

**ECU Board of Trustees  
February 16, 2018  
Coastal Studies Institute**

**MINUTES**

The Board of Trustees met in regular session at the Coastal Studies Institute in Manteo, North Carolina. Chair Kieran Shanahan called the meeting to order and delivered the invocation. Following the invocation, Mr. Shanahan called on board member Vince Smith to lead the Pledge of Allegiance.

**ROLL CALL**

Mr. Shanahan called Secretary Kel Normann to call the roll:

Members Present

Edwin Clark  
Mark Copeland  
Vern Davenport  
Deborah Davis  
Leigh Fanning  
Max Joyner  
Fielding Miller  
Kel Normann  
Bob Plybon  
Jason Poole  
LaQuon Rogers  
Kieran Shanahan  
Vince Smith

Members Absent

**READING OF ETHICS STATEMENT**

In compliance with the State Government Ethics Act, Mr. Shanahan read the conflict of interest statement and asked if anyone had a conflict of interest to disclose. No conflicts were identified.

**APPROVAL OF MINUTES**

Mr. Shanahan asked for a motion to approve the minutes from the regular meeting on November 10 as well as the special called meetings on December 13. The motion was made, seconded and approved with no negative votes.

## **UNIVERSITY REPORTS**

### **CHANCELLOR'S REPORT**

Dr. Staton gave his remarks to the board. A full text version of the Chancellor's remarks is listed as "Attachment A."

### **REPORT FROM THE UNC BOARD OF GOVERNORS**

Mr. Harry Smith, member of the UNC Board of Governors, brought remarks and updates from the UNC BOG. Mr. Smith discussed future initiatives of the Board of Governors. His remarks focused on ways to improve efficiencies within the UNC system and ECU. In addition, Mr. Smith discussed enrollment numbers and athletics.

### **REPORT FROM THE STUDENT GOVERNMENT ASSOCIATION**

Mr. LaQuon Rogers, President of the Student Government Association, brought an update from the SGA. Mr. Rogers updated the board on the work of the Student Safety Committee, the Greek Relations Council and the Opioids Epidemic Crisis Committee as well as the Research Development Committee.

### **REPORT FROM THE BOARD OF VISITORS**

Mr. Will Litchfield brought greetings on behalf of the Board of Visitors. Mr. Litchfield updated the board on the last meeting of the Board of Visitors, stating that the BOV discussed ways that ECU could improve communications, ECU's social media strategy and managing the message. He also highlighted ways in which ECU could partner with other entities in Eastern North Carolina to improve economic development and rural prosperity.

## **COMMITTEE REPORTS**

### **ATHLETICS AND ADVANCEMENT COMMITTEE**

Mr. Clark, Chair of the Athletics and Advancement Committee, gave the report from the committee. A summary of the Athletics and Advancement Committee report is listed as "Attachment B." There were no items that required board attention at that time.

### **AUDIT, ENTERPRISE RISK MANAGEMENT AND COMPLIANCE COMMITTEE**

Mr. Normann, Chair of the Audit, Enterprise Risk Management and Compliance Committee, gave the report from the Committee. A summary of the Committee report is listed as "Attachment C." There were no items that required board attention.

### **FINANCE AND FACILITIES COMMITTEE**

Mr. Joyner, gave the report from the Finance and Facilities Committee. A summary of the Finance and Facilities Committee report is listed as "Attachment D." There were two items that required board attention.

Mr. Joyner moved that the board approve the sale of property located at 301 W. 10<sup>th</sup> Street, Greenville, NC, in accordance with the terms provided in board materials. The motion was

seconded and approved with no negative votes. This item is listed in this document as “Attachment E.”

Mr. Joyner moved that the board approve the additions to the Millennial property as provided in the Board materials (Attachment F). The motion was approved unanimously.

Mr. Joyner moved that the board accept the 2016-17 Annual Human Resources Compliance Report as presented in board materials (Attachment G). The motion was approved unanimously.

Mr. Joyner moved that the board approve the proposed Employment Policy for Employees Exempt from the State Human Resources Policy as presented in board materials. Mr. Joyner further moved that the board authorize the reclassification of this policy as a regulation with authority delegated to the Chancellor to revise or abolish the regulation as deemed appropriate. The motion was seconded and approved unanimously. This item is listed as “Attachment H” in this document.

Mr. Joyner moved that the board approve the designer selection for comprehensive renovation for Mendenhall Student Center. The motion was seconded and approved unanimously.

There was nothing further from the Finance and Facilities Committee.

## **HEALTH SCIENCES COMMITTEE**

Ms. Davis gave the report from the Health Sciences Committee. A summary of this report is listed as “Attachment I.”

There will be items for board consideration following closed session.

## **UNIVERSITY AFFAIRS COMMITTEE**

Mr. Miller gave the report from the University Affairs Committee for Committee Chair Mark Copeland. A summary of this report is listed as “Attachment J.”

Mr. Miller moved that the board approve the FERPA policy as presented in board materials. The motion was seconded and approved with no negative votes. This item is listed in this document as “Attachment K.” There were no additional motions from University Affairs.

### **CLOSED SESSION**

Ms. LaQuon Rogers made a motion that the board go into closed session. That motion was seconded and approved unanimously.

### **RETURN TO OPEN SESSION**

Upon return to open session, Chairman Shanahan called for motion from closed session.

Mr. Clark moved that the board approve the non salary compensation for assistant coaches and staff as presented in board materials. The motion was approved with no negative votes.

Mr. Clark moved that the board approve the six naming proposals as presented in board materials.

Mr. Miller moved that the board approve the initial appointment with tenure Dr. Anisa Zvonkovic as Dean of the College of Health and Human Performance, effective July 1, 2018 with a twelve month annual salary of \$232,000 and reimbursement of reasonable moving expenses. The motion was seconded and approved with no negative votes.

Ms. Davis moved that the board approve the initial appointment of Professor with permanent tenure in the Brody School of Medicine Department of Cardiovascular Sciences for Dennis Lynn Morris, MD, as presented in board materials. The motion was seconded and approved unanimously.

Ms. Davis moved that the board approve the non-salary compensation payments to the following School of Dental Medicine eligible faculty members: Dr. Daune Humphrey, Dr. Maggie Pafford, Dr. Loren Alves, Dr. Alex Gillone, Dr. Alex Kordis, Dr. Acela Martinez-Luna, Dr. Van

McCarlie, Dr. Nikki Tucker, Dr. Christopher Cotterill, Dr. Isabel Gay, Dr. Robert Keim, Dr. Mahmoud Serag, Dr. Stevan Thompson, Dr. Robert Timothy, Dr. Michael Webb, Dr. Alison Yeung and Dr. David Paquette. These payments are in recognition of the individuals' clinical productivity in faculty practice as stipulated in their employment contracts. These payments cover the period of July 1, 2017 – December 31, 2017. The motion was approved with no negative votes.

Mr. Davenport moved that the board approve a 10% deferred compensation annual retirement plan contribution on behalf of Chancellor Cecil Staton as allowed by the Board of Governors. The motion was seconded and approved unanimously.

Ms. Davis approved the additional insurance for Dr. Phyllis Horns.

## **ADJOURN**

Having no other business to come before the board, Chairman Shanahan adjourned the meeting at 11:25 a.m.

###

Respectfully Submitted,

Megan Ayers  
Assistant Secretary to the Board of Trustees



# BOARD OF TRUSTEES

CECIL P. STATON, D.PHIL.  
CHANCELLOR

*COASTAL STUDIES INSTITUTE • MANTEO, NC  
FEBRUARY 16, 2018*



The image is a composite. The background is an aerial photograph of a coastal wetland. The foreground is a close-up, underwater view of a diver's head and shoulders. The diver is wearing a black mask and a yellow snorkel. The water is clear, and the diver is looking towards the wetland. The wetland is a mix of brown and green, with a small white building visible in the distance. The sky is blue and clear.

## **UNC COASTAL STUDIES INSTITUTE**

*Campus spans approximately 200 acres of marshes,  
scrub wetlands, forested wetlands, and sound ecosystems*



A vertical banner for ECU featuring a compass rose with a ship's mast in the center, set against a background of a sunset over the ocean. The banner includes the ECU logo and the slogan "CAPTURE YOUR HORIZON".

**AMERICA'S NEXT GREAT  
NATIONAL UNIVERSITY**

**ECU**<sup>®</sup>

← ..... →  
**CAPTURE YOUR  
HORIZON**



# POINTS OF **PIRATE PRIDE**

UNIVERSITY ADVANCEMENT

# \$500 MILLION COMBINED CAMPAIGN

**\$169 MILLION**

TOWARD CAMPAIGN ALREADY  
RAISED, PLEDGED, OR COMMITTED

**\$14 MILLION**

INCREASE SINCE LAST TRUSTEES MEETING

**\$500 MILLION**



**\$169 MILLION**

# \$1 MILLION



**COMMITMENT FROM MATT CRISP, MBA '96 TO THE  
MILLER SCHOOL OF ENTREPRENEURSHIP**

A photograph of three women standing in a library. The woman in the center is holding a magazine titled "NORTH CAROLINA LITERARY REVIEW". The magazine cover features a collage of images and text, including "NORTH CAROLINA LITERARY REVIEW" and "October 2014". The background shows bookshelves filled with books. A yellow banner is overlaid on the image, containing the text "\$1 MILLION".

**\$1 MILLION**

**ANONYMOUS COMMITMENT TO ESTABLISH AN ENDOWMENT FOR  
THE NORTH CAROLINA LITERARY REVIEW**



**\$1 MILLION**

**COMMITMENT FROM THE LATE MS. PHOEBE DAIL TO THE COLLEGE OF  
EDUCATION AND THE COLLEGE OF BUSINESS**



## NORTH CAROLINA'S LEADER IN ONLINE EDUCATION

**Almost 30%** of online education in the UNC System is through ECU



## CRIMINAL JUSTICE GRADUATE PROGRAM

# 14th

out of 67  
schools ranked

Highest in North Carolina







## COLLEGE OF EDUCATION GRADUATE PROGRAMS

# 18th

out of 292  
schools ranked

720 students enrolled in 11  
online education programs





## COLLEGE OF NURSING GRADUATE PROGRAMS

# 34th

out of 154  
schools ranked

Highest in UNC System





**COLLEGE OF BUSINESS**  
MASTER OF  
BUSINESS ADMINISTRATION

**91st**

out of 267  
schools ranked

784 students enrolled





## BACHELOR'S DEGREE ONLINE PROGRAMS

This fall, almost **8,200** undergraduate students took online courses and almost **3,300** took online courses exclusively

Ranked **85th** overall in best online programs for veterans



FROM THE  
**HEALTH SCIENCES**  
CAMPUS

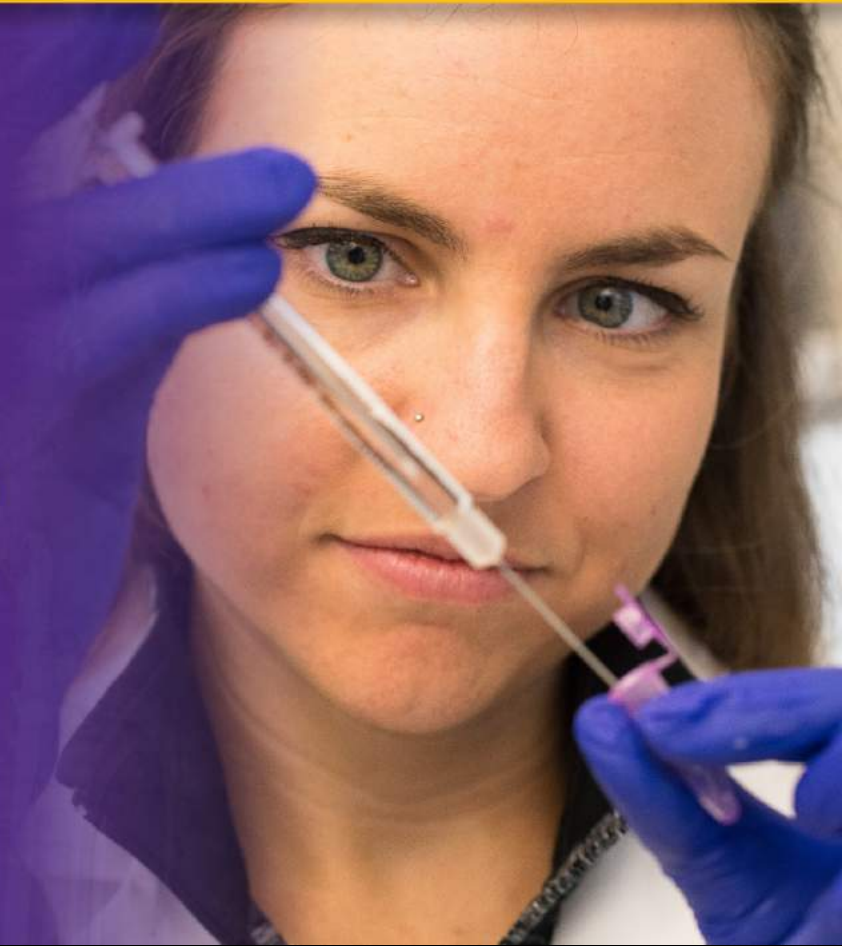
## ECU RESEARCHERS STUDY HEALTH IMPACTS OF GENX

- TWO-YEAR, **\$275,000 GRANT** FROM THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES TO STUDY HEALTH IMPACTS IN THE CAPE FEAR REGION
- PARTNERSHIP BETWEEN FACULTY AND STUDENTS FROM ECU AND N.C. STATE UNIVERSITY



# ESTROGEN RESEARCH BREAKS NEW GROUND IN WOMEN'S HEALTH

- A STUDY BY DR. MARIA TORRES EXPLAINS WHY MENOPAUSE INCREASES A WOMAN'S SUSCEPTIBILITY TO CERTAIN HEALTH RISKS
- THE STUDY WAS PUBLISHED IN *CELL METABOLISM*, ONE OF THE MOST PRESTIGIOUS JOURNALS IN THE FIELD OF CLINICAL METABOLIC RESEARCH



# ECU NURSING FACULTY MEMBER ELECTED TO GLOBAL AIDS ORGANIZATION BOARD

- DR. DONNA ROBERSON WAS ELECTED TO THE BOARD OF THE **ASSOCIATION OF NURSES IN AIDS CARE**
- THE INTERNATIONAL ORGANIZATION PROMOTES PROFESSIONAL DEVELOPMENT FOR NURSES TREATING PATIENTS WITH HIV
- THE ASSOCIATION HAS 2,200 MEMBERS IN 60 COUNTRIES





# STUDENT AFFAIRS **POINTS OF PRIDE**

## PIRATE PARENTS LIVE WINS NATIONAL AHEPPP AWARD

- THE ASSOCIATION OF HIGHER EDUCATION PARENT/FAMILY PROGRAM PROFESSIONALS AWARDED ECU THE 2017 BEST INSTITUTIONAL INITIATIVE AWARD
- PIRATE PARENTS LIVE PROVIDES PARENTS WITH INFORMATION VITAL TO STUDENT SUCCESS

PIRATE™  
PARENTS LIVE

## DR. MARTIN LUTHER KING JR. **DAY OF SERVICE**

- MORE THAN 400 STUDENTS PARTICIPATED IN 2018, INCLUDING 18 STUDENT GROUPS AND 18 COMMUNITY PARTNERS
- SITES INCLUDED THE FOOD BANK OF ENC, RONALD MCDONALD HOUSE, THE BOYS & GIRLS CLUB AND OTHERS



## **STUDENT SUCCESS CONFERENCE:** REMOVING BARRIERS, PROVIDING SUPPORT

- A SIX-STUDENT PANEL LED DISCUSSIONS ABOUT KEYS TO SUCCESS AND RESOURCES FOR COUNSELING AND SUPPORT
- MORE THAN 25 FACULTY AND STAFF PRESENTED ON TOPICS RELATING TO STUDENT SUCCESS



## **ECU WORKS PROGRAM**

### WILL OFFSET COSTS OF ON-CAMPUS HOUSING

- PILOT PROGRAM WILL ALLOW 40 INCOMING FRESHMEN LIVING ON CAMPUS TO WORK AN AVERAGE 16 HOURS PER WEEK
- INCLUDES EIGHT 2-HOUR PERSONAL DEVELOPMENT/ IN-SERVICE EXPERIENCES
- APPLICANTS HAVE HIGH FINANCIAL NEED TO SUPPORT THEIR EDUCATION

The logo for ECU Works is presented in a white, scalloped-edged oval. The text "ECU Works" is centered within the oval, with "ECU" in white and "Works" in yellow. The background of the slide features a faint, purple-tinted image of a large, ornate building dome, likely a university landmark.

**ECU Works**

## NATIONAL AWARD WINNING **SHOES PROJECT** RETURNS

- STUDENTS HONORING OTHERS' EVERYDAY STRUGGLES/STORIES (SHOES) HELPS STUDENTS DEAL WITH PERSONAL CHALLENGES
- THIS YEAR'S EVENT FEATURED 400 PAIRS OF SHOES ATTACHED TO STORIES ABOUT SOMEONE STRUGGLING WITH PERSONAL, FAMILY, MEDICAL AND OTHER ISSUES



# ECU TO HOST ITS FIRST INTERNATIONAL **ALTERNATIVE SPRING BREAK** TRIP

- **BELFAST, IRELAND**
- **MARCH 2-10, 2018**
- INTERNATIONAL SERVICE-LEARNING PROGRAM INVOLVES PARTNERSHIPS WITH THE CENTER FOR LEADERSHIP AND CIVIC ENGAGEMENT, THE HONORS COLLEGE, AND THE SCHOOL OF COMMUNICATION



# CAMPUS SAFETY UPDATES

- CHIEF BARNWELL CREATED A STUDENT SAFETY COMMITTEE WITH SGA AND STUDENT AFFAIRS - FIRST MEETING WAS JAN. 23
- CITYWIDE JURISDICTION MOU PUTS MORE ECU POLICE IN UPTOWN AREA TO ASSIST GPD WITH INCREASED STUDENT HOUSING ACTIVITY
- NEW VIRTUAL EMERGENCY OPERATIONS SOFTWARE WILL IMPROVE EMERGENCY COMMUNICATIONS
- RAPID FLASHING BEACONS INSTALLED ON COTANCHE
- INSTALLED BLUELIGHT PHONES AND CAMERAS ALONG 10TH STREET SAFETY CORRIDOR



