

**East Carolina University
Faculty Manual**

PART VI

GENERAL PERSONNEL POLICIES

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CONTENTS**

- I. Employment Policies
 - A. Appointment
 - B. Collection of Money
 - C. Employee Involvement in Political Candidacy and Office Holding
 - D. Leaves of Absence
 - E. Orientation of New Faculty
 - F. Promotion
 - G. Resignation and Re-appointment
 - H. Phased Retirement
 - I. Retirement
 - J. Salary Policies
 - K. Tenure
 - L. Travel and Expense Allowances

- II. Welfare and Benefits
 - A. Hospitalization Insurance
 - B. Disability Income Plans
 - C. Mandatory Enrollment in Group Life Program
 - D. Group Insurance Plans
 - E. Social Security
 - F. Deferred Compensation Plan
 - G. Supplemental Retirement Income Plan of NC (401K)
 - H. Tax Deferred Annuity
 - I. US Savings Bonds
 - J. Unemployment Compensation Benefits
 - K. Vacation and Sick Leave
 - L. Workers' Compensation
 - M. Flex Reimbursement Accounts

- III. Institutional Services Available to Faculty
 - A. Academic Apparel
 - B. Admission to Athletic Events
 - C. Cardiovascular Disease Risk Factor Identification/Reduction Program
 - D. Central Ticket Office
 - E. Computing and Information Systems Center
 - F. Continuing Education
 - G. Credit Union
 - H. Dining Services
 - I. Grants, Contract, and Cooperative Agreements
 - J. Housing
 - K. Mendenhall Student Center
 - L. Police Department
 - M. Post Office and Campus Mail Service
 - N. Radiation Safety
 - O. Recreational Services
 - P. Supplies, Equipment, and Contractual Services
 - Q. Telephone Service
 - R. Tuition Privileges for Faculty

- IV. Employment of Related Persons (Formerly *Appendix H*)

- V. External Professional Activities of Faculty and Other Professional Staff (Formerly *Appendix Q*)

- VI. Equal Employment Opportunity/Affirmative Action Policy (Formerly *Appendix K*)

- VII. Other Policies
 - A. Substance Abuse Policy (Formerly *Appendix T*)
 - B. Weapons Policy
 - C. Serious Illness and Disability Leave for Faculty Policy

- VIII. Frequently Asked Questions about Faculty Personnel Records

I. Employment Policies

It is a policy of the university throughout the campus and all its branches, divisions, departments, facilities, and activities that firm and positive steps be taken by all supervisory and management personnel to prevent any discriminatory employment practices; and that affirmative action will be taken to ensure that applicants for employment will be considered and employed based on actual job requirements; and that all personnel matters pertaining to employment, placement, training, upgrading, promotion, demotion, transfer, layoff, termination, and salary administration will be conducted in a nondiscriminatory way without regard to race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

The general faculty shall consist of all full-time members of the teaching, research, or administrative staff who hold a professorial rank, including those on special faculty appointment. Adjunct members of the faculty do not receive benefits normally associated with full-time employment, nor does such service count toward the attainment of a tenured position. Teaching fellows are not formal members of the university faculty.

A. Appointment

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*. (Faculty Senate Resolution #03-13, March 2003)

B. Collection of Money

No individual or department of the university may collect any money without being authorized to do so by the business office, and reports of all such collections, when authorized, shall be made on forms provided by the business office. All money collected shall be turned in to the business office promptly for deposit. All disbursements are to be made by check drawn by the business office. The foregoing regulation by the board of trustees applies to university funds and does not apply to civic and charitable fund campaigns. Collections of funds for special instructional materials, such as magazines, should be made by a designated student and not a faculty member.

C. Employee Involvement In Political Candidacy and Officeholding

Policies adopted by the Board of Governors in 1976 and conforming policies adopted by the Board of Trustees in 1994 establish processes for resolving, in advance, questions about possible conflicts between a University employee's satisfactory performance of employment responsibilities and his involvement in political candidacy and officeholding. All University employees except those subject to the State Personnel Act are covered by the policies. An employee who intends to become a candidate for election or appointment to or to hold any public office is responsible for knowing the terms of and complying with the requirements of these policies. A copy of the full text of the policies along with instructions and forms to be used to comply with the policies may be obtained from the University Attorney. The instructions include deadlines which must be followed. Any petitions required by these instructions should be submitted as early as possible, but no later than the following:

<u>For affected academic periods beginning:</u>	<u>Completed petition to be received by Chancellor:</u>	<u>Completed Petition to be received by board:</u>
*January (e.g., for a May primary contest)	October 15 of preceding year	November 1 of preceding year
*May/June (e.g., for fall elections affecting summer employment)	March 15	April 1
*August/September (e.g., for fall general election)	June 15	July 1
*Other periods	90 days prior to beginning of period	60 days prior to beginning of period

Failure to comply with the policies is a violation of the terms and conditions of University employment and may result in disciplinary action. The following is a summary of the basic provisions of the board policies. The full text of the policies should be consulted by an affected employee. Advice concerning the interpretation and application of the policies may be obtained from the University Attorney.

1. Candidacy for election to public office

Becoming a candidate for election to a full-time or major part-time office is presumed to create a conflict of time that interferes with the employee's satisfactory performance of University employment obligations. The conflict may be avoided by (1) resigning from University employment, (2) seeking an appropriate unpaid leave of absence from University employment, or (3) rebutting the presumption of conflict by demonstrating that there in fact will be no conflict between campaign activity and University employment. An employee who intends to become a candidate must follow prescribed procedures for resolving questions about conflicts in advance of becoming a candidate.

2. Holding public office

Upon assuming an elective or appointive full-time office, a University employee will be deemed to have resigned his University employment, unless prior to assuming office he requests and is granted a full leave of absence, without pay. Such a leave of absence may not exceed two years.

Upon assuming an elective or appointive major part-time office, a University employee will be presumed to have a conflict of time that necessitates his resignation from University employment; the resignation requirement may be avoided if (1) he requests and is granted an appropriate leave of absence or (2) he rebuts the presumption of conflict by demonstrating that there in fact will be no conflict between officeholding and University employment. An employee who intends to occupy such an office must follow prescribed procedures for resolving questions about conflicts in advance of assuming the office.

D. Leaves of Absence

A faculty member may take a leave of absence for one or more semesters (normally not more than two academic years or more often than once in three years.) The leave can be with salary or without salary, depending on the type of leave and the advance approval for the leave of absence.

A faculty member who is requesting a professional leave of absence for one semester (or appropriate period of time for the School of Medicine) or more should forward a written request to the unit administrator. The request should include the reason(s) for the request and the dates the faculty member is requesting leave. The unit administrator will forward the request to the Personnel Committee, which will make a recommendation to the unit administrator. The unit administrator will make a recommendation and will forward both recommendations to the immediate supervisor. This procedure shall be repeated at each administrative level until the recommendation reaches the appropriate vice chancellor. After reviewing the recommendations, the vice chancellor will make a decision and will notify in writing the faculty member, the unit administrator, and the administrator's immediate supervisor. (This does not include request for leave subject to the Family Medical Leave Act. For a copy of that procedure, please contact the Department of Human Resources.) **(Faculty Senate Resolution #00-30, November 2000)**

There are generally 3 types of leaves of absence.

1. Professional leave. This type of leave is granted to give a permanently tenured faculty member opportunities for research, advanced study and/or professional growth. For probationary-term faculty members, this type of leave allows faculty members to accept competitive awards in programs such as the Board of Governors Doctoral Assignment Fellowship, Fulbright Fellowship, or Fogarty Fellowship programs, allowing research or advanced study opportunities.
2. Personal leave. Faculty members may request personal leave for purposes such as illness, childbirth, and/or child care.
3. Public service leave. A faculty member may run for political office, serve in appointed or elected public office, or serve in an appointed professional office and use this type of leave.

Policies governing this type of leave are explained in the ECU Faculty Manual, Part VI., Section 1., Employee Involvement in Political Candidacy and Officeholding. A leave of absence for the purpose of holding public office may not exceed two years. Any requests for leave of absence must be made in writing, in accordance with unit codes and with ECU Faculty Manual, Appendix D. Tenure and Promotion Policies and Procedures of ECU. Requests must accompany the personnel recommendation form. Leaves of absence are subject to Appendix D., Section II.C.3. Extensions of the Probationary Term. For faculty members who do not have tenure, a period of leave might not count as a part of the probationary period. The tenure decision might be postponed for a period as specified in Appendix D., Section II.C.3. Since leaves are often granted under circumstances that place an ethical obligation on the recipient of such leaves to return, the faculty member on leave should observe the same rules regarding adequate notice of resignation as found in Appendix D, II.A.5., Notice of Resignation. The returning faculty member's pay will begin in the semester in which he or she returns from leave. The contract between the faculty member on leave and the university will be renewed. Raises and promotions awarded during the period of leave will be placed into effect at the time that the faculty member returns from leave. While on leave, the faculty member will have the opportunity to maintain group life, health, and total disability insurance consistent with the policies of the university. It should be noted that if the health insurance is not continued while on leave of absence, the employee and dependents will be subject to a preexisting clause for any medical condition, whether diagnosed or not, for one year upon their re-enrollment in the plan. (Faculty Senate Resolution #98-5, February 1998)

The University also has a Serious Illness and Disability Leave for Faculty policy that is detailed in Section VII.C. of this document.

