




**MEMORANDUM**

To: Dr. Cecil P. Staton, Chancellor

From: Dr. Jay Golden, Vice Chancellor for Research, Economic Development and Engagement 

Date: February 14, 2019

Re: Petition Regarding Political Activity – Riddick (Rick) Smiley

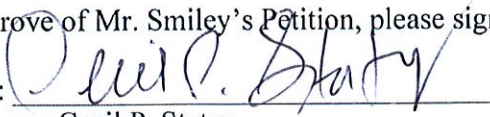
Rick Smiley, Professional Education Officer in the Office of Research Administration, currently serves on the City of Greenville City Council and intends to file for reelection to that office later this year in anticipation of the November election. According to UNC System Policy 300.5.2, Candidacy for Elective Office; Officeholding (Elective and Appointive Public Office), EHRA personnel must submit a petition prior to becoming a candidate for or accepting an elective office.

The UNC System policy draws a distinction between “minor public office” and “major public office” based on “more than nominal compensation” (defined as over \$10,000). Members of City Council earn a salary of \$8,400, but also receive health insurance benefits valued at \$17,423, which the UNC System policy potentially considers to be additional compensation.

Mr. Smiley has prepared the attached Petition Regarding Political Activity in order to rebut the presumption of a conflict of commitment in the event the compensation for his public service was ever deemed to be “more than nominal.” I recommend approval of Mr. Smiley’s Petition and do not believe that his political activities will interfere with his University duties.

The UNC System policy requires this Petition to be addressed and resolved by the Board of Trustees and transmitted through the Chancellor. By way of this memorandum, I am seeking your review and execution of Mr. Smiley’s Petition and request that you transmit the signed Petition to the Board of Trustees for final approval.

If you approve of Mr. Smiley’s Petition, please sign below. Thank you for your consideration.

Approved:   
Cecil P. Staton  
Chancellor

Date: 2/15/19



## SECTION A: INTRODUCTION, DEFINITIONS, AND INSTRUCTIONS

### 1. Introduction

Under Section 300.5.2 of the UNC Policy Manual, an employee who is exempt from the State Human Resources Act (an "EHRA employee") must submit this petition for review before becoming a candidate for or accepting an appointive or elective public office.

Pursuant to the North Carolina Human Resources Act and the North Carolina Public Records Act, this petition and associated approvals are public records and will be released upon request

### 2. Relevant Definitions<sup>1</sup>

- a. "Appointive public office" means a public office that is filled or obtained by means other than an election.
- b. "Conflict of commitment" relates to an individual's distribution of time and effort between obligations to University employment and participation in other activities outside of University employment. A conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time or is conducted at a time that interferes with the employee's fulfillment of University employment responsibilities.
- c. "Conflict of interest" means situations in which financial or other personal considerations, circumstances, or relationships may compromise, may involve the potential for compromising, or may have the appearance of compromising, an employee's objectivity in fulfilling their University duties or responsibilities, including research, service, teaching activities, and administrative duties.
- d. "Elective public office" means a public office that is filled or obtained through the results of an election.
- e. "Full-time employee" means an individual who is employed by the University at least three-quarter (3/4) time, including faculty who are employed on a nine-month per calendar year basis.
- f. "Major public office" means (1) any public office requiring full-time service, regardless of the amount of compensation; (2) any public office requiring service on a part-time basis for which compensation is more than nominal<sup>2</sup>; or (3) membership in the North Carolina General Assembly.
- g. "Minor public office" means any public office that is not a major public office.
- h. "Part-time employee" means an individual who is employed but who is not a full-time employee.
- i. "Public office" means any national, state, or local governmental position of public trust and responsibility, whether elective or appointive, which is created, prescribed, or recognized by constitution, statute or ordinance (other than within the University of North Carolina).

### 3. Instructions for Completing Section B of the Petition

The table on the following page specifies which portions of Section B the petitioner must complete. Petitioners also should read Section 300.5.2 in its entirety to ensure they are aware of all applicable requirements and deadlines.

<sup>1</sup> The definitions in Sections 300.5.1 and 300.5.2 of the UNC Policy Manual are incorporated herein by reference.