# LOOKING AHEAD

MOMENTUM IS BUILDING IN 2018



**FALL 2018: NEW STUDENT UNION COMES ONLINE**



**FALL 2019: SOUTHSIDE STADIUM EXPANSION  
COMES ONLINE**

**VIEW FROM 10TH STREET AND EVANS STREET**

# LIFE SCIENCES BUILDING



# STUDENT SERVICES BUILDING



**HEALTHCARE DISPARITIES**



**EDUCATION DISPARITIES**



**RURAL PROSPERITY  
INITIATIVE**



**ECONOMIC DISPARITIES**



**COASTAL ISSUES**

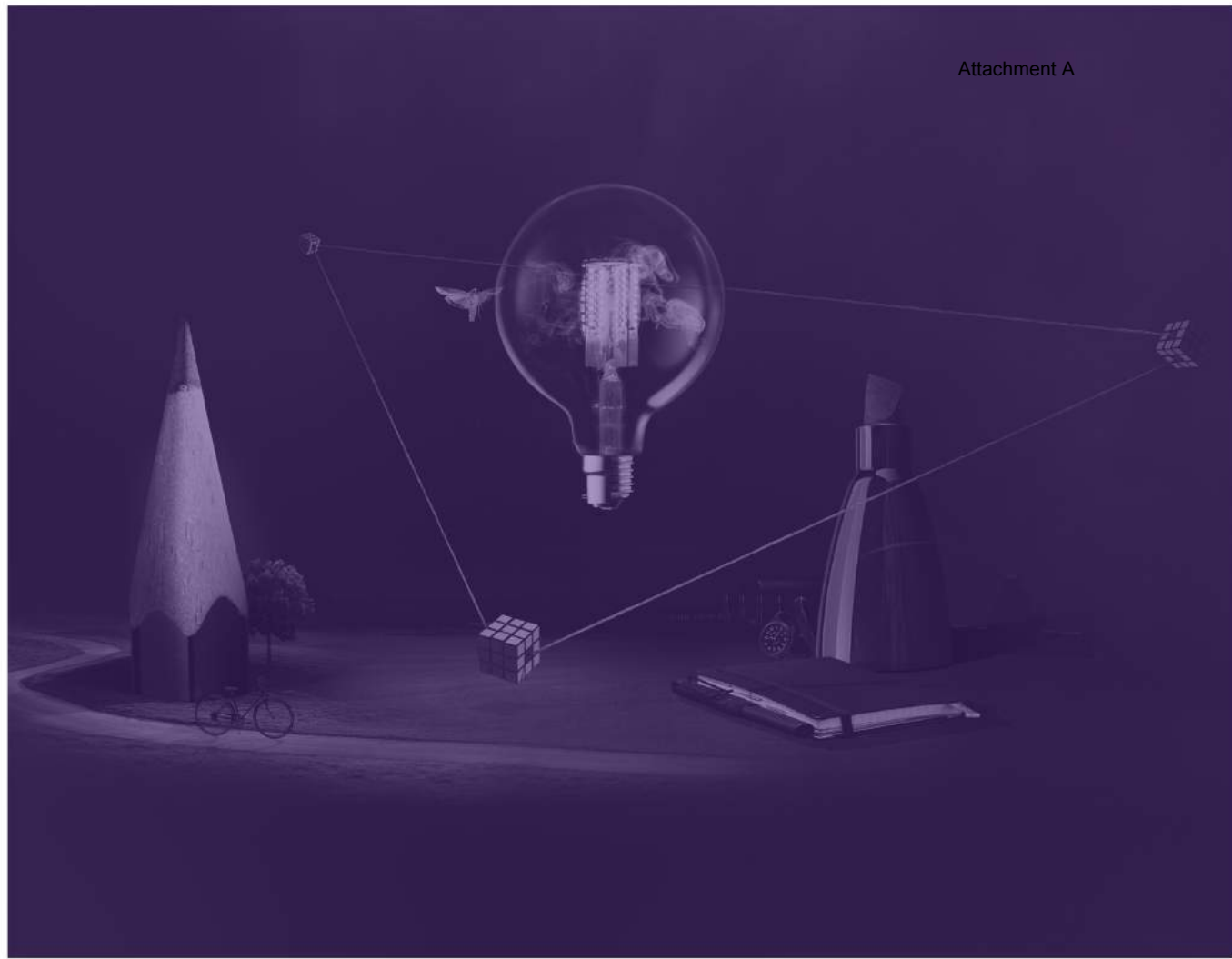
 sas<sup>®</sup> ECU<sup>®</sup>

# 160 90



ADVANCEMENT  
CAMPAIGN

Attachment A







**LEGISLATIVE ADVOCACY**  
**FUNDING FOR BRODY ENROLLMENT**  
**FUNDING FOR MEDICAL EDUCATION BUILDING**



# POL SOLANELLAS

CURRENT MBA STUDENT / 2015-16  
OUTSTANDING GRADUATE OF SCHOOL  
OF COMMUNICATION

2016-17 OUTSTANDING MALE  
SCHOLAR ATHLETE

FOUR-YEAR LETTERMAN IN ECU  
OUTDOOR TRACK AND FIELD



# NO QUARTER 4 CANCER

THE PIRATE NATION'S THOUGHTS  
AND PRAYERS ARE WITH

## DR. JAY GOLDEN

**Minutes  
Athletics & Advancement Committee  
February 15, 2018**

The Athletics and Advancement Committee met in regular session on February 15, 2018. The committee approved the minutes from the November.

Vice Chancellor Chris Dyba gave a brief Advancement and Campaign update. Vice Chancellor Dyba reported that campaign funding is up to \$169 million. He directed board members to visit the ECU Giving website. He'll bring more updates at the lunch presentation when a representative from the marketing firm 160/90 will be available.

ECU Director of Athletics Jeff Compher reported gave a fall student athlete GPA update. The student athletes have an average of 3.07 GPA, the highest semester GPA in ECU Athletics history. Thirty two student athletes earned a 4.0 GPA and 253 student athletes had a GPA of 3.0 or better.

Associate Director of Athletics JJ McLamb gave an update about the Dowdy Southside Expansion project. The project is currently on schedule and on budget. The old tower is completely down and the parking lot is gone. Construction crews are setting the foundation now for the new tower and steel will start being erected in mid-March. In regards to the timeline, the temporary press box and lights will be in place by first the game in September. The Field Level Club will be in place for the upcoming season. The White Lot premium parking will be available for this football season. Overall, no parking spaces will be lost, there will actually be a net gain of a couple of spaces. The renovations to Ward Sports Medicine Building are on schedule and will be completed by August. The Athletics staff have met with the Elmhurst neighborhood representatives and Elm Hurst elementary school to provide them with an update on construction progress and it was well received. The baseball hitting facility is moving along on time schedule as well.

Mr. Compher provided the board with a human resources update. There have been several new hires, including five new assistant coaches. Mr. Compher also gave an update on the men's basketball coach search. He reported that the advisory group met and have determined it's best to wait until after this basketball season to review candidates. At this point, Mr. Compher is assessing interest and developing a plan for how to proceed once the season is over. The ultimate goal is to have a coach in place following the NCAA tournament.

Phillip Wood gave an update from the Pirate Club. The Pirate Club has raised \$7.5 million dollars toward an \$8 million goal for scholarships. Additionally, the Pirate Club have received \$30 million in financial commitments toward a \$60 million goal for the Dowdy Southside Renovation Project. The Pirate Club has launched a membership campaign branded "All Hands On Deck", which is a road map to get membership up to 20,000 members in five years. This campaign has six main areas of focus: create culture of philanthropy; areas to grow; utilize

volunteers; brand awareness; donor engagement/outreach; improve communication efforts. Mr. Wood also provided information on the new tax law and the implications it will have on future Pirate Club gifts.

Mr. Lee Workman provided the financial report, which was included in board materials.

The committee then moved into closed session. Following closed session, the committee adjourned.

Respectfully Submitted,

Megan Ayers  
Assistant Secretary to the Board of Trustees

**\*\*\*DRAFT\*\*\***

**Minutes from ECU BOT Audit, Enterprise Risk Management, Compliance, and Ethics Committee  
February 15, 2018  
Coastal Studies Institute\* – Wanchese, NC**

The Audit, Enterprise Risk Management, Compliance, and Ethics Committee of the ECU Board of Trustees met at the UNC Coastal Studies Institute in Wanchese, NC on February 15, 2018.

Committee members present included Kel Normann (Chair), Bob Plybon (Vice Chair), Mark Copeland, Max Joyner, Jason Poole, Vince Smith, and LaQuon Rogers

Other board members present included Kieran Shanahan (Board Chair), Edwin Clark, Vern Davenport, Deborah Davis, Leigh Fanning, Fielding Miller

Others present\* included Chancellor Cecil Staton, James Hopf, Donna Payne, Nick Benson, Michelle Evans\*, Rick Niswander, Dee Bowling\*, Alton Daniels, Megan Ayers, Josh Brown\*, Tim Wiseman\*, Stacie Tronto\*, Amanda Danielson\*, Sarah von Stein\*, and Wayne Poole\*.

*\* These people joined the meeting via video conference from Spilman 105 on the campus of ECU.*

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Kel Normann, Chair of the Committee, convened the meeting at 11:40AM. Mr. Normann read the conflict of interest provisions as required by the State Government Ethics Act. Mr. Normann asked if anyone would like to declare or report an actual or perceived conflict of interest. None were reported.

Mr. Normann asked for the approval of the minutes of the November 9, 2017 audit committee meeting.

**Action Item:** The minutes of the November 9, 2017 audit committee meeting were approved with no changes.

Mr. Tim Wiseman provided the **Enterprise Risk Management (ERM)** update.

Mr. Wiseman briefed the committee on the ERM office's recent activities and initiatives. He advised the committee that he has been assisting the UNC System Office with the risk assessment at Elizabeth City State University. Mr. Wiseman also advised the committee that the UNC System Office is in the process of exploring how to establish an ERM framework for the entire system. ECU is already on the leading edge in this area and will likely be counted on to provide advice and assistance.

Mr. Wiseman provided an update on the development of risk management plans related to the University's "Top 10" risks that were identified during the annual risk prioritization exercise.

Mr. Wiseman advised the committee that the ERM office recently led a discussion on the events at Michigan State, and coordinated a meeting with administrators from Athletics, University Counsel, Internal Audit, Student Affairs, and Title IX Compliance to discuss the case, the implications for ECU, and lessons to be learned.

Mr. Wayne Poole provided the **Internal Audit** update.

Mr. Poole advised the committee that Chief Audit Officer Stacie Tronto was selected by the state's Council of Internal Audit as the 2017 recipient of the North Carolina Internal Audit Award of Excellence. This is the second time that Ms. Tronto or the ECU Internal Audit team has received this honor. The ECU Office of Internal Audit won the award in 2012.

Mr. Poole presented the Internal Audit dashboard as of January 31, 2018. As of January 31, 2018, 41% of the annual audit plan is complete, with another 48% in progress. The direct productivity rate for the Audit staff was 72%. Management had made satisfactory progress towards resolving 100% of the audit recommendations that Internal Audit has followed up on so far this fiscal year.

Mr. Poole updated the committee on Internal Audit staffing changes (1 recent and two pending retirements) and the implementation of the electronic audit workpapers software. ECU Internal Audit has been asked to demonstrate how they are using the new software for the audit teams at the other UNC system schools.

**\*\*\*DRAFT\*\*\*****Minutes from ECU BOT Audit, Enterprise Risk Management, Compliance, and Ethics Committee  
February 15, 2018  
Coastal Studies Institute\* – Wanchese, NC**

Mr. Poole updated the committee on the volume of hotline and investigative audit activity so far this fiscal year. So far this year, (just over halfway through the year), Internal Audit has received 21 hotline calls (In FY 2017, there were 10 for the entire year). So far this year, 22 investigative audits/special reviews have been begun or completed (compared to 16 total for FY 2017). Internal Audit budgeted 2200 hours for this category, but will likely need 3000 or more hours for investigative audits and special reviews. The high volume of investigative work will lead to some necessary changes in the annual audit plan, which will be presented to the committee at the April meeting.

Mr. Poole updated the committee on several information security-related topics. One key recent change was the approval of a new UNC system-wide policy which requires one individual at each institution be assigned responsibility for Information Security. That individual is also required to report to the Audit Committee to provide periodic updates and information. Mr. Poole stated that Chancellor Staton and Vice Chancellor Niswander have assigned this responsibility to Chief Information Officer Don Sweet. Mr. Sweet will be briefing the committee at the April meeting.

**Closed Session**

At 12:00 PM, a committee member made a motion that the committee go into closed session in order to discuss items that are protected according to state statutes governing personnel information, internal audit working papers, sensitive security information, and/or otherwise not considered a public record within the meaning of Chapter 132 of the North Carolina General Statutes. The motion was seconded and unanimously approved.

**Return to Open Session**

The Committee returned to open session and continued work on the agenda at 12:19 PM.

**Other Business**

Dr. Nick Benson, Associate Vice Chancellor for Health Sciences Regulatory Affairs, advised the committee that Dr. Ken Deville will be stepping down from his role as the Director of the Office of Institutional Integrity to return to a faculty role. Ms. Michelle Evans will serve as the Director on an interim basis.


There being no further business, the Audit Committee meeting was adjourned at 12:21 PM.

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Respectfully submitted,  
Wayne Poole  
ECU Office of Internal Audit and Management Advisory Services



MEMORANDUM

TO: Rick Niswander  
FROM: Kevin Carraway   
DATE: January 12, 2018  
SUBJECT: Request ECU Board of Trustees Approval to Sell by Disposition Property Located at 301 West Tenth Street, Greenville, NC

Request ECU Board of Trustees approval to sell via disposition ECU property located at 301 West Tenth Street (tax parcel #7373), known as the H.A. Haynie building (previously Export Leaf Tobacco Building) to the ECU Real Estate Foundation for \$865,000 based on an appraisal dated September 15, 2017.

The sale of the property which is located within the ECU Millennial Warehouse Campus and is part of Greenville's National Historic Tobacco District. ECU has secured NC Historic Mill Tax Credits that can be transferred with the sale of the property to create a public/private partnership with a developer utilizing the 40% tax credits.

The ECU Real Estate Foundation will enter into an agreement with a qualified developer of historic properties for the redevelopment of the property.

The building shall be renovated to ECU specifications and National Park Service standards to take full advantage of the tax credits.

ECU intends to lease a portion of the redeveloped property for research, laboratory, and office space. Because of the benefits of the historic credits, it is anticipated that the lease rate will be less than that of non-historic property.

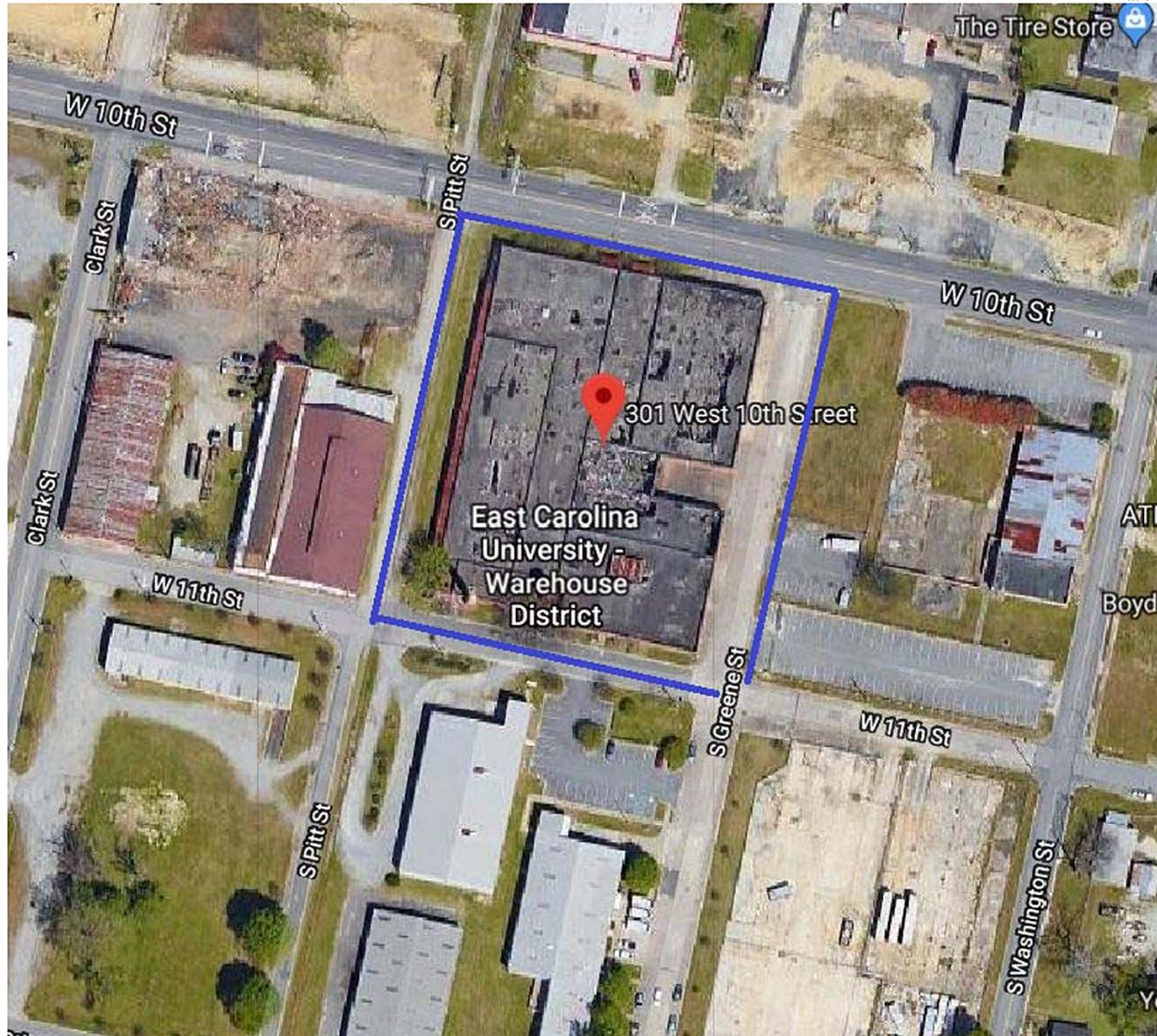
ECU shall deposit the receipts of sale in the ECU Millennial Campus Account as allowed by statute.

This sale is contingent on approvals from UNC Board of Governors, Joint Commission on Governmental Operations, and the Council of State. The sale has the support of the State Property Office.

Attachment (Map) (1)

cc: B. Bagnell  
J. Golden  
R. Mitchelson  
T. Morris  
T. Walton







**Expansion Request**  
**Presented to the**  
**Board of Trustees**  
**East Carolina University**  
**2 February 2018**

## Background

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During the spring of 2015, East Carolina University (ECU) received approval from its Board of Trustees (ECU BoT), the University of North Carolina System Board of Governors (UNC BoG) and the State of North Carolina to formally designate 329 acres as the ECU Research and Innovation Campus (RIC or Millennial Campus). As Greenville's anchor institution, ECU established its Millennial Campus to drive creation of Greenville's Arts & Innovation District, as well as beneficial transformation region-wide, through public-private partnerships producing innovations in education, science, technology and the arts that address regional challenges while attracting and retaining talent and investment.

## Progress-to-Date

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Innovations and progress-to-date regarding ECU's Research and Innovation Campus include:

- Specification and design of ECU's 141,500 square foot Life Sciences and Biotechnology Building for multi-disciplinary, team-based, industry-relevant basic and applied research (will reside within Greenville's Arts & Innovation District);
- Selection process underway to identify a private development partner for ECU's planned Innovation and Economic Development Hub within the historic Export Leaf Tobacco Building (will reside within Greenville's Arts & Innovation District);
- Pending purchase of 6.7 acres for construction of ECU's much-needed Research Greenhouse and as a field site for renewable energy research;
- Designation of ECU as the administrative home for the UNC Coastal Studies Institute;
- Establishment of eight pan-university research clusters led by and supporting faculty-initiated research teams;
- Addition of design thinking, innovation and entrepreneurship training in ECU's Honors College curriculum;
- Establishment of the Miller School of Entrepreneurship (MSoE) within ECU's College of Business;
- Building 43 adaptive re-use project will house MSoE and provide on-campus "garage space" for creative collisions among students/faculty from all disciplines. This is where innovation and entrepreneurship come alive on campus;

Prepared by:



Division of Administration and Finance  
 Office of the Associate Vice Chancellor  
 for Campus Operations

- Funding to ECU from the U.S. Economic Development Administration’s Regional Innovation Strategies Program for building regional capacity to translate innovations into jobs;
- Funding to ECU from the National Science Foundation’s Innovation Corps Program for transitioning technology concepts into the marketplace;
- Establishment of the GreenvilleSEED@ECU incubator in partnership with the City of Greenville and Greenville-Pitt Chamber of Commerce;
- Curriculum development underway for the planned NC Economic Development Academy, a statewide professional economic development certification program focused on place-based economic development;
- Roll-out of ECU’s Rural Prosperity Initiative harnessing the intellectual strengths and research facilities of ECU to improve the quality of life, health, education, and employment for the people and communities of our region.

