

EAST CAROLINA UNIVERSITY  
FACULTY MANUAL

PART VIII

Personnel Policies and Procedures  
for the Faculty of  
East Carolina University

## PART VIII

### PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

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- I. Personnel Policies and Procedures for the Faculty of East Carolina University *Revised 7-18*
  - II. Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff
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PART VIII - PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF  
EAST CAROLINA UNIVERSITY

SECTION I

PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF  
EAST CAROLINA UNIVERSITY

(For other policies and procedures dealing with faculty appointments,  
see *ECU Faculty Manual*, Part IX and Part X.)

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- I. Selection and Appointment of New Faculty
    - A. Determination of Number and Nature of Positions

Since faculty members of each academic unit are responsible for the curriculum, they shall make recommendations on the personnel needs of the unit.

Acting in accord with the policies and procedures set forth in the Unit Code, the unit administrator shall recommend, with input from the faculty, to the next higher administrator (for conveyance to the Academic Council) the number and nature of faculty positions needed to carry out the unit's mission and achieve the university, division, college and unit planning

goals. Such recommendations shall contain justifications addressing the unit staffing plan and appropriate planning goals of the university, division, college, and unit.

Allocation of faculty positions is the prerogative of the Academic Council. The deans and directors shall determine the distribution of positions within their college and schools in accordance with strategic priorities.

In general, tenured and probationary term (tenure-track) positions are preferred unless sound reasons exist. Such reasons include, but are not limited to; (a) the position is not permanently assigned to the unit, (b) the position is addressing temporary needs, (c) the position cannot be filled by a faculty member with a terminal degree, (d) the duties of the position are primarily clinical, (e) the position is by its nature term-limited (term-limited endowed professorships, for example), (f) this reflects the preference of the faculty member taking the position, or (g) budgetary or strategic considerations.

## B. Selection Procedure

The selection of candidates must be conducted in accordance with the University's "Recruitment, Guidelines and Resources" policies, *Part IX, Section I. Tenure and Promotion Policies and Procedures*, and applicable unit code provisions.

## C. General Criteria

ECU is committed to recruiting, retaining, and developing faculty members that are highly accomplished in teaching and scholarship, including research and creative activities. Accordingly, research and creative activities that align with the institution's mission, engage students in effective ways, and advance our academic disciplines are an expectation of all tenured and probationary (tenure-track) faculty members.

### 1. Tenured or Probationary-Term Positions

A candidate who is under consideration for a tenured or probationary-term position is evaluated on past achievements and potential for future contributions in teaching, scholarship, service, and, if applicable, contributions to patient care and related clinical responsibilities as described below:

#### a. Teaching

East Carolina University recognizes the primary importance of teaching. East Carolina University expects each member of the faculty to have knowledge of subject matter commensurate with one's teaching assignment, to maintain awareness of developments in one's discipline, and to communicate to students one's knowledge of and interest in the discipline. The faculty member will encourage students in responsible and careful inquiry, in appreciation of the interrelation of various disciplines, and in recognition of the uses of learning and the value of the educated mind. Teaching includes instructional activities and responsibilities beyond the classroom setting, e.g., advisement; mentoring; laboratory supervision; clinical rounds by a physician/professor accompanied by students; program direction; the direction of research projects and papers, dissertations, and theses; and other contacts and relationships outside the classroom.

#### b. Scholarship (Research, Creative Activity/Innovation, Engagement, and/or Outreach)

Scholarship refers to the scholarship of research, the scholarship of creative activity/innovation, and the scholarship of engagement and/or outreach.

#### c. Service to the university, the profession, and the community

East Carolina University considers service to the university, the academic profession, and the community as an important aspect of a faculty member's contribution. Expectations for service shall be described in the unit code. (See Section III.4). Faculty members' on-campus presence is expected to the extent necessary in the performance of these responsibilities.

d. Patient care and related clinical responsibilities, as appropriate

## 2. Fixed-Term Positions

A candidate who is under consideration for a fixed-term position is evaluated on past achievements and potential for future contributions in the areas of responsibility stated in the advertisement for the position and established in the unit code.

## D. Requirements for ranks and titles

### 1. General Provisions

Appointments are made at the academic ranks of assistant professor, associate professor, and professor. These are the only ranks that may involve a permanent tenure commitment. Appointments to all other titles are for a definite term and do not involve a permanent tenure commitment.

The following are the minimum required qualifications that may be considered when making appointments.

### 2. Ranks of Probationary Term Appointments

#### Assistant Professor

- has demonstrated potential for effective teaching and other instructional responsibilities
- has demonstrated potential to develop a program of scholarship that will lead to professional recognition in the discipline
- has demonstrated effective clinical practice in disciplines, where appropriate
- holds the appropriate terminal degree (ABD may be considered for initial appointment) or alternate professional qualifications as determined by the units and the profession and affirmed by the appropriate vice chancellor
- exhibits evidence of potential for professional growth in teaching effectiveness and scholarship
- has demonstrated ability and willingness to participate in departmental, college, and university affairs
- has demonstrated active engagement with professional organizations within the discipline

#### Associate Professor

- has qualifications of the previous rank
- has demonstrated effectiveness in teaching and/or other instructional responsibilities
- has a record of scholarship resulting in publication and/or scholarly productivity appropriate to the discipline and established by the unit code
- has a demonstrated record of effective service to the university
- has a demonstrated record of effective service to the profession

#### Professor

- has qualifications of the previous rank
- has an established record of excellence in teaching and other instructional responsibilities

- has a significant record of scholarship resulting in publication and/or other scholarly productivity appropriate to the discipline and established in the unit code.
- has demonstrated excellent ability and willingness to participate in departmental, college, and university affairs
- has a demonstrated record of significant service/clinical practice to the university and the discipline, where appropriate

### 3. Titles of Fixed-Term Appointments

- a. Faculty members with duties primarily in instruction have titles of Teaching Instructor, Senior Teaching Instructor, Teaching Assistant Professor, Teaching Associate Professor or Teaching Professor.

Fixed Term Librarians are called Library Assistant Professor, Library Associate Professor, or Library Professor. Unit codes define expectations for each title. The following general criteria apply to both titles:

#### Teaching Instructor

- holds, at a minimum, a master's degree appropriate to the area of instruction, or has equivalent professional qualifications
- has demonstrated potential for effective teaching and/or other instructional responsibilities

#### Senior Teaching Instructor

- has qualifications of the previous title
- has demonstrated excellence in teaching and/or other instructional responsibilities
- engages in professional development activity

#### Teaching Assistant Professor

- has qualifications of the previous title
- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appropriate vice chancellor and the profession concerned
- has demonstrated effectiveness in teaching

#### Teaching Associate Professor

- has qualifications of the previous title
- has demonstrated superior teaching ability and/or other instructional responsibilities
- engages in professional development activities

#### Teaching Professor

- has qualifications of the previous title
- has demonstrated excellence in teaching
- has established an excellent professional reputation among colleagues
- is qualified and competent in mentoring others (such as graduate students, teaching instructors, etc.)

- b. Faculty members with duties primarily in research

Research faculty members are typically funded externally. Research faculty members are encouraged to give seminars and teach occasional courses in their specialty.

Teaching is at the discretion of the unit and the availability of funds.