<sup>2</sup> In this context, "compensation which is more than nominal" means actual annual compensation or expected annual compensation, whichever is greater, in excess of \$10,000, excluding direct reimbursements for expenses incurred by the officeholder incident to holding office, whether such expenses are calculated on a per diem basis or an actual expense basis.



**University of North Carolina System  
Petition Regarding Political Activity**

TYPE OF EMPLOYEE AND PROPOSED ACTIVITY	IN SECTION B, COMPLETE:	POLICY NOTES
<p><b>Any EHRA employee seeking authorization to:</b></p> <p><input type="checkbox"/> Become a candidate for any minor public office</p> <p><input type="checkbox"/> Occupy any minor public office</p>	<p><input type="checkbox"/> Parts 1 and 5</p> <p><input type="checkbox"/> Part 3 required only if requesting leave</p> <p><input type="checkbox"/> Part 4 required only if directed by president or chancellor</p>	<p><input type="checkbox"/> Promptly file with your supervisor a written statement of the amount of any payments to which you would be entitled as a candidate or officeholder <b>and</b></p> <p><input type="checkbox"/> If directed by the president or chancellor, submit a petition demonstrating that holding this public office will not create a conflict of commitment</p>
<p><b>Any EHRA employee seeking authorization to:</b></p> <p><input checked="" type="checkbox"/> Become a candidate for any major public office</p>	<p><input type="checkbox"/> Parts 1, 2, 3, and 4</p>	<p><input type="checkbox"/> Submit a petition for a full or partial leave of absence during period of candidacy <b>and/or</b></p> <p><input checked="" type="checkbox"/> Submit a petition demonstrating that becoming a candidate for this public office will not create a conflict of commitment</p>
<p><b>A full-time EHRA employee seeking authorization to:</b></p> <p><input type="checkbox"/> Occupy a full-time public office</p>	<p><input type="checkbox"/> Parts 1 and 3</p>	<p><input type="checkbox"/> Submit a petition for a full leave of absence (for up to two years) for the time during which you will hold public office</p>
<p><b>A full-time EHRA employee seeking authorization to:</b></p> <p><input type="checkbox"/> Occupy a part-time public office for which compensation is more than nominal</p> <p><input type="checkbox"/> Occupy a seat in the NC General Assembly</p>	<p><input type="checkbox"/> Parts 1, 2, 3, and 4</p>	<p><input type="checkbox"/> Submit a petition for a full or partial leave of absence during time in office <b>and/or</b></p> <p><input type="checkbox"/> Submit a petition demonstrating that holding this public office will not create a conflict of commitment</p>
<p><b>A part-time EHRA employee seeking authorization to:</b></p> <p><input type="checkbox"/> Occupy a full-time public office</p> <p><input type="checkbox"/> Occupy a seat in the NC General Assembly</p>	<p><input type="checkbox"/> Parts 1, 2, 3, and 4</p>	<p><input type="checkbox"/> Submit a petition for a full or partial leave of absence during time in office <b>and/or</b></p> <p><input type="checkbox"/> Submit a petition demonstrating that holding this public office will not create a conflict of commitment</p>
<p><b>A part-time EHRA employee seeking authorization to:</b></p> <p><input type="checkbox"/> Occupy a part-time public office for which compensation is more than nominal</p>	<p><input type="checkbox"/> Parts 1 and 5</p> <p><input type="checkbox"/> Part 3 required only if requesting leave</p> <p><input type="checkbox"/> Part 4 required only if directed by president or chancellor</p>	<p><input type="checkbox"/> Promptly file with your supervisor a written statement of the amount of any payments to which you would be entitled as a candidate or officeholder <b>and</b></p> <p><input type="checkbox"/> If directed by the president or chancellor, submit a petition demonstrating that holding this public office will not create a conflict of commitment</p>

**University of North Carolina System  
Petition Regarding Political Activity**

**SECTION B: PETITION INFORMATION**

<b>Petitioner's Name:</b> Riddick Smiley	
<b>Petitioner's Institution:</b> East Carolina University	

**1. NATURE OF PETITION**

New Petition

Supplement/Amendment to a previously submitted Petition

<b>UNC Position Title</b>	Research Administration Professional Education & Outreach Officer
---------------------------	---