*Collectively, these projects, programs and resources represent significant progress in establishing the essential combination of Talent + Innovation + Place that defines highly-engaged, highly-impactful universities and innovation districts.*

## Impacts

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East Carolina University is the best-positioned institution to catalyze a culture of innovation, entrepreneurship and service that grows, attracts, and retains the next great creative class within the eastern region of North Carolina, and the ECU Research and Innovation Campus is the primary vehicle for executing this shared vision. Ultimately, the ECU RIC aligns and leverages the expertise and resources of ECU with our education, industry, government, military and community partners to:

- Start, grow and recruit jobs and new enterprises;
- Create a knowledgeable, skilled and adaptable labor-force;
- Fuel knowledge transfer, innovation and entrepreneurship;
- Develop regional leadership;
- Target scholarship and service for distressed communities; and
- Position the region as a magnet for talent, creativity, and investment.

## Request

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To further support the progress and impacts noted above, ECU respectfully requests the Board of Trustees’ approval, under *North Carolina General Statute 116-198 Article 21B: The Centennial Campus, the Horace Williams Campus, and the Millennial Campuses Financing Act*, to add 10 property areas to the ECU Research and Innovation Campus.

Prepared by:



Division of Administration and Finance  
Office of the Associate Vice Chancellor  
for Campus Operations

## Properties

ECU seeks millennial designation for nine parcels and one road closure, which will add to one existing area of the Millennial Campus (the *Warehouse District Campus Properties*) and create two new areas of the Millennial Campus (referred to as the *Greenhouse-Renewable Energy Property* and the *Coastal Studies Institute Property*)(see APPENDIX).

## APPENDIX

### *Warehouse District Campus Properties*

Properties for addition to this area include Parcels 01484, 00276, 14587, 16152, 07715, 23858 and the area represented by the Forbes St. Closure (see image below). The addition of these areas will create a contiguous property, between 9<sup>th</sup> St. and 10<sup>th</sup> St., and Evans St. and Cotanche St. (see image below), for siting the Life Sciences and Biotechnology Building currently in design and its associated parking garage. Additionally, the Warehouse District Campus properties form the heart of Greenville's Arts & Innovation District, and this combined site will maximize opportunities for public/private partnerships and opportunities to leverage non-state resources to fuel economic development throughout this district.



Prepared by:



Division of Administration and Finance  
Office of the Associate Vice Chancellor  
for Campus Operations

### Greenhouse-Renewable Energy Property

The property for establishment of this area is Parcel 23568 totaling 6.71 acres, between N. Greene St. and Owens St., and E. NC 33 and E. Belvoir St. (image below). This property will serve as the site for ECU's planned Research Greenhouse, as well as provide a field site for renewable energy research. The greenhouse will complement the new bio-extraction facilities within the Life Sciences and Biotechnology Building, thus enabling new product and process innovations in support of targeted regional industry clusters such as pharmaceuticals, biomaterials and energy. Similarly, this field site for research and workforce training will support advances in areas such as renewable biogas, which has the potential to serve as a major economic driver in eastern North Carolina. This property is optimally located adjacent to the Technology Enterprise Center, a collaborative research, workforce training, manufacturing and incubation facility operated by the Pitt County Development Commission, as well as proximate to numerous ECU industrial partners located within Greenville's Indigreen Corporate Park.

The purchase/transfer of this property from the ECU Foundation to the University is currently underway and expected to be completed within the next 30-45 days. Approval of inclusion of this property in the ECU RIC is therefore subject to this purchase/transfer.



Prepared by:



Division of Administration and Finance  
Office of the Associate Vice Chancellor  
for Campus Operations

### *Coast Studies Institute Property, Manteo NC*

North Carolina's marine-related activities are important to the State's economy, both in traditional sectors like recreation and tourism, fisheries, hazard resilience, and marine heritage, and in emerging areas like ocean energy and marine biotechnology. The UNC Coastal Studies Institute (CSI) (encompassing 199.91 acres) collaborates with numerous external partners including the Bureau of Ocean Energy Management, the U.S. Army Corps of Engineers, the federal government's Hurricane Sandy Task Force, state coastal planning agencies and other entities to analyze needs and develop plans for coastal restoration. Adding the CSI to the ECU Research and Innovation Campus will foster more of these mutually-beneficial partnerships and resulting impacts emanating from this critically-located regional installation.

ECU plans to fully leverage the growing faculty and staff assigned to CSI to better serve the residents of North Eastern North Carolina. Specifically, ECU will replicate its successful public-private economic development partnerships at the CSI. These partnerships will enhance the economies of surrounding communities. For example, existing (multi-institutional) energy work orchestrated through CSI has the potential to attract energy-related start-ups, and the CSI offers the opportunity to build hospitality leadership capacity within the region. Additionally, the advanced work on cultural tourism based at CSI (Graveyard of the Atlantic, etc), has important potential for coastal development.

The properties for establishment of this area are Parcels A and Parcel B (image below).



Prepared by:



Division of Administration and Finance  
Office of the Associate Vice Chancellor  
for Campus Operations



PO Box 2688  
Chapel Hill, NC 27515-2688

**Constituent Universities**

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  
State University  
at Raleigh

University of  
North Carolina  
at Asheville

University of  
North Carolina  
at Chapel Hill

University of  
North Carolina  
at Charlotte

University of  
North Carolina  
at Greensboro

University of  
North Carolina  
at Pembroke

University of  
North Carolina  
at Wilmington

University of  
North Carolina  
School of the Arts

Western Carolina  
University

Winston-Salem  
State University

**Constituent High School**

North Carolina  
School of Science  
and Mathematics


An Equal Opportunity/  
Affirmative Action Employer

**Matthew S. Brody**  
**Vice President for Human Resources**

Phone: 919-962-4651  
Email: matt.brody@northcarolina.edu

January 10, 2018

TO: Chief Human Resource Officers

FROM: Matthew Brody   
Vice President for Human Resources

SUBJECT: Fiscal Year 2016-2017 Annual Human Resources Compliance Report

Reporting requirements for the FY 2016-2017 Annual Human Resources Compliance Report (previously referred to as the Management Flexibility Report) are outlined in the attached Microsoft Excel workbook. This year, there is a single report for all constituent institutions to complete and submit. While the reporting requirements are the same, the final approvals will differ based on whether an institution has been delegated management flexibility or not.

Pursuant to Section 600.3.4.III.D of the UNC Policy Manual, if your institution has been granted management flexibility, your institution's Board of Trustees is required to review and approve an annual summary of the human resources activities covered by the institutional management flexibility agreement. The Annual Report for Fiscal Year 2016-2017 should be prepared for review and approval first by the Chancellor and then the institution's Board of Trustees prior to submission to General Administration.

For constituent institutions without management flexibility agreements, please submit your completed annual summary to your chancellor for review and final approval prior to submission to General Administration.

Reports should be submitted to Glenda Farrell in General Administration Human Resources no later than **May 4, 2018**. Completed Fiscal Year 2016-17 reports and certification memorandums should be uploaded to a northcarolina.edu folder using the attached link:

[https://mycloud.northcarolina.edu/index.php/apps/files\\_drop/ysenycgislyd](https://mycloud.northcarolina.edu/index.php/apps/files_drop/ysenycgislyd) .

If you have any questions about this required report, please contact Glenda Farrell at [gkfarrell@northcarolina.edu](mailto:gkfarrell@northcarolina.edu) or 919-962-4555.

Attachment

cc: Junius J. Gonzales, Senior Vice President for Academic Affairs  
Glenda Farrell, Associate Vice President for Employment & University EO Officer  
Chief Academic Officers

**PART 1 (con't): SAAO Tier II Salary Ranges (check one)**

<input checked="" type="checkbox"/>	Our institution used the UNC GA published Senior Academic and Administrative Officer (SAAO) Tier II salary ranges in FY 15-17.
<input type="checkbox"/>	Our institution's SAAO Tier II salary ranges and methodology for FY 16-17 are attached.

**EHRA IRPS Salary Ranges (check one)**

<input checked="" type="checkbox"/>	Our institution used the UNC GA published, recommended Institutional Research and Public Service (IRPS) salary ranges in FY 15-17.
<input type="checkbox"/>	In lieu of providing IRPS salary ranges, a disclosure on how individual ranges are derived is attached.

**Faculty Salary Ranges (check one)**

<input type="checkbox"/>	Our institution's faculty salary ranges and methodology for FY 16-17 are attached.
<input checked="" type="checkbox"/>	In lieu of providing faculty salary ranges, a disclosure on how individual ranges are derived is attached.

Attach your institution's faculty salary ranges and methodology or your institution's disclosure on how individual ranges are derived below (Cell B23).



institution's document [HERE](#).

**PART 2: Conferral of Tenure**

40	Number of faculty reviewed for tenure
37	Number of faculty granted tenure
13	Number of new faculty hired with tenure

**PART 3: Institution Policies****Does your institution have a supplemental pay, interim appointments, and/or secondary appointments policy?**

We understand that campus practices differ, and that, at times, we even see difference in the interpretation of what constitutes "base pay" and "supplemental salary." We further understand that many of your HRIS systems are calibrated to gather information differently than other campuses, and that you may even have variances in policy amongst different college or business units. These questions represent an initial foray into gathering information on this subject, and you're welcome to provide whatever context you'd like. Please operate under basic definitions – such as base pay being all pay for the primary role; while everything else falls into the "supplemental" category, including long-term stipends, interim appointments, and other supplements. (It's okay to exclude things we've always excluded, including task-based compensation such as summer course payments and course overloads.) Please contact Keith Dupuis (kedupuis@northcarolina.edu) or Mary Richardson (mtrichardson@northcarolina.edu) with any specific follow-up questions.

<input checked="" type="checkbox"/>	<b>YES</b>	Our institution's supplemental pay, interim appointments, and/or secondary appointments policy and/or procedures is attached.
	Date last reviewed:	7/18/2013



<input type="checkbox"/>	<b>NO</b>	Our institution does not have a supplemental pay, interim appointments, and/or secondary appointments policy or procedures. Attached is the methodology used at our institution to review supplemental pay, interim appointments, and/or secondary appointments.
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In your HRIS system, do you distinguish between base pay and supplemental pay?

<input checked="" type="checkbox"/>	<b>YES</b>	<input type="checkbox"/>	<b>NO</b>
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Attach your institution's policy or procedures on supplemental pay, interim appointments, and/or secondary appointments OR attach your institution's methodology for reviewing supplemental pay, interim appointment and/or secondary appointments (Cell B44).



institution's document **HERE**.

#### PART 4: EHRA IRPS Position Actions

##### Does your institution have delegated authority for IRPS position actions?

<input checked="" type="checkbox"/>	<b>YES</b>	My institution has independent IRPS authority to create and reclassify IRPS positions, with the exception of RADA/CADA position actions which are submitted to UNC GA for review and approval. Our institution's Annual IRPS Report for FY16-17 is attached. (NOTE: This IRPS information is also being requested by UNC GA HR for an earlier deadline.)
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<input type="checkbox"/>	<b>NO</b>	My institution does not have delegated authority to create and revise IRPS positions. We submit all requests for new or reclassified IRPS positions to UNC GA for review and approval.
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Attach your institution's Annual IRPS Report (Cell B57).



institution's document **HERE**.

#### PART 5: Harassment Complaints

Please affirm that your institution has measures in place to track harassment complaints and can provide this information to General Administration, upon request. Internal tracking mechanisms should include the following data elements.

1. Name of Accused and Employee Type/Student Status (SHRA, EHRA Non-faculty, Faculty, Temp Employee, Student, Other)
2. Name of Complainant and Employee Type/Student Status (use above categories)
3. Date of Complaint
4. Date of Resolution
5. Identify protected basis(es) for complaint: race, religion, color, national origin, sex, age, disability, genetic information, political affiliation.
6. How Complaint was filed: EEOC Complaint, EEO complaint, complaint part of SHRA grievance process
7. Findings? Yes or No
8. If findings, list type of disciplinary action: Dismissal or Other disciplinary action

<input checked="" type="checkbox"/>	<b>YES</b>	My institution tracks harassment complaints and, if requested by GA, can provide the above listed data in a report form.
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<input type="checkbox"/>	<b>NO</b>	My institution does NOT track harassment complaints or does not collect all of the above listed data, but will gather this information for FY 16-17 and put measures in place to track harassment complaints going forward.
		Date to be completed:

#### PART 6: Report of Hiring Activity

Report of Hiring Activity for Fiscal Year 2016-2017. Hiring activity should include competitive events and waivers of recruitment for **permanent positions only** (exclude temporary employees/appointments).

Employee Category	Internal Hire Count <sup>(a)</sup>	External Hire Count (including other UNC constituent institutions) <sup>(b)</sup>
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EHRA Faculty	12	143
EHRA Senior Academic and Administrative Officer Tier I	1	4
EHRA Senior Academic and Administrative Officer Tier II	10	11
EHRA Instructional, Research and Public Service	40	108
All Other EHRA Non-Faculty Not Otherwise Categorized	56	174
SHRA Staff	155	294
<b>Grand Totals</b>	<b>274</b>	<b>734</b>

- a. Internal Hire: Any individual already employed at your institution who is transferred, promoted, or waived into a position.  
b. External Hire: Any individual who is not currently employed at your institution.

### PART 7: Certification of Approval

INSTITUTIONS WITH MANAGEMENT FLEXIBILITY	
I certify that I reviewed and approved <u>East Carolina University's</u> Annual Human Resources Compliance Report for the Fiscal Year ending June 30, 2017 and this report was approved by the Board of Trustees on <u>[INSERT DATE]</u> .	
Name: _____	_____
Chancellor	Date

INSTITUTIONS WITHOUT MANAGEMENT FLEXIBILITY	
I certify that I reviewed and approved <u>[INSTITUTION NAME]'s</u> Annual Human Resources Compliance Report for the Fiscal Year ending June 30, 2017.	
Name: _____	_____
Chancellor	Date

## East Carolina University

### Disclosure on Faculty Salary Ranges for FY 16-17

ECU's Division of Academic Affairs uses CUPA data to create salary ranges. The UNC System Office established list of peer institutions is used to determine the 80<sup>th</sup> percentile median and the range from 40% below to 40% above the 80<sup>th</sup> percentile except when such comparisons are not available. In these cases, the 80<sup>th</sup> percentile of the public research and doctorate institutions are customarily used.

For FY 16-17, ECU's Division of Health Sciences used salary survey results for each specialty when establishing faculty salaries. For example, the American Association of Medical Colleges and Schools (AAMC) was what the Division used for the Brody School of Medicine, and the American Dental Education Association (ADEA) was what the Division used for faculty salaries in the School of Dental Medicine. When using AAMC or ADEA data, they typically used the 25<sup>th</sup> percentile as the minimum and 75<sup>th</sup> percentile as the maximum.

*Please note that ECU's Division of Health Sciences now uses a different methodology. Specifically, as of September 2017, the UNC System Office advised that they use the following faculty salary range methodology unless/until a revision was approved by the UNC System Office: ECU's Division of Health Sciences uses salary survey results for each specialty when establishing faculty salaries. For example, the American Association of Medical Colleges and Schools (AAMC) is what the Division of Health Sciences uses for the Brody School of Medicine, and the American Dental Education Association (ADEA) is what the Division uses for faculty salaries in the School of Dental Medicine. When using AAMC or ADEA data, they typically use the 25<sup>th</sup> percentile as the target market rate, divided by 1.50 to obtain the minimum of the salary range and the minimum is multiplied by 2 to obtain the maximum of the salary range.*

<b>Policy</b>	POL06.20.01
<b>Title</b>	Supplemental Pay for EHRA Employees
<b>Category</b>	Human Resources
<b>Sub-category</b>	Compensation
<b>Authority</b>	Board of Trustees
<b>History</b>	Original BOT approval May 5, 2006; Revised, BOT approved and effective July 18, 2013.
<b>Contact</b>	Associate Provost for Personnel and Resource Administration, 252-328-2679 Associate Vice Chancellor for Health Sciences Administration and Director, BSOM Faculty Employment, 252-744-1910 Assistant Vice Chancellor for Human Resources, 252-328-9882
<b>Related Policies</b>	<a href="#">UNC Policy Manual VA7 300.1.1, Senior Academic and Administrative Officers</a> <a href="#">UNC Policy Manual VA7 300.2.13, Supplemental Pay Policy for Employees Exempt from the State Personnel Act (EPA)</a> <a href="#">ECU Regulation, Faculty Workload</a> <a href="#">ECU Faculty Manual, Part XI, General Faculty Employment Guidelines and Benefits</a> <a href="#">ECU Policy for Employees Exempt from the State Personnel Act</a> <a href="#">NC Office of State Human Resources Policy on Dual Employment</a>
<b>Additional References</b>	<a href="#">EPA Plan for Management Flexibility to Appoint and Fix Compensation</a> <a href="#">Dual Employment Form CP-30</a> <a href="#">ECU Supplemental Payment and Stipend Codes</a> <a href="#">EPA Supplemental Pay and Stipend Form</a>

## 1. Purpose

This Policy outlines practices for additional compensation paid to East Carolina University EHRA employees: 1) faculty, 2) non-faculty (EHRA-NF instructional and research), and 3) Senior Academic and Administrative Officers (SAAO) Tier I and Tier II. This Policy is not intended to modify any of the existing policies or procedures governing the administration of University salaries nor to address compensation practices for Clinical Support Services (CSS) or employees subject to the State Human Resources Act (SHRA). [Note: see the ECU Policy for Employees Exempt from the State Human Resources Act for more information on the non-faculty classification of EHRA employees]

## 2. Definitions

2.1. Base Salary – Base salary is the annual permanent salary of the employee approved by the Chancellor, Board of Trustees, or Board of Governors as it appears in the employment contract or subsequent salary increase/decrease letters. The base salary does not include any supplemental payments, although such payments may be addressed in a contract letter as part of the compensation package for the contract period.

2.1.1. For the purpose of defining the Base Salary, faculty in the Brody School of Medicine subject to the ECU Physicians' Clinical Faculty Compensation plan, an EHRA employee's Base Salary will be the sum of the academic base and the supplement, as defined by the Clinical Faculty Compensation Plan.

2.2. Supplemental Payments – Supplemental Payments are compensation in excess of an EHRA employee's Base Salary for temporary increases in responsibility and/or for extra duties beyond the scope of the primary appointment. Prior approval of the supervisor, department chair or school director, dean and vice chancellor(s) are required. See Section 5, below, for a non-exclusive list of Supplemental Payment types. [Note: see the ECU Supplemental Pay Codes matrix for additional descriptors and budget coding]

2.3. Contract Period – For 9-month faculty the contract period is typically August 16 through May 15. For 12-month faculty the contract period is typically July 1 through June 30. The specific dates for individual employees are based on the actual employment contracts.

2.4. Outside the Contract Period – The specific dates of the time outside the employee's contract period is based on the actual employment contract. There is no Outside the Contract Period for 12-month employees.

2.5. External Funds – Grant or other non-state appropriated funding sources.

2.6. Dual Employment – Dual employment occurs when a university employee agrees to perform services for another state agency on a part-time or contractual basis. Approval must be obtained from the supervisor, department chair or school director, dean and vice chancellor before the service is provided in order to ascertain whether the obligation will interfere with job duties and commitments of the primary position. Dual employment must be in accordance with the State of North Carolina Policy on Dual Employment.

### 3. General Provisions

3.1. No Supplemental Payments, above the Base Salary, may be paid for university duties that are generally related to the position to which the individual is appointed during the Contract Period. See Section 2.2 for a definition of Supplemental Payments and the Supplemental Pay Codes matrix for additional descriptors and budget coding.

3.2. Assignment of additional responsibilities for which supplemental payments may be considered must comply with university established Affirmative Action and Equal Employment Opportunity policies and procedures, up to and including a formal search process when required.

3.3. This Policy complies with applicable federal and state restrictions on level of effort for external sponsored projects, grants, or contracts. Federal restrictions permit up to 3/9ths effort for

a 9-month employee outside the Contract Period and no more than 100% of total compensated effort during the Contract Period (133% Rule). In the case of these projects, the rate of pay for any Supplemental Payment must be the same as the base rate of pay for the employee's primary contracted assignment.

3.3.1. Supplemental Payments, excluding approved summer research and instruction, and administrative supplements cannot be charged to a sponsored project.