#### Research Instructor

- holds a minimum of a master's degree appropriate for the specific position or has alternate professional qualifications.
- has demonstrated potential for effective research

- should be capable of carrying out individual research or should be trained in research procedures
- should have the experience and specialized training necessary to develop and interpret data required for success in such research projects as may be undertaken

Research Assistant Professor

- has qualifications of the previous title
- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appointing officer and the profession concerned
- has demonstrated effectiveness in research
- is qualified and competent to direct the work of others (such as technicians, graduate students, etc.)

Research Associate Professor

- has qualifications of the previous title
- has extensive successful experience in scholarly or creative endeavors
- has the ability to propose, develop, and manage major research projects

Research Professor.

- has qualifications of the previous title
- has established an excellent reputation among colleagues
- has demonstrated scholarly production in research, publications, professional achievements, or other distinguished and creative activity.

c. Faculty members with duties primarily in clinical teaching

Clinical Instructor

- holds, at a minimum, a graduate degree appropriate for the specific position or has equivalent professional experience
- has demonstrated potential in clinical practice and teaching in the field

Clinical Assistant Professor

- has qualifications of the previous title
- holds the appropriate professional degree, as evaluated by the academic unit and affirmed by the appropriate vice chancellor and the profession concerned
- has training and experience in an area of specialization
- has demonstrated expertise in clinical practice and teaching and other instructional responsibilities in the discipline

Clinical Associate Professor

- has qualifications of the previous title
- has extensive successful experience in clinical or professional practice in an area of specialization, or in a subdivision of the specialty area, and in working with and/or directing others (such as professionals, faculty members, graduate students, etc.) in clinical activities in the field

Clinical Professor

- has qualifications of the previous title
- has established an outstanding reputation of excellence in clinical practice and teaching and/or other instructional responsibilities

d. Faculty members with duties primarily in the libraries

Library Assistant Professor

- holds the appropriate terminal degree, or alternate professional qualifications, as evaluated by the academic unit and affirmed by the appropriate vice chancellor

- has demonstrated evidence of, or potential for, the following: effective teaching and/or other professional responsibilities; collegiality and professional integrity; continued professional growth; service to the Library; service to the University, and/or to the profession; a record of contributions to scholarship/creative activity, if applicable

#### Library Associate Professor

- has qualifications of the previous title
- has demonstrated: substantive accomplishments in professional performance; collegiality and professional integrity; substantial and continued professional growth; sustained institutional; and professional service
- has a record of regular contributions to scholarship/creative activity

#### Library Professor

- has qualifications of the previous title
- has demonstrated: sustained and substantive accomplishments in professional performance; collegiality and professional integrity
- has demonstrated: superior knowledge and mastery of assigned area of specialization; and exemplary institutional and professional service;
- has attained national or international recognition as an authority and leader in the assigned area of specialization;
- has a sustained and substantive record of scholarship/creative activity

#### e. Additional faculty titles

Adjunct Instructor; Adjunct Assistant Professor; Adjunct Associate Professor; Adjunct Professor: These titles are used to appoint outstanding persons who have a primary employment responsibility outside the university or in a different department in the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Affiliate Instructor; Affiliate Assistant Professor; Affiliate Associate Professor; Affiliate Professor: These titles are used in the School of Medicine to appoint outstanding persons who have a primary employment responsibility outside the university and who bring some specific professional expertise to the academic program. These positions are typically unfunded.

Artist-in-Residence; Writer-in-Residence: These titles are used to designate temporary appointments, at any salary and experience level, of persons who are serving for a limited time or part-time and who are not intended to be considered for professorial appointment.

Visiting Instructor; Visiting Assistant Professor; Visiting Associate Professor; Visiting Professor. The prefix “visiting” before an academic title is used to designate a short-term full-time or part-time appointment without tenure. Therefore, the visiting title shall not be used for periods of time beyond the initial contract period. It shall be used only for those fixed-term faculty members who are visitors, temporary replacements, or for whose disciplines the institution in good faith expects to have only a short-term need. Use of the visiting title for an individual for more than 3 years is a misuse of this title.

#### 4. Emeritus status

All unit codes must specify criteria for conferring of “emeritus” or “emerita” status. Based on those criteria specified in the unit code and the recommendations of the unit personnel committee and appropriate administrators, the Chancellor may confer the title emeritus or emerita upon a retired (including Phased Retirement participant), permanently disabled, or deceased faculty member, who has made a significant contribution to the university through a long and distinguished record of scholarship, teaching, and/or service (FS Resolution #13-97, December 2013).

#### E. Initial Appointment

[For additional provisions related to initial faculty appointments, see *ECU Faculty Manual*, Part IX, Section I (II).]

Appointment to the faculty is made by the Chancellor or the Chancellor’s designee. Upon receiving recommendations by appropriate unit committees and administrators, the Chancellor or his/her designee shall issue an appointment letter to the faculty candidate. No offer is binding and no appointment is effective until signed by the Chancellor or the Chancellor’s designee and subsequently signed by the faculty appointee.

The appointment letter shall specify, at minimum: rank or title; salary rate; length of appointment, tenure status [either fixed-term, probationary-term, or appointment with permanent tenure, as defined in the *Faculty Manual*, Part IX]; initial assignments and/or responsibilities; reference to the criteria for evaluation of faculty performance, as provided in Part IX, unit codes, and other appropriate documents; and any specific terms and conditions of employment.

Any action conferring permanent tenure with the initial faculty appointment requires approval of the Board of Trustees.

#### II. Assignments of Faculty Workload

Faculty workload is governed by the [Faculty Workload Administrative Regulation](#).

By the end of the spring semester for 9-month faculty, and by the end of the summer session for 12-month faculty, and prior to making final faculty workload assignments and after soliciting faculty preferences, the unit administrator shall apprise each unit faculty member, in writing, of the duties and responsibilities for the coming academic year.

##### A. Teaching Responsibilities

The unit administrator assigns teaching responsibilities and determines the method of delivery. If changes in a faculty member's assignment subsequently become necessary, the faculty member shall be notified at the earliest possible opportunity.

The definition of a semester credit hour is governed by [PRR #02.07.01](#).

Full-time faculty members whose primary responsibilities are teaching and other instructional responsibilities should not be required to teach more than the equivalent of 12 credit hours per semester or 6 credit hours per summer session, as consistent with the discipline norms, with the exception of faculty members who voluntarily teach directed readings and similar courses. If exceptional circumstances require that a faculty member be assigned more than the equivalent of 12 credit hours in a semester, he or she should be appropriately compensated for the excess teaching load during that

term or be given the equivalent reduced teaching load at a time to be negotiated between the unit administrator and the faculty member.

Consistent with Part VI, Section I.II., faculty members teaching one or more courses must maintain five hours of office hours during the workweek. Faculty members are also expected to be on campus an appropriate number of hours consistent with assigned instructional duties and disciplinary norms.

B. Scholarly Responsibilities

A faculty member's scholarship shall reflect the high professional standards incumbent upon those who enjoy full academic freedom; such activities must be measured by standards of quality, not merely by quantity, as appropriate to the discipline. Faculty members shall fulfill their scholarly responsibilities as outlined in the unit code and consistent with overall assigned duties.

C. Service Responsibilities

Each faculty member will be assigned and/or will assume responsibilities to serve diverse service roles in the department/program, the college, the university, the profession and/or the community in consultation with their unit administrator. These roles may include formal service in committees at various levels or informal activities, such as mentoring students or junior faculty members. Consequently, as appropriate in each unit, faculty members are expected to actively participate in the life of their unit, be physically present on campus to the extent necessary to discharge their particular service duties, and to carry their fair load of assigned and assumed duties necessary for the effective and equitable operation of the unit.

