committee shall serve two-year terms and may serve not more than two consecutive terms. The terms of office shall begin upon appointment and shall end upon appointment of new members the following year.

III. SELECTION AND ELECTION

Members of the Nominating Committee of the Faculty Senate recommend Faculty Grievance Committee members, after receiving recommendations from the faculty body for membership on
the Faculty Grievance Committee. All University faculty may recommend candidates or indicate their own interest in serving on the Faculty Grievance Committee.

The Chairperson of the Faculty Grievance Committee shall be elected annually by the committee members at the initial meeting of the committee. The Faculty Grievance Committee shall elect from its membership a Chairperson, a Vice Chairperson and a Secretary. No person may serve as Chairperson for more than four years in succession.

IV. CONFLICTS OF INTEREST, INCAPACITY OR TEMPORARY VACANCY

A committee member who holds an appointment in the department of a person directly involved in a grievance, who is named as a witness in the petition for redress, who will testify as a witness at the hearing, or whose relationship with a party is that of a family member of the degree of second cousin or closer, resides in the same household, or has a close personal relationship is disqualified and shall not participate as a committee member in the affected faculty grievance. Either party may raise concerns about a committee member having a conflict.

The committee chairperson shall not serve when any matter in which he/she has a conflict of interest is being considered; the committee vice chairperson shall serve in place of the committee chairperson in these circumstances. The vice chairperson shall serve as chairperson if the chairperson is incapacitated or absent.

If the committee should have fewer than four qualified members because of conflicts of interest, incapacity or temporary vacancy, elections shall be held promptly in accordance with Sections I and III above, to fully staff the committee. If a permanent vacancy occurs, elections shall also be held promptly in accordance with Sections I and III to fill vacancies for the unexpired term. (If the need arises during the summer terms, the Executive Committee of the Faculty Senate may appoint alternates to fill vacancies on the committee).

V. SCOPE AND POWERS

The committee shall be authorized to hear and advice with respect to the adjustment of grievances of members of the faculty. The power of the committee shall be solely to hear representations by the grievant and administrators directly involved in a grievance and to advise adjustment by the administration when appropriate. Advice for adjustment in favor of an aggrieved faculty member may be given to the Chancellor only after the department chairperson, dean, or other administrative official most directly empowered to adjust it has been given similar advice and has not acted upon it within a reasonable time.

“Grievances” within the province of the committee’s power shall include matters directly related to a faculty member’s employment status and institutional relationships within the institution, including matters related to post-tenure review (prior to discharge, which discharge may be appealed pursuant to the Regulations on Academic Freedom, Tenure and Due Process). However, no grievance that grows out of or involves matters related to a formal proceeding for non-reappointment, suspension, discharge, or termination of a faculty member, or is within the jurisdiction of another standing committee of the faculty, may be considered by the Faculty
Grievance Committee. When a decision not to promote is not made as a part of a reappointment decision, the denial of promotion may be heard by the Faculty Grievance Committee.

A faculty member whose employment is terminated during the pendency of a grievance proceeding is not entitled to continue to pursue the grievance. If the employment of a faculty member is terminated after the grievance is filed, the Chancellor may, however, in the Chancellor’s discretion, determine that it is in the best interest of the University to continue the grievance process.

VI. PURPOSE

The grievance process is not intended to second-guess the professional judgment of officers and colleagues responsible for making administrative decisions; rather it is to determine whether the contested decision was materially flawed, or in violation of applicable policies, standards or procedures.

VII. REQUEST FOR REDRESS

If any faculty member feels that he or she has a grievance, he or she may petition the Faculty Grievance Committee for redress. The petition shall be written and shall set forth in detail the nature of the grievance and against whom it is directed. It shall contain any information that the petitioner considers pertinent to his or her case. The faculty member shall deliver a copy of the petition to the respondent administrator or other party by certified mail or by another means that provides proof of delivery.