3.4. All Supplemental Payments require the appropriate pre-approvals by the supervisor, department chair or school director, dean and vice chancellor. If the employee is in a different department/unit/division from the unit requesting service, approval of the supervisor, department chair or school director, dean and vice chancellor of the home department/unit/division is required, each time any vice chancellor approval is required under this policy.

3.5. Per the applicable hiring guidelines, less than full-time appointments during an academic or fiscal year can be increased up to full-time (1.0 FTE) with the appropriate additional compensation becoming part of their Base Salary upon approval by the supervisor, department chair or school director, dean and vice chancellor of the home department/unit/division.

3.6. Process for Approvals. Prior approval may be granted upon receipt and analysis of the following:

3.6.1. A written request from the appropriate unit administrator, including a rationale for recommending the employee, an explanation of the activities contemplated, a clear justification as to why the activity warrants Supplemental Payments, the relationships of the activities to the primary appointment, basis for the determination of the compensation rates, duration of assignment, and, if applicable, statements relative to any conflict with the primary appointment.

3.6.2. The request must be made to the supervisor, department chair or school director, dean and vice chancellor for their approval by affixing dated signatures on the request.

3.6.3. In the review, the total time commitments of the individual (workload, approved supplemental activities and external activities for pay) will be considered.

3.6.4. The approved request must be submitted to the Academic Affairs Personnel Administration, Health Sciences Personnel Administration, or EHRA Human Resources Administration for final review and processing.

3.6.5. Documentation related to Supplemental Payments must be maintained in the employee's personnel file.

3.7. No assignment that results in a supplemental payment may exceed one year, unless specifically approved by the appropriate vice chancellor(s).

3.8. No SAAO may be paid, in addition to his or her salary, for any services rendered to any institution-related foundation, endowment, or other entity that: 1) was established by officers of

the university, 2) is controlled by the university, or 3) is tax-exempt based on being a support organization for the university.

3.9. All Supplemental Payments will be processed as compensation through ECU Payroll, and subject to all applicable taxes and withholdings.

3.10. Individual fund sources may have specific restrictions on compensation or may have more restrictive practices than this policy. When there is conflict between this policy and the sponsor or activity requirements, the most restrictive practice will normally be applied.

4. The Chancellor may approve supplemental pay in any exceptional situation that makes it unduly burdensome or otherwise contrary to the best interest of the university to fulfill one or more requirements of this policy by signing a memorandum that states the reason(s) for the exception. The memorandum is to be retained in the employee's personnel file and a copy provided to the Academic Affairs Personnel Administration, Health Sciences Personnel Administration, or EHRA Human Resources Administration.

#### 5. Types of Supplemental Payments

The following is a non-exclusive list of types of Supplemental Payments:

5.1. Conducting Seminars, Workshops, Continuing Education Programs, and Training Approval may be granted for Supplemental Payments during the Contract Period for conducting non-credit short courses or presenting special lectures, seminars, workshops, creative activity, teaching in non-credit programs sponsored by the Office of Continuing Studies, or conferences for continuing professional education.

5.2. Administrative Assignments EHRA employees occasionally assume administrative duties for which Supplemental Payments are appropriate. Examples include, but are not limited to: (1) assignments of one year or less as coordinators of undergraduate, graduate or special programs; (2) interim appointments to a higher level of administrative responsibility, such as interim department chair, dean, or director.

5.3. One-Time Special Payments EHRA employees sometimes perform work unrelated to their primary appointment, such a special project related to the person's expertise for which they may receive a payment

5.4. Overload Instruction Faculty should generally not be paid for teaching credit courses in addition to their normal course load. Instead, other arrangements should be made, such as a corresponding course reduction in the following semester. Under extraordinary circumstances, overloads may be approved consistent with the process outlined in this policy, for faculty to teach additional for credit courses. This is only allowable if this does not cause a conflict of commitment with other assigned duties, and the faculty member has an appropriate workload.

5.5. Summer Research and Instruction Due to government restrictions on the level of effort, a 9-month faculty member who participates in government-sponsored research outside the Contract Period can teach summer sessions as long as the combination of teaching and research effort

and compensation does not exceed 3/9ths of the Base Salary. The summer teaching rate of pay is determined by the academic unit. The summer research rate of pay is based on the previous year's academic contract Base Salary and the 3/9ths requirements.

5.6. Instruction by EHRA-NF and SAAO Employees (Tier II) EHRA-NF and SAAO Employees (Tier II) may be allowed, subject to advance approval as described herein, to receive a supplemental payment for additional instructional responsibilities provided the additional responsibilities do not conflict with the duties of their primary appointment. Generally the instructional responsibilities must be carried out at times other than during the normal working hours associated with the primary appointment. However, in extraordinary circumstances, the instruction may occur during normal working hours with the approval of the supervisor, department chair or school director, dean and vice chancellor(s). Paid leave may not be used to account for the time associated with the additional instructional assignment, but leave without pay is an option. If leave without pay is not used to account for the time away from the primary appointment, an alternate work schedule must be approved. All such arrangements must be reviewed annually and approved by the supervisor, department chair or school director, dean and vice chancellor(s).

#### 5.7. External Funds

5.7.1. For 9-month faculty, Supplemental Payments can be earned outside the Contract Period for university-sponsored research that is externally funded by a government agency as approved by the department chair or school director, dean and vice chancellor and Office of Grants and Contracts. The maximum payment is 3/9ths of the Base Salary or 100% of time.

5.7.2. Government sponsors do not permit compensation beyond the base rate of pay during the Contract Period. As a general rule, faculty (9-month and 12-month) involved in sponsored research during the Contract Period should have their other assigned responsibilities reduced. All compensation rates and periods of appointment must be approved by the Office of Grants and Contracts. Individual sponsors may have more restrictive requirements than applicable university policies. The most restrictive policy will be applied for sponsored project compensation.

#### 6. Effective Date

This Policy is effective July 18, 2013 and shall supersede any previous supplemental pay policies at East Carolina University.



<input checked="" type="checkbox"/>	<b>YES</b>	My institution has delegated authority to create and reclassify IRPS positions, with the exception of RADA/CADA position actions which are submitted to UNC GA for review and approval. Below is a list of the IRPS position actions approved at our institution during FY16-17.
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<input type="checkbox"/>	<b>NO</b>	My institution does not have delegated authority to create and revise IRPS positions. We submit all requests for new or reclassified IRPS positions to UNC GA for review and approval.
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Position Number	Position Title (working title)	IRPS Subcategories	Current Incumbent Name or Vacant	Type of Change (MODIFIED, NEW, or	Date of Change
002583	Academic Coordinator/Learning Specialist	Academic Advising & Assessment	Kimble, Whitney R.	NEW	1/5/2017
002653	University Lab School Extended Day Teacher	Instruction	Hudson, Jordan N.	NEW	8/1/2017
002641	Mentor/Evaluator	Academic Preparation & Enhancement	Patterson, April R.	NEW	6/1/2017
941515	Associate Director	Continuing Education	Netznik, Jeffrey J.	ABOLISHED	2/2/2017
921213	Associate Director of Greek Life	Student Support Services	Mack, Dorothea M.	MODIFIED	5/1/2017
002658	Director of Pipeline Programs	Academic Preparation & Enhancement	VACANT	NEW	6/23/2017
001445	Four Seasons Managing Director	Public Service & Extension	Holloway, John K.	MODIFIED	5/12/2017
981809	Assistant Coach	Athletics Coaching and Athletics Management	VACANT	MODIFIED	2/15/2017
002586	ECU Lab School Principal	Academic Preparation & Enhancement	Rodríguez, Tasha M.	NEW	1/19/2017
945076	Assistant Director for the Campus Visit Experience	Student Support Services	Williams, Kayla L.	MODIFIED	5/11/2017
975101	Academic Advisor	Academic Advising & Assessment	VACANT	ABOLISHED	8/8/2016
002597	MATCH Research & Program Manager	Public Service & Extension	Ross, Barbara K.	NEW	2/8/2017
923010	Associate Director	Counselors	Morphet, Robert J.	MODIFIED	11/16/2016
941519	Director - Exec/Admin	Continuing Education	VACANT	ABOLISHED	2/10/2017
002088	Case Coordinator	Institutional Research & Assessment Management	Rouse, April	MODIFIED	3/24/2017
975072	Clinical Supervisor	Academic Preparation & Enhancement	Kincannon, Lori J.	MODIFIED	10/1/2016
002623	University Lab School Teacher	Instruction	Hartley, Marie L.	NEW	8/1/2017
002511	Student Success Advocate	Student Support Services	Yow, Melissa	NEW	8/1/2016
931647	Director of Partnerships & Enrollment Management	Academic Preparation & Enhancement	Bilbro-Berry, Laura C.	MODIFIED	10/16/2016
931672	Special Populations Coordinator	Student Support Services	Smith, Clay B.	MODIFIED	6/1/2017
002508	Mediator & Conflict Resolution Administrator	Student Support Services	Arnold, Alyssa	NEW	8/16/2016
986005	Coordinator	Academic Advising & Assessment	Cooney, Kristen N.	MODIFIED	5/16/2017
923006	Assistant Director/Staff Counselor	Counselors	Hughes, Derrance W.	MODIFIED	11/16/2016
000938	Director - - Office of Institutional Integrity	Research Administration & Compliance	Evans, Michelle C.	MODIFIED	8/1/2016
002622	University Lab School Teacher	Instruction	Henderson, Daniel J.	NEW	8/1/2017
002493	Assistant Director	Academic Advising & Assessment	Butler, Caitlin C.	NEW	8/1/2016
002509	Title IX Investigator	Student Support Services	VACANT	NEW	8/16/2016
950471	Standardized Patient Trainer	Instruction	Merricks, Patrick A.	MODIFIED	1/1/2017
931672	Special Populations Coordinator	Student Support Services	Smith, Clay B.	MODIFIED	6/1/2017
950061	Standardized Patient Trainer	Instruction	Cashion, Molly	MODIFIED	1/1/2017
952515	Instructional Tech Consultant	Instructional Consulting and Technology	VACANT	ABOLISHED	8/8/2016
001234	Executive Director	Academic Preparation & Enhancement	Kus, Karen M.	MODIFIED	7/1/2017
985402	Associate Director	Public Service & Extension	Jones, Jody C.	MODIFIED	11/11/2016
002531	Research Manager	Research Administration & Compliance	Mihajlovich, Mira	NEW	10/1/2016
002651	Senior Research Scholar	Research and Clinical Professionals	Chen, Cheng	NEW	7/1/2017
929990	Internship Coordinator	Student Support Services	Hathaway, Debra S.	MODIFIED	2/1/2017
944565	Senior Assistant Director Medical/Professional Programs	Student Support Services	Summerlin, Deana M.	MODIFIED	9/1/2016
002500	Academic Advisor	Academic Advising & Assessment	Hale, Kayla Leigh B.	NEW	8/16/2016
000279	Assistant Athletic Trainer	Athletics Coaching and Athletics Management	Driscoll, Colleen M.	MODIFIED	12/8/2016
001411	Quality Assurance/Quality Improvement/Risk Management	Research Administration & Compliance	Lees, Anne	MODIFIED	9/12/2016
002510	Coordinator for Youth Programs & Campus	Student Support Services	Powe, Tara	NEW	8/16/2016
950061	Standardized Patient Trainer	Instruction	Cashion, Molly	MODIFIED	1/1/2017
000533	Research Associate	Research and Clinical Professionals	VACANT	ABOLISHED	8/1/2016
921209	Sr. Associate Director of Engagement & Special Programs	Student Support Services	Tingley, Keith L.	MODIFIED	2/1/2017
980601	Assistant Football Coach	Athletics Coaching and Athletics Management	Doll, Kirk D.	MODIFIED	2/1/2017
002661	Director, Strategic Initiatives	Research Administration & Compliance	Morrison, Brandon C.	NEW	7/1/2017
002624	University Lab School Teacher	Instruction	Pretlow, Kenyada L.	NEW	8/1/2017
976006	Instructional Tech Consultant	Instructional Consulting and Technology	Peery, Joshua G.	MODIFIED	6/26/2017
002640	Mentor/Evaluator	Academic Preparation & Enhancement	Smith, Jo Ann W.	NEW	6/1/2017
931823	Academic Affairs East Hub Grant Director	Research Administration & Compliance	Yakubowski, Richard G.	MODIFIED	10/1/2016
000669	Director of Recruiting and Admissions	Academic Preparation & Enhancement	Turner, Margaret F.	MODIFIED	4/1/2017
002589	Learning Skills Specialist	Academic Advising & Assessment	Acheampong, Cassandra D.	NEW	2/1/2017
931122	Director of Career Services	Student Support Services	Brown, Johnnie L.	MODIFIED	12/1/2016
002638	Mentor/Evaluator	Academic Preparation & Enhancement	Petteway, Alicia N.	NEW	6/1/2017
002535	Curriculum Coordinator	Research and Clinical Professionals	Smith, Jedediah S.	NEW	10/1/2016
976328	Grants Manager, College of Nursing	Research Administration & Compliance	Sahadeo, Latoya S.	MODIFIED	8/16/2016
985704	Assistant Director of Football Operations	Athletics Coaching and Athletics Management	Folken, Garrett A.	MODIFIED	6/5/2017
002506	Case Manager	Student Support Services	Hinson, Alexis N.	NEW	8/16/2016
960603	Standardized Patient Trainer	Instruction	Darrow, John A.	MODIFIED	1/1/2017
000605	Assessment Associate	Institutional Research & Assessment Management	Morris, Jeanette W.	MODIFIED	4/5/2017
002650	Research Associate	Research and Clinical Professionals	Burch, Ashley	NEW	6/5/2017
001382	Grants Administrator	Research Administration & Compliance	Miller, Jessica M.	MODIFIED	1/20/2017
985402	Associate Director	Public Service & Extension	Jones, Jody C.	MODIFIED	11/11/2016
001672	Radiology Technologist/Specialist	Instruction	Webster, Madge B.	MODIFIED	1/17/2017
952203	Research Associate	Research and Clinical Professionals	VACANT	ABOLISHED	2/2/2017

002585	QUALITY IMPROVEMENT TRAINING SPECIALIST	Continuing Education	Hager, Lisa M.	NEW	1/19/2017
929677	Associate Director of Global Affairs	Academic Standards	Leibowitz, Jami L.	MODIFIED	6/1/2017
949090	Grants Manager	Research Administration & Compliance	Jamieson, Scott A.	MODIFIED	1/1/2017
931823	Academic Affairs East Hub Grant Director	Research Administration & Compliance	Yakubowski, Richard G.	MODIFIED	10/1/2016
000404	Post-Award Grant Administrator	Research Administration & Compliance	Best, Vickie S.	MODIFIED	9/12/2016
929714	Director of Programming and Special Projects	Student Support Services	Majewski, Diane J.	MODIFIED	4/1/2017
002644	Inter-Rater Reliability Project Assistant	Academic Preparation & Enhancement	Camp, Lisa L.	NEW	6/1/2017
002554	EVALUATION AND CURRICULUM COORDINATOR	Research and Clinical Professionals	Davis, Marquietta	NEW	11/1/2016
002557	Victim Advocate	Counselors	Egan, Brittany D.	NEW	11/15/2016
001234	Executive Director	Academic Preparation & Enhancement	Kus, Karen M.	MODIFIED	7/1/2017
002639	Mentor/Evaluator	Academic Preparation & Enhancement	Bouren, Charity A.	NEW	6/1/2017
976067	Director of Strategic Marketing for Health Sciences	Public Service & Extension	VACANT	MODIFIED	8/16/2016
921303	Director of Greek Life	Student Support Services	Mountz, John R.	MODIFIED	2/1/2017
933656	College Grants Administrator	Research Administration & Compliance	Betcher, Gina	MODIFIED	11/1/2016
002636	Mentor/Evaluator	Academic Preparation & Enhancement	Speight, Teresa M.	NEW	6/1/2017
002621	Coordinator of Aquatics, Boathouse & Safety Services	Student Support Services	Blumenthal, Jeffrey	NEW	4/1/2017
002637	Mentor/Evaluator	Academic Preparation & Enhancement	Whited, Jennifer L.	NEW	6/1/2017
929754	Director, Academic Affairs Personnel Administration	Public Service & Extension	Lillington, Sherry A.	MODIFIED	7/1/2016
002642	Quality Assurance Regional Lead	Academic Preparation & Enhancement	Stafford, Carla M.	NEW	6/1/2017
955002	Student Services Coordinator	Academic Preparation & Enhancement	VACANT	MODIFIED	5/30/2017
929990	Internship Coordinator	Student Support Services	McCoy, Angela A.	MODIFIED	2/1/2017
002643	Regional Lead	Academic Preparation & Enhancement	Petty, Helen T.	NEW	6/1/2017

**MEMORANDUM**

**TO:** Dr. Rick Niswander  
Vice Chancellor for Administration and Finance

**FROM:** Ms. Kitty H. Wetherington *Kitty Wetherington*  
Interim Associate Vice Chancellor for Human Resources and  
Chief Human Resources Officer

**DATE:** February 2, 2018

**RE:** Proposed Revisions to East Carolina University's *Employment Policy for Employees Exempt from the State Human Resources Act (EHRA)*

**Department of  
Human Resources**

210 East First Street  
Mail Stop 205  
East Carolina University  
Greenville, NC 27858-5343

252-328-9847 main  
252-328-9918 fax

Administration  
328-9884  
328-9918 fax

Benefits  
328-9887  
328-9918 fax

Classification and  
Compensation  
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Employee Relations  
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Employment  
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HR Information Systems  
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Learning and Organizational  
Development  
328-9848  
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*East Carolina University is a  
constituent institution of the  
University of North Carolina.  
An equal opportunity  
university.*

The attached proposed revisions to the *Employment Policy for Employees Exempt from the State Human Resources Act (EHRA)* have been vetted pursuant to the University's process, including review by the Chancellor, in consultation with his Executive Committee. We are now seeking approval from the Board of Trustees of these proposed revisions.

The primary purpose of the revisions relate to the need to update the Policy regarding the process surrounding a discharge for cause in order to be more explicit related to the end date of an EHRA Non-Faculty employee's pay, pending an appeal. The current form of ECU's Policy does not allow for the removal from payroll as early as may be allowed under UNC Policy for EHRA Non-Faculty employees. The revision makes it clear that, from the date of the decision to discharge, the employee no longer continues on payroll during the appeal process. Further, the Policy authorizes the Chancellor to issue, and to be responsible for approving and implementing, regulations or standard operating procedures necessary to carry out the requirements of the Policy in conformance with the policies of The University of North Carolina. Additional updates were made for consistent use of citations to other policies, revision from "State Personnel Act" to "State Human Resources Act", as well as various editorial revisions.

In addition, the Policy entitled *Review Process and Procedure for EHRA Non-Faculty Employees* is being proposed for reclassification by the Board of Trustees as a Regulation with authority delegated to the Chancellor to revise or abolish it as he deems appropriate, on a continuing basis.

Attachment

**EMPLOYMENT POLICY FOR EMPLOYEES  
EXEMPT FROM THE STATE HUMAN RESOURCES ACT  
EAST CAROLINA UNIVERSITY**

**I. Scope and Applicability of Employment Covered by These Employment Policies (“Policies” or the “Employment Policies”)**

A. Scope of Category

Employment positions within East Carolina University that are covered by these Policies (hereinafter “covered positions”) are those positions that are not subject to most provisions of the State Human Resources Act (General Statutes Chapter 126). These Policies are adopted by the East Carolina University (hereinafter referred to as “ECU”) Board of Trustees pursuant to policies entitled “Senior Academic and Administrative Officers” (The UNC Policy Manual 300.1.1) and “Employees Exempt from the State Personnel Act” (The UNC Policy Manual 300.2.1) adopted by the University of North Carolina (hereafter referred to as “UNC”) Board of Governors. If there is any discrepancy between provisions of these Policies and UNC policies, as originally adopted or periodically revised, UNC policies supersede.