D. Patient Care and Related Clinical Responsibilities, as appropriate  
Standards are described in the unit code.

Faculty reassigned time is governed by [Faculty Scholarly Reassignment](#) Administrative Regulation. Faculty members who are to be granted reassigned time shall be informed in writing of the purpose of the reassignment. (FS Resolution #14-04, March 2014)

### III. Annual Evaluation

Each faculty member with either a fixed term, probationary term, or permanently tenured appointment shall perform his/her duties according to ECU's [Statement on Professional Ethics](#) and shall receive annually an evaluation of his/her performance from the unit administrator which shall be based upon current academic year data. The annual performance evaluation of faculty members shall employ the criteria contained in the unit code approved by the chancellor.

The process for determining the relative weight given to teaching, scholarship, service, and where appropriate, clinical duties, for purposes of annual evaluations shall be contained in the unit code. In no case, however, shall service be weighed more heavily than either teaching or scholarship.

This annual evaluation shall:

- be in writing;
- be discussed with the faculty member prior to being sent to any other administrator or placed in the faculty member's personnel file; in the case of faculty members with probationary term

appointments, a record of this discussion shall be placed in the faculty member's personnel file;

- be signed and dated by the unit administrator and the faculty member, who may attach to the evaluation a concise comment regarding the evaluation. The faculty member has seven working days after receiving the evaluation to attach the statement. The signature of the faculty member signifies that he or she has read the evaluation, but it does not necessarily indicate concurrence.

The unit administrator shall forward to each faculty member a copy of that member's annual evaluation within ten calendar days of completing the evaluations of unit members.

#### A. Probationary-term and permanently tenured faculty

The evaluation of probationary-term and permanently-tenured faculty members shall be based upon that year's duties and responsibilities (except data from the previous year's spring semester survey of student opinion). Such evaluations shall consider, as appropriate:

##### 1. Teaching and Other Instructional Responsibilities

Teaching is the primary function of the university. Teaching may include classroom and laboratory instruction, student advising, mentoring student research, and other instructional activities. Teaching and other instructional responsibilities must be evaluated using multiple methods selected from the list below:

- a. review by the unit administrator and/or peers of course materials such as syllabi, reading lists, teaching outlines, audiovisual materials, student manuals, student assignments and examinations, and/or other materials prepared for or relevant to teaching.
- b. samples of student work on assignments, projects, papers, juries, or other examples of student achievement.
- c. formal methods of peer review, including direct observation of teaching utilizing the appropriate university approved format (including direct observation of the teaching of new and tenure-track faculty). Methods to be used for this peer review are detailed in Faculty Senate resolution #93-44. The peer review instrument is provided in Faculty Senate resolution #16-60. The peer review instrument for on-line courses is provided in Faculty Senate resolution #11-53.
- d. direct observation of teaching by the unit administrator.
- e. review of student opinion data from course evaluations.
- f. other procedures provided for in unit codes (FS Resolution #12-76, July 2012).

##### 2. Scholarship

Measures of success in the area of scholarship include, but are not limited to, peer-reviewed publications, books, presentations, performances, patents, and national awards, including both honorary awards and competitively awarded external funding as appropriate to the discipline. These measures, and particularly national awards that recognize prominence in the discipline, will be positively reflected in annual evaluations and other personnel actions. Unit codes should define these criteria, and relative importance, in detail.

##### 3. Patient Care and Related Clinical Responsibilities

Unit codes will describe expectations for clinical services and criteria for evaluation.

##### 4. Service

Service on department, school, college, and university committees, councils, and senates; service to professional organizations; service to local, state and national governments;

contributions to the development of public forums, institutes, continuing education projects, patient services and consulting in the private and public sectors; unit codes should define these criteria, and relative importance, in detail.

5. Other assigned responsibilities.

B. Fixed-term faculty members

The evaluation of fixed-term faculty members shall be based on their performance of duties as stated in their appointment letters, utilizing the criteria stated in the unit code.

IV. Reappointment of Probationary-Term Faculty Members

Refer to Part IX of the *ECU Faculty Manual*.

V. Subsequent appointments of Fixed-Term Faculty Members

Refer to Part IX of the *Faculty Manual*.

VI. Professional Advancement

Promotion for tenured and probationary-term faculty members and advancement in title for fixed-term faculty members are means through which professional achievement is encouraged, recognized, and rewarded by the university. The evaluation of faculty members for purposes of promotion or advancement in title shall accord with the regulations established in the unit code and shall employ the criteria contained in the unit code approved by the Chancellor (*ECU Faculty Manual*, Part IV).

Specific regulations and criteria governing evaluation of faculty for purposes of promotion or advancement in title may vary from unit to unit. For evaluations pertaining to fixed-term subsequent new appointment at a higher title, the criteria shall be stated in the unit code.

As a minimum, each unit shall:

- apply published criteria in teaching, scholarship, service, and clinical service, where relevant to the discipline, for evaluating faculty for promotion or advancement in title;
- make available procedures which will permit each faculty member to report achievements annually or on a more frequent basis; and
- inform each faculty member of the right to discuss his or her candidacy with the unit administrator and/or the appropriate unit committee at any time prior to the deadline for submission of materials.

A. Promotion for tenured and probationary-term faculty members

Upon request by a tenured faculty member, the unit administrator and the unit promotion committee shall evaluate the faculty member for promotion. Following such evaluations, the unit administrator and appropriate unit committee shall inform the faculty member of their respective recommendations. Promotion shall be based upon the faculty member's demonstrated professional competence and achievements. Procedures to be followed for promotion are found in *ECU Faculty Manual*, Part IX and Part X.

Promotion in academic rank should be accompanied by a salary increment, which shall be separate from any and all other increments to which the individual may be entitled, unless State of North Carolina or University of North Carolina regulations state otherwise.

B. Advancement in title for fixed-term faculty members

The unit code shall specify the criteria and the means of evaluation of fixed-term faculty members to be used for a subsequent new appointment at a higher title. Advancement in title shall be based upon the faculty member's demonstrated professional competence and achievements, and should be accompanied by a salary increment, which shall be separate from any and all other increments to which the individual may be entitled, unless State of North Carolina or University of North Carolina regulations state otherwise. Competence for advancement in title may be attested to by demonstrated excellence in the performance of duties specified in the appointment letter of the fixed-term faculty member and supported by the faculty member's annual performance evaluation.

The unit administrator shall notify eligible faculty members within four working days of receipt of the next higher administrator's call for advancement in title recommendations. Upon request by a fixed-term faculty member, the unit administrator and the personnel committee shall evaluate the faculty member for advancement in title. Following such evaluations, the unit administrator and appropriate unit committee shall inform the faculty member of their respective recommendations. Procedures to be followed for advancement in title should be specified in the unit code in accordance with *ECU Faculty Manual*, Part IX, Section I (II.B.3) and Part VIII, Section I.

VII. Salary

A. Initial Salary

Initial salary shall be based on degree attainment, academic rank, pertinent professional experience and qualifications, scholarly publication or its equivalent, and level of responsibility. Consideration should be given to the salaries of personnel presently in the unit and must be consistent with University-established faculty salary ranges.

B. Determination of Annual Salary Increments

The unit administrator shall recommend annual salary increments to the appropriate administrative officials in accordance with requirements imposed by the North Carolina General Assembly, The University of North Carolina Board of Governors, the ECU Board of Trustees, and the university administration. Recommended salary adjustments shall rely upon criteria that have been established in the *Faculty Manual*, in unit codes, or in guidelines referenced in unit codes. Criteria for assessing merit are contained in unit codes. The unit administrator shall also inform the unit, in dollar amounts and percentages, the total adjustment, mean salary increment, and range in salary increments for the unit. Each faculty member shall be informed by the unit administrator of any salary increment recommendations made on behalf of the faculty member.