E. Orientation of New Faculty

During the opening week of school, new faculty attend an announced meeting for the purpose of acquainting them with the chancellor and key administrative personnel and their responsibilities and with the relationship between faculty and administration. After this meeting, orientation of new faculty is continued throughout the year by deans and chairpersons who assist the faculty in becoming acquainted with the practices and procedures of the university. Orientation of new faculty who are appointed on a part-time basis will take place within their respective departments and will include receipt of and discussion of the departmental part-time faculty information sheet, as well as access to the complete *ECU Faculty Manual*.

F. Promotion

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*.

G. Resignation and Re-appointment

See *Appendix D, Tenure and Promotion Policies and Procedures of ECU*.

H. Phased Retirement [September 2007 Update](#)

Participation in East Carolina University's Phased Retirement Program is available to tenured faculty who meet University of North Carolina Program eligibility criteria. Information on the Program, including policies, guidelines, and applicable forms are available on the office of academic affairs personnel forms web page and from the offices of the academic deans, the provost/vice chancellor for academic and student affairs, and the vice chancellor for health sciences. (FS Resolution #07-34, December 2007)

I. Retirement

1. Insurance

All full-time employees of the university with a permanent appointment must participate in the North Carolina Teachers' and State Employees' Retirement System with the exception that employees who hold faculty rank are eligible to choose between the North Carolina Teachers' and State Employees' Retirement System (TSERS) or the Optional Retirement Program (ORP). When first employed or when given a permanent appointment, all employees should contact the department of Human Resources to be enrolled in the retirement system. Once the eligible employee has made a choice and enrolled in the system he or she selects, the decision will be irrevocable. It is not possible to change from one program to the other during employment in an eligible position. All members of TSERS or ORP will contribute 6 percent of their earnings, including summer session salaries. All retirement contributions to either TSERS or to ORP are tax sheltered from federal and state withholding taxes. For those who teach a regular nine-month school term and who are active members of TSERS, one year of creditable service is allowed for retirement purposes. The employee in TSERS should apply for retirement benefits at least thirty days but not more than ninety days prior to the effective date. Arrangements for retirement should be made at the university department of Human Resources. For those in ORP, individual guidance from the ORP representatives is always available. A few months before retirement age, the employee will receive information and specific figures for options in regard to retirement benefits from ORP. (FS Resolution #07-26, December 2007)

Employees who retire under either the optional retirement program (ORP) or the North Carolina Teachers' and State Employees' Retirement System and who are eligible to receive benefits through the NC Comprehensive Health Benefit Plan must complete an application in the university department of Human Resources for transfer of health benefit coverage from the active employee group to the retiree group. Transfer is required for continuation of health insurance benefits upon retirement. Any premium due for coverage of dependents may be deducted from the monthly retirement benefit check for those who are members of the North Carolina Teachers' and State Employees' Retirement System.

Additional information about the two retirement systems is given below:

a. TSERS

The university is required to contribute 10.83 percent of all employee salaries that are subject to retirement deductions. A part of this percentage is for accrued liability incurred by the retirement system's pension fund, death benefit trust fund, and retirees' health care benefits. Some of the key points for eligibility for certain benefits are as follows:

- 1) Monthly payments at retirement are based on salary, age, and years of credit
- 2) Unreduced retirement benefit at age sixty-five with five years of credit, or at age sixty with twenty-five years of credit, or at any age with thirty years of credit; reduced benefit after age fifty and twenty years of credit, or at age sixty with five years of credit
- 3) A right to a reduced benefit at age sixty after five years of credit, regardless of whether the employee is working
- 4) In the event of the employee's death, the beneficiary will receive a refund of the employee contributions with interest. If the employee dies in active service (while being paid salary or within 180 days after salary payments cease) after completing twenty years of service credit regardless of age or reaching age sixty with five years of service credit, the principal beneficiary named to receive a refund of contributions and interest (provided only one person is named) may choose to receive a monthly benefit for life instead of a refund of contributions with interest. This is known as the survivor's alternate benefit. If two or more persons or an estate is named as beneficiary, the survivor's alternate benefit does not apply.
- 5) If an employee dies while still in active service (while being paid salary), after one year as a contributing member, the beneficiary will receive a single lump sum payment known as the death benefit. This payment equals the highest twelve months salary in a row during the twenty-four months before death.

- 6) Coverage in the NC Disability Income Plan as described in the state retirement book. Employees should maintain a current record of designation of beneficiary with the TSERS. Any changes regarding the designated beneficiary may be made at the university department of Human Resources. In the event that the employee terminates his or her services with the university without qualifying for retirement benefits, he or she may withdraw the portion of accumulated retirement contributions or may leave the accumulated contributions on deposit with TSERS. After a refund has been made, the employee forfeits all credit for years of service earned during past employment.
- b. Optional Retirement Program (ORP)
- The university will contribute 6.66 percent on all earnings paid the employee. Both the employee's contribution and the university's portion will be placed on deposit with ORP account. Funds will be distributed as requested by the employee at the time he or she is enrolled. Some of the key points of the Optional Retirement Program are as follows:
- 1) Premiums are invested in fixed common stock funds and variable accounts as decided by the employee.
 - 2) Ownership of an ORP account is immediate for the employee's funds but require a five-year vesting period for the University contributions. The annuities do not provide use for collateral on a loan. If an employee leaves the University before completing the five-year vesting period and is employed with another University or college that does not offer participation with one of the current Optional Retirement Program carriers for ECU, the following options would be available:
 - a. The employee could repurchase his/her investment.
 - b. The employee could elect a 12-month delay option. If re-employed within 12 months from date of separation at ECU with a University or college that offers participation with one of the ORP carriers, all funds contributed to the ORP carrier during employment with ECU would be vested immediately.
 - c. The employee could leave his funds in the ORP account and ECU would receive reimbursement for its contribution.

If an employee leaves the University before completing the five-year vesting period and is employed by a University or college that will allow him/her to participate with a like ORP carrier at ECU, all funds are immediately vested.
 - 3) ORP contracts do not contain a disability benefits provision. A disabled participant may wish to start annuity income payments with the amount of income depending upon the same factors that determine the amount of income if benefits began under normal circumstances.
 - 4) In the event of death of the employee, the full current value of ORP contract, including the portion bought by the employers, is paid as an income to the designated beneficiary. There is no additional death benefit provision under ORP.
 - 5) There are several options provided by ORP to the employee at retirement time.
 - 6) Employees enrolled in ORP are provided coverage under the NC Disability Income Plan as outlined in the state retirement handbook. Participation is based upon the same factors as if the employee enrolled in TSERS.
2. Privileges for Retired Faculty
- a. The following privileges are awarded to retired faculty:
- 1) Use of campus addresses that include a post box and electronic mail account for a period of at least one year, subject to availability. After the initial one year period, electronic mail accounts will be deactivated if they are not used for a 90-day period. If the retiree does not request activation of the account within 90 days of deactivation, the University will remove the account from the email system. (University Administrative Policy #1.902)
 - 2) Right to be included in the University catalogues and directories.
 - 3) Continuance of eligibility to take one course per semester without fees, subject to class availability. (Prior to age 65, retired faculty are not eligible to participate in the system-wide tuition waiver program. As stated in the university catalogs, "persons 65 years of age or older who meet the requirements for in the in-state rate of tuition and the university requirements for admission can have their tuition and fees waived provided space is available in the requested course{s}).")
 - 4) Access to library services under the same conditions as active faculty, subject to space availability.
 - 5) Continuance of eligibility to purchase tickets to inter-collegiate athletic, cultural, and entertainment events under the same conditions as active faculty.
 - 6) Access to the University Employee Assistance Program and Provider Directory when such services are available (Faculty Senate Resolution #05-51)
 - 7) University identification card upon request.
 - 8) Fully retired faculty may request a free B parking permit and may also park in spaces designated "Retired Faculty." Faculty in phased retirement and retired faculty who are re-employed by the university may request a free B parking permit and may upgrade the B permit to an A permit (by paying the price difference between an A and a B permit) while bypassing the wait-list, but may not park in spaces designated "Retired Faculty." (Faculty Senate Resolution #07-15, June 2007)