1. The following positions are covered by these Policies except as otherwise stated \_\_\_\_\_ herein:

- a. Senior Academic and Administrative Officers (“SAAO”) (as defined in Section I.B. and governed by Section III of The UNC Policy Manual 300.1.1, “Senior Academic and Administrative Officers”) in the following positions: associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the University that have been approved by the Board of Governors or President as Tier II positions.
- b. Positions within the “instructional and research staff” category under G.S. 126-5 and subject to UNC Policy 300.2.1, “Employees Exempt from the Human Resources Act” that have been designated and approved by either UNC General Administration or East Carolina University (“Instructional, Research & Public Service” or “IRPS”).
- c. Student Health Services Staff Physicians without faculty appointments.

2. The following positions are otherwise categorized and are not covered by this policy:

- a. All faculty positions subject to the ECU Faculty Manual
- b. Tier I Positions within Senior Academic and Administrative Officers (as defined in Section I.A. of the The UNC Policy Manual 300.1.1, “Senior Academic and Administrative Officers”) category of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14

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- c. ~~Positions within the "physicians or dentists" category under G.S. §126-5 with faculty appointments~~
- d. University students who are employed incident to their status as students, as in graduate teaching assistantships or work-study positions.

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B. Applicability of Policies

Except as otherwise stated, these policies apply to all permanent covered positions.

C. Administration

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

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II. **Appointments to Covered Positions**

- A. Every appointment to a covered position within East Carolina University shall be made by the Chancellor or the Chancellor's designee, by means of a letter of appointment that fulfills the requirements of this section.

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B. Letters of appointment

Every letter of appointment to a covered position shall include the following:

1. The title of the position;
2. The initial salary;
3. Provision for periodic review of compensation (subject to any compensation policies adopted by the Board of Governors or the Board of Trustees);
4. Provisions consistent with Sections II.C. and II.D.2., below, if contingencies based on availability of funding are applicable;
5. The annual leave entitlement of the employee;
6. a. SAAO Tier II Positions. Notice that the employment conferred is "employment at will" and subject to continuation or discontinuation at the discretion of the Chancellor (contract or letter of appointment of the Director of Athletics may be for a term of years and are governed by The UNC Policy Manual 1100.3);
- b. JRPS Positions. Notice that the employment conferred is either for a stated definite term or "employment at will" subject to continuation or discontinuation at the discretion of the Chancellor;

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c. Student Health Services Staff Physicians without faculty appointments. Notice that the employment conferred is either for a stated definite term or “employment at will” subject to continuation or discontinuation at the discretion of the Chancellor

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7. Notice that the employment is subject to these Policies, as originally adopted and as they may be periodically revised;

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8. A copy of these Policies shall be attached to all letters of appointment.

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9. The anti-fraudulent statement as adopted by the UNC Board of Governors and as stated in The UNC Policy Manual 300.2.3[R], “Regulations Governing Fraudulent Job Applications” (The anti-fraud statement is included on the Candidate Profile for all EHRA applicants rather than in the appointment letter.);

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10. Notice that the appointment is contingent on the successful completion of a criminal background check.

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11. SAAO Tier II (as defined in Section I.B. and governed by Section III of the The UNC Policy Manual 300.1.1, “Senior Academic and Administrative Officers”) only: notice that employment is subject to “East Carolina University Policy on Administrative Separation and/or Retreat to a Faculty Position”; a copy of this policy shall be attached to the letter of appointment.

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12. Notice of the University’s Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay;

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C. Source of Funding

When a covered position is funded in whole or substantial part from sources other than continuing state budget funds or permanent trust accounts, the letter of appointment shall state that continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the additional notice otherwise required by Sections IV.A, IV.B, and IV.C; provided, that the affected employee shall be informed at the earliest possible practicable date of the occurrence of such a funding contingency.

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D. Multiple Appointment Relationships

1. When an employee is to serve simultaneously in both a covered position and a position of University employment not covered by this policy, with the result that two different prescriptions may appear to obtain with respect to a particular condition of employment or a right or responsibility of the employee, one position shall be designated in writing as the base

position to determine the conditions of employment and the rights and responsibilities of the employee. If appointment to a covered position occurs subsequent to an appointment to a position not covered by this policy, the letter of appointment to the covered position shall embody the required designation of base employment; conversely, if appointment to a covered position precedes appointment to the other category of University employment, the letter of appointment or contract establishing the second employment shall embody the required designation of base employment. In either case, the designation of base employment shall specifically describe the different rights, duties, and compensation for each position and the relationship, if any, between the two positions.

2. Any funding contingency of the type referred to in Section II.C shall be set forth separately for the covered position and for the other position, since the operation of any such contingencies may be independent.
3. When an appointment to a covered position also includes a faculty appointment that is intended to be nominal or honorary, or to create a faculty affiliation not entailing significant duties or compensation, the term "adjunct", or similar nomenclature, shall be used to identify the faculty appointment. Such nominal or honorary (courtesy) faculty appointments do not confer any right or privileges for promotion and/or tenure.

**III. Evaluation of Performance**

Any employee in a position covered by these [Policies](#) shall receive an annual written review using an evaluation instrument approved by the appropriate vice chancellor, athletics director or equivalent officer, and which comports with the requirements of The UNC Policy Manual 300.2.18[R]. The written evaluation will be discussed with the employee before being placed in the personnel file. The employee should sign the evaluation instrument to indicate that the evaluation has been provided and discussed. An employee's signature does not imply agreement with the evaluation.

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**IV. Discontinuations of Employment in Covered Positions**

A. Discontinuation of [Appointment with Notice](#) or [Severance Pay](#)

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

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1. During the first year of service, not less than 30 days prior to discontinuation of employment or the payment of severance pay for 30 days;

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

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The Chancellor or designee may provide the employee with a combination of notice and severance pay that totals the required number of days. The determination of whether the employee shall receive notice of discontinuation of the appointment or severance pay or a combination of the two, shall be in the sole discretion of the Chancellor or the Chancellor's designee. No provision of these Policies shall be interpreted to extend an employee's right to pay beyond the expiration of the term of notice or the term of severance pay while an appeal is pending under these Policies. Additionally, nothing in this section precludes off-campus work assignments during the notice period when determined to be in the best interests of the University and adequate oversight of the work performed is provided. Any such arrangement is exclusively at the discretion of the University and must be approved by the Chancellor or designee.

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**B. Expiration of Term Appointment**

- 1. Senior Academic and Administrative Officers. Employment within an SAAO position covered by these Policies that is established by a letter of appointment dated prior to December 1, 2004, to be for a stated definite term, expires automatically at the conclusion of the stated term; however, such an appointment may be renewed at the option of the employer on an employment at will basis, by a new letter of appointment satisfying the requirements of Section II., above.
- 2. JRPS. Employment within a covered position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be renewed at the option of the employer, by a new letter of appointment satisfying the requirements of Section II., above.

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If the employer intends not to renew the employment, the following pertains:

- a. To an employee with a term of one year or less, no notice of intent not to renew shall be required;
- b. To an employee with a term of more than one year but less than four years, notice of intent not to renew shall be transmitted in writing at least 60 calendar days prior to the expiration date of the term; or



c. To an employee with a term of four years or more, notice of intent not to renew shall be transmitted in writing at least 90 days prior to the expiration date of the term.

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Failure to provide written notice as required in subsections b. and c. shall result in the automatic extension of employment for a period, respectively, of either 60 days or 90 calendar days, beyond the scheduled expiration date of the term.

C. Termination of Employment Due to Financial Exigency, Program Curtailment, or Program Elimination

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Employment within a covered position that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of:

- 1. Demonstrable, bona fide, institutional financial exigency; or
- 2. Major curtailment or elimination of program.

"Financial exigency" is defined to mean a significant decline in financial resources of the University that compels a reduction in the University's budget. The determination of whether a condition of financial exigency exists or whether there will be a major curtailment or an elimination of a program shall be made by the Chancellor, with advance notice to and approval by the President and the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the contractual obligation to an employee within a covered position cannot be met, the employment of the individual may be terminated, subject to the following notice requirements in calendar days:

- a. During the first year of service, not less than 30 calendar days' notice prior to termination;
- b. During the second and third years of employment, not less than 60 calendar days' notice prior to termination;
- c. During the fourth and all subsequent years of service, not less than 90 calendar days' notice prior to termination.

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D. Discharge for Cause

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Any employee occupying a covered position may be discharged for stated cause. Discharge for cause is to be distinguished from Discontinuation of Appointment with Notice or Severance Pay (Section IV.A.), Expiration of Term Appointment (Section IV.B.), or Termination of Employment Due to Financial Exigency, Program

~~Curtailement, or Program Elimination, (Section IV.C.).~~ Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the review procedures of Section V of ~~these Policies~~. When an employee occupying a covered position has been notified of the intention to discharge him or her for cause, the Chancellor ~~or Chancellor's designee~~ may suspend the employment at any time and continue the suspension until the Chancellor ~~or designee~~ makes a decision concerning discharge; such suspension during this time period shall be with full pay. ~~As of the effective date of the discharge, any suspension with pay, if previously invoked, shall cease and the covered employee's appointment with the University shall end without regard to whether the employee chooses to pursue further appeals. No provision of these Policies shall be interpreted to extend an employee's right to pay beyond the date of a decision concerning discharge, without regard to whether an appeal is pending under these Policies. Upon discharge for cause, the employee shall have available rights of appeal as required under Section 611 of The UNC Code and as provided by Sections V., VI. and VII. of these Employment Policies.~~

**Deleted:** Termination of Employment Due to Financial Exigency or Program Curtailment, or Program Elimination

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**Deleted:** If the final Chancellor decision is to discharge the employee, then the employee may be discharged without further pay without regard as to whether or not there is an appeal to the Board of Trustees or the Board of Governors in accordance with Section 611 of *The Code of the University of North Carolina* [hereafter referred to as "The Code"]. No provision of this Policy shall be interpreted to extend an employee's right to pay beyond the expiration of the employee's term of appointment while an appeal is pending under this Policy. ¶

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**Deleted:** D. Expiration of Term Appointment ¶  
**1. Senior Academic and Administrative Officers.** Employment within an SAAO position covered by this policy that is established by the letter of appointment dated prior to December 1, 2004, to be for a stated definite term expires automatically at the conclusion of the stated term; however such an appointment may be renewed at the option of the employer on an employment at will basis, by a new letter of appointment satisfying the requirements of Section II., above. ¶

**2. Instructional or Research Staff or Staff Physicians.** Employment within a covered position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be renewed at the option of the employer, by a new letter of appointment satisfying the requirements of Section II., above. ¶  
 If the employer intends not to renew the employment, the following pertains: ¶ ... [1]

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**Deleted:** Reviews for employees in covered positions shall be conducted in accordance with the ECU Review Process and Procedures for EHRA Non-faculty ... [2]

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**V. Reviews**

~~The University is committed to fair and equitable treatment for all employees. Therefore, the University shall establish separate EHRA Non-Faculty Regulations for employees covered under these Employment Policies in conformance with the policies of The University of North Carolina. The Chancellor has the authority to issue and shall be responsible for approving and implementing regulations or standard operating practices necessary to carry out the requirements of these Employment Policies. However, requests for review concerning Discontinuations of Appointment with Notice or Severance Pay (Section IV.A.); or Expiration of Term Appointment (Section IV.B.); or Termination of Employment Due to Financial Exigency, Program Curtailment, or Program Elimination (Section IV.C.), of these Employment Policies may be brought only upon allegations of violations of applicable notice requirements or violations of any provision of Section VI or VII of these Employment Policies.~~

**VI. Equal Employment Opportunity**

It is the policy and intention of East Carolina University that there be equal employment opportunity and freedom from unlawful discrimination in all employment within East Carolina University as set in Section 103 of *The UNC Code and the University's Notice of Nondiscrimination and Affirmative Action Policy*. Employment in covered positions shall be conducted in accordance with all provisions of state or federal law or regulations prohibiting any such discrimination, and in accordance with applicable affirmative action plans.

**VII. Protected Activity**

Employment in covered positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in covered positions shall be subject to any limitations on political activity established by Article 5 of N.C. Gen. Stat., Chapter 126. The Board of Governors' policies concerning political activity, The UNC Policy Manual 300.5.1., *et seq.*, as they may be revised from time to time, shall apply to positions covered by those policies.

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**VIII. Holiday and Leave Entitlement**

A. Holidays

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

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B. Annual Leave (Effective July 1, 2001)

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1. Basic Leave Policy

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

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The maximum number of unused days of annual leave that may be accrued and carried forward from one year (calendar year = January - December) to the next shall be 30 workdays. Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the calendar year.

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2. Transfer of Accrued Annual Leave

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

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

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3. Advancement of Annual Leave

Subject to the approval by the employee's supervisor, an employee may be advanced the amount of leave that can be accrued during the remainder of the calendar year. If an employee separates from the University and has taken more annual leave than has been accrued, the University will determine the amount of leave that the employee must repay to the University and make deductions from the employee's final salary check accordingly.

4. Payout of Accrued Annual Leave

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

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

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

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D. Leave of Absence Without Pay

Employees in positions covered by these Policies may request leave of absence, without pay, subject to approval of such leave by the Chancellor or his or her designee.

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E. Educational Entitlement

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Employees in positions covered by these Policies may be offered the same educational entitlements as may be prescribed for other University employees subject to the State Human Resources Act, including tuition waivers and the Academic Assistance Program. Employees in covered positions are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by The UNC Policy Manual 1000.2.2.

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F. Voluntary Shared Leave

Employees in positions covered by these Policies with appointments of three-quarter (.75 FTE) or more shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the State Human Resources Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

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IX. Statutory and other Rules of Employment

A. Privacy of personnel records

Employees in covered positions enjoy the protections of and are subject to the provisions of Article 7 of § 126, entitled "The Privacy of State Employee Personnel Records."

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B. Employment preference for veterans

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

C. Employment of related persons

Employees in covered positions are subject to the UNC policy concerning employment of related persons, The UNC Policy Manual 300.4.2, and ECU's "Employment of Related Persons (Anti-Nepotism) Policy", as each, may be revised from time to time.

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D. Retirement

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

X. Effective Date

These Policies will become effective upon approval by the Chancellor and the ECU Board of Trustees. These Policies may be revised from time to time, with subsequent changes to selected portions of the policies effective on the dates indicated herein.

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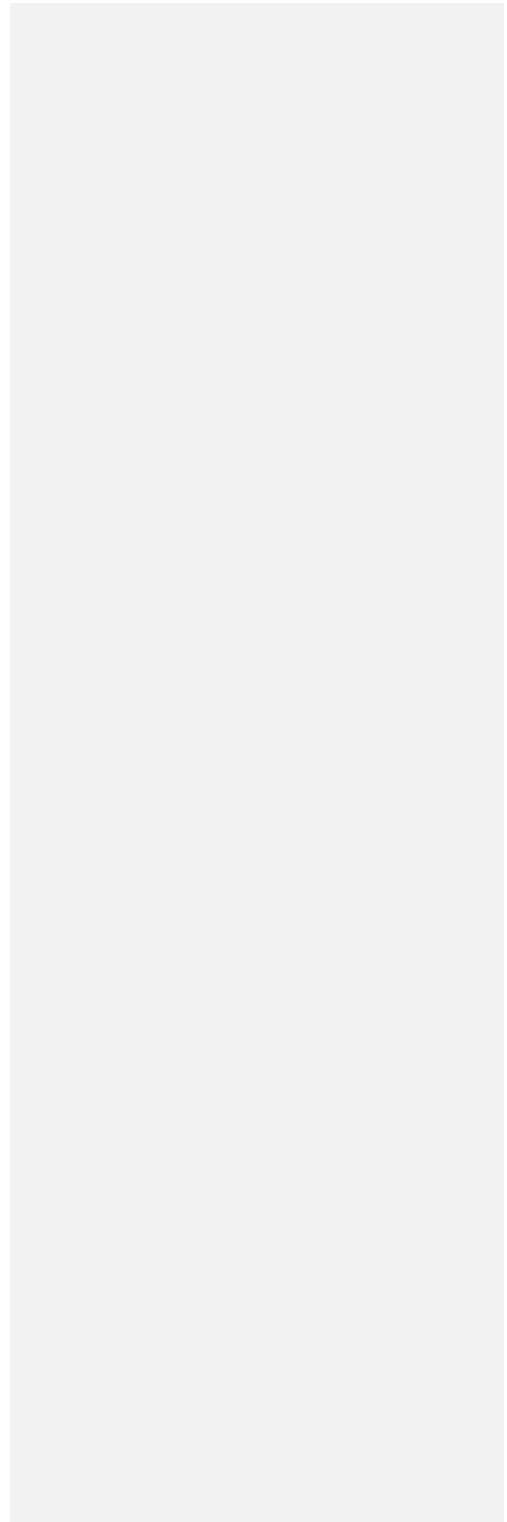
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Approvals:

Chancellor:

October 12, 2005

Board of Trustees: December 16, 2005  
Amended: January 1, 2009  
Editorial Amendment: June 26, 2009



**EMPLOYMENT POLICY FOR EMPLOYEES  
EXEMPT FROM THE STATE HUMAN RESOURCES ACT  
EAST CAROLINA UNIVERSITY**

**I. Scope and Applicability of Employment Covered by These Employment Policies (“Policies” or the “Employment Policies”)**

A. Scope of Category

Employment positions within East Carolina University that are covered by these Policies (hereinafter "covered positions") are those positions that are not subject to most provisions of the State Human Resources Act (General Statutes Chapter 126). These Policies are adopted by the East Carolina University (hereinafter referred to as “ECU”) Board of Trustees pursuant to policies entitled “Senior Academic and Administrative Officers” (The UNC Policy Manual [300.1.1](#)) and “Employees Exempt from the State Human Resources Act” (The UNC Policy Manual [300.2.1](#)) adopted by the University of North Carolina (hereinafter referred to as “UNC”) Board of Governors. If there is any discrepancy between provisions of these Policies and UNC policies, as originally adopted or periodically revised, UNC policies supersede.

1. The following positions are covered by these Policies except as otherwise stated herein:

- a. Senior Academic and Administrative Officers (“SAAO”) (as defined in Section I.B. and governed by Section III of The UNC Policy Manual [300.1.1](#), “Senior Academic and Administrative Officers”) in the following positions: associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the University that have been approved by the Board of Governors or President as Tier II positions.
- b. Positions within the “instructional and research staff” category under G.S. 126-5 and subject to UNC Policy 300.2.1, “Employees Exempt from the Human Resources Act” that have been designated and approved by either UNC General Administration or East Carolina University (“Instructional, Research & Public Service” or “IRPS”).
- c. Student Health Services Staff Physicians without faculty appointments.

2. The following positions are otherwise categorized and are not covered by this policy:

- a. All faculty positions subject to the ECU Faculty Manual
- b. Tier I Positions within Senior Academic and Administrative Officers (as defined in Section I.A. of the The UNC Policy Manual 300.1.1, “Senior Academic and Administrative Officers”) category of employment subject to G.S. 116-11(4), G.S. 116-11(5), or G.S. 116-14

- c. Positions within the "physicians or dentists" category under G.S. §126-5 with faculty appointments
- d. University students who are employed incident to their status as students, as in graduate teaching assistantships or work-study positions.

B. Applicability of Policies

Except as otherwise stated, these policies apply to all permanent covered positions.

C. Administration

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

**II. Appointments to Covered Positions**

- A. Every appointment to a covered position within East Carolina University shall be made by the Chancellor or the Chancellor's designee, by means of a letter of appointment that fulfills the requirements of this section.