**Petitioner's UNC Appointment Type**

9-Month Faculty

12-Month Faculty

Senior Academic and Administrative Officer, Tier I

Senior Academic and Administrative Officer, Tier II

Other EPA Non-faculty appointment

**Petitioner's Full/Part Time Status**

Full-Time (at least ¾ time or 9 months)

Part-Time (less than ¾ time or 30 hrs/wk)

<b>Public Office Title</b>	Council Member – City of Greenville, NC
----------------------------	---

**Public Office Type** (as defined in Section A)

Full-Time Public Office

Member of General Assembly

Part-time public office with compensation exceeding \$10,000

Part-time public office with compensation not exceeding \$10,000

**Activity Type** (check all that apply)

Campaign for Public Office

Occupy a Public Office

**2. DESCRIPTION OF DUTIES AND WORK SCHEDULE** (Supplemental information may be attached to this Petition.)

**Petitioner's University Duties** (Provide a breakdown of the percent of time dedicated to assigned work duties assuming a 40-hour work week unless regularly schedule to work fewer hours per week. Examples of categories include teaching and grading, instructional preparation, mentoring/advising students, supervision of staff, research and writing, University committees or service, external committees or service, fundraising, or other project/program management.)

Create and manage training and communication initiatives on behalf of the Office of Research Administration. Please see attached position description for additional information.

**University of North Carolina System  
Petition Regarding Political Activity**

<b>Petitioner's Name:</b>	Riddick Smiley
<b>Petitioner's Institution:</b>	East Carolina University

**Petitioner's Assigned Work Schedule** (Even if not regularly defined, indicate all key obligations that are on a set schedule.)

M-F 8-5

**Campaign Activities** (Provide a description of campaign activities, including types of campaign events, meetings with constituents and campaign staff, travel time for such meetings, or other expected activities.)

Serving on the Greenville City Council requires running for election every 2 years (on odd numbered years). Between July and November of 2019, this will involve approximately 15-20 hours per week meeting voters, sending mail and e-mail, attending candidate forums. All of this activity happens outside of business hours – in the evenings and on weekends. All of this activity takes place in Greenville, NC.

**Expected Time Commitments for Campaigning** (Include beginning and end dates for campaign, dates/times of all key obligations known or anticipated, expected average hours per work week, particularly hours that would fall within the petitioner's assigned work schedule.)

Between July and November, approximately 15-20 hours per week meeting voters, sending mail and e-mail, attending candidate forums. All of this activity happens outside of business hours – in the evenings and on weekends.

**Public Office Duties** (Provide a description of the duty requirements for the public office, including meetings with constituents, travel time, standing committee obligations, or other expected service requirements.)

Year round, approximately 30 hours per month attending public meetings, meeting with City staff, and responding to constituent requests. In addition to twice a month Council meetings, most members serve as liaisons to 2-5 citizen commissions which generally meet once a month. The vast majority of these activities take place outside of business hours – in the evenings and on weekends.

**Expected Time Commitments for Holding Office** (Include beginning and end dates of term, dates/times of all key obligations known or anticipated, expected average hours per work week, particularly hours that would fall within the petitioner's assigned work schedule.)

Year round, approximately 30 hours per month attending public meetings, meeting with City staff, and responding to constituent requests. The vast majority of these activities take place outside of business hours – in the evenings and on weekends. There are occasional activities which take place during the business day which are managed either over lunch or as vacation leave (~4 hours per month).



**University of North Carolina System  
Petition Regarding Political Activity**

<b>Petitioner's Name:</b>	<b>Riddick Smiley</b>
<b>Petitioner's Institution:</b>	<b>East Carolina University</b>

**3. LEAVE REQUEST**

- No leave requested.
- Full leave of absence (Required if full-time employee occupying a full-time public office, not to exceed two years.)
- Partial leave of absence (Approval of scope and duration are at the discretion of the Petitioner's institution.)

Describe the proposed work schedule, including total hours per work week. Provide the time frame for the absence, using specific dates as often as practicable. Clarify if this leave or reduced schedule is being requested intermittently or continuously.

No leave of absence requested.