- b. Upon the recommendation of the unit personnel committee, unit head, appropriate dean, and appropriate vice chancellor, the chancellor may grant the faculty retiree emeritus status (as defined in Appendix C.) which includes the items listed above under Section I.1.2.a. and, in addition, the following privileges:
 - 1) Access to recreational facilities under the same conditions as active faculty.
 - 2) Continuance of eligibility to march, wearing appropriate regalia, in University commencement exercised and other University formal processions, as active faculty.(FS Resolution #07-26, December 2007)

J. Salary Policies

Faculty annual salaries are paid semimonthly. New employees receive the first check on the last work day of September. Checks are distributed to each department by special messenger in the morning on the 15th. and last day of each calendar month. When the 15th. or last day of a month falls on a nonwork day for the business office, distribution of checks will be made on the last work day prior to that day. Arrangements may also be made with the payroll office to have checks deposited in a local bank to the faculty's account. Salaries for summer term teaching are paid at the close of each term. Federal income tax is withheld on the basis of information furnished to the payroll office on US Treasury Department Form W-4. It is the responsibility of the employee to furnish the payroll office with a revised Form W-4 if the number of withholding exemptions is changed due to deaths, births, or other reasons. Since withholding exemptions are applied to the regular salary of the individual, the withholding tax on supplemental salaries for summer term, extension teaching, etc., must be calculated without benefit of exemptions. In January of each year, each employee will receive from the payroll office receipts, US Treasury Department Form W-2 and NC Department of Revenue Form NC-2 for income taxes withheld for the previous calendar year.

State income tax is withheld on the basis of information furnished to the payroll office on North Carolina Department of Revenue Form NC-4. It is the responsibility of the employee to furnish the payroll office with a revised Form NC-4 if the number of withholding exemptions is changed due to deaths, birth, or other reasons. If supplemental wages such as bonuses, commissions, or overtime pay are paid at the same time as regular wages, the income tax to be withheld is determined as if the aggregate of the supplemental and regular wages were in a single wage payment for the regular payroll period.

For a full-time member of the faculty or EPA professional staff, the salary approved by the Board of Governors is the full compensation to be expected during the period of employment. No additional payments may be made for university duties that are generally related to the position to which the individual is appointed. The period of appointment includes all formal holidays and interludes during which no classes are scheduled.

Regardless of the salary source, total compensation paid during the period of appointment cannot exceed the salary amount authorized in the current academic salary increase document, except for extraordinary situations that must be approved in advance by the appropriate vice chancellor

Total Compensation: An individual's total annual salary compensation from all university sources may not exceed 133% of the annual nine-month base salary or 100% for a twelve-month employee during the twelve-month contract period without prior authorization from the appropriate vice chancellor.

Bonus amounts awarded to EPA or CSS employees as part of the Clinical Faculty Compensation Plan or Management Flexibility Act are not be included in the calculation of total annual salary compensation in the determination of the above amounts.

Less Than Full-time Employees: Upon appropriate approvals, individuals with appointments of less than full-time during an academic year or fiscal year can increase their commitment up to full-time with additional compensation. However, in no event may the effort of an individual exceed full-time commitment unless specifically approved in advance; additional compensation must be proportional to the base salary rate and not exceed full-time equivalency unless specifically approved in advance.

Research/Creative Activity: It is expected that such other proposed duties or tasks may require reduction in other planned responsibilities of the faculty or professional staff member. For example, arrangements may be made for reassigned time or research contract "buyouts" if faculty members are to conduct sponsored program activities during the regular academic year. Sponsored program activity does not normally constitute extraordinary or exceptional projects for consideration for supplemental payment.

Overloads: Effective August 1, 2002, overload stipends for any purpose should normally be limited to one per academic year and only after the appropriate dean has granted prior approval and notified their appropriate vice chancellor. Pay rates for non-distance education overloads will be equated to the annual nine-month salary rate; i.e., pay per credit hour for overloads may not exceed the per credit hour nine-month rate based on a twelve credit hour per semester full-time basis.

As per Administrative Memorandum 407, a second overload stipend for distance education purposes may be granted during an academic year, but only after prior approval from the appropriate vice chancellor. Units must ensure that overloads are necessary and should reduce reassignments for non-instructional purposes if at all possible prior to

authorizing an overload stipend. It is preferable that overloads be kept to a minimum and be granted no more than once per academic year. Pay rates for distance education overloads may not exceed the published rates for summer school.

Summer Overloads: No overloads will be permitted during summer school sessions except in extraordinary circumstances and with prior approval. Compensation from any and all salary sources for summer employment may be arranged not to exceed three-ninths of the previous year's nine-month annual salary base rate. The pay rate from summer school funds and distance education summer school courses will be based on a percentage of the nine-month rate up to a published annual maximum per session. The specific rates may be obtained through the office of the Provost.

Work for ECU Outside the Home Unit: Prior approval to teach or perform other duties outside the faculty member's home unit is required from all involved administrative levels.

Salary Conversion Rate for Faculty Holding Twelve-month Appointments: The salary of a faculty member holding a twelve-month appointment will be converted back to a nine-month faculty salary at the rate of 9/11ths of his/her twelve-month base salary. Exceptions to this pattern may occur based on individual based negotiations depending on the level of the position, experience, and other factors. The approval of the Chancellor is required for such conversions to occur.

External Activities for Pay: The policies covering Faculty and Professional Staff income derived from external activities for pay are governed by Part VI. of the *ECU Faculty Manual*. Individuals are expected to comply with these policies that include seeking prior administrative permission to the commencement of the activity and the filing of annual conflict of interest statements at the end of the academic year. The External Activities for Pay forms and the Conflict of Interest Forms are available at www.aa.ecmedu/forms. (Faculty Senate Resolution #03-14, March 2003)

K. Tenure

See *Appendix C, Personnel Policies and Procedures for the Faculty of East Carolina University* and *Appendix D, Tenure and Promotion Policies and Procedures of East Carolina University*.

L. Travel and Expense Allowances

1. Statutory Provisions Governing Travel and Expense Allowances

Under no circumstances may duplicate reimbursement be made for that portion of an employee's expenses paid or reimbursed by a nonstate source. All travel is contingent upon the availability of funds in the proper budget subheads. Travel on official business by employees of East Carolina University shall be reimbursed at rates as set forth by legislation.

- a. For transportation by privately owned automobile, the employee will receive actual cost of road, bridge, and ferry tolls paid and a set amount per mile if a state car is not available and this is the cheapest method of transportation.
- b. For transportation by airline, bus, railroad, actual tourist class fare will be allowed. Receipt for charges must be attached to reimbursement form.
- c. The use of a rental automobile will be authorized only when it is the most economical method of travel or it is the only feasible method of available transportation. Approval for rental must be obtained in advance. Receipt is required for reimbursement.
- d. Except as otherwise provided by specific law, each state officer and employee authorized to receive reimbursement from the state treasury for travel and other expenses incurred incident to the performance of official duties shall be reimbursed for such expenses only as described in the *ECU Business Manual*.
- e. The state regularly allows reimbursement for registration fees. However, the state will consider requests for reimbursement over the maximum limit set. Requests, accompanied by a copy of brochures, fee schedules, or other material listing the costs included in the fee, should be made on the petition to travel and submitted according to the designated deadlines.

2. State Policies Regarding Travel

All travel must have written authorization. Full documentation and explanation are required for all travel out of state and out of country. All reimbursement requests shall be filed for approval and payment made with thirty days after the end of the travel period for which reimbursement is being requested.

a. Private Cars

State employees may use their private cars at a set reimbursement rate per mile if a state car is not available and air coach is more expensive or not feasible and such use is to the state's advantage. Reimbursement is limited to direct road map mileage between the stops on the employees' itinerary. State employees on state business may use their private cars for personal convenience at a set reimbursement rate or air coach rate, whichever is less, with subsistence expense being reimbursable only for the period required for airplane travel. Mileage rates include all charges incurred of any nature except tolls. Receipts for tolls are required for reimbursement.

Reimbursement may not be made for commuting between an employee's home and his or her duty station. Any designation of an employee's home as his or her "duty station" by a unit head shall require prior approval by the

office of State Budget and Management on an annual basis, no later than the second week of December each year. The state auditor shall in the routine audit of a department determine compliance with this provision. Generally, reimbursement of expense for airport parking is limited to 48 hours with receipt required for any charges. Reimbursement can be claimed for two round trips to the airport or one round trip and parking. However, the reimbursable parking charge cannot exceed the cost of the second round trip.

b. Taxis and Limousines

The actual cost of taxi and limousine fares is reimbursable when required for travel on state business. Taxi fares are not reimbursable for inter-city transportation, except in emergencies when no less expensive mode of transportation will be available within a reasonable period.

c. Rental Cars

Use of a rental automobile will be authorized only when it is the most economical method of available travel or it is the only feasible method of transportation.