B. Letters of appointment

Every letter of appointment to a covered position shall include the following:

1. The title of the position;
2. The initial salary;
3. Provision for periodic review of compensation (subject to any compensation policies adopted by the Board of Governors or the Board of Trustees);
4. Provisions consistent with Sections II.C. and II.D.2., below, if contingencies based on availability of funding are applicable;
5. The annual leave entitlement of the employee;
6. a. SAAO Tier II Positions. Notice that the employment conferred is "employment at will" and subject to continuation or discontinuation at the discretion of the Chancellor (contract or letter of appointment of the Director of Athletics may be for a term of years and are governed by The UNC Policy Manual 1100.3);
- b. IRPS Positions. Notice that the employment conferred is either for a stated definite term or "employment at will" subject to continuation or discontinuation at the discretion of the Chancellor;



- c. Student Health Services Staff Physicians without faculty appointments. Notice that the employment conferred is either for a stated definite term or “employment at will” subject to continuation or discontinuation at the discretion of the Chancellor
- 7. Notice that the employment is subject to these Policies, as originally adopted and as they may be periodically revised;
- 8. A copy of these Policies shall be attached to all letters of appointment.
- 9. The anti-fraudulent statement as adopted by the UNC Board of Governors and as stated in The UNC Policy Manual [300.2.3\[R\]](#), “Regulations Governing Fraudulent Job Applications”(The anti-fraud statement is included on the Candidate Profile for all EHRA applicants rather than in the appointment letter.);
- 10. Notice that the appointment is contingent on the successful completion of a criminal background check;
- 11. SAAO Tier II (as defined in Section I.B. and governed by Section III of the The UNC Policy Manual [300.1.1](#), “Senior Academic and Administrative Officers”) only: notice that employment is subject to “East Carolina University Policy on Administrative Separation and/or Retreat to a Faculty Position”; a copy of this policy shall be attached to the letter of appointment;
- 12. Notice of the University’s Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay;

#### C. Source of Funding

When a covered position is funded in whole or substantial part from sources other than continuing state budget funds or permanent trust accounts, the letter of appointment shall state that continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position, shall specify the source of such funds, and shall state that the effect of such contingency may apply without the additional notice otherwise required by Sections IV.A, IV.B, and IV.C; provided, that the affected employee shall be informed at the earliest possible practicable date of the occurrence of such a funding contingency.

#### D. Multiple Appointment Relationships

- 1. When an employee is to serve simultaneously in both a covered position and a position of University employment not covered by this policy, with the result that two different prescriptions may appear to obtain with respect to a particular condition of employment or a right or responsibility of the employee, one position shall be designated in writing as the base

position to determine the conditions of employment and the rights and responsibilities of the employee. If appointment to a covered position occurs subsequent to an appointment to a position not covered by this policy, the letter of appointment to the covered position shall embody the required designation of base employment; conversely, if appointment to a covered position precedes appointment to the other category of University employment, the letter of appointment or contract establishing the second employment shall embody the required designation of base employment. In either case, the designation of base employment shall specifically describe the different rights, duties, and compensation for each position and the relationship, if any, between the two positions.

2. Any funding contingency of the type referred to in Section II.C shall be set forth separately for the covered position and for the other position, since the operation of any such contingencies may be independent.
3. When an appointment to a covered position also includes a faculty appointment that is intended to be nominal or honorary, or to create a faculty affiliation not entailing significant duties or compensation, the term "adjunct", or similar nomenclature, shall be used to identify the faculty appointment. Such nominal or honorary (courtesy) faculty appointments do not confer any right or privileges for promotion and/or tenure.

### **III. Evaluation of Performance**

Any employee in a position covered by these Policies shall receive an annual written review using an evaluation instrument approved by the appropriate vice chancellor, athletics director or equivalent officer, and which comports with the requirements of The UNC Policy Manual 300.2.18[R]. The written evaluation will be discussed with the employee before being placed in the personnel file. The employee should sign the evaluation instrument to indicate that the evaluation has been provided and discussed. An employee's signature does not imply agreement with the evaluation.

### **IV. Discontinuations of Employment in Covered Positions**

#### **A. Discontinuation of Appointment with Notice or Severance Pay**

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

1. During the first year of service, not less than 30 days prior to discontinuation of employment or the payment of severance pay for 30 days;

2. During the second and third years of service, not less than 60 days' notice prior to discontinuation of employment or the payment of severance pay for 60 days; and
3. During the fourth and all subsequent years of continuous service, not less than 90 days' notice prior to discontinuation of employment or the payment of severance pay for 90 days.

The Chancellor or designee may provide the employee with a combination of notice and severance pay that totals the required number of days. The determination of whether the employee shall receive notice of discontinuation of the appointment or severance pay or a combination of the two, shall be in the sole discretion of the Chancellor or the Chancellor's designee. No provision of these Policies shall be interpreted to extend an employee's right to pay beyond the expiration of the term of notice or the term of severance pay while an appeal is pending under these Policies. Additionally, nothing in this section precludes off-campus work assignments during the notice period when determined to be in the best interests of the University and adequate oversight of the work performed is provided. Any such arrangement is exclusively at the discretion of the University and must be approved by the Chancellor or designee.

**B. Expiration of Term Appointment**

1. **Senior Academic and Administrative Officers.** Employment within an SAAO position covered by these Policies that is established by a letter of appointment dated prior to December 1, 2004, to be for a stated definite term, expires automatically at the conclusion of the stated term; however, such an appointment may be renewed at the option of the employer on an employment at will basis, by a new letter of appointment satisfying the requirements of Section II., above.
2. **IRPS.** Employment within a covered position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term; such an appointment may be renewed at the option of the employer, by a new letter of appointment satisfying the requirements of Section II., above.

If the employer intends not to renew the employment, the following pertains:

- a. To an employee with a term of one year or less, no notice of intent not to renew shall be required;
- b. To an employee with a term of more than one year but less than four years, notice of intent not to renew shall be transmitted in writing at least 60 calendar days prior to the expiration date of the term; or

- c. To an employee with a term of four years or more, notice of intent not to renew shall be transmitted in writing at least 90 days prior to the expiration date of the term.

Failure to provide written notice as required in subsections b. and c. shall result in the automatic extension of employment for a period, respectively, of either 60 days or 90 calendar days, beyond the scheduled expiration date of the term.

C. Termination of Employment Due to Financial Exigency, Program Curtailment, or Program Elimination

Employment within a covered position that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of:

1. Demonstrable, bona fide, institutional financial exigency; or
2. Major curtailment or elimination of program.

"Financial exigency" is defined to mean a significant decline in financial resources of the University that compels a reduction in the University's budget. The determination of whether a condition of financial exigency exists or whether there will be a major curtailment or an elimination of a program shall be made by the Chancellor, with advance notice to and approval by the President and the Board of Governors. If the financial exigency or curtailment or elimination of a program is such that the contractual obligation to an employee within a covered position cannot be met, the employment of the individual may be terminated, subject to the following notice requirements in calendar days:

- a. During the first year of service, not less than 30 calendar days' notice prior to termination;
- b. During the second and third years of employment, not less than 60 calendar days' notice prior to termination;
- c. During the fourth and all subsequent years of service, not less than 90 calendar days' notice prior to termination.

D. Discharge for Cause

Any employee occupying a covered position may be discharged for stated cause. Discharge for cause is to be distinguished from Discontinuation of Appointment with Notice or Severance Pay (Section IV.A.), Expiration of Term Appointment (Section IV.B.), or Termination of Employment Due to Financial Exigency, Program

Curtailement, or Program Elimination (Section IV.C.). Stated causes for discharge shall include, but not necessarily be limited to, incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to perform effectively the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the review procedures of Section V of these Policies. When an employee occupying a covered position has been notified of the intention to discharge him or her for cause, the Chancellor or Chancellor's designee may suspend the employment at any time and continue the suspension until the Chancellor or designee makes a decision concerning discharge; such suspension during this time period shall be with full pay. As of the effective date of the discharge, any suspension with pay, if previously invoked, shall cease and the covered employee's appointment with the University shall end without regard to whether the employee chooses to pursue further appeals. No provision of these Policies shall be interpreted to extend an employee's right to pay beyond the date of a decision concerning discharge, without regard to whether an appeal is pending under these Policies. Upon discharge for cause, the employee shall have available rights of appeal as required under Section 611 of *The UNC Code* and as provided by Sections V., VI. and VII. of these Employment Policies.

## **V. Reviews**

The University is committed to fair and equitable treatment for all employees. Therefore, the University shall establish separate EHRA Non-Faculty Regulations for employees covered under these Employment Policies in conformance with the policies of The University of North Carolina. The Chancellor has the authority to issue and shall be responsible for approving and implementing regulations or standard operating practices necessary to carry out the requirements of these Employment Policies. However, requests for review concerning Discontinuations of Appointment with Notice or Severance Pay (Section IV.A.); or Expiration of Term Appointment (Section IV.B.); or Termination of Employment Due to Financial Exigency, Program Curtailment, or Program Elimination (Section IV.C.), of these Employment Policies may be brought only upon allegations of violations of applicable notice requirements or violations of any provision of Section VI or VII of these Employment Policies.

## **VI. Equal Employment Opportunity**

It is the policy and intention of East Carolina University that there be equal employment opportunity and freedom from unlawful discrimination in all employment within East Carolina University as set in Section 103 of *The UNC Code* and the University's *Notice of Nondiscrimination and Affirmative Action Policy*. Employment in covered positions shall be conducted in accordance with all provisions of state or federal law or regulations prohibiting any such discrimination, and in accordance with applicable affirmative action plans.

## VII. Protected Activity

Employment in covered positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment to the United States Constitution or by Article I of the North Carolina Constitution; provided, that employees in covered positions shall be subject to any limitations on political activity established by Article 5 of N.C. Gen. Stat., Chapter 126. The Board of Governors' policies concerning political activity, The UNC Policy Manual 300.5.1., *et seq.*, as they may be revised from time to time, shall apply to positions covered by those policies.

## VIII. Holiday and Leave Entitlement

### A. Holidays

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

### B. Annual Leave (Effective July 1, 2001)

#### 1. Basic Leave Policy

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

The maximum number of unused days of annual leave that may be accrued and carried forward from one year (calendar year = January - December) to the next shall be 30 workdays. Annual leave in excess of 30 days will be automatically converted to sick leave at the end of the calendar year.

#### 2. Transfer of Accrued Annual Leave

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

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

### 3. Advancement of Annual Leave

Subject to the approval by the employee's supervisor, an employee may be advanced the amount of leave that can be accrued during the remainder of the calendar year. If an employee separates from the University and has taken more annual leave than has been accrued, the University will determine the amount of leave that the employee must repay to the University and make deductions from the employee's final salary check accordingly.

### 4. Payout of Accrued Annual Leave

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

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

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

### D. Leave of Absence Without Pay

Employees in positions covered by these Policies may request leave of absence, without pay, subject to approval of such leave by the Chancellor or his or her designee.

### E. Educational Entitlement

Employees in positions covered by these Policies may be offered the same educational entitlements as may be prescribed for other University employees subject to the State Human Resources Act, including tuition waivers and the Academic Assistance Program. Employees in covered positions are entitled to the same opportunities as other University employees to invoke the privilege of tuition waiver conferred by The UNC Policy Manual 1000.2.2.

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Employees in positions covered by these Policies with appointments of three-quarter (.75 FTE) or more shall be subject to the same provisions concerning shared leave as are applicable to employees subject to the State Human Resources Act with the exception that the donation and acceptance of such leave shall be computed on the basis of days rather than hours.

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Employees in covered positions are subject to the UNC policy concerning employment of related persons, The UNC Policy Manual 300.4.2, and ECU's "Employment of Related Persons (Anti-Nepotism) Policy", as each may be revised from time to time.

D. Retirement

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

**X. Effective Date**

These Policies will be become effective upon approval by the Chancellor and the ECU Board of Trustees. These Policies may be revised from time to time, with subsequent changes to selected portions of the policies effective on the dates indicated herein.

*Approvals:*

Chancellor:

October 12, 2005



Board of Trustees:	December 16, 2005
Amended:	January 1, 2009
Editorial Amendment:	June 26, 2009

**FOR INFORMATION ONLY AS THIS REVIEW PROCESS AND PROCEDURE FOR EHRA NON-FACULTY EMPLOYEES IS BEING PROPOSED FOR RECLASSIFICATION BY THE BOARD OF TRUSTEES AS A REGULATION WITH AUTHORITY DELEGATED TO THE CHANCELLOR TO REVISE OR ABOLISH IT AS HE DEEMS APPROPRIATE, ON A CONTINUING BASIS.**

<b>Policy</b>	POL06.35.01
<b>Title</b>	Review Process and Procedure for EHRA Non-Faculty Employees
<b>Category</b>	Human Resources
<b>Sub-category</b>	Dispute Resolution, Grievances, and Appeals
<b>Authority</b>	Board of Trustees
<b>History</b>	Chancellor: October 12, 2005; Board of Trustees: December 16, 2005; Amended: January 1, 2009; Revised December 2, 2013; Board of Trustees approved January 13, 2014; Revised July 2014, Board of Trustees approved September 19, 2014; Revised July 29, 2016.
<b>Contact</b>	Assistant Vice Chancellor for Human Resources, (252) 328-9882
<b>Related Policies</b>	Section 611 of the Code of the University of North Carolina, "Review of Personnel Actions Affecting Specified Employees Exempt from the State Personnel Act (EPA)" UNC Policy Manual 300.1.1, Senior Academic and Administrative Officers UNC Policy Manual 300.2.1, Employees Exempt from the State Personnel Act
<b>Additional References</b>	ECU Policy for Employees Exempt from the State Human Resources Act ECU Human Resources Benefits Human Resources

Review Process and Procedure for EHRA Non-Faculty Employees<sup>(1)</sup>

#### Introduction

East Carolina University is committed to fair and equitable treatment for all employees. The University administration is charged by law and University policy with managing and directing its human resources, including but not limited to workforce size, recruitment, training, work assignments, hours of employment, promotion, demotion, transfer, or dismissal. Where there are concerns or problems related to employment, employees, their co-workers and their supervisors are

strongly encouraged to find informal means of resolving them. Employees may pursue formal requests in accordance with the Review Procedure outlined in section 4 below.

## 1. General Considerations

1.1. The University has established this Review Process and Procedure for those actions stated in Section 3 below.

1.2. EHRA Non-Faculty Employees (hereinafter "Employees") have the right to use this Review Process & Procedure ("Review Process & Procedure") free from threats or acts of retaliation, interference, coercion, restraint, discrimination, or reprisal. Employees and students may not be retaliated against for participating in a review as an employee, a witness, an employee assistant, or as a Review Committee member. Any person who retaliates against another person for exercising rights in good faith under this Review Process & Procedure will be subject to appropriate and prompt administrative action by the University.

## 2. The EHRA Non-Faculty Employee Review Committee (the "Committee")

### 2.1. Roles and Responsibilities of the Committee

The Committee hears requests for reviews brought by Employees covered by the Review Process & Procedure.

### 2.2. Composition of the Committee

The Chancellor<sup>(2)</sup> shall appoint five (5) EHRA Non-Faculty employees to serve as regular committee members representing EHRA non-faculty employees across the divisions of the University. Additionally, the Chancellor shall appoint three (3) EHRA Non-Faculty employees to serve as alternate Committee members. The Chancellor shall endeavor to have each division have representation on the Committee. All regular and alternate members of the Committee must be subject to the Review Process & Procedure.

The three (3) alternates will be appointed to: fill the unexpired terms of regular members who may leave the Committee; or, to serve in the event that a regular member is not available to serve or must recuse him/herself because of a conflict of interest; or, if the Employee is a member of the regular member's division. If an alternate is appointed to fill the unexpired term of a regular member, the Chancellor shall appoint a new alternate member to represent the division previously served by the replaced regular member.

Upon expiration of a regular member's term, a new member of the Committee will be appointed from among the three alternates and a new alternate will be appointed to represent the division previously served by the regular member whose term has expired.

The Committee's membership year is July 1 through June 30. New appointees assume membership on July 1 and expiring terms end on June 30 of each year. Membership may continue in the event that the Committee is actively hearing a case, or there is a currently pending review.

A Committee member may not participate in a review he or she brings on his or her own behalf, in any case in which he or she has been materially involved or in any case that arose within that Committee member's department or division in instances where a Vice Chancellor or division head is the respondent.

### 2.3. Appointments to the Committee

The Assistant Vice Chancellor for Human Resources is responsible for facilitating the work of the Committee, including orienting new members and managing this appointment process. For initial appointments, and subsequently on an annual basis in May or as soon thereafter as practicable, the Chancellor may send a memorandum to the Vice Chancellors requesting nominees. The Chancellor will send a letter of appointment to the selected individuals to fill the expired terms of regular and alternate members. When a vacancy occurs during a regular or alternate member's term due to inability to continue through the remainder of the unexpired term, the Chancellor will solicit a nomination from the head of the division represented by that regular or the alternate member, or another unrepresented division. The Chancellor will send a letter of appointment to the individual(s) selected to fill the unexpired term of the regular or alternate member(s).

The regular members of the committee will elect the Chair of the Committee ("Committee Chair" or the "Chair") annually in July or as soon thereafter as practicable. The Committee will also elect a vice chair, who will preside in the event that the Chair is unable to fulfill the requirements of this position. The Chair and Vice Chair are permitted to serve multiple terms.

## 3. Committee Jurisdiction and Request for Review Statement.

3.1 Requests for review are subject to the standards set out below, which define matters which may or may not be reviewed under this Review Process & Procedure. A University official may choose to offer a proposed resolution to a dispute without such offer conferring jurisdiction under this Review Process & Procedure where such jurisdiction is not otherwise present. Matters that can be reviewed shall be limited to claims that:

3.1.1 Discharge for cause or other disciplinary action violated the interpretation and application of any provision of The University of North Carolina Policy Manual Section 300.2.1.

3.1.2 Discontinuation, expiration of term appointments, or terminations with notice upon allegations of violations of the notice requirements, or the Equal Employment Opportunity and Protected Activity provisions of the University of North Carolina Policy Manual Section 300.2.1

3.2 Matters outside the Committee's jurisdiction. Absent a demonstration by the employee that the decision was based on a factor reviewable under the University of North Carolina Policy Manual Section 300.2.1, the Committee has no jurisdiction to review pursuant to the Review Policy and Procedure:

3.2.1. Dissatisfaction by an Employee with the general application of a University, School/College or Department policy, regulation, or practice or with a University official's decision-making on the grounds it is undesirable or inadvisable.

3.2.2. Complaints, reviews or appeals that are exclusively subject to another University procedure or are exclusively within the scope of another University committee such as, but not limited to, intellectual property determinations, research ethics, Campus Police trespass appeals, parking appeals or assignments, and health and safety concerns. The outcome of such matters may be presented to and considered by the Committee when they have a direct relevance to a matter which otherwise is within the scope of the process subject to the specific disclosure and confidentiality rules of the other University procedure or Committee.

### 3.3 Written Request for Review Statement Required

3.3.1 An Employee must file a written request review statement ("Statement") using the form available on the ECU HR website (link provided above) with the Chair of the Committee.

3.3.2 Absent exceptional circumstances, the signed, written Statement shall be submitted within 20 working days of the decision cited in the Statement. The deadline for submitting the Statement may be extended only if, in the judgment of the Chair, there are significant extenuating circumstances. The act of filing a Statement does not extend employment.

### 3.4 Referral to the Office for Equity and Diversity

If the Statement submitted by the employee includes an allegation of prohibited discrimination and/or harassment based on a protected class as set forth in the University's Equal Opportunity, Harassment, and Non-Discrimination Policies, the Statement is first referred to the University's Office of Equity and Diversity ("OED") for assessment. The Statement is held in abeyance during any preliminary review and/or investigation by the OED. The OED will conduct a preliminary review to determine if part or all of the concerns outlined in the Statement are in the purview of the OED. The OED shall endeavor to complete its preliminary review within 10 working days but may, depending upon the specifics of the issues involved, request the Chair of the Review Committee (the "Chair") to provide additional time, if/as necessary. If the preliminary review determines that part or all of the concerns outlined in the Statement are found to be within the purview of the OED, the OED will investigate those concerns in accordance with the review procedures outlined in the Equal Employment Opportunity Plan. If there are no findings by the OED that result in a violation of the University's Equal Opportunity, Harassment and Non-Discrimination Policies, the OED will issue a notice of outcome to the Chair.