The Faculty Grievance Committee must decide whether a hearing should be held in response to the petition. The submission of a petition shall not result automatically in a hearing on the petition. The committee shall determine whether the facts alleged merit a detailed investigation. The committee is to consider the content of the grievant’s petition. Assuming the truth of the information contained in the petition, the committee is to determine whether the contentions advanced by the grievant justify a hearing. A petition properly is dismissed if the grievant fails to allege an injury that would entitle the faculty member to relief in accordance with the standard set out in the first paragraph of Section VII below. Dismissal is also required if the petition addresses a problem that is not within the committee’s jurisdiction.

The grievant and administrator may attempt to mediate the matter, using a trained mediator who is not a member of the Faculty Grievance Committee. See Appendix F-1, “Faculty Mediation.” If the mediation is unsuccessful, a formal hearing may be held if the committee deems the facts merit it; the person directly involved in the grievance shall be given written notice at least ten (10) business days before the hearing, including the names of the Faculty Grievance Committee members. Within five (5) business days of receipt of this notice (which may include e-mail), both parties shall either challenge any committee member due to a conflict or accept the committee. If the decision is made not to consider the petition, the faculty member seeking redress shall be notified in writing of this decision within ten (10) business days after the petition is received.

The details of the hearing are set out in the Faculty and EHRA Non-Faculty Hearings policy.
VIII. REPORT OF RECOMMENDATIONS

In order to prevail in the grievance process, a faculty member must establish that the faculty member experienced a remediable injury attributable to the alleged violation of a right or privilege based on federal or state law, university policies or regulations, or commonly shared understandings within the academic community about the rights, privileges and responsibilities attending university employment.

If, after hearing the matter, the Faculty Grievance Committee determines that an adjustment in favor of the aggrieved faculty member is appropriate, the Faculty Grievance Committee shall so advise the faculty member and the dean, department head, or other respondent administrator. If the relevant administrative official does not make the recommended adjustment, or a different adjustment that is satisfactory to the faculty member, within a reasonable period of time, the committee shall advise the Chancellor of its recommendation that an adjustment is appropriate, with a copy to the faculty member and the chairperson of the faculty.

If, after reviewing the petition or hearing the matter, the Faculty Grievance Committee determines that no adjustment in favor of the grievant is appropriate, it shall so advise the faculty member and the Chancellor.

The Chancellor shall base his or her decision on the recommendation of the faculty committee and the record from the Faculty Grievance Committee hearing. The Chancellor may, in his or her discretion, consult with the Faculty Grievance Committee before making a decision. The decision of the Chancellor is the final administrative decision.

The Chancellor shall notify the faculty member and the respondent administrator in writing of the Chancellor’s decision. The notification shall include a notice of appeal rights, if any, and, if the decision is appealable, it shall contain the information specified below.

IX. FURTHER APPEAL

If the Grievance Committee did not advise that an adjustment in favor of the grievant was appropriate, then the decision of the Chancellor is final and may not be appealed. If the Chancellor declines to accept the committee recommendation that is favorable to the faculty member, the faculty member may appeal the Chancellor's decision to the Board of Trustees by submitting such notice of appeal to the Chancellor, with adequate evidence of delivery, within 10 business days after the grievant's receipt of the Chancellor’s decision. The notice shall contain a brief statement of the basis for the appeal.

If the Chancellor’s decision is appealable, the Chancellor’s notice of the disposition of a grievant’s case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the Board of Trustees, (2) that a written notice of appeal containing a brief statement of the basis for appeal is required within the ten day period and, (3) that, after notice of appeal is received in a timely manner, a detailed schedule for the submission of
relevant documents will be established. All such notices of decision are to be conveyed to the
grievant by a method which produces adequate evidence of delivery.

If the Board of Trustees agrees to consider the appeal, it will do so on a schedule established
by the Chancellor, subject to any instructions received from the Board or from a
committee of the Board which has jurisdiction of the subject matter of the grievance. The Board
of Trustees may delegate to a designated committee the authority to make procedural decisions
and to make final decisions on behalf of the Board concerning appeals of faculty grievances
submitted pursuant to Section 607 of The Code. The Board will issue its decision as
expeditiously as is practical. If the grievant fails to comply with the schedule established for
perfecting and processing the appeal, the Board in its discretion may extend the time for
compliance or it may dismiss the appeal.