C. Benefits and Salary Increases for Fixed-Term Faculty

Equitability of salary and benefits for fixed-term faculty members should be reviewed annually. When salary increments are provided by the Board of Governors, full-time fixed-term faculty members who have completed one year of employment and have received a subsequent new appointment should be considered for a salary increase based upon their annual evaluation and criteria established by the Board of Governors, ECU Board of Trustees, and the unit code.

Full-time, fixed-term permanently appointed faculty members are entitled to those benefits that are provided to other full-time permanent faculty employees of ECU, unless State of North Carolina or University of North Carolina regulations state otherwise.

## VIII. Faculty Personnel Files

- A. [Article 7 of Chapter 126](#) of the General Statute of North Carolina shall govern matters relating to an employee's personnel file, its contents, and permissible access. Current General Statutes may be requested through the Office of University Counsel (formerly, the University Attorney) or through references in Joyner Library.

For questions regarding personnel file, contact the Faculty Senate Office, the appropriate Division Vice Chancellor, or the University Counsel Office.

### B. Definition

"Personnel File" means any employment-related or personal information gathered by an employer or by the Office of State Human Resources. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries. "Record," as used in this Part VIII of the *Faculty Manual*, means the personnel information that each employer is required to maintain in accordance with G.S. 126-123.

The Personnel Action Dossier (PAD), defined in the ECU Faculty Manual Part X, Section I, is an evaluative document, employment-related personnel information, and a part of the faculty member's personnel file. The personnel file is University property and is retained by the University.

Contents of the personnel file are kept in accordance with the Records Retention and Disposition Schedule approved by the Chancellor. Timing of storage and transfer vary depending on the specific type of document. (See <http://www.ecu.edu/cs-lib/recordsmanagement/ecugeneralschedule.cfm> for reference).

### C. Location

Personnel records exist in various locations across campus. Academic Affairs and the Health Sciences divisions will maintain comprehensive lists of locations where files may be found on a website accessible to faculty members. The Faculty Senate office can direct faculty members to the appropriate website.

All records used in the formal evaluation of faculty members should be located in the primary collection of documents that are kept in the department or unit that are part of the personnel file, hereafter referred to as the department/unit personnel file. The unit administrator can inform the faculty member of the location of evaluative material.

An appeal hearing file or an investigative file prepared by the EEO Office or by the Office of University Counsel may include materials such as: filed grievances; appeals of non-reappointment or non-conferral of tenure; complaints filed by or against a faculty member with the ECU EEO Office alleging sexual harassment, discrimination based on race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status ("Protected Class"), or a violation of the amorous relations policy; and records relating to any disciplinary action against a faculty member.

Information retained in the EEO Office or the University Counsel's Office will remain confidential, but the documents collected and/or created in those offices are usually considered part of an investigative/preparation file and are not considered part of the department/unit personnel file. Disclosure of documents in those files is subject to applicable University policies and state laws. Additionally, in accordance with the relevant University policy and state laws, the University will formally notify the faculty member of any complaint or grievance formally filed against a faculty member and will follow the procedures prescribed for due process. In most cases, documents containing employment-related or personal information maintained in the EEO Office or University Counsel's Office will be duplicates of documents in the department/unit personnel file. In all cases, the documents in those files will be available for review by the faculty member, except that the University does not waive rights and responsibilities to limit disclosure recognized by law, including but not limited to attorney-client communication privilege and attorney work product privilege.

#### D. Content

State law requires that the University permit the public to have access to the following employment related information about each employee:

- name;
- age;
- date of original employment or appointment to state service;
- the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the university has the written contract or a record of the oral contract in its possession;
- current position;
- title;
- current salary;
- date and amount of each increase or decrease in salary with the university;
- date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the university;
- date and general description of the reasons for each promotion with the university;
- date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the university. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Chancellor setting forth the specific acts or omissions that are the basis of the dismissal; and
- the office to which the employee is currently assigned.

To the extent allowed by applicable law (e.g., [Article 7 of Chapter 126](#) of the General Statutes of North Carolina), all other information contained in the personnel file is confidential and shall not be open for inspection and examination except to the following persons:

- (1) The employee, applicant for employment, former employee, or his or her properly authorized agent, who may examine his or her own personnel file in its entirety except for (i) letters of reference solicited prior to employment or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee;
- (2) The supervisor of the employee;

- (3) A potential state or local government supervisor, during the interview process, only with regard to the performance management documents;
- (4) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
- (5) A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file; and
- (6) An official of an agency of the federal government, state government, or any political subdivision thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected or, in the case of an applicant for employment or a former employee, by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation; and
- (7) Any person or corporation to which the Chancellor determines release of such information is essential as allowed by [General Statute §126-24](#).

Evaluative materials or summaries thereof prepared by peer committees as part of a regular evaluation system are placed in the department/unit personnel file when signed by a representative of the committee. In particular, official copies of Personnel Action Dossiers, as outlined in Part X of the ECU Faculty Manual, including documentation submitted by faculty members for consideration in the tenure, reappointment, and promotion processes, shall reside in the department/unit personnel file.

No material obtained from an anonymous source shall be placed in the -personnel file except for data from student opinion surveys. Data from student opinion surveys shall be submitted by the authorized surveying agent to the faculty member and the unit administrator. Administrators shall not keep secret files.

A faculty member who objects to material in the department/unit personnel file or other employment-related or personal information contained in the personnel file may place in the file a statement relating to the material the faculty member considers to be inaccurate or misleading. This concise statement shall be submitted to the custodian for inclusion as an attachment to the specific document. A faculty member who objects to material in the personnel file because it is inaccurate or misleading may seek the removal of such material from the personnel file in accordance with Part XII of the *Faculty Manual*.

#### E. Access

Personnel records may be located at various locations across campus. The personnel offices of Academic Affairs and the Health Sciences divisions will maintain comprehensive lists of locations where files may be found.

Faculty members may obtain access to their departmental/unit personnel file by submitting advance notice of at least 4 calendar days to the unit administrator. Confidential documents, as specified in D.1 (above), will be removed. The faculty member may request the unit administrator's assistance in gathering files from various locations. The unit administrator must make arrangements to have office staff available to oversee the review process to ensure the integrity and safekeeping of the records and to assist in making copies of the file, if applicable.

A faculty member may obtain copies of any materials contained in the personnel file subject only to restrictions provided by state law.

F. Disclosure of Confidential Information

Willful disclosure of confidential information or unauthorized access to a personnel file by any person violates state law and university regulations and may result in disciplinary action under university regulations. Any public official, employee, agent, University contractor, student worker, intern, or volunteer who knowingly and willfully permits these violations but does not act to address them has neglected his or her duties and may also be disciplined in accordance with university regulations.

IX. Amendment Procedure

Amendment procedures are subject to the University's Regulation on Policies, Rules, and Regulations. The Faculty Senate will consider amendments to *ECU Faculty Manual*, Part VIII, Section I - Personnel Policies and Procedures that are proposed by any full-time member of the faculty, by any faculty committee, or by any member of the administration of East Carolina University. Amendment(s) submitted to the Faculty Senate for consideration shall be handled as any other item of legislation that comes before the Senate. If the Senate approves such a proposed amendment, the Senate shall submit the proposed amendment to the Chancellor and, if approved by the Chancellor, the amendment will be forwarded to the Board of Trustees for its approval. Consideration by the Board of Trustees is not required if the Chancellor has final authority to enact the amendment.