**4. ATTESTATION OF NO CONFLICT OF COMMITMENT**

Explain why the proposed campaigning and/or office-holding does not create a conflict of commitment with your University duties. If requesting a partial leave of absence, clarify what duties you propose to eliminate or reduce, if any, during this period. Please note that the Board of Governors do not permit partial leave of absence or full leave of absence for a portion of a semester that adversely would affect the instructional services available to students, (for example, substituting another instructor for the petitioner to teach a course for a portion of the academic term.)

All campaigning and office-holding duties are done outside of the business day or using personal vacation leave in amounts not significantly beyond what would normally be used by other employees.

**5. PAYMENT FOR PUBLIC OFFICE**

Indicate the amount of any payments you would be or are entitled to as a candidate for or officeholder of this public office.

\$8,400 annually plus health insurance benefits valued at \$17,423 (potentially considered compensation under UNC System Office policies) would total \$25,823.

**University of North Carolina System  
Petition Regarding Political Activity**

<b>Petitioner's Name:</b>	Riddick Smiley
<b>Petitioner's Institution:</b>	East Carolina University

**SECTION C: SIGNATURE OF PETITIONER**

I hereby certify that all information submitted on this Petition and any supporting documentation provided is true, complete to the best of my knowledge and belief, and filed in good faith.

Riddick Smiley 1/15/19  
 Petitioner's Signature Date

**SECTION D: REVIEW AND DECISION**

**This petition will be reviewed and a decision will be made pursuant to Section 300.5.2 of the UNC Policy Manual.**

If the Petition is in regard to a minor public office (or, for a part-time employee, for a part-time public office with compensation less than \$10,000), then only supervisory receipt is required and no further action is necessary. However, if the president (with respect to senior academic and administrative officers (SAAO) and employees of the UNC System Office) or the chancellor (with respect to other employees of the constituent institution, other than SAAOs) believes that a material conflict of commitment may exist in a particular case, the president or the chancellor may direct this petitioner to complete the attestation of no conflict of commitment, and the chancellor (or president) would submit the petition either to the Board of Governors or the appropriate board of trustees for resolution.

Petitions by SAAOs, and by any other employee if the petition concerns candidacy and office-holding in the General Assembly, shall be addressed to and resolved by the Board of Governors, shall be transmitted through the president, and shall be accompanied by a recommendation from the Petitioner's chancellor, if applicable. If the petition pertains to a chancellor, it shall be accompanied by a recommendation of the board of trustees of the chancellor's institution.

Petitions by University employees other than SAAOs, with the exception of petitions concerning candidacy and office-holding for the General Assembly, shall be addressed to and resolved by the appropriate board of trustees and shall be transmitted through the chancellor. With respect to each such decision rendered by a board of trustees, the chancellor shall transmit to the Committee on University Governance of the Board of Governors a report, containing such information as the committee may specify, concerning the action of the board of trustees.

**SIGNATURES (if required)**

<u>Quinn B. Cole</u>	<u>1/28/2019</u>	_____	_____
Petitioner's Supervisor	Date	Board of Trustees	Date
<u>David D. Johnson</u>	<u>2/15/19</u>	_____	_____
Chancellor	Date	Board of Governors	Date
_____	_____	_____	_____
President	Date		



## MEMORANDUM

To: Jay Golden, Ph.D.

From: Rick Smiley

Date: 13 February 2019

Re: Petition Regarding Political Activity

According to UNC System policy, EHRA personnel must submit a petition prior to becoming a candidate for or accepting an elective office. As you may know, I currently serve on the City of Greenville City Council and intend to file for reelection to that office later this year in anticipation of the November election.

The UNC System policy draws a distinction between “minor public office” and “major public office” on the basis of “more than nominal compensation” (defined as over \$10,000). Members of City Council earn a salary of \$8,400, but also receive health insurance benefits which the UNC System policy potentially considers to be additional compensation.

At the advice of Toni Grace, Associate University Attorney, I have prepared the attached petition, and reviewed it with Julie Cole, in order to rebut the presumption of a conflict of commitment in the event the compensation for my public service was ever deemed to be “more than nominal.”

Ms. Grace further suggested I request that you forward this petition to the Chancellor for review and presentation to the Board of Trustees. I understand Ms. Grace intends to contact you directly to further clarify.

cc: Julie B. Cole