## 4. Review Procedures

### 4.1. Convening the Committee

Not later than 10 working days after receipt of the Statement, the Chair shall convene the Committee for its initial meeting. At this meeting or before, the Chair will provide the members of the Committee with an orientation covering the role and responsibilities of the Committee and a review of the process. At this meeting, the Committee shall review the Statement and determine whether the matter as stated falls within the jurisdiction of the Committee or not. Relevant considerations include, but are not limited to, the employment status of the

Employee and the subject matter of the concerns in the Statement.

If the matter is not eligible for review, the Committee may:

4.1.1 Allow the Employee to amend the Statement in writing within five working days of Employee's receipt of notice of an opportunity to amend his/her Statement. The Committee will review the amended Statement pursuant to Section 4.1 above; or

4.1.2 Dismiss the Statement, in writing, for failure to state a concern that is eligible for review under this Review Process and Procedure.

If the matter is eligible for review under the Policy, the Committee Chair shall, within 10 working days, forward a copy of the Statement to those named by the Employee as responsible ("Respondent(s)"), together with notice that a written response to the Statement concerns must be provided to the Committee Chair and the Employee within 10 working days. A copy of the Statement must also be submitted to the University Counsel and the appropriate Vice Chancellor.

#### 4.2. Challenges to a Committee Member

4.2.1. Challenge by the Committee. If, in the opinion of the Committee, the membership of the Committee is for any reason inappropriate, then the Chair shall submit a written recommendation to the Chancellor that changes in membership are necessary to ensure objective and timely review in that case. Upon such request, the Chancellor shall have the discretion to make any changes to the Committee necessary for the Committee to function effectively including, but not limited to, replacement of the Chair. The decision of the Chancellor regarding the disposition of such a request must be in writing and shall be included in the Official Record.

4.2.2 Challenge by a party. Any party may request that a member of the Committee be removed. The party shall submit the request for removal of a Committee Member to the Chair in writing no later than five (5) working days after receipt of the Notice described at Section 4.5. The Chair shall forward the request to the Chancellor. The decision of the Chancellor regarding the disposition of the request is final, must be in writing, and shall be included in the Official Record.

#### 4.3 Assistants

This Review Process is not intended to be a formal legal process nor do the formal rules of evidence apply. Neither the Employee nor the Respondent(s) may have an attorney actively participate at the Review Hearing (the "Hearing"). (Attorney is defined as anyone with a Juris Doctorate, or other recognized law degree, regardless of whether or not that person is licensed to practice law in the State of North Carolina and/or whether or not that person is "representing" the employee.) However, the Employee and the Respondent(s) is/are entitled to have one assistant (the "Assistant") of the party's choice present at all meetings and at the Hearing to aid the party in developing their case. The Assistant may not be a witness or speak at the Hearing or otherwise actively participate in the Hearing. An attorney may serve as an Assistant. Information shared by

a party with their Assistant is considered confidential and shall not be divulged except as required by law.

Each party shall confirm the identity of any Assistant who will attend the hearing to the Chair in writing no later than five (5) working days after receipt of the Notice described at Section 4.5.

Upon request of the Chair, the Office of the University Counsel ("OUC") may designate an attorney to provide procedural advice to the Committee.

#### 4.4 Confidentiality.

Members of the Committee, parties, Assistants and witnesses shall maintain strict confidence concerning all aspects of the review process. This is required by state law as well as University policy.

#### 4.5 Notices of Meetings.

The Chair shall send notices of the scheduled meetings to all Committee members, the Employee, and the Respondent(s). The Notice will

4.5.1 set the date for the Hearing not later than four weeks from the date that the Respondent(s) submitted the response to the Statement;

4.5.2 identify the review the Committee will be hearing, and the parties and the Committee members;

4.5.3 instruct the parties to exchange one copy of their proposed exhibits and witness lists at least five (5) working days in advance of the Hearing, and a sealed copy to the Chair for the Record, but in no case shall information be provided to the Committee prior to the Hearing. References to the documents during the Hearing shall be by exhibit number with page references as applicable;

4.5.4 inform the parties that, at least two (2) working days prior to the hearing, they must list whether or not there are any factual or other items that can be agreed upon and reduced to written stipulations signed by the parties prior to the Hearing. The parties shall present the stipulations to the Chair;

4.5.5 remind parties of any other applicable deadlines in accordance with this Review Process and Procedure (e.g., challenges to a Committee member at Section 4.2.2, identification of Assistants at Section 4.3); and

4.5.6 instruct the parties to bring to the Hearing at least one copy of each exhibit for each Committee member, one copy for the court reporter and one copy for each party.

The Chair of the Committee may consider and grant a reasonable extension of any deadlines established in this Review Process and Procedure at the request of one of the parties based on extenuating circumstances and/or at the recommendation of the Committee.

#### 4.6 The Hearing

#### 4.6.1 Court Reporter.

The Chair shall arrange a court reporter to record all Hearings and maintain the exhibits presented by the parties at the Hearing. The University shall bear the expense of the court reporter. No other recordings of the Hearing shall be allowed.

#### 4.6.2 Amendment of Statement.

Once the Hearing begins, the Employee shall not have the right to amend the Statement without the unanimous vote of the Committee. If any amendment to the Statement is allowed, the Chair shall promptly notify the Respondent(s) of this action and defer subsequent proceedings until the Respondent(s) have had the opportunity to respond to this revision. A respondent shall have 10 working days to respond to any amended Statement.

#### 4.6.3 Attendance at the Hearing.

The only persons allowed to attend the Hearing are the Committee, the Assistant Vice Chancellor for EHRA Administration; counsel from the OUC, to advise the Committee; the court reporter, the Employee and the Employee's Assistant and the Respondent(s) and the Respondent(s)' Assistant. Any other persons who are witnesses shall only attend the Hearing while they are testifying.

### 4.7 Guidelines for the Conduct of the Hearing

#### 4.7.1 Committee Participation.

Hearings shall be conducted with the Chair and all five (5) Committee members present.

#### 4.7.2 Control of Hearings.

The Chair shall preside over the Hearing. Consistent with the principles of impartiality and equity, the Chair shall determine, in consultation with the Committee, among other things, the following:

4.7.2.1. The order of testimony presentation, if it deviates from the standard order described below;

4.7.2.2 Whether a party has provided adequate justification for accepting evidence into the record at the Hearing;

4.7.2.3. The order and procedure for questioning the parties and witnesses;

4.7.2.4. Compliance with all procedures; and

4.7.2.5. The admissibility of all evidence

4.7.2.5.1 Whether evidence is relevant to the issues involved in the review and may rule that evidence not be considered.

4.7.2.5.2 If evidence is excluded, the Chair shall state the reasons for the exclusion on the record and the materials shall be included in the Official Record; and



4.7.2.6 The appropriateness of all questions and the method of questioning. The Chair should not allow any questions that are irrelevant, immaterial, unduly repetitious, or abusive.

The Committee shall keep a copy of all exhibits, whether admitted or not, for inclusion in the Official Record.

#### 4.7.3 Testimony.

Parties shall have the right to testify, to present testimony of witnesses and other evidence, to hear and question witnesses offered by the other party, and to examine all documents and other information considered by the Committee. If a witness cannot or will not appear, and the Chair determines that testimony of the witness should be admitted into evidence, the Chair shall identify the witness, disclose the statement of the witness and, if possible, provide for questions. So long as it does not substantially delay the Hearing process, the Chair may, at his or her discretion, call a recess so that reasonable time is provided for the examination of all evidence and for the preparation of appropriate responses. The Committee will carefully consider the weight and credibility of any written witness statements, taking into account whether it is sworn and that the witness is not subject to cross-examination, either of which may reduce its credibility.

#### 4.7.4 Order of presentation.

The standard order of presentation is as follows :

4.7.4.1 The Employee may make an opening statement that does not exceed 10 minutes;

4.7.4.2 The Respondent may make an opening that does not exceed 10 minutes;

4.7.4.3 The Employee presents the Employee's case through the Employee's own testimony, exhibits and witnesses. The Respondent(s) may question the Employee and the Employee's witnesses after the Employee finishes testifying/examining each of the witnesses. The Committee members may ask questions of the Employee/each of the Employee's witnesses after the Employee and the Respondent(s) finish their questioning. The Employee's case shall not exceed two (2) hours, excluding cross-examination of the Employee's witnesses by Respondent(s) or questions by the Committee;

4.7.4.4 At the conclusion of the Employee's presentation, the Committee will recess to consider if the Employee has met the Employee's burden of demonstrating that, using the standard of preponderance of the evidence (which is the same as the "greater weight of the evidence.") the Employee has experienced an injury that would entitle the Employee to relief and that such injury is remediable. If the Committee decides that the Employee's evidence is insufficient to meet the preponderance of the evidence standard, then the Committee shall adjourn the Hearing and prepare a report as outlined below.

4.7.4.5 If the Committee does not adjourn the Hearing at the conclusion of Employee's presentation of evidence, then the Respondent(s) may present evidence through the testimony of parties, exhibits, and witnesses. The Employee may question the Respondent

and the Respondent's witnesses after the Respondent(s) finishes testifying/examining each of the witnesses. The Committee members may ask questions of the Respondent and each of the Respondent's witnesses after the Respondent(s) and Employee finish their questioning. Each Respondent shall have two (2) hours to present their case excluding cross examination of Respondent(s)' witnesses by Employee or questions by the Committee

4.7.4.6 At the conclusion of the Respondent(s)' presentation, the Chair may allow the Employee and the Respondent(s) to present rebuttal evidence following the same format as set out above. Each party shall have an additional 30 minutes to present rebuttal evidence case, excluding cross examination by the other party(ies).

4.7.4.7 Once all of the evidence has been presented, the Employee may make a closing statement. The closing statement shall not include a discussion of information not presented in the Hearing and shall not exceed 20 minutes.

4.7.4.8 The Respondent(s) may make a closing statement. The closing statement shall not include a discussion of information not presented at the Hearing and each Respondent's closing statement shall not exceed 20 minutes.

4.7.4.9 The Chair shall adjourn the Hearing.

## 5. Deliberations and Report of the Review Committee

Upon the conclusion of the Hearing, the Committee shall deliberate and decide based solely on material presented in the Statement, the evidence presented at the Hearing, and such written or oral arguments as the Committee, in its discretion, may allow. The Committee should be careful not to simply substitute its judgment for that of the Respondent(s). The Employee has the burden of proof and must show, using the standard of preponderance of the evidence (which is the same as the "greater weight of the evidence") that the Employee has experienced an injury that would entitle the Employee to relief and that such injury is remediable. The Chair will prepare a brief written report of the Committee's findings and recommendations for the Chancellor (the "Report").

## 6. Official Record.

The Chair shall prepare the record (the "Official Record") of the review as outlined here:

6.1 The Official Record of the review process shall consist of all correspondence between the Committee or the Chair and the Employee and/or Respondent(s) pertaining to the review, and every document and exhibit that was either submitted to or given consideration by the Committee, along with the court reporter's transcript of the Hearing and the Committee's Report. Documents offered but not admitted in evidence shall be clearly labeled to that effect and placed in a separate file for record-keeping purposes and possible reference in the event a point on appeal relates to failure to admit evidence offered. All documentation relevant to the Committee's procedural rulings, factual findings, recommendations, and any other aspects of its final report shall be included in the Official Record.

6.2 The Official Record should be forwarded to the Chancellor along with the Committee's final report.

6.3 Once the Official Record has been delivered to the Office of the Chancellor, or a review is terminated, Committee members shall destroy in a confidential manner any extra copies of documents, and any personal notes taken during the Hearing process, consistent with the University's records retention schedule. Any original or unique records must be forwarded to the Chair for maintenance in accordance with the records retention schedule.

6.4 Delivery of Committee's Report.

6.4.1 The Chair shall send the Committee's Report, along with the Official Record of the review to the Chancellor. A copy of the Report shall be sent to the parties.

6.4.2 The Report should describe any recommendation in favor of the employee, as appropriate. Separate from issuing the Report, the Committee, through its Chair, may communicate to the Chancellor changes to the process the Committee deems reasonable.

6.4.3 The Committee shall attempt to complete this task within six (6) weeks after the Hearing.

6.5 Withdrawal of Request for Review. The Employee may withdraw the request for review at any time during the review process.

6.5.1 If the Committee has been appointed, the Employee shall provide the written withdrawal to the Chair. The Chair shall notify the Committee and the Respondent(s), with a copy to the Employee, and the review process will be closed.

6.5.2 If the Committee has provided its Report to the Chancellor at the time of the Employee's decision to withdraw the request for review, then the Employee shall provide the written withdrawal to the Chancellor. The Chancellor shall notify the Respondent(s) and the review process will be closed.

## 7. Chancellor's Decision

Upon receipt of the Committee's Report of the Hearing, the Chancellor may accept or reject any or all findings and recommendations of the Committee, may remand the matter to the Committee for further consideration, or may seek clarifying information from the Committee (the "Chancellor's Decision"). Unless the Chancellor deems it necessary in the best interest of the University to adjust the deadline, within twenty (20) working days of the Chancellor's receipt of the Report, the Chancellor shall notify the Employee of the Chancellor's Decision by a method of delivery that requires a signature for delivery, which includes, but is not limited to the following: certified or registered mail, return receipt requested, Federal Express, or another commercial delivery service that obtains a signature. The Chancellor shall send copies of the Chancellor's Decision to the Respondent(s) and members of the Committee.

## 8. Appeal of the Chancellor's Decision

8.1 If the Chancellor's Decision is favorable to the Employee, his or her decision shall be final. If the Chancellor's Decision is unfavorable to the Employee in a case involving separation from

employment or suspension without pay, the Employee will not receive further pay, without regard to whether there is an appeal to the Board of Trustees or the Board of Governors. The Employee may appeal an unfavorable Chancellor's Decision to the Board of Trustees (the "Board"), for the reasons outlined in Section 611 (1) (b) of The Code of The University of North Carolina. The appeal shall be transmitted through the Chancellor and be addressed to the Chair of the Board. No provision of this Policy shall be interpreted to extend an employee's right to pay beyond the expiration of the employee's term of appointment while an appeal is pending under this Review Process and Procedure.

8.2 If the Employee wishes to appeal an unfavorable Decision by the Chancellor, the Employee shall file a notice of appeal with the Chancellor, by certified mail, return receipt requested, or by another means that provides proof of delivery within fourteen (14) calendar days of the Employee's receipt of the Chancellor's Decision. The notice of appeal shall include a brief statement of the basis for the appeal, and allegations that the discharge, discipline or policy interpretation or application was illegal and violated a policy of the University or Board of Governors, or that the applicable notice requirements set forth in the Policy were violated.

8.3 The appeal to the Board shall be decided by the Board. The OUC shall provide an attorney to advise the Board of Trustees on procedural matters. The Board may delegate the duty of conducting a review to a standing or ad hoc committee of at least three (3) members. The Board, or its committee, shall consider the appeal on the Official Record. In all cases, review shall be limited to the question of whether the Chancellor committed clear and material error in reaching his or her decision.

8.3.1 The Board or board committee chair shall provide, by certified mail, return receipt requested, a written schedule (the "Schedule") to the Employee and to the Chancellor for the filing of objections to the Official Record and position statements. The Schedule, which may be altered as the Board chooses, may provide as follows:

8.3.1.1 the Employee shall have 10 working days after receipt of the Schedule to file objections to the Official Record with the Board, with a copy to the Chancellor;

8.3.1.2. the Employee shall have 30 working days after receipt of the Schedule to file a position statement with the Board, with a copy to the Chancellor;

8.3.1.3. the Chancellor shall have 30 working days after receipt of the Employee's position statement to file the Chancellor's position statement and response to objections to the Official Record, with a copy to the Employee.

8.3.2 The decision of the Board shall be the final Agency decision.

<sup>(1)</sup>: "EHRA Employees" are "Employees Exempt from the Human Resources Act" which includes Senior Academic and Administrative Officers as defined in Section I.B and governed by Section III of the UNC policy 300.1.1, and employees designated within the non-teaching EHRA Instructional or Research category under G.S. 126-5, and as defined in UNC Policy 300.2.1.

<sup>(2)</sup>: The Chancellor may designate an individual to fulfill any responsibility of the Chancellor under this Review Process & Procedure if he or she chooses to delegate any assignment.

ECU Board of Trustees Resolution  
Employment Policy for Employees Exempt from the State Human Resources Act

WHEREAS, East Carolina University wishes to update and revise its personnel policy for covered positions not subject to the State Human Resources Act and are not otherwise categorized, as provided by the UNC Policy Manual 300.2.1.; and

WHEREAS, the Policy presented in Board materials has been vetted pursuant to the University's process, including review by the Chancellor, in consultation with his Executive Committee;

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Trustees approves the proposed "Employment Policy for Employees Exempt from the State Human Resources Act", as presented in the Board materials;
2. The Board of Trustees delegates to the Chancellor the authority to establish separate EHRA Non-Faculty Regulations or standard operating procedures for employees covered under these Employment Policies in conformance with the policies of The University of North Carolina; and
3. The Policy entitled "Review Process and Procedure for EHRA Non-Faculty Employees" is reclassified as a Regulation and the Chancellor is authorized to revise or abolish it as he deems appropriate, on a continuing basis.

So resolved and approved by the Board of Trustees of East Carolina University on this the \_\_\_\_ day of February, 2018.

By: \_\_\_\_\_

Secretary to the Board of Trustees

**Health Sciences Committee  
February 15, 2018**

Attachment I

- Minutes from the November 9, 2017 meeting were approved.
- Dr. Horns referred the group to the materials in their packets that highlights the great work that each of our schools/colleges and library are doing within the Health Sciences Division.

**ECU BOT Health Sciences Committee Action:**

**Action Items from closed session to be announced in open session:**

Request - The Health Sciences Committee approve the following motion:

I move that:

- The board approve the initial appointment of Professor with permanent tenure in the Brody School of Medicine Department of Cardiovascular Sciences for Dennis Lynn Morris, MD as presented in the board materials.

The motion passed unanimously.

Request - The Health Sciences Committee approve the following motions:

I move that:

- The board approve the non-salary compensation payments to the following School of Dental Medicine eligible faculty members: Dr. Daune Humphrey, Dr. Maggie Pafford, Dr. Loren Alves, Dr. Alex Gillone, Dr. Alex Kordis, Dr. Acela Martinez-Luna, Dr. Van McCarlie, Dr. Nikki Tucker, Dr. Christopher Cotterill, Dr. Isabel Gay, Dr. Robert Keim, Dr. Mahmoud Serag, Dr. Stevan Thompson, Dr. Robert Timothy, Dr. Michael Webb, Dr. Alison Yeung and Dr. David Paquette. These payments are in recognition of the individuals' clinical productivity in faculty practice as stipulated in their employment contracts. These payments cover the period of July 1, 2017 – December 31, 2017.

The motions passed unanimously.