X. Effective Date

All provisions of these policies and procedures shall become effective on the date they are approved by the East Carolina University Board of Trustees or its designee.

(FS Resolution #11-94, November 2011; FS Resolution #12-76, April 2012; FS Resolution #14-04, March 2014; FS Resolution #18-41, July 2018)

PART VIII – PERSONNEL POLICIES AND PROCEDURES FOR THE FACULTY OF EAST CAROLINA UNIVERSITY

SECTION II

Policy of Conflicts of Interest and Commitment and External Activities of Faculty and Other Professional Staff

*(Text moved from former Appendix I and former Part VI)*

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I. Introduction, Applicability, and Responsibility for Compliance

All EPA faculty members and Non faculty EPA staff of East Carolina University are subject to revised policies concerning conflicts of interest and conflicts of commitment affecting University employment and external professional activities. This policy covers full-time faculty and EPA non-faculty employees, part-time faculty and EPA non-faculty employees, (those UNC employees who are not subject to the State Personnel Act – hereinafter referred to as ‘EPA employees’. This policy is based on policies and guidelines adopted by the UNC system Board of Governors, federal and state law, and federal agency sponsor requirements. Any questions regarding these procedures or the Board of Governors' policies upon which they are based should be directed to the ECU Office of Research Compliance Administration.

II. Definitions

- A. Business means any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit, not-for-profit, or charitable purposes. "Business" excludes University-related entities, which is inclusive of the University, and any private medical practice or any other entity controlled by, controlling, or under common control with the University or with which the University has a contractual relationship for the purpose of providing patient care.
- B. Conflict of commitment relates to an individual’s distribution of effort between obligations to his or her University employment and participation in activities outside of University employment. The latter may include such generally encouraged extensions of professional expertise as professional consulting. A conflict of commitment occurs when the pursuit of such outside activities involves an inordinate investment of time that interferes with the EPA employee’s obligations to students, to colleagues, and/or to missions of the University.

- C. Conflict of interest relates to situations in which financial or other personal considerations may compromise, may involve the potential for compromising, or may have the appearance of compromising an EPA employee's objectivity in fulfilling University duties or responsibilities, including research activities.
- D. "Executive Position" refers to any position that includes responsibilities for a material segment of the operation or management of a business, including Board membership.
- E. External professional activities for pay means any activity that 1) is not included within one's University employment responsibilities; 2) is performed for any entity, public or private, other than the University employer; 3) is undertaken for compensation; and 4) is based upon the professional knowledge, experience and abilities of the EPA employee. Activities for pay not involving such professional knowledge, experience and abilities are not subject to advance disclosure and approval requirements of this Policy, although they are subject to the basic requirement that outside activities of any type not result in neglect of primary University duties, conflicts of interest, inappropriate uses of the University name or resources, or claims of University responsibility for the activity.
- F. Department means an academic department, a professional school without formally established departments, or any other administrative unit designated by the chancellor of an institution or by the president for the office of General Administration, for the purposes of implementing this policy.
- G. The "Immediate Family" of a faculty or EPA non-faculty employee includes his or her spouse, dependent children and/or other dependent(s) as defined in the Internal Revenue Code.
- H. Inappropriate use or exploitation of University resources means using any services, facilities, equipment, supplies, or personnel that members of the general public may not freely use. A person engaged in professional activities for pay may use, in that connection, his or her office and publicly accessible facilities such as University libraries; however, an office shall not be used as the site for compensated appointments with clients, e.g., for counseling or instruction. Under no circumstances may a supervisory employee use the services of a supervised employee during University employment time to advance the supervisor's external professional activities for pay.
- I. "Participate" means to be part of the described activity in any capacity, including but not limited to serving as the principal investigator, co-investigator, research collaborator or provider of direct patient care. The term is not intended to apply to individuals who provide primarily technical support or who are purely advisory, with no direct access to the data (e.g., control over its collection or analysis) or, in the case of clinical research, to the trial participants, unless they are in a position to influence the study's results or have privileged information as to the outcome.
- J. Significant Financial Interest has the same meaning as in 42 C.F.R. 50.603 as it currently exists and as it may later be amended. This provision of the Code of Federal Regulations defines a Significant Financial Interest to mean: anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights). The term does not include:
  1. Salary, royalties, or other remuneration from the applicant institution;
  2. Any ownership interests in the institution, if the institution is an applicant under the Small Business Innovation Research Program (SBIR);
  3. Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
  4. Income from service on advisory committees or review panels for public or nonprofit entities;
  5. An equity interest that when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair

market value, and does not represent more than a five percent ownership interest in any single entity; or

6. Salary, royalties or other payments that when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.
- K. "Sponsored Programs" means research, public service, training and instructional projects involving funds, materials, or other compensation from outside sources under grants, contracts, or cooperative agreements.
- L. "Technology" means any process, method, product, compound, drug, device, or any diagnostic, medical, or surgical procedure developed using University time, facilities, equipment, or funds whether intended for commercial use or not.
- M. University employment responsibilities include both "primary duties" and "secondary duties." Primary duties consist of assigned teaching, scholarship, research, institutional service requirements, and other assigned EPA employment duties. Secondary duties consist of professional affiliations and activities undertaken by EPA employees outside of the immediate University employment context that redound to the benefit of the profession and to higher education in general. Such endeavors, which may or may not entail the receipt of honoraria (See also UNC Policy Manual 300.2.2.2[R]) or the reimbursement of expenses, include membership in and service to professional associations and learned societies; membership on professional review or advisory panels; presentation of lectures, papers, concerts or exhibits; participation in seminars and conferences; reviewing or editing scholarly publications and books; and service to accreditation bodies. Such integral manifestations of one's membership in a profession are encouraged, as extensions of University employment, so long as they do not interfere with the timely and effective performance of the individual's primary University duties.

The goal of this policy is to ensure that all conflicts of interest or commitment are disclosed so that appropriate administrative interventions may eliminate, avoid, or manage them. These policies, however, are not intended to limit responsible external activities.

### III. Policies

#### A. Conflict of Interest

Employees shall avoid conflicts of interest that compromise, may involve the potential for compromising, or may have the appearance of compromising the EPA employee's objectivity in fulfilling University responsibilities, including research activities. Accordingly, outside activities and financial interests must be disclosed by EPA employees on an annual basis. This notwithstanding, EPA employees have a continuing obligation to timely update these disclosures as new external interests develop. Outside activities and financial interests should be arranged to avoid such conflicts.

#### B. Conflict of Commitment

Employees shall devote their primary professional loyalty, time, and energy to their University employment responsibilities, including research activities. Accordingly, EPA employees shall not engage in activities outside of their employment that involves an inordinate investment of time that interferes with the EPA employee's obligations to students, to colleagues, and/or to missions of the University. Such activities are unacceptable outside activities. Conflicts of commitment may also arise in connection with non-compensated activities and a conflict of commitment may exist notwithstanding that an EPA employee received no economic benefit from the outside activity. The issue, in each case, is whether the employee is meeting the requirements of the job (as such

responsibilities and requirements may be defined by applicable University policy and as may be further described in an individual's job description or appointment letter).

The policy on External Professional Activities of Faculty and Other Professional Staff should be used for these potential conflicts of commitment situations.