II. Welfare and Benefits

A. Hospitalization Insurance

Hospitalization insurance is provided for full-time or half-time permanent employees through a statewide self-insured program known as the State of North Carolina Comprehensive Health Benefit Plan and HMO's as approved for the service area. The university will contribute a set amount governed by the State Legislature for employee's premium for those who have a three-quarters or above permanent appointment. If the cost for individual coverage is higher than what the State Legislature has approved for payment, the employee will pay the difference. However, half-time permanent employees must pay their entire premium through payroll deduction if they wish to be covered. All eligible employees may also insure their dependents by payment of premium through payroll deduction. The employee may enroll or make changes in coverage by visiting the department of Human Resources. The new employee may gain coverage on the first of the month following the date he or she begins work or on the first of any succeeding month. The only exception would be an employee starting in August with a nine-month contract. This employee will receive his/her first paycheck in September and therefore coverage would be effective the first of October. The employee may start coverage September 1st but must pay the full cost. If an employee enrolls when first eligible for coverage, there is no waiting period for basic coverage. The only exception would be if the employee was being rehired within 12 months of separation as a state employee and did not continue health insurance coverage. If the employee terminates employment with the last workday occurring during the first half of the month, hospitalization coverage will cease at the end of that same month. If the employee works as many as half or more of the workdays of a month that termination of employment occurs, hospitalization coverage may be extended through the following month.

B. Disability Income Plans

1. North Carolina Plan

a. Short-term Benefits

A participant is not entitled to receive any benefits from the plan for a period of sixty continuous calendar days from the onset of disability. The benefits are payable after the conclusion of the waiting period for a period of 365 calendar days provided the participant meets the following requirements:

- 1) at least one year of contributing membership service in the retirement system earned within thirty-six calendar months preceding the disability,
- 2) be found to be mentally or physically disabled for the further performance of the usual occupation, and
- 3) disability must have been continuous and incurred at the time of active employment. The monthly short-term benefit will equal 50 percent of 1/12th of the annual base rate of compensation last payable prior to the beginning of the short-term benefit period. The monthly benefit will be reduced by any monthly payments received for workers' compensation (excluding permanent partial workers' compensation awards).

b. Long-term Benefits

Payable after the conclusion of short-term disability period or after salary continuation payments cease, whichever is later, for as long as the participant is permanently disabled, but not after the participant becomes eligible for an unreduced service retirement, provided he or she meets the following requirements:

- 1) have at least one year of contributing membership service in the retirement system earned within ninety-six calendar months preceding the disability, prior to the end of the short-term disability period.
- 2) make application to receive long-term benefits within 180 days after the conclusion of the short-term disability period or after salary continuation payments cease, whichever is later,
- 3) be certified by the medical board to be mentally or physically disabled for the further performance of usual occupation,
- 4) disability must have been continuous, likely to be permanent, and incurred at the time of active employment, and
- 5) not eligible to receive an unreduced retirement benefit from the Teachers' and State Employees' Retirement System.

During the first thirty-six months of the long-term disability period, the monthly long-term benefit will equal 65 percent of 1/12th of the annual base rate of compensation that was last payable prior to the beginning of the short-term benefit period. The monthly benefit will be reduced by any monthly payments received for workers' compensation (excluding permanent partial workers' compensation awards) and by any primary social security benefits the participant may be receiving; however, the benefit payable will be no less than ten dollars a month.

Employees apply for benefits through the university department of Human Resources. When the employee terminates employment with the university or state, membership in the plan automatically terminates.

2. TIAA Group Long-Term Disability Insurance Plan

The TIAA Group Long-Term Disability Insurance Plan is offered only to employees with academic rank who are members of the optional retirement program. The employee may subscribe voluntarily and make payment of the premium through payroll deduction. The computation of premium will be based upon total monthly compensation used for deduction of ORP retirement contributions to include summer school pay. Highlights of the plan are:

- a. Pays a regular income when disabled and cannot work after a 90 day waiting period.
- b. Replaces up to 66 2/3% of your monthly wage base, to a maximum of \$10,000 per month.
- c. Protects retirement by providing a contribution equal to monthly contributions to the ORP carrier for investment.
- d. Reflects occupation in determining if disabled, as well as paying benefits if working but unable to earn full wage base as a result of disability.
- e. Pays benefits for as long as disability continues up to the age 65 or even longer if disabled after age 60.
- f. Pays a benefit to dependent if participant dies after receiving disability benefits.
- g. Allows conversion to an individual policy if participant terminates employment.

3. Liberty Mutual Disability Insurance

Available to members of the Teachers' and State Employees' Retirement System. This is a long and short-term disability insurance plan. This is designed to fill in the gaps of the State's disability plan- for the first year of employment (since there is no coverage available under the State's plan); as a supplement during the State's short-term period before and after five years of service; and, in the event your salary exceeds the covered maximum salary limit under the State's short-term and long-term benefit periods. Liberty's long term disability insurance is designed to supplement the State's benefit up to a level of 66 2/3 percent of salary to a maximum benefit of \$10,000 per month (reduced by payments from other sources).

C. Mandatory Enrollment in Group Life Program

All new permanent employees employed at least 75% are required to enroll in the ECU Group Life Program which is based on age and salary at full cost to the employee. Preexisting conditions are waived upon initial enrollment. An employee may request cancellation of the policy and receive a refund of all premiums for his or her individual coverage if requested within 60 days of the effective date of coverage. The policy may be canceled after that date but no refund of premiums will be granted.

D. Group Insurance Plans

University employees who hold a permanent appointment on a 50% basis or above may subscribe to various types of group insurance by voluntary payment of premiums through payroll deduction. The university department of Human Resources is responsible for coordinating insurance plans offered to university employees as underwritten by these companies. Anyone interested in any of these plans should contact the university department of Human Resources for more information. The various group plans are life insurance (such as level term, decreasing term, permanent cash value, accidental death and dismemberment), disability income insurance, dental insurance, cancer coverage insurance, and intensive care insurance.

E. Social Security

All university employees, with the exception of students, are subject to the provisions of the Federal Social Security Act that requires a percentage contribution subject to the current Social Security law. This is a separate contribution from the state retirement that cannot be withdrawn. The amount paid by the employee will be matched by the university. All state-owned agencies and institutions are considered one employer under the Social Security law; therefore, if the employee receives earnings from more than one agency or institution within the calendar year, it should be brought to the attention of the university payroll department. Social Security benefits may be claimed at the age of 62; however, these benefits will be lower than the benefits received at age 65, which is the age at which maximum benefits may be claimed. Retirement benefits under the Social Security law will be based on average earnings beginning with 1937, or beginning with 1951, whichever will allow the higher benefit. There is also provided a broad program of health insurance called Medicare for people 65 years of age and over. One part of Medicare is hospital insurance, which helps pay for hospital care and certain follow-up services. The other part is voluntary medical insurance, which helps pay physician's fees and other medical bills. More detailed information may be obtained from the local Social Security administration office.

F. Deferred Compensation Plan

The NC State Legislature approved in 1971 the establishment of a deferred compensation for state employees whereby a portion of earnings could be deferred by investment in the plan that would result in a deferment of federal and state taxes. If any employee is interested in the plan, he or she should contact the department of Human Resources for additional information.

G. Supplemental Retirement Income Plan of NC (401K)

The State of North Carolina sponsors this plan through legislation enacted by the General Assembly, which has given responsibility for the plan to the Department of the State Treasurer and a board of trustees. A portion of an employee's earnings may be deferred by investment in the plan that would result in a deferment of federal and state taxes. This plan is similar to the benefit available under Internal Revenue Code 403(b). Any employee interested in the plan should contact the department of Human Resources for additional information.

H. Tax Deferred Annuity

Section 403(b) of the United States Internal Revenue Code provides that the employees of East Carolina University may contractually reduce their current compensation for the purchase of an annuity. This enables an employee to make tax-deferred monthly contributions of a fixed amount to a company of their choice. These contributions may be made through payroll deduction and are exempt from the state and federal withholding taxes until the annuity benefits are paid. Employees interested in the annuity plan should contact the department of Human Resources.

I. US Savings Bonds

Government bonds may be purchased through the payroll savings plan by employees who are paid bimonthly. Applications may be acquired from the university department of Human Resources.

J. Unemployment Compensation Benefits

All university employees except student help are insured against loss of work when it occurs due to lack of work. The department of Human Resources will issue to the employee, upon termination of employment, a separation notice that may be used to file a claim at the North Carolina Employment Security Commission for any benefits due under the law. Unemployment insurance is for unemployed workers who are qualified, ready, and willing to work, and who are actively trying to find work. It is not for persons who are unwilling or unable to work, or for those who are on vacation or those who are ill.