In order to prevail before the Board of Trustees, the faculty member must demonstrate that the
Chancellor’s decision was clearly erroneous, that it violated applicable federal or state law or
University policies or regulations, or that the process used in deciding the grievance was
materially flawed.

Related Policies:
The UNC Code, Section 607, Faculty Grievance Committee for Constituent Institutions
UNC Policy Manual Section 101.3.2, Grievances Filed Pursuant to Section 607 of the Code
Faculty Handbook, Section 5.1.6, Faculty Grievance Committee

Approved by the Chancellor

Date revision is effective: upon approval

First approved: February 21, 2007
Revised: October 22, 2018
I. Policy

It is the policy of North Carolina Agricultural and Technical State University (the University) that students be accorded the full legal rights provided them under FERPA. FERPA provides each student with the right to:

1. Inspect and review the student’s education records;
2. Seek amendment of the student’s education records that the student believes to be inaccurate, misleading, or otherwise in violation the student’s privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that federal law authorizes disclosure without consent; and
4. File with the U.S. Department of Education a complaint concerning alleged failures by the University to comply with federal law.
II. Definitions

A. For purposes of this policy, a “student” is any individual who is, or has been, in attendance at the University.

B. “Education records” are those records directly related to a student that are maintained by the University. Education records do not include:
   1. Records of institutional, supervisory, and administrative personnel that are in the sole possession of their maker and are not revealed to anyone else except a substitute.
   2. Records created and maintained by the University Police Department for law enforcement purposes.
   3. Records relating solely to an employee of the University in the individual’s capacity as an employee that are not available for any other purposes. (however, records relating to a University student who is employed because of his or her status as a student are education records.)
   4. Student medical records created, maintained and used only in connection with provision of medical treatment to the student that are not disclosed to anyone other than the individuals providing treatment.
   5. Records that contain only information relating to a person after he or she is no longer a student, such as alumni records.

C. “Directory information” means information contained in a student’s education records that would not generally be considered harmful or an invasion of privacy if disclosed. At this University, directory information is defined as:
   1. Name
   2. Address (permanent and mailing)
   3. College or School
   4. Major
   5. Class
   6. Email address (University and home)
   7. Dates of attendance
   8. Enrollment status
   9. Telephone number
   10. Date of birth
   11. Participation in officially recognized activities
   12. Degrees and awards received
   13. Weight and height of athletes
   14. Most recent previous educational institution(s) attended
   15. Anticipated date of graduation

Directory information does not include a student’s social security number or Banner number.

D. For the purposes of this policy, “personally identifiable information” means such information as the name of the student, his or her parent, or a member of the student’s family; the address of a student or a member of the student’s family; a
personal identifier such as the student’s social security number or student ID number; list of personal characteristics from which the student can be easily identified; or other information from which the student can be easily identified.

III. The Student’s Right to Inspect His or Her Education Records

A. A student has the right to inspect and review his or her education records.

B. A student is not permitted to inspect the following records:
   1. Financial records and statements of his or her parents.
   2. Confidential letters and confidential statements of recommendation that were placed in his or her education records before January 1, 1975, and that are used only for the purposes for which they were intended.
   3. Confidential letters and confidential statements of recommendation concerning (a) admission to an educational institution; (b) an application for employment; or (c) the receipt of an honor that were placed in his or her education records after January 1, 1975, where the student has waived his or her right to inspect those letters and statements.

C. A student who wishes to inspect his or her education records must file a written request for inspection with the Office of the Registrar.
   1. Within 45 days the Office of the Registrar will make the records available to the student. A student who exercises the right to review his or her education records is also entitled to a response by the University to reasonable requests for explanations and interpretations of those records.
   2. If a student has asked to inspect or review his or her education records, none of those records shall be destroyed until the student’s request to inspect or review has been honored.
   3. If circumstances would otherwise effectively prevent the student from exercising the right to inspect and review the student’s education records, the University will (a) provide the student with a copy of the records requested; or (b) make other arrangements for the student to inspect and review the requested records.