Although full-time faculty and other EPA employment is not amenable to precise, time-clock analysis and monitoring, administrators at the department and school levels are charged with the evaluation of the work of employees under their supervision. The formal occasions for determining whether an individual is devoting sufficient time and energy to University employment include regular reviews in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and reviews of Notices of Intent to Engage in External Professional Activities for Pay.

#### IV. Categories and Examples of Potential Conflicts

Activities that may involve conflicts of interest can be categorized under four general headings:

Category I: consists of activities that appear to involve a conflict of interest but in, fact, do not.

Category II: consist of activities that present potential conflict of interest and must be reported, but that may be allowable with administrative approval.

Category III: consists of relationships that are generally not allowable because they involve potential conflicts of interest or they present obvious opportunities or inducements to favor personal interests over institutional interests. Before proceeding with such an endeavor, the EPA Employee must demonstrate that in fact his or her objectivity would not be affected and University interests otherwise would not be damaged. An approved conflict of interest management plan must be in place before any activities involving this category are initiated.

Category IV: consists of activities that have the potential for creating conflicts of interest that are prohibited by North Carolina and/or federal law and, therefore, may not be undertaken.

Provided below are representative, but not all-inclusive, examples of activities in each of these four categories. Please refer to Section above for important definitions.

Category V: Activities allowable, with no reporting required. The examples cited below involve activities external to University employment, and thus may present the appearance of a technical conflict, but they in fact do not have the potential for affecting the objectivity of the EPA employee's performance of University responsibilities; at most, some such situations could prompt questions about conflicts of commitment.

- a. An EPA Employee receiving royalties from the publication of scholarly works and other writings or for the licensure of patented inventions pursuant to the University's Patent and Copyright Policies (*Faculty Manual*, Part VII, Research Information).
- b. An EPA employee receiving nominal compensation, in the form of honoraria or expense reimbursement, in connection with service to professional associations, service on review panels, presentation of scholarly works, and participation in accreditation reviews. Senior Academic and Administrative Officers may also be subject to special regulations regarding honoraria which require leave to be taken when external activities for pay will take place during the regular work week (UNC Policy Manual, 300.2.2.2[R]).

- c. An EPA Employee having an equity interest in a corporation used solely for the individual's consulting activities provided such consulting activities are appropriately reported and approved in accordance with the policy on, External Professional Activities of Faculty and Other Professional Staff and the corporation is not directly or indirectly conducting any business or sponsoring any projects with the University.

Category VI: Activities requiring disclosure for administrative review.

1. Research Activities

- a. An EPA employee accepting support for University research under conditions that require research results to be held confidential, unpublished, or inordinately delayed in publication. Research conducted by faculty or students under any form of sponsorship must maintain the University's open teaching and research philosophy and must adhere to a policy that prohibits secrecy in research. Such conditions on publication must be in compliance with UNC Policy Manual, 500.1 and 500.2.
- b. Related persons working on the same funded or unfunded project.

2. External Activities

- a. An EPA Employee serving on the board of directors or scientific advisory board of an enterprise or business that provides financial support for University research, and the employee or a member of his or her immediate family may receive such financial support.
- b. An EPA Employee serving in an executive position in a for-profit or not-for-profit business which conducts research or other activities in an area related to the University duties of the employee.

3. Ownership

- a. An EPA Employee having a financial interest or a significant financial interest in a business that competes with the services provided by the University.
- b. An EPA Employee having significant equity or a Significant Financial Interest in a for-profit business which conducts research or other activities in an area related to the employee's University duties. An EPA Employee requiring students to purchase the textbook or related instructional materials of the employee or members of his or her immediate family, which produces compensation for the employee or family member.

4. Other

- a. An EPA employee receiving compensation or gratuities (other than occasional meals, gifts or desk copies of textbooks, and the like) from any individual or entity doing business with the University. This notwithstanding, see Category IV example (f).
- b. Engaging in any other activity that has the potential for creating a conflict of interest or commitment as defined herein.

Category VII: Activities or relationships that are generally not allowable.

1. Research Activities

- a. An EPA Employee participating in University research involving a technology owned by or contractually obligated (by license, option, or otherwise) to a business in which the individual or an immediate family member has a consulting relationship, has an ownership interest, or holds an executive position.
- b. An EPA Employee participating in University research which is funded by a grant or contract from a business in which the individual or member of his or her immediate family has an ownership interest and/or significant financial interest;
- c. An EPA Employee assigning students, postdoctoral fellows or other trainees to University research projects sponsored by a business in which the individual or a member of his or her immediate family has an ownership interest and/or significant financial interest.

## 2. External Activities

- a. Assuming an executive position in a not-for-profit business with which the University has a contractual relationship known to the individual and which is engaged in commercial or research activities in a field related to the individual's University responsibilities.
- b. An EPA Employee making referrals of University business to an external business or company in which the individual or a member of his or her immediate family has a financial interest, including a consulting relationship.
- c. An EPA Employee associating his or her own name with the University in such way as to profit financially by trading on the reputation or goodwill of the University. An example of a context in which such an association might occur is external professional activity for pay. Mere identification of the University as the employer of the individual and of the individual's position at the University is permitted by this section, provided that such identification is not used in a manner that implies sponsorship or endorsement by the University.
- d. An EPA Employee serving as an expert witness for pay in litigation which requires the disclosure of research data in a manner that will compromise the University's or a student's ability to publish.

## 3. Public Disclosure

- a. An EPA Employee publishing or formally presenting University sponsored research results, or providing expert commentary on a subject, without simultaneously disclosing any significant financial interest relating to such results or such subject.
- b. An EPA Employee making unauthorized use of privileged information acquired in connection with one's University responsibilities. See also Category IV activities.

## 4. Administrative Responsibilities

- a. An EPA Employee taking administrative action in the course and scope of University responsibilities that is beneficial to a business in which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship. See also Category IV activities.
- b. An EPA Employee influencing the negotiation of contracts between the University and an outside organization with which the individual or an immediate family member has a significant financial interest, including a significant consulting relationship. See also Category IV activities.

## 5. Committee Participation

- a. An EPA Employee serving on a committee of a governmental agency or private entity during the consideration by such a committee of the regulation or application of a technology that is owned by or contractually obligated to a business in which that individual or immediate family has a significant financial interest, including a significant consulting relationship.

Category VIII: Activities that have the potential for creating conflicts of interest that are prohibited by North Carolina and federal law (including N.C. Gen. Stat. 14-234 and 14-234.1 as they currently exist and as may later be amended) and, therefore, may not be undertaken.

- (a) N.C.G.S. (a1)(4) defines "direct benefit from a contract" to mean where a state officer or employee or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to contract with a state agency; (ii) derives any income or commission directly from the contract with a state agency; (iii) acquires any property under the contract with a state agency.
- (b) N.C.G.S. 14-234 (a1)((2) states that a public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.