K. Vacation and Sick Leave

Personnel with professorial rank who have twelve-month employment contracts may earn leave as authorized by the vice chancellors and chancellor but under a different leave policy from that provided for SPA employees. Teaching faculty who have a nine-month employment contract do not earn any vacation or sick leave. All full-time permanent SPA employees who work one-half or more of the regularly scheduled workdays in any month shall earn vacation and sick leave. Part-time, permanent SPA employees who are employed on a continuing basis for a fixed number of hours each week in a permanent budgeted position for as much as half-time shall earn vacation and sick leave on a pro-rata basis if work is performed for one-half or more of the scheduled workdays in a month. Some administrative personnel who are exempt from the State Personnel Act (EPA) may also earn vacation and sick leave under the same leave policy as applied to SPA employees. This is limited to certain full-time administrative and professional personnel, such as the chancellor, vice chancellors, deans, and their associates. The amount of leave that may be earned each month and the conditions for its use are described in the *ECU Business Manual*

L. Workers' Compensation

All university employees, including paid student help, are covered by workers' compensation that provides for certain benefits in the event there is an on-the-job accident, causing injury. If and when an on-the-job accident causing injury should occur, it should be reported immediately to the university safety and health office. Responsibility for claiming compensation is on the injured employee. Any claim filed by the employee must be made through the university health and safety office with the North Carolina Industrial Commission within two years from date of injury; otherwise, the claim will be barred by law. The university is considered a self-insured employer and will be responsible for all claims as approved by the NC Industrial Commission. The employee should not pay for drugs and treatment received or charge it against personal hospitalization insurance coverage. Although the university will pay for prescribed drugs, physician's fees, and hospital charges as approved, there will be a waiting period of seven calendar days from date of injury before any weekly worker's compensation can begin for loss of work. Faculty members are required to report to the administration any hazards to safety and any accidents or other unusual occurrences or emergencies that may be of general concern.

M. Flex Reimbursement Accounts

Employees may set aside money before taxes (Federal, State, and FICA) from their salary to be used for medical and dependent care expenses. This is a reimbursement account for use by employees.

III. Institutional Services Available to Faculty

A. Academic Apparel

Faculty members have the following options for ordering academic apparel:

1. A quality, tailor-made outfit may be purchased through the Student Store. Samples of materials and information concerning the styles of academic apparel are available. The cost of an outfit depends on the type of materials selected.
2. Academic apparel may also be rented through the Student Store. If an order is placed with the Student Store, faculty members are responsible for the rental fee whether or not the gown is picked up. The rental fee is based on the degree held by the faculty member.

- B. Admission to Athletic Events
Football and basketball season tickets are offered to faculty at a reduced price. Single game tickets are the same as charged to the public.
- C. Cardiovascular Disease Risk Factor Identification/Reduction Program
The Human Performance Laboratory in the School of Health and Human Performance offers a wellness service program known as the Cardiovascular Disease Risk Factor Identification/Reduction Program. All known risk factors for cardiovascular disease are assessed and strategies for lifestyle changes to reduce these risk factors are individually developed. Tests may include a complete blood profile, resting ECG, strength testing, body fat assessment by hydrostatic weighing, flexibility, complete medical history, blood pressure, physical exam, pulmonary function test, treadmill stress test, and exercise prescription. Faculty may contact the School of Health and Human Performance for further information.
- D. Central Ticket Office
The Central Ticket office, located in the Mendenhall Student Center, makes tickets available for most programs and activities at the university. Examples of tickets available in the central ticket office are performing arts series, popular entertainment, lectures, special concerts, travel-adventure film series, and the Magic Kingdom Club. A limited number of tickets are available at reduced rates to faculty for most activities. Tickets may be obtained by presenting a validated ECU ID card at the Central Ticket office.
- E. Computing and Information Systems
The Computing and Information Systems Center provides facilities for support of faculty research activities, including analytical and other software, and technical consultation, assistance, and documentation.
- F. Continuing Education
The Division of Continuing Education and Summer School organizes extension courses in almost all professional and academic areas. The Division of Continuing Education and Summer School also renders assistance to the public schools through educational workshops, educational clinics in special fields, speakers for special occasions, assistance in educational surveys and curriculum studies, and consultation on special problems.
- G. Credit Union
University employees maintain a credit union, organized under the regulations stipulated by the State of North Carolina. Membership is open to all full-time and all part-time permanent employees. Insurance arrangements permit members to acquire, based on savings, life insurance at no cost to the member. Borrowers may negotiate low interest rate signature loans and secured loans.
- H. Dining Services
Faculty are invited to eat at any of the restaurants on campus. A declining balance card is offered to faculty. This card is a pre-paid account that can be used as cash in any of the dining locations. For more information faculty may call Dining Services.
- I. Grants, Contracts, and Cooperative Agreements
The office of Sponsored Programs is the university office with responsibility for pre-award activities involved in the submission of proposals to external sponsors for support of projects in research, creative activity, training, and public service. The staff will provide information, assistance, review, and endorsement. The office of Sponsored Programs serves as the clearinghouse for information on public and private funding opportunities. Staff members welcome requests for assistance in locating funding sources and developing proposals and budgets. They will review proposals for completeness and compliance with university and sponsor administrative requirements. In addition, they will provide guidance for development of contractual agreements for activities such as clinical drug trials. All proposals for grants, contracts, and cooperative agreements prepared by faculty to request outside funds must be reviewed and signed in the office of Sponsored Programs before submission to sponsors. See *Part VII, Research Information*.
- J. Housing
The off-campus housing office provides publications to aid those searching for rental housing in Greenville. The office also has information available regarding local banks, child care centers, hotels/motels, and restaurants.
- K. Mendenhall Student Center
Mendenhall Student Center is the social, cultural, recreational, and service center of the campus and is designed to serve the entire university. Along with other specific services, the student center is used as the "reception hall" of the campus, frequented not only by students but also by guests, faculty, staff, and numerous groups on campus for special events. There are limitations necessary when allowing children to use the student center facilities unless accompanied by their parents. The Center's hours are:
- | | |
|-------------------------|----------------------------|
| Monday through Thursday | 8:00 A.M. - 11:00 P.M. |
| Friday | 8:00 A.M. - 12:00 Midnight |

Saturday
Sunday

12:00 Noon - 12:00 Midnight
1:00 P.M. - 11:00 P.M.

- L. Police Department
The ECU Police Department consists of two divisions: Police Services and Medical School Security. The Police division is a full-service law enforcement agency providing services such as uniformed patrol, (bicycle, vehicle, foot), criminal investigations, traffic enforcement and other services. The Medical School Security division handles security at the Brody Medical Complex. Crime prevention specialists are available to give lectures concerning campus safety.
- M. Post Office and Campus Mail Service
United States mail is handled by the main US Post Office and the East Carolina University Station Post Office located on East Tenth Street. Faculty members may receive their mail with that of their respective department, school, or college. Faculty members who desire individual boxes may apply for them at the post office. Intra-campus mail is handled by the Campus Mail Service. Each department, college, or school has a box at this post office to which intra-campus mail is delivered, and faculty members may receive their individual intra-campus mail in their respective unit. Intra-campus mail is free of postage.
- N. Radiation Safety
Many radiation sources are used at East Carolina University as effective tools for teaching, research, medical diagnosis, and therapy. The Administrative Radiation Safety Committee establishes the university radiation safety policy. This committee reviews each proposal to use radioactive material as well as each proposal to install and operate radiation-producing electronic equipment. In conjunction with the office of Radiation and Biological Safety, the committee is responsible for all ionizing radiation sources (such as radio-active material and x-ray equipment) and many nonionizing radiation sources (such as lasers, microwave units, and RF systems). Permission to use radiation sources is granted by license and registration with the radiation protection division of the State of NC. Consultation and service necessary to ensure radiation protection and adherence to the regulations are provided by the office of Radiation and Biological Safety. Any faculty member who wants to use radiation sources on the campus of ECU must undergo a review by the office of Radiation and Biological Safety and gain approval by the Administrative Radiation Safety Committee. For further information consult the university radiation safety manual and contact the office of Radiation and Biological Safety.
- O. Recreational Services
Faculty are invited to participate in all programs and services offered through the department of Recreational Services. The Student Recreation Center offers enhanced opportunities to motivate faculty, their spouses and family members to pursue healthy recreational lifestyles. This facility, adjacent to Mendenhall Student Center, provides a campus home for the adventure program, physical fitness opportunities, intramural sports, club sports, and special events. Memberships to the Student Recreation Center are available on an annual, semester, or summer session basis, with a payroll deduction option, and may be purchased at the main office in the facility. Dependent passes are sold on a day-to-day basis. A valid ECU ID/membership card is required for entry into the facility. For more information, please call the department of Recreational Services.
- P. Supplies, Equipment, and Contractual Services
The university department of Materials Management has the responsibility for making all purchase contracts for the university (rental or purchase of real property excepted). This authority covers all supplies, materials, equipment, and contractual services as required by the university and any of its schools, departments, agencies, or divisions. Purchases are initiated by submittal of a purchase requisition to the department of Materials Management by departmental chairpersons, deans, or agency heads through their respective vice chancellors. See *ECU Business Manual*.
- Q. Telephone Service
The university switchboard is open each school day from 8:00 A.M. - 5:00 P.M. primarily for information and for reporting interruptions in service. All necessary long distance telephone calls should be made through the DAIN system to take advantage of the more favorable rates. It is not permissible to charge personal calls to a university telephone and then reimburse the university for the cost. If it should be necessary to place a personal long distance call from a university telephone, the call should be made collect or charged to the individual's home phone or to a credit card. If these methods of charging are not possible, the call should be made from a nonuniversity phone.
- R. Tuition Privileges for Faculty
Subject to the University of North Carolina Board of Governors' policy, full-time faculty who are eligible for membership in a state-supported retirement plan will be allowed free tuition for one course per school term for classes attended outside of the required work hours. See *ECU Business Manual*.
- IV. Employment of Related Persons (Formerly Appendix H)
- A. Basic Principles
Consistent with the principle that university employees and prospective employees shall be evaluated on the basis of individual merit, without reference to considerations of race, sex, religion or national origin, or any other factors not

involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to institutional personnel who are not subject to the State Personnel Act:

1. Related persons shall not serve concurrently within the institution in any case where one such related person would occupy a position having responsibility for the direct supervision of the other related person.
2. With respect to proposed employment decisions which would result in the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), a person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.
3. With respect to the concurrent service of related persons within the same academic department (or other comparable institutional subdivision of employment), neither related person shall be permitted, either individually or as a member of a faculty, or as a member of a committee of a faculty, to participate in the evaluation of the other related person.

B. Definition of "Related Persons"

The following relationships are sufficiently immediate to invoke the prohibitions against concurrent service of related persons:

- 1) Parent and child; 2) Brothers and sisters; 3) Grandparent and grandchild; 4) Aunt and/or uncle and niece and/or nephew; 5) First cousins; 6) Step-parent and step-child; 7) Step-brothers and step-sisters; 8) Husband and wife; 9) Parents-in-law and children-in-law; 10) Brothers-in-law and sisters-in-law; 11) Guardian and ward; 12) Persons engaged in amorous relationships; an amorous relationship exists when, without the benefit of marriage, two persons voluntarily have a sexual union or are engaged in a romantic courtship (e.g. dating or engaged to be married) that may or may not have been consummated sexually.

C. Effective Date

The provisions of this policy shall be applicable prospectively only, with reference to appointments made after the adoption date of the policy.

D. Employees Subject to the State Personnel Act

With respect to university employees who are subject to the State Personnel Act (SPA), applicable restrictions concerning the concurrent service of related persons shall be those adopted by the state personnel board.

- E. Each chancellor shall report annually to the board of trustees, at the regular meeting falling closest to the date of commencement, concerning all specific cases during the preceding year in which the terms of this policy were applied. (Administrative Memorandum #360, 18 March 1996, UNC Board of Governors)

V. External Professional Activities of Faculty and Other Professional Staff (Formerly *Appendix Q*)

A. University Policy

The University of North Carolina and its constituent institutions seek to appoint and to retain, as faculty and other professional staff members, individuals of exceptional competence in their respective fields of professional endeavor. Because of their specialized knowledge and experience, such persons have opportunities to apply their professional expertise to activities outside of their university employment, including secondary employment consisting of paid consultation with or other service to various public and private entities. Through such practical, compensated applications of their professional qualifications, university employees enhance their own capabilities in teaching and research. Thus, participation of faculty and other professional staff members in external professional activities for pay, typically in the form of consulting, is an important characteristic of academic employment that often leads to significant societal benefits, including economic development through technology transfer. However, such external professional activities for pay are to be undertaken only if they do not:

1. create a conflict of commitment by interfering with the obligation of the individual to carry out all primary university duties in a timely and effective manner; or
2. create a conflict of interest vis-à-vis the individual's status as an employee of the university; or
3. involve any inappropriate use or exploitation of university resources; or
4. make any use of the name of The University of North Carolina or any of its constituent institutions for any purpose other than professional identification; or
5. claim, explicitly or implicitly, any university or institutional responsibility for the conduct or outcome of such activities.

B. Definitions

1. "External professional activities for pay" means any activity that:
 - a. is not included within one's university employment responsibilities;
 - b. is performed for any entity, public or private, other than the university employer;
 - c. is undertaken for compensation; and
 - d. is based upon the professional knowledge, experience, and abilities of the faculty or other professional staff member.

Activities for pay not involving such professional knowledge, experience, and abilities are not subject to the advance disclosure and approval requirements of section C. 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 claims of university responsibility for the activity.

2. "University employment responsibilities" include both "primary duties and "secondary duties." Primary duties consist of assigned teaching, scholarship, and all other institutional service requirements. Secondary duties consist of

Professional affiliations and activities traditionally undertaken by faculty and other professional staff members 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 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 conflict or interfere with the timely and effective performance of the individual's primary university duties.

3. "Faculty or other professional staff member" means any person who is employed full-time by The University of North Carolina or a constituent institution or other agency or unit of The University of North Carolina and who is not subject to the State Personnel Act.
 4. "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.
 5. "Inappropriate use or exploitation of university resources" means using any services, facilities, equipment, supplies, or personnel which members of the general public may not freely use. A person engaged in external 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.
 6. "Conflict of interest" relates to situations in which financial or other personal considerations may compromise, may have the potential for compromising, or may have the appearance of compromising an employee's objectivity in meeting university duties or responsibilities, including research activities.
- C. Procedures Governing External Professional Activity for Pay
1. A faculty or other professional staff member 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,"), which 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 calendar days before the date the proposed external professional activity for pay is to begin.
 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-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 d., below, the "Notice of Intent" shall be considered as follows: If, after a review of the "Notice of Intent" and consultation with the faculty or other professional staff member, the unit head determines that the proposed activity is not consistent with this policy statement of the board of governors, the faculty or other professional staff member shall be notified of that determination within ten calendar days of the date the "Notice of Intent" is filed. In the event of such notification by the unit head, the faculty or other professional staff member shall not proceed with the proposed activity but may appeal that decision to the next higher administrator and then to the chancellor (or, in the General Administration, to the president). A decision on any such appeal shall be given to the faculty or other professional staff member within ten calendar days of the date on which the appeal is received. The decision of the chancellor (or of the president) shall be final. Appeals shall be made in writing on the "Notice of Intent" form
 4. If question 8., question 9.a., or question 9.b. on the "Notice of Intent" is answered in the affirmative, the procedure set out in paragraph 3.c., 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 days of receipt by the next higher administrator, and appeal of a disapproval by that officer shall be to the chancellor (or, in the General Administration, to the president).
 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 (or, in the General Administration, to the president) each July. The chancellors shall provide annual summary reports to the president by September 1 of each year.
 6. University employees not complying with these procedures will be subject to disciplinary action. Unit heads are held responsible for proper reporting.
- D. Special Provisions
1. External professional activities for pay performed for another institution or agency of the State of North Carolina also must comply with state policies governing dual employment and compensation, unless an exception to those state policies is expressly authorized by the chancellor or the president.
 2. The procedures in section 5 shall not be required of faculty and other professional staff members serving on academic year contracts if the external professional activity for pay is wholly performed and completed between the day following spring commencement and the first day of registration for the fall semester, provided that the activity

does not conflict with this policy statement of the board of governors and is not conducted concurrently with a contract service period for teaching, research, or other services to the institution during a summer session

E. Effective Date

This policy statement shall become effective on 1 July 1993.