IV. The Student’s Right to Seek Correction or Amendment of His or Her Education Records.

A. A student who believes that information contained in his or her education records is inaccurate or misleading or violates his or her privacy rights may discuss these concerns with the person who maintains the record in question (records custodian). If the records custodian agrees with the student, the record will be amended. If the records custodian does not agree with the student, the records custodian will notify the student of his or her right to a formal hearing. This section does not apply to grade disputes, which should be addressed according to the procedures provided in the grade appeal procedures of the relevant College or School or the Graduate Student Appeals policy.
B. A student’s request for a formal hearing must be submitted within fifteen (15) days after the student receives notice from the records custodian of his or her right to a formal hearing and must be addressed to the Registrar. The request for hearing must be written, be signed by the student, and contain a written statement setting forth the nature of the student’s complaint and the attempts the student has made to resolve the matters.

C. A hearing will be held on the matter by the Registrar or the Registrar’s designee within a reasonable time after receipt of the student’s request and the student will be given reasonable notice of the date, place and time of the hearing.

D. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the complaint and may be assisted by individuals of the student’s choice at his or her own expense, including an attorney.

E. The decision will be based solely on the evidence presented at the hearing, shall be in writing, and will summarize the evidence and state the reason for the decision. If the decision is in favor of the student, the education records will be amended accordingly. If the decision is unsatisfactory to the student, he or she may place with the education record a statement explaining the student’s position with respect to the record. Such statement will be maintained as part of the student’s education record and released with the record anytime the record is released to third parties.

F. The student will receive the written decision within a reasonable period after the conclusion of the hearing.

G. The decision of the Registrar or designee is final. A student who believes the outcome of a hearing to amend his or her education records was unfair or not in keeping with the provisions of FERPA may file a complaint with the U.S. Department of Education in accordance with Section VII of this policy.

V. Disclosure of Personally Identifiable Information from a Student’s Education Records.

A. With certain exceptions, listed in Subsection C, the University will not disclose personally identifiable information from a student’s education records without the student’s prior written consent. To be effective, the written consent must be signed and dated by the student and must include:
   1. A specification of the records to be disclosed;
   2. The purpose of the disclosure; and
   3. The party or class of parties to whom the disclosure may be made.
B. When personally identifiable information is disclosed from a student’s education records pursuant to his or her written consent, the student may also obtain a copy of the information disclosed, upon request.

C. The University may disclose personally identifiable information from a student’s education records without the student’s prior written consent if the disclosure meets one or more of the following conditions:

1. The disclosure is to other school officials, including teachers, officials, and employees of the University, who are determined to have a legitimate educational interest in the information. School officials are deemed to have a legitimate educational interest in the information if it is necessary or desirable for them to obtain the information to carry out their official duties and/or to implement the policies of the University.

2. The disclosure is, subject to the requirements of 34 C.F.R. § 99.34, to officials of another school or school system in which the student seeks or intends to enroll, or where the student is already enrolled, and the disclosure is for purposes related to the student’s enrollment or transfer.

3. The disclosure is, subject to 34 C.F.R. § 99.35, to authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the U.S. Department of Education, or State and local educational authorities.

4. The disclosure is in connection with financial aid for which the student has applied or which the student has received. Information may be disclosed under this provision only if the information is necessary to determine the student’s eligibility for financial aid; to determine the amount of the aid; to determine the conditions for the aid; or to enforce the terms and conditions of the aid.

5. The disclosure is to State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed
   a. Pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and that system’s ability to effectively serve the student whose records are released; or
   b. Pursuant to state statute adopted after November 19, 1974, subject to the requirements of 34 C.F.R. § 99.38.

6. The disclosure is to organizations conducting studies for, or on behalf of, the University to:
   a. Develop, validate, or administer predictive tests;
   b. Administer student aid programs; or
   c. Improve instruction.

Records disclosed under this provision: (i) must not permit identification of either a student or parent except to those having a legitimate interest in the information; (ii) must be destroyed when no longer needed for the study; and (iii) must be disclosed pursuant to a written agreement that specifies the purpose, scope, and duration of the study, as well as
addresses the limitation on the disclosure of personally identifying information.

7. The disclosure is to accrediting organizations to carry out their accrediting functions.

8. The disclosure is to the student’s parents if the student is their dependent for federal income tax purposes. For the purposes of this provision, “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

9. The disclosure is to comply with a judicial order or lawfully issued subpoena or consists of relevant information provided to a court in association with litigation between the University and the student.