**BOT Attendees:**

Deborah Davis (Committee Chair)  
Vern Davenport (Committee Vice Chair)  
Edwin Clark (Committee Member)  
Kel Normann (Committee Member)  
Bob Plybon (Committee Member)  
Jason Poole (Committee Member)

Leigh Fanning  
Max Joyner  
Fielding Miller  
La'Quon Rogers  
Kieran Shanahan  
Vince Smith

## University Affairs Committee – February 15, 2018

Attendees: Copeland, Joyner, Clark, Rogers, Davis, Plybon, Poole, Davenport, Shanahan, Smith and Norman

### Academic Affairs – Ron Mitchelson

- **FERPA Policy**
  - Donna Payne shared some of the main changes to the policy, as listed in Board materials. One relates to the sensitivity for the students in the Lab School. Another is limited use directory information to allow likenesses of students be part of the directory for use by the University. It allows the University to use a student photo without having to get a signed approval. ECU Photographers will still ask for the student's name and consent of use for photos. FERPA doesn't make us provide copies to students, but does allow us to make it available for their review.
    - **MOTION – Made by Mr. Davenport and seconded by Ms. Davis – this was approved without dissent**
- **Raise Me**
  - Dr. Chris Locklear talked about Raise Me, which establishes micro scholarships for students. Students can learn about this as soon as 8<sup>th</sup> grade, which lets them know about how affordable college can be for them. There are certain dollar amounts available for different levels and criteria, such as \$500 for an A in Calculus or \$xx for taking an AP course. Penn State has been a model that we have followed. PSU targeted low-income high school students. ECU will be targeting Free and Reduced Lunch High School students in NC with a GPA of 2.5 and above. With little to no communication, we have about 3,500 followers of students in NC already. We are doing individual outreach starting this spring and into the summer and fall.
- **Lab School Update**
  - Laura Bilbro Berry presented an update on the Lab School. She shared some of the lessons learned from the first few months, which included learning about some of the students nutritional and clothing needs. There are many that still are hungry even beyond what we can provide. We had a clothing drive that helped us provide a clothing closet for students in need. Space is also a challenge. We have six classrooms and having storage space, conference space with parents and services/meetings are limited due to space. We have provided some engagement and student success options for the Lab students and this has been well received by the students. We have done a great deal of work on the academic and health needs assessment. We have seen some behavioral issues from our students, but we are working through this and it's going well with adjustments. In 2018-19 we will add a couple of more classes including PreK/K, 1<sup>st</sup> grade and 5<sup>th</sup> grade classes. We will keep our students in 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> grade capped at 18 students per class.

**Closed Session**



### Summary of Revisions to FERPA PRR

The following revisions were made to POL 02.40.01, Family Educational Rights and Privacy Act:

1. Minor editing and stylistic edits;
2. Revised definition of “Eligible Student” in paragraph 2.1 to remove minors in attendance at the ECU Lab School for application of this regulation;
3. Created a “limited use directory information” category (paragraph 2.3) to permit ECU to use student images and likenesses captured in photographs, videos, and other media in University publications hosted or maintained by, on behalf of, or for the benefit of the University (paragraph 5.1.2);
4. Added paragraph 4.2.3 to permit the University, in certain circumstances, to provide a student with copies of their student records, and charge for those copies, in lieu of permitting an in-person inspection and review; and
5. Added paragraph 5.5 to permit the University to withhold the disclosure of educational records for up to one year after a student’s death “as a courtesy to the families of recently deceased students” unless consent of the next-of-kin is obtained.

<b>Policy</b>	POL02.40.01
<b>Title</b>	Family Educational Rights and Privacy Act (FERPA or Buckley Amendment)
<b>Category</b>	Academic Affairs
<b>Sub-category</b>	Registration and Records
<b>Authority</b>	Board of Trustees
<b>History</b>	1974 Act passed into law; 2009 Act revised; Placed in University Policy Manual after EXPEDITED REVIEW, transitioned without substantive change from prior version, January 29, 2013; Revised X.
<b>Contact</b>	Office of the University Registrar, 252-328-6747, <a href="mailto:regis@ecu.edu">regis@ecu.edu</a>
<b>Related Policies</b>	<p><a href="#">UNC Policy Manual, 700.2 (R)</a></p> <p><a href="#">REG08.10.02, Social Media Use</a></p> <p><a href="#">The Family Policy Compliance Office Department of Education, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99</a></p>
<b>Additional References</b>	<p>Federal Law and Regulation, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99 et seq.</p> <p><a href="#">Faculty Manual , Part V. Section I.A. Access to Student Education Records</a></p> <p><a href="#">ECU's University Catalogs</a></p>

## 1. Introduction.

The University administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This regulation provides that an eligible student has a right of access to student educational records maintained by the University or any department or unit within the University, subject to certain exceptions which are outlined in this regulation. This regulation also protects the confidentiality of personally identifiable information in student records. Except to the extent allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions.

1.1. In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the University that eligible students have the following rights in regard to official educational records maintained by the University or any department or unit within the University. Subject to certain exceptions, the main rights of students are:

1.1.1. The right to inspect and review education records,

1.1.2. The right to request to amend their education records if they believe it contains information that is inaccurate, misleading, or in violation of the student's rights of privacy, and

1.1.3. The right to limit the disclosure of their education records.

1.2. School officials are required by University policy to complete annual FERPA training, and to complete an acknowledgement that they treat all information to which they have access, other than directory information, as protected and confidential.

## 2. Definition of Terms.

2.1. Eligible student (also herein referred to as "student" or "students") is any person who has reached 18 years of age or is or has been in attendance at the University at any age (as an undergraduate, graduate, professional, early college or visiting student) and regarding whom the University maintains education records. This regulation does not apply to students under 18 years of age attending a laboratory school operated by the University. The Chancellor shall issue a regulation or similar University policy statement regarding the FERPA rights and obligations of laboratory school students.

2.2. Education records is any record (in handwriting, print, tapes, film, computer, or other medium) provided by a student to the University for use in the educational process and/or any record from which a student can be personally identified except: sole possession notes, law enforcement or campus security records solely used for law enforcement purposes, records relating to employees of the institution (unless employment is contingent upon school attendance), records made by a physician, psychiatrist, psychologist, or other recognized professional in his or her professional capacity, in connection with treatment that are disclosed in connection with that treatment, and records obtained after a person is no longer a student (e.g. alumni records).

2.3. Directory information at East Carolina University consists of a student's name, address (including e-mail address), telephone listing, date of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, weight and height of athletic team members, degrees and awards received and most recent previous educational agency or institution attended by the student. Photographs, videos, or other media containing a student's image or likeness (collectively, "student images") are designated by the University as "limited use directory information."

2.4. School official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position, including student workers, and volunteers as determined by the Office of the University Registrar.

2.5. Legitimate educational interest is a demonstrated "need to know" by those officials of an institution who act in the student's educational interest. They include: faculty, administration, clerical and professional employees, student workers, and other persons who need student record information for the effective functioning of their office or position. The following criteria shall be taken into account in determining the legitimacy of a University official's access to student's records:

2.5.1. The official must seek the information within the context of the responsibilities that he or she has been assigned; and

2.5.2. The information sought must be used within the context of official University business and not for purposes extraneous to the official's area of responsibility to the University.

### 3. Annual Notification.

3.1. East Carolina University shall send a written notice of FERPA rights to every enrolled student at the beginning of each fall semester. The Office of the University Registrar is responsible for preparing and delivering the Annual Notification.

3.1.1. This Annual Notification includes: the student's rights mentioned above in Section 1.1, the right and steps for a hearing if request to amend record is denied, as enumerated in Section 6, below, and the right to file a complaint with the Family Policy Compliance Office. It will also include the definition of a "school official" and an "educational interest" and conditions under which a record will be released.

3.1.2. The Annual Notification is sent to students via ECU e-mail (the official means of communication) after census day for any given fall semester.

### 4. Student Right to Inspect and Review Their Records.

4.1. Rights to inspect. Students have the right to inspect and review their official educational records, files, and data, maintained by the University and directly related to the student and not related to other students.

4.1.1. Documents that are not considered education records, and therefore are not subject to inspection include: sole possession notes, law enforcement or campus security records, employment records (unless employment is contingent upon student status), certain records relating to treatment by physician, psychiatrist, psychologist, etc.

4.2. Requesting inspection. Students should direct their request to inspect the records to the Office of the University Registrar. The custodian shall provide access to the records during regular business hours.

4.2.1. The university will comply with the request from a student to review his or her records within a reasonable time, but in any event not more than forty-five days after the request is made.

4.2.2. Accommodations may be made for students to review their education records if circumstances make on-site inspection impractical due to geographic distance. In these

instances, records may be sent to an institution near the student for an opportunity for the student to review the record.

4.2.3. If exceptional circumstances exist, or circumstances exist which effectively prevent a student from exercising their right to inspect and review the records as provided in Section 4.2.1 or 4.2.2, the University may provide copies of the records. The office providing the copies may charge a reasonable fee for each copy, but will not charge a fee to search for or retrieve the records in question.

## 5. Disclosure of Records.

### 5.1. Directory Information.

5.1.1. ECU may disclose directory information without student consent.

5.1.2. Use and disclosure of limited use directory information will be restricted to publication in official University publications or on social media sites or websites hosted or maintained by, on behalf of, or for the benefit of the University.

5.1.3. Students may block disclosure of their directory information. To block disclosure of directory information, a student must file a Non-Disclosure Form with the Office of the University Registrar by the official census date as listed on the academic calendar for the current term of enrollment. These blocks must be renewed each term.

### 5.2. Written Consent Required.

5.2.1. ECU may not disclose the education records of a student to other persons unless that student has given consent in writing, unless otherwise permitted by the federal regulations.

5.2.2. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.

5.3. Written Consent not Required. ECU may disclose information from the student's record without the written consent of the student in the following situations:

5.3.1. In compliance with a court order or subpoena;

5.3.2. Requests from school officials who have a legitimate educational interest in the information;

5.3.3. Requests from other departments or educational agencies who have legitimate educational interest in the information, including persons or companies with whom the University has contracted (such as an attorney, auditor, collection agent, and the National Student Clearinghouse);

5.3.4. Requests from officials of other colleges or universities at which the student intends to enroll or has enrolled provided the student is furnished a copy, if he or she so requests, so that he or she may have an opportunity to challenge the contents of the record;

5.3.5. Requests in connection with a student's financial aid;

5.3.6. Requests from parents of a dependent student as defined in Section 152 of the Internal Revenue Code of 1986;

5.3.7. Requests from appropriate persons in connection with an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons;  
or

5.3.8. When additional circumstances exist that permit the release without student consent, consistent with applicable regulations.

5.4. Procedures for Protecting the Privacy of Student Information in Electronic and Social Media Enrolled in Distance or Correspondence Courses or Programs. 5.4.1. East Carolina University recognizes the importance maintaining the privacy and security of student identity and student records in an environment of computer networked, digital records storage. ECU is diligent in protecting the security, confidentiality, integrity and availability of all student records including student identity. The University employs strict, standard security measures, policies, standards and guidelines in our ongoing effort to protect information resources, including student records. Student personal information is protected through a variety of measures, including the administration of policy and security practices that govern the PirateID and passphrase associated with accessing ECU's PiratePort Portal, and other services that support the educational process at ECU. Students are required to have a strong passphrase that is resistant to "hacking." Students must reset their passphrase every 90 days and not reuse the account's previous six passphrases. When students use their PirateID and passphrase to access information through PiratePort and the University's learning management systems, their login credentials are encrypted for additional security. All mission-critical University systems, including student records, are maintained on network servers in the University's enterprise data center. The enterprise data center employs layered security controls and physical access controls. Users of information systems are prohibited from accessing data or programs for which they are not authorized.

5.4.2. In addition, it is the policy of the University that faculty, staff and instructors only use electronic products that are compliant with privacy safeguards, and approved in accordance with the University's social media policy, Reg 08.10.02. section 3.

5.5 FERPA's protection of personally identifiable information in a student's education records ends at the time of a student's death. As a courtesy to the families of recently deceased students who were enrolled at the time of death, the University generally will not release information from their education records for one year without the consent of the deceased student's next-of-kin.

## 6. Procedure to Correct Records.

6.1 Informal Resolution. If a student believes his/her education record is inaccurate or misleading, the first step is to discuss the concern with the University Registrar or designee. Contact that office at 252-328-6747. If the University Registrar or designee does not agree with the student, the University Registrar or designee will inform the student of the right to a formal hearing.

6.1.1 Note: This does not apply to grade disputes (although it may be used to correct a clerical error in grades).

6.2. Formal Hearing Request. Students may request a hearing to challenge the content of his or her education record on the grounds that the information contained in the education records is inaccurate, misleading or in violation of the privacy rights of the student.

6.2.1 Students must request a formal hearing within 30 University business days from the date the student is informed by the University Registrar or designee of the decision not to revise the education records. The request must be in writing, and must be delivered to the Associate Provost for Enrollment Services, to whom the University Registrar ultimately reports.

6.3. Hearing Procedures. The Associate Provost for Enrollment Services, upon receipt of the written request, shall either hear the case personally or designate a hearing committee.

6.3.1 Committee Composition. The committee will include one representative from the University Registrar's Office or designee other than the one who has denied the request, two faculty members and two students.

6.3.2 Scheduling of Hearing. Within a reasonable period of time after the request for hearing, the student shall be informed of the date, place and time of the hearing.

6.3.3 Conduct of Hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of his/her choice.

6.3.4 Decision. The person or committee hearing the case shall decide it solely on the basis of the evidence presented at the hearing. The decision shall be in writing, delivered to all parties, and will summarize the evidence and state the reason(s) 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 commenting on the information in the records or setting forth any reasons for disagreement with the decision. Such statements will be maintained as part of the student's education record and released with the record anytime it is disclosed to third parties. The challenge to be considered in such a hearing may extend only to the material in the respective University file; it may extend to the correct recording of a grade but not to the appropriateness of the grade.

## 7. Procedure for Filing an Official Complaint with the Family Policy Compliance Office.

7.1. A student has the right to file a complaint at any time with the U.S. Department of Education. However, it is expected that the student normally would exhaust the available administrative remedies for relief according to the University grievance policy procedures before filing such a complaint.

7.2. Official complaints may be directed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5920.

<b>Policy</b>	POL02.40.01
<b>Title</b>	Family Educational Rights and Privacy Act (FERPA or Buckley Amendment)
<b>Category</b>	Academic Affairs
<b>Sub-category</b>	Registration and Records
<b>Authority</b>	Board of Trustees
<b>History</b>	1974 Act passed into law; 2009 Act revised; Placed in University Policy Manual after EXPEDITED REVIEW, transitioned without substantive change from prior version, January 29, 2013; <a href="#">Revised X.</a>
<b>Contact</b>	Office of the University Registrar, 252-328-6747, <a href="mailto:regis@ecu.edu">regis@ecu.edu</a>
<b>Related Policies</b>	<p><a href="#">UNC Policy Manual, 700.2 (R)</a></p> <p><a href="#">REG08.10.02, Social Media Use</a></p> <p><a href="#">The Family Policy Compliance Office Department of Education, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99</a></p>
<b>Additional References</b>	<p><a href="#">Federal Law and Regulation, 20 United States Code 1232g; 34 Code of Federal Regulations Part 99 et seq.</a></p> <p><a href="#">Faculty Manual , Part V. Section I.A. Access to Student Education Records</a></p> <p><a href="#">ECU's University Catalogs</a></p>

1. Introduction.

The University administers student educational records in accordance with the provisions of the Family Educational Rights and Privacy Act, also known as the Buckley Amendment or FERPA. This regulation provides that an eligible student has a right of access to student educational records maintained by the University or any department or unit within the University, subject to certain exceptions which are outlined in this regulation. This regulation also protects the confidentiality of personally identifiable information in student records. Except to the extent allowed by applicable law, personally identifiable information contained in a student educational record will not be disclosed. A copy of this regulation is maintained by the University Registrar. All members of the campus community should be thoroughly familiar with this regulation and comply with its provisions.

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1.1. In compliance with the Family Educational Rights and Privacy Act of 1974, it is the policy of the University that eligible students have the following rights in regard to official educational records maintained by the University or any department or unit within the University. Subject to certain exceptions, the main rights of students are:

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1.1.1. The right to inspect and review education records.

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1.1.2. The right to request to amend their education records if they believe it contains information that is inaccurate, misleading, or in violation of the student's rights of privacy, and

1.1.3. The right to limit the disclosure of their education records.

1.2. School officials are required by University policy to complete annual FERPA training, and to complete an acknowledgement that they treat all information to which they have access, other than directory information, as protected and confidential.

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2. Definition of Terms.

2.1. Eligible student (also herein referred to as "student" or "students") is any person who has reached 18 years of age or is or has been in attendance at the University at any age (as an undergraduate, graduate, professional, early college or visiting student) and regarding whom the University maintains education records. This regulation does not apply to students under 18 years of age attending a laboratory school operated by the University. The Chancellor shall issue a regulation or similar University policy statement regarding the FERPA rights and obligations of laboratory school students.

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2.2. Education records is any record (in handwriting, print, tapes, film, computer, or other medium) provided by a student to the University for use in the educational process and/or any record from which a student can be personally identified except: sole possession notes, law enforcement or campus security records solely used for law enforcement purposes, records relating to employees of the institution (unless employment is contingent upon school attendance), records made by a physician, psychiatrist, psychologist, or other recognized professional in his or her professional capacity, in connection with treatment that are disclosed in connection with that treatment, and records obtained after a person is no longer a student (e.g. alumni records).

2.3. Directory information at East Carolina University consists of a student's name, address (including e-mail address), telephone listing, date of birth, major field of study, participation in officially recognized activities and sports, dates of attendance, weight and height of athletic team members, degrees and awards received and most recent previous educational agency or institution attended by the student. Photographs, videos, or other media containing a student's image or likeness (collectively, "student images") are designated by the University as "limited use directory information."

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2.4. School official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position, including student workers, and volunteers as determined by the Office of the University Registrar.

2.5. Legitimate educational interest is a demonstrated "need to know" by those officials of an institution who act in the student's educational interest. They include: faculty, administration, clerical and professional employees, student workers, and other persons who need student record information for the effective functioning of their office or position. The following criteria shall be taken into account in determining the legitimacy of a University official's access to student's records:

2.5.1. The official must seek the information within the context of the responsibilities that he or she has been assigned; and

2.5.2. The information sought must be used within the context of official University business and not for purposes extraneous to the official's area of responsibility to the University.

### 3. Annual Notification.

3.1. East Carolina University shall send a written notice of FERPA rights to every enrolled student at the beginning of each fall semester. The Office of the University Registrar is responsible for preparing and delivering the Annual Notification.

3.1.1. This Annual Notification includes: the student's rights mentioned above in Section 1.1, the right and steps for a hearing if request to amend record is denied, as enumerated in Section 6, below, and the right to file a complaint with the Family Policy Compliance Office. It will also include the definition of a "school official" and an "educational interest" and conditions under which a record will be released.

3.1.2. The Annual Notification is sent to students via ECU e-mail (the official means of communication) after census day for any given fall semester.

### 4. Student Right to Inspect and Review Their Records.

4.1. Rights to inspect. Students have the right to inspect and review their official educational records, files, and data, maintained by the University and directly related to the student and not related to other students.

4.1.1. Documents that are not considered education records, and therefore are not subject to inspection include: sole possession notes, law enforcement or campus security records, employment records (unless employment is contingent upon student status), certain records relating to treatment by physician, psychiatrist, psychologist, etc.

4.2. Requesting inspection. Students should direct their request to inspect the records to the Office of the University Registrar. The custodian shall provide access to the records during regular business hours.

4.2.1. The university will comply with the request from a student to review his or her records within a reasonable time, but in any event not more than forty-five days after the request is made.

4.2.2. Accommodations may be made for students to review their education records if circumstances make on-site inspection impractical due to geographic distance. In these

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instances, records may be sent to an institution near the student for an opportunity for the student to review the record.

4.2.3. If exceptional circumstances exist, or circumstances exist which effectively prevent a student from exercising their right to inspect and review the records as provided in Section 4.2.1 or 4.2.2, the University may provide copies of the records. The office providing the copies may charge a reasonable fee for each copy, but will not charge a fee to search for or retrieve the records in question.

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5. Disclosure of Records.

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5.1. Directory Information.

5.1.1. ECU may disclose directory information without student consent.

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5.1.2. Use and disclosure of limited use directory information will be restricted to publication in official University publications or on social media sites or websites hosted or maintained by, on behalf of, or for the benefit of the University.

5.1.3. Students may block disclosure of their directory information. To block disclosure of directory information, a student must file a Non-Disclosure Form with the Office of the University Registrar by the official census date as listed on the academic calendar for the current term of enrollment. These blocks must be renewed each term.

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5.2. Written Consent Required.

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5.2.1. ECU may not disclose the education records of a student to other persons unless that student has given consent in writing, unless otherwise permitted by the federal regulations.

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5.2.2. The consent must specify the records or information to be released, the reasons for the release, and the identity of the recipient of the records.

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5.3. Written Consent not Required. ECU may disclose information from the student's record without the written consent of the student in the following situations:

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