F. Sample Form for Notice of Intent to Engage in External Professional Activities for Pay

Date: (Name) - Intends to engage in external professional activity for pay under the following Conditions

1. Name and address of contracting organization:
2. Nature of proposed activity:
3. Beginning date and anticipated duration of activity:
4. On average, how many hours per week will be devoted to this activity?
 - a. For twelve-month employees, for the anticipated duration of the activity, within the current fiscal year ending June 30:
 - b. For nine-month employees, for each component part of the academic year, as applicable, within the current fiscal year ending June 30
 - 1) Second summer session (post July 1)
 - 2) Fall semester
 - 3) Spring semester
 - 4) First summer session (pre July 1)
5. Total number of hours to be devoted to activity:
6. Identify any classes, meetings, or other university duties that will be missed because of involvement in the proposed activity (respond separately for each applicable component part of the academic calendar if nine-month employee) and state what arrangements have been made to cover any such duties:

Duties Missed	Arrangements to Cover
7. Use of university resources in connection with proposed activity:
 - a. Will the activity entail the use of any university resources? Yes No
 - b. If yes, describe what resources will be used.
8. To your knowledge, does the contracting organization above provide funding which directly supports any of your university duties or activities? Yes No
9. To be completed if the contracting organization is a private firm:
 - a. Do you or any member of your immediate family own an equity interest in the contracting organization? Yes No
 - b. Do you hold an office in the contracting organization? Yes No

10. Performance of the above described activity is consistent with the board of governors policy on external professional activities. (Signatures Follow)

G. Sample Form for Activity During Past Fiscal Year

Provide the following information for each external professional activity for pay in which you engaged during the last fiscal year preceding the date of filing of this "Notice of Intent"

1. Contracting organization:
2. Beginning and ending date of activity (if completed):
3. Average hours per week devoted to this activity.
4. Total number of hours devoted to this activity:
5. Nature of professional activity:
6. Date Notice of Intent was filed:

H. Sample Form for Administrative Action on Notice of Intent

1. Reviewed; activity determined to be consistent with university policy.

Date: Unit Head:

Other action (as required):

Date: Dean or Other Administrative Officer*

*Approval by dean or next higher administrator is required if question 8., 9.a., or 9.b. is answered in the affirmative.

2. Reviewed; activity determined not to be consistent with university policy

Date: Unit Head:

Action on appeal (if any):

Date: Action Taken:

Dean or Next Higher Administrator:

Date: Action Taken:

Chancellor:

Any administrative action approving a "Notice of Intent" shall be effective only for the remaining balance of the fiscal year (in the case of twelve-month employees) or for the balance of the academic year (for nine-month employees).

VI. Equal Employment Opportunity/Affirmative Action Policy (Formerly *Appendix K*)

East Carolina University is committed to equal opportunity for all members of the university community. In addition, it will take affirmative action to increase recruitment and hiring of black and female faculty and staff. The following is the Equal Employment Opportunity Policy as it appears in the East Carolina University Affirmative Action Plan (1983-1986). East Carolina University is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based on race, color, national origin, religion, veteran's status, gender, age, sexual orientation, political affiliation, or disability. (Faculty Senate Resolution #03-37, September 2003)

East Carolina University's policy on nondiscrimination and its affirmative action program are consistent with, and pursuant to, the guidelines set forth in Executive Order 11246 with its implementing regulations. The East Carolina University Affirmative Action Program implements guidelines set forth under Titles VI and VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; Sections 799A and 845 of the Public Health Service Act; the Equal Pay Act; Sections 503 and 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1976; and the Vietnam Veterans Readjustment Assistance Act of 1974 as amended. Appropriate equal opportunity clauses are included in purchase agreements as required.

The university's policy is consistent with North Carolina General Statutes 126-16: "All state...agencies...of North Carolina shall give equal opportunity for employment, without regard to race, religion, color, creed, national origin, sex, age, or physical disability to all persons qualified, except where specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. This section with respect to equal opportunity as to age shall be limited to individuals who are at least 40 years of age but less than 70 years of age." It is also consistent with *The Code of The University of North Carolina*, Section 103: "Admission to, employment by, and promotion in The University of North Carolina and all of its constituent institutions shall be on the basis of merit, and there shall be no discrimination on the basis of race, color, creed, religion, sex or national origin...."

In addition, East Carolina University prohibits sexual harassment of students, faculty, or staff members. Sexual harassment is defined as deliberate, unsolicited, unwelcomed verbal and/or physical conduct of a sexual nature or with sexual implications. The definition does not include personal compliments welcomed by the recipient or relationships which are freely entered into by both parties. East Carolina University is committed to providing and promoting an atmosphere in which employees realize their maximum potential in the workplace and students can engage fully in the learning process. Accordingly, sexual harassment by and of both employees and students is prohibited by this policy.

East Carolina University, as part of its continuing affirmative action efforts, endorses the following:

1. It is illegal and against the policies of East Carolina University for any employee to sexually harass another employee by:
 - a. making unwelcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment, or

- b. making submissions to or rejections of such conduct the basis for employment decisions affecting the employee, or
 - c. creating an intimidating, hostile, or offensive working environment by such conduct.
2. It is against the policies of East Carolina University for any employee to sexually harass a student by:
- a. making unwelcomed sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of a student's grade, progress, or recommendation or
 - b. creating an intimidating, hostile, or offensive learning environment by such conduct.

Sexual harassment shall hereinafter be deemed a form of discrimination based on sex as prohibited by Section 703 of Title VII of the Civil Rights Act, by North Carolina General Statute 126-16 (employees), and by Title IX of the Education Amendments Act of 1972 (students).

A. Responsibilities

Responsibility for implementation of these policies rests with the chancellor. The vice chancellors, the dean of the College of Arts and Sciences, deans of professional schools, department chairpersons, and principal administrative directors are delegated responsibility for implementing these policies. They will assure that decisions involving recruitment, selection, appointment, and promotion of faculty and staff at all levels are made in a nondiscriminatory manner and in accordance with the goals of the Affirmative Action Plan.

The chancellor has also appointed the director of Equal Opportunity Programs to coordinate all aspects of the Affirmative Action Plan, initiate programs to assist in reaching the goals of the Affirmative Action Plan, maintain a record system, identify problem areas, and assist faculty and staff and students to resolve problems. This individual is assisted by the associate director of Equal Opportunity Programs.

B. Grievances

Any student of East Carolina University who has a complaint of discrimination should follow the procedure outlined in the *Student Government Association Documents*. Current, former, or prospective faculty or staff who have complaints should follow the procedure outlined in the Affirmative Action Plan and in the grievance procedure set forth in *Appendix J, Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity Complaints*. Copies of the complete Affirmative Action Plan are available in Joyner Library, Health Sciences Library, office of Equal Opportunity Programs, department of Human Resources, and the office of each vice chancellor.

(Approved: 30 June 1983, East Carolina University Chancellor)

VII. Other Personnel Policies

A. Substance Abuse Policy (Formerly *Appendix T*)

East Carolina University is dedicated to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. The highest standards of personal and professional conduct must be maintained by faculty, staff, and students. Illegal or abusive use of drugs or alcohol, referred to in this policy as substance abuse, by members of the university community adversely affects the mission of the university and is prohibited.

Accordingly, the East Carolina University Board of Trustees adopts the following policy, consistent with The UNC Board of Governors' Policy on Illegal Drugs. The policy is intended to accomplish the following:

- prevent substance abuse through a strong educational effort;
- encourage and facilitate the use of counseling services and rehabilitation programs by those members of the academic community who require their assistance in stopping substance abuse; and
- discipline appropriately those members of the academic community who engage in illegal drug or alcohol related behaviors.

1. Educational Efforts to Prevent Substance Abuse

In keeping with its primary mission of education, East Carolina University will conduct a strong educational program aimed at preventing substance abuse and illegal drug or alcohol use. Educational efforts shall be directed toward all members of the academic community and will include information about the incompatibility of the use or sale of illegal substances with the goals of East Carolina University; the health hazards associated with illegal drug or alcohol use; the incompatibility of substance abuse with the maximum achievement of educational, career, and other personal goals; and the potential legal consequences of involvement with illegal drugs or alcohol.

2. Counseling and Rehabilitation Services to Prevent Substance Abuse

Those faculty, staff, or students who seek assistance with a substance abuse related problem shall be provided with information about drug counseling and rehabilitation services available through East Carolina University and also through community organizations. Those who voluntarily avail themselves of university services shall be assured that applicable professional standards of confidentiality will be observed.

3. Disciplinary Actions to Prevent Substance Abuse

Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the university.

It is expected that East Carolina University students, faculty members, administrators, and other employees who use or possess alcoholic beverages will do so as legally prescribed by the laws of the State of North Carolina, within the regulations of East Carolina University, and in a manner which does not disrupt the lives of others.

A person whose conduct is outside these parameters will be subject to the judicial rules and procedures of the university.

It is not "double jeopardy" for both the civil authorities and the university to proceed against and punish a person for the same specified conduct. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interests of the university.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by *Appendix D, Tenure and Promotion Policies and Procedures of ECU*, by board of governors' policies applicable to the employees exempt from the State Personnel Act, by the East Carolina University Student Judicial System, and by regulations of the State Personnel Commission.

The penalties to be imposed by the university may range from written warnings with probationary status to expulsions from enrollment and discharges from employment.¹ However, the following minimum penalties shall be imposed for the particular offenses described.