10. The disclosure is in connection with a health or safety emergency and the information is necessary to protect the health or safety of the student or others.

11. The disclosure is information the University has designated as “directory information” in Section II.C of this policy, unless the student has submitted a Non-Disclosure of Academic Records form to the Office of the Registrar during the first week of matriculation at the University, in order to have directory information withheld.

12. The disclosure is to the victim of an alleged perpetrator of a crime of violence or a non-forcible sexual offense, as defined in 34 C.F.R. § 99.39. The disclosure may only include the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense. The final results of the disciplinary proceeding may be disclosed, regardless of whether the violation was found to have been committed.

13. The disclosure is in connection with a disciplinary proceeding at the University. The University must not disclose the final results of the disciplinary proceeding unless it determines that (a) the student is an alleged perpetrator of a crime of violence or non-forcible sex offense; and (b) with respect to the allegation made against him or her, the student has committed a violation of the University’s rules or policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.

14. The disclosure is to a parent of a student regarding the student’s violation of any federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, if (a) the University determines that the student has committed a disciplinary violation with respect to that use or possession; and (b) the student is under the age of 21 at the time of the disclosure to the parent.

15. The disclosure concerns sex offenders and other individuals required to register under 42 U.S.C. § 14071 and the information was provided to the University under 42 U.S.C. § 14071 and applicable federal guidelines.
D. The University must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the University discloses personally identifiable information from education records.

E. With the exception of requests from or disclosures to (1) the student; (2) a party with written consent from the student; (3) a school official pursuant to Section V.C.1; (4) a party seeking directory information pursuant to Section V.C.6; or (5) a party seeking or receiving records in accordance with Section V.C.9 where the conditions in 34 C.F.R. § 99.31(a)(9)(ii)(A)-(C) are met, the Office of the Registrar will maintain a record of each request for access to and each disclosure of education records, as well as the names of State and local educational authorities and federal officials and agencies referenced in Section V.C.3.
   1. The Office of the Registrar will maintain such records with the education records of the student as long as the records are maintained.
   2. For each such request or disclosure the record must include: (a) the parties who have requested or received personally identifiable information from the education records; (b) the legitimate interests the parties had in requesting or obtaining the information.
   3. The Office of the Registrar must obtain a copy of the record of further disclosures made by State and local educational authorities and federal officials and agencies referenced in Section V.C.3.
   4. The Office of the Registrar must record the following information when it discloses personally identifiable information from education records under Section V.C.10: (a) the articulable and significant threat to the health and safety of a student and other individuals that formed the basis for the disclosure; and (b) the parties to whom the University disclosed the information.

VI. Limit to FERPA Protection of Education Records

A. FERPA’s protection of personally identifiable information in a student’s education records ends at the time of a student’s death. Unless information is presented to the contrary, it can be presumed that a student is deceased 75 years after the student’s education records were created. Thereafter the student’s records will be open.

B. Neither the foregoing policy concerning the duration of FERPA protection to education records that are in existence nor any other part of these policies and procedures places any obligation the University to maintain specific education records for which there is no pending student request to inspect or to amend.

VII. Complaints to the U.S. Department of Education

A student who believes the University has violated FERPA or the regulations promulgated thereunder may make a complaint in writing to Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington D.C.
20202-8520 within 180 days of the date of the alleged violation or the date the complainant knew or reasonably should have known of the alleged violation.

Approved by the Chancellor

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Date Revision is Effective: upon approval

First approved:   Prior to February 21, 2007
Revised:         April 8, 2011
                October 29, 2018
NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

FACULTY HANDBOOK
APPENDIX H-1

ADMINISTRATIVE LINKS
ADMINISTRATIVE POLICY

The names of the Chancellor and his executive cabinet, and links to their divisions, can be found here.

For links to the colleges and deans council, see Faculty Handbook Sections 2.1 and 3.3.3.

Approved by the Chancellor
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Date revision is effective: upon approval

First approved: February 21, 2007
Revised: August 27, 2018