- (c) N.C.G.S. 14-234 (a1)((3) states in part that a public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract.
- (d) North Carolina law prohibits a state officer or employee who is involved in making or administering a contract on behalf of a state agency from deriving a direct benefit from the contract (N.C.G.S. 14-234 (a)(1)).
- (e) North Carolina law prohibits a state officer or employee who receives a direct benefit from a contract with the state agency he or she serves, but who is not involved in making or administering the contract, from attempting to influence any other person who is involved in making or administering the contract. (N.C.G.S. 14-234 (a)(2))
- (f) North Carolina law prohibits a state officer or employee from soliciting or receiving any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the state agency he or she serves. (N.C.G.S. 14-234 (a)(3))
- (g) Contracts made in violation of N.C.G.S. 14-234 are void as a matter of law and anyone violating this statute may be prosecuted criminally.
- (h) N.C.G.S. 14-234.1 prohibits a State officer or employee from benefiting financially, or helping someone else benefit, from non-public information gained by the employee in his or her official capacity. Anyone violating this statute may be prosecuted criminally.
- (i) Note that the North Carolina Ethics Act (Ethics Act) also regulates Conflicts of Interest for "Covered Persons". Questions regarding the Ethics Act should be directed to the University Attorney.
- (j) Medicare Anti-Kickback Law. The Medicare Anti-Kickback law (42 U.S.C. 1320a-7b(b)) prohibits compensation from research sponsors that provide or supply healthcare services or products to researcher-physicians or hospitals for their participation in clinical research if such compensation is intended to induce physicians or hospitals to purchase drugs or services of the research sponsor that will be paid by Medicare or Medicaid.
- (k) False Claims Act. Researchers must certify in their grant applications that they are in compliance with statutory and regulatory requirements, including applicable statutes and regulations prohibiting conflicts of interest. Falsely certifying compliance could result in criminal prosecution and civil penalties under the False Claims Act (31 U.S.C. 3729, et seq.),

#### COI Procedures

EPA employee will be required to disclose annually relationships and circumstances that may raise questions about conflicts of interest and conflicts of commitment relating to University employment responsibilities, including, but not limited to sponsored research activities. All potential Category II, III, and IV relationships or financial holdings must be reported regardless of the dollar amounts involved. Category I activities and relationships are not required to be disclosed under this policy; however, other university reporting requirements may apply to these activities (see Section IV). Where there is some question whether an activity should be considered a Category I or II activity as described above, the EPA employee should include the activity in the disclosure for consideration by his/her supervisor.

Revisions or updates of the yearly disclosures are required between yearly disclosures whenever there is a significant change in the EPA employee's or his/her immediate family's affairs that may lead to or may be perceived to lead to a conflict with the EPA employee's university activities, e.g., the faculty member's spouse begins to receive consultant fees from a company that currently contracts with university for research services from the faculty member's laboratory.

Procedures: To facilitate disclosure and to ensure appropriate uniformity across the University, each individual will complete the "Annual Faculty/Professional Staff Disclosure Form." Each unit administrator will distribute this form annually to all faculty and professional staff (EPA non faculty) under his or her supervision and assure that completed forms are returned. Unit Administrators shall summarize the disclosure completed by EPA employees to the Office of Research Compliance Administration.

The purpose of this form is to identify employees' activities that may lead to actual or potential conflicts of commitment or interest so that appropriate administrative intervention may address the problems. The employee and the administrative supervisor are to complete and sign the annual disclosure form, which implies that the administrative supervisor has reviewed the form. No further action will be required if all questions are answered "no".

Further disclosure and review are required if questions elicit any "yes" responses on the Annual Faculty/Professional Staff Disclosure Form or on any mid-year revisions or updates of the annual form. The employee must then complete and sign the appropriate additional forms. Suggested provisions or plans for eliminating or managing conflicts should be included in these additional forms where indicated. Examples of some (but not all) possible provisions for conflict management plans are:

1. Public disclosure of the significant financial interests or external activities;
2. Monitoring of activities by disinterested university officials to assure that conflicts do not arise;
3. Cessation of the pertinent outside activities;
4. Divestiture of the pertinent financial interests; and
5. Severance of the relationships that create actual or potential conflicts.

Since these forms have direct bearing on the employment of individuals with the University, all disclosure forms (the annual form and accompanying forms) and associated documents will be maintained in the administrative office of the employee's unit in his/her personnel folder for a period of at least three years following termination of the pertinent activities.

#### VI. Review and Approval of Activities and Plans for Eliminating or Managing Conflicts.

The unit administrator (chair, dean, or the employee's supervisor in the case of a senior administrator) has the initial responsibility to review and approve or disapprove the disclosure forms filed with him or her by the EPA employees within that unit. The review shall follow the provisions of this Policy. The Unit administrator should be familiar with the definition of 'Significant Financial Interest' to differentiate between Category II and Category III activities and relationships. Category III activities are presumptively considered to be non-allowable.

The unit administrator may refer any question regarding an annual disclosure form to the next higher administrative level for review and decision and must refer to the next higher level for review and approval all annual disclosures (and updates/revisions) which require additional forms (as described in the annual disclosure form) for EPA employees involvement in possible Category II and III activities as described above.

If a potential conflict is determined to exist, written plans for eliminating or managing the conflict will be developed in consultations between the employee, the Office of Research Compliance Administration, and his/her supervisors (up to and including deans of academic units as appropriate) and presented to the Vice Chancellor for Research and Graduate Studies. For Category II through IV

Conflicts of Interest, the plan will also be submitted to the appropriate division's Vice Chancellor for informational review. It will then be presented to the ECU Research Ethics Oversight Committee (see below) for final approval. An adverse decision of the Committee to a proposed management plan may be appealed to the Chancellor. The supervisor of the EPA employee will be responsible for assuring the implementation and/or monitoring of the conflict management plan.

Documentation of all decisions on activities and associated conflict management plans will be maintained in the employee's personnel folder.

In order to fulfill the certification requirements of grant and contract funding agencies (e.g., the NIH and NSF), each unit administrator shall also provide annually to the Vice Chancellor for Research and Graduate Studies a list of all faculty members and EPA staff in the administrator's unit who have submitted approved current annual disclosure forms and, where needed, an indication when such approval required development of an acceptable conflict management plan. This list may be amended as needed during the year. The Vice Chancellor for Research and Graduate Studies or designee will use this information to report any perceived or potential COI to the sponsor or to certify to potential funding agencies that this Institution has a conflict of interest policy consistent with NIH and NSF guidelines and that to the best of our knowledge all provisions of the policy have been followed with respect to proposals submitted to the agencies by ECU faculty and staff.

If after initial review of any disclosure by the department head, dean, and vice chancellor, questions remain regarding ethical issues or if disagreement exists between the EPA employee and the administration regarding the permissibility of activities, or if the COI management involves more than disclosure and minor oversight, the situation may be referred to a faculty/administrative advisory committee for review of conflicts of interest and commitment. This committee, the Research Ethics Oversight Committee, will be chaired by the Vice Chancellor for Research & Graduate Studies. Appropriate individuals will be appointed members to the committee by the Vice Chancellor for Research and Graduate Studies. When the committee reviews conflict management plans, a representative of university attorney's office shall be present. Decisions by this committee will be presented to the Chancellor for his or her concurrence and, if approved, will become the University's final position. If the activity at issue involves external support (grant, contract or cooperative agreement), the Director of Sponsored Programs shall inform the sponsor in accordance to Sponsor policy and guidelines of the COI.

Whenever human subjects are involved in an activity presented to the University's Office of Research Compliance Administration (including approvals of conflict management plans), the University & Medical Center Institutional Review Board (UMCIRB) will be confidentially notified of the issue and the Committee's actions.

## VII. Institutional Conflict of Interest

East Carolina University, from time to time, forms relationships with profit-making entities (including the holding of equity interests) for mutual benefit. However, such relationships may put the University into actual or apparent conflict of interest situations when accepting grants or contracts from the profit making entities for research or other activities. (See exclusion at the end of this section for certain types of relationships.) To assure that these grants and contracts are performed with the highest level of integrity by University employees and to assure that the public maintains its trust in University activities, the following procedures shall be followed:

1. At the beginning of each calendar year, the Director, Office of Technology Transfer shall prepare a disclosure listing all profit-making entities in which the University has a significant financial interest. This disclosure shall be updated during the year as new relations develop and old ones terminate. This disclosure and its updates will be submitted to the Vice Chancellor for Research and Graduate Studies who shall distribute the disclosure to the Chancellor, the other Vice Chancellors and Deans, and the Research Ethics Oversight Committee. Copies of the disclosure and updates shall also be distributed to those university administrative offices charged with approving and administering grants and contracts and other regulatory committees (for example, Office of Sponsored Programs, Office of Grants and Contracts Administration and the UMCIRB).

2. Units submitting proposals for external funding to commercial entities may not be aware of possible institutional conflict of interest issues. Thus, the Office of Sponsored Programs shall have the primary responsibility of notifying Office of Research Compliance Administration, Vice Chancellor for Research and Graduate Studies and the submitting unit of the University's conflict of interest as part of its regular procedures for the review and approval of such applications. The Office of Research Compliance Administration or the Vice Chancellor or his designee shall then develop a plan to manage the institutional conflict of interest after consultation with the submitting unit and other relevant university offices. The conflict management plan shall be submitted to the Research Ethics Oversight Committee for review. The Committee may approve the plan (with or without mandatory changes) or disapprove the plan. University acceptance of grants and contracts related to a management plan is contingent upon approval of the management plan by the Committee. A negative decision of the Committee may be appealed to the Chancellor. An institutional conflict management plan may range from a simple disclosure of the University's interest in publications and reports emanating from the grant or contract to complete University divestiture of the financial interest. The institutional conflict of management plan shall be separate from and in addition to any conflict management plans for conflicts of interests of individuals (e.g., the principal investigator) involved in the grant or contract.

3. When considering an institutional conflict of interest management plan, the Research Ethics Oversight Committee shall a) include as voting members, one or more individuals from the general public who have no direct or indirect relationship with the University, i.e., the individuals and their spouses or other dependents must not be current employees or students of the University; and b) recuse from the deliberations of the Committee any ECU member of the Committee who has been involved in the negotiation, approval, or implementation of the relationship that is the basis of the actual or perceived conflict of interest. The general public members of the Committee should be individuals that have sufficient education or experience to understand both the issues before the Committee and the possible impacts of the Committee's decisions on the general public.

4. Arrangements for plan implementation and oversight shall explicitly be part of an institutional conflict management plan. Implementation and oversight will usually be the joint responsibility of the submitting unit and the Office of the Vice Chancellor for Research and Graduate Studies. However, other arrangements shall be made for plan implementation and oversight if, in the judgment of the Research Ethics Oversight Committee, such arrangements are necessary for the effective management of the conflict.

Excluded Relationships: A relationship with a profit making organization for the purposes of this institutional conflict of interest policy shall not include ordinary investments of the university's endowment that are managed by the Board of Trustees of the Endowment Fund or ordinary client-

vender relationships where the University contracts for specific goods or services from a profit-making organization.

#### VIII. External Professional Activity for Pay Procedures

1. An EPA Employee who plans to engage in external professional activity for pay shall complete the "Notice of Intent to Engage in External Professional Activity for Pay" (hereinafter referred to as "Notice of Intent") in a format as described in section 2 of this Part VIII. The Notice of Intent shall be filed with the head of the department in which the individual is employed. A separate "Notice of Intent" shall be filed for each such activity in which an employee proposes to engage. Unless there are exceptional circumstances, the "Notice of Intent" shall be filed not less than ten (10) calendar days before the date the proposed external professional activity for pay is to begin. The Notice of Intent Format: The format for giving notice of Intent should follow the sample notice form.
2. Approval of a "Notice of Intent" may be granted for a period not to exceed the balance of either 1) the fiscal year (in the case of twelve-month employees and employees with contract service periods that include the summer session) or 2) the academic year (in the case of nine (9) month employees with no summer session contract period) remaining as of the date of approval; if the approved activity will continue beyond the end of the relevant fiscal or academic year in which it was begun, an additional "Notice of Intent" must be filed at least ten days before engaging in such activity in the succeeding relevant year.
3. Except as set out in paragraph 5 below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the EPA employee, the unit head determines that the proposed activity is not consistent with this policy statement of the Board of Governors and East Carolina University, the EPA Employee shall be notified of that determination within ten (10) calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the unit head, the EPA Employee shall not proceed with the proposed activity but may appeal that decision to the next higher administrator and then to the Chancellor or the Chancellor's designee. A decision on any such appeal shall be given to the EPA Employee within ten calendar days of the date on which the appeal is received. The decision of the Chancellor is final. Appeals shall be made in writing on the "Notice of Intent" form.
4. If question 8, question 9a, or question 9b on the Notice of Intent, above, is answered in the affirmative the procedure set out in paragraph 4 above shall be modified as follows: The decision of the unit head to approve the activity shall be reviewed promptly and approved or disapproved within ten (10) days of receipt by the next higher administrator, and appeal of a disapproval by that officer shall be to the Chancellor or the Chancellor's designee. In addition, the Vice Chancellor for Research and Graduate Studies must review the external activity for management of any Conflicts of Interest and notify the University and Medical Center Institutional Review Board if the EPA Employee is participating in a protocol involving human subjects at ECU to ensure compliance with applicable IRB laws and regulations.
5. Departmental summaries of all "Notices of Intent" filed and of actions taken in response to such "Notices of Intent" during the preceding fiscal year shall be submitted by unit heads to the Chancellor each July. As initiated by the UNC General Administration on or before September 1 of each year, the Chancellor will provide an annual summary report to the President.
6. If the external professional activity for pay is wholly performed and completed outside of the academic year by EPA employees serving on academic year contracts, said EPA Employees do not need to file Notices of Intent with their unit head provided that the activity does not conflict with this policy statement of East Carolina University and of the Board of Governors and is not conducted concurrently with a contract service period for teaching, research, or other services to

East Carolina University during a summer session.

7. University employees not complying with these procedures will be subject to disciplinary action. Unit heads are held responsible for proper reporting.

#### IX. Enforcement of the Policies

EPA Employees are under a clear obligation to adhere to the ECU policies and procedures to disclose and to remove or appropriately manage conflicts of interest or commitment. Breaches of the policy/procedures will be viewed as serious ethical violations by the persons involved. Possible breaches of the policy/procedure include, but are not limited to:

1. Furnishing false, misleading or incomplete information on the disclosure forms;
2. Failure to promptly update disclosure forms before the required annual update when a significant change in a person's financial or fiduciary status places the individual into an immediate potential conflict of interest or commitment situation;
3. Failure to comply with the procedures described above (e.g., refusal to respond to inquiries, responding with incomplete or knowingly inaccurate information, or otherwise);
4. Failure to remedy conflicts as determined by the Procedures; and
5. Failure to comply with a prescribed monitoring plan.

If a possible breach in the policy/procedures occurs, the appropriate dean shall consult with the faculty person and his chair. If no resolution is forthcoming, the dean shall refer the case to the appropriate vice chancellor. The vice chancellor shall consult with the vice chancellor for research and shall initiate an investigation and/or hearing as prescribed in Faculty Manual, Part VII and Part IX and apply sanctions as determined by university policies. Such sanctions may range from administrative intervention to dismissal from employment, all in accordance with applicable university policies.

(FS Resolution #10-36, March 2010)