- a. Trafficking in Illegal Drugs
 - (1) For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
 - (2) For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, (including but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled and any faculty member, administrator, or other employee shall be discharged.
- b. Illegal Possession of Drugs
 - (1) For a first offense involving the illegal possession of any controlled substance identified in Schedule I, NC General Statutes 90-89, or Schedule II, NC General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.
 - (2) For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, NC General Statutes 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.
 - (3) For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, or other employees.
- c. Possession and Use of Alcohol
 - (1) For offenses involving the illegal possession, use, sale, and/or distribution of alcohol in violation of NC General Statutes 18B-300 & 12B-301 & 302; 18B-1006(a); or Greenville Ordinance No. 812-1-2, a student will be subjected to a progressive penalty system based on the type of infraction and the circumstances involved. Penalties may be warning, probation, fine, volunteer community service, and/or removal from the residence system or the university.
 - (2) In certain circumstances, involvement in an alcohol education and/or counseling program may be offered to a student in lieu of being referred to the Honor Board with a recommendation for suspension. Specifically, a student given this option will be required to participate in a program of assessment, education, and counseling; pay a fee of sixty dollars, and be placed on university probation. A student may participate in this program only once in lieu of disciplinary action.
 - (3) University employees subject to the State Personnel Act may be disciplined in accordance with the rules and regulations for personal misconduct, i.e., final written warning, which may include a three day suspension without pay, or dismissal.

¹State personnel policy provides that employees subject to the State Personnel Act may not be suspended from employment for punitive reasons for more than three days. Whenever this policy mandates "suspension" of an employee subject to the State Personnel Act as a minimum penalty, that employee must instead be terminated in accordance with the state personnel policy.

When a student, faculty member, administrator, or other employee has been charged by the university with a violation of policies concerning illegal drugs or alcohol, he or she may be suspended from enrollment or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor or, in the chancellor's absence, the chancellor's designee concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community, provided, that if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

In the case of employees, anyone convicted of a criminal drug statute violation occurring in the work place shall notify the university no later than five days after such a conviction. The university will commence disciplinary action against such an individual within thirty days of notice of the conviction.

4. Responsibilities Under This Policy

Authority to implement the policy shall reside in the chancellor. The chancellor shall designate a coordinator of drug and alcohol education who shall, acting under the authority of the chancellor, be responsible for overseeing all actions and programs relating to this policy. All employees and students shall be responsible for abiding by the provisions of this policy. In the case of employees, adherence with the provisions of the policy shall be a condition of employment. The chancellor will render an annual report to the board of trustees on the effectiveness of this policy.

5. Dissemination of This Policy

A copy of this policy shall be given annually to each employee and to all new employees at the beginning of their employment. Each student shall receive a copy and new students shall be given a copy during orientation. The policy shall be printed in appropriate student documents and posted on official bulletin boards of the university.

(Approved: October 5, 1990, East Carolina University Board of Trustees)

B. Weapons Policy

The possession and/or use of a weapon on any university owned or controlled property is incompatible with the academic mission and programs of the university. In addition, any threat to commit bodily harm, either by the use of a weapon or physical force is also inappropriate in an academic community. All university constituents, including students, faculty, staff, and visitors should respect the institutional mission and help to insure that a safe and secure environment, which is conducive to learning, is present at all times. Therefore, each constituent should respect and obey the following rules and regulations pertaining to weapons on university property. This policy does not apply to an individual's legal right to possess or own a weapon off campus. Any member of the university community who violates North Carolina General Statute 14-269.2 pertaining to weapons on campus is subject both to prosecution and punishment in accordance with state criminal law and criminal procedures and to disciplinary proceedings by the university.

G.S. 14-269.2 makes it unlawful and in some circumstances, felonious conduct "for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property." The statute makes it a misdemeanor "for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp pointed or edged instrument except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and maintenance, on educational property.

The statute does not apply to:

1. A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority; and
2. Armed forces personnel, officers and soldiers of the militia and national guard, law enforcement personnel, and any private police employed by an educational institution. when acting in the discharge of the official duties.

The Director of Public Safety is responsible for authorizing weapons on campus which meets either of these two criteria.

It is not "double jeopardy" for both the criminal law enforcement authorities and the university to proceed against and punish a person for the same specified conduct. The university will initiate its own disciplinary proceedings against a student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interest of the university. A resident student should also understand that he/she may be removed from his/her residence hall for violating the housing contract regulation pertaining to the possession or use of a weapon in the residence halls. See *ECU Housing and Dining Agreement*.

Penalties will be imposed by the university in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees. These safeguards are found in the *East Carolina University Faculty Manual*, the Board of Governors' policies applicable to employees exempt from the State Personnel Act, the policies and procedures of the East Carolina University Student Judicial System, and by the regulations of the State Personnel System. The penalties to be imposed by the university may range from written warnings to expulsions from enrollment and discharges from employment. All mitigating and aggravating circumstances

associated with an incident involving weapons, including threatening to use a weapon, will be taken into account when considering an appropriate penalty. However, the following penalties shall be established for the particular offenses described.

1. Persons who possess or use a gun, rifle, pistol, or other firearm of any kind, or powerful explosive will be suspended for a period of not less than one year (student), or discharged (faculty member, administrator, or other employee). For a second offense, the student will be expelled.
2. Persons who possess or use a BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for the preparation of food, instruction, and maintenance will be suspended from enrollment for a minimum period of at least one semester or its equivalent (student), or discharged (faculty member, administrator, or other employee). For a second offense, any student will be expelled.

In certain instances, established penalties may be reduced due to mitigating circumstances e.g. the weapon has not been removed from a motor vehicle and if it has not been brandished, exhibited or displayed in any careless, angry or reckless manner. The established penalty however, may not be reduced if the violation involves use of a weapon in a manner where bodily harm or injury occurs or where the weapon was involved in another violation of university regulations. In cases where the penalty is reduced, the person should expect some penalty which may include probation, counseling, community service, or loss of certain privileges. A subsequent violation of this policy will result in a progressively more severe penalty which includes suspension or expulsion of students and discharge of a faculty member, administrator or other employee.

(Approved: July 6, 1995, East Carolina University Board of Trustees)

C. Serious Illness and Disability Leave for Faculty Policy

The purpose of this policy is to provide permanent faculty who do not currently earn sick leave with paid leave for cases of a serious health condition, maternity leave, or parental leave as defined under the Family and Medical Leave Act (FMLA). The purpose of this policy is also to coordinate leaves granted under federal and state acts such as the FMLA [29 U.S.C. § 2601, et seq.], the North Carolina Family Illness Act (NCFIA) [SB1115, Section 28.3B], and the UNC Policy on Serious Illness and Disability Leave for Faculty [UNC Policy 300.2.11(G)]. All three policies cover the same serious health conditions, maternity leave or parental leave. This policy supplements the FMLA and NCFIA to provide for a period of paid leave rather than such leave being unpaid.

This policy does not apply to brief absences of 14 calendar days or less that are usually accommodated informally. This policy is intended to apply to short-term and intermediate-term disability of up to one year. Exceptional cases may be considered by the University.

All eligible East Carolina University faculty members with a medically verifiable serious health condition as defined below are covered under this policy. The review by university administrators focuses exclusively on verifying the documentation of the condition.

Granting or denial of a request for a leave under this policy shall be made without regard to the faculty member's race, color, national origin, religion, gender, age, sexual orientation, political affiliation, disability, or personal malice.

I. Definitions

For purposes of this policy a brief absence is defined as fourteen (14) calendar days or less.

The following definitions are applicable to the Family and Medical Leave Act (FMLA), the North Carolina Family Illness Act (NCFIA) and ECU's Policy on Serious Illness and Disability Leave for faculty:

A serious health condition is defined as (a) an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider; (b) any period of incapacity requiring an absence from work of more than fourteen calendar days that also involves continuing treatment by a health care provider; or (c) continuing treatment by a health care provider for conditions so serious that, if not treated, would likely result in an absence of more than ten workdays. Prenatal care is also included. The period of actual physical disability associated with childbirth is considered a serious health condition and must be taken as family/medical leave, whether as paid or unpaid leave.

Immediate Family - spouse, parents, children (including step relationships), or other legal dependents who require the faculty member's care.

Parent - a biological or adoptive parent or an individual who stood *in loco parentis* (a person who is in the position or place of a parent) to an employee when the employee was a child.

Child - a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Child would include: (a) biological, (b) adopted, (c) foster, (d) step-child, (e) legal ward, and (f) child of an employee standing *in loco parentis* as defined above.

Immediate Supervisor - Normally, the immediate supervisor is the individual who is the head of the code unit. However, in code units that describe department structures, the immediate supervisor is the department head/chair.

FMLA provides for a period of up to 12 weeks of unpaid leave for a serious health condition, maternity leave, or parental leave. NCFIA provides for up to 52 weeks of unpaid leave in a five-year period in cases of serious illness of a child, spouse, or parent.

Applicable vice chancellor - The applicable vice chancellor is the Provost/Vice Chancellor for Academic Affairs or the Vice Chancellor for Health Sciences, whoever is appropriate for the particular faculty member.

Start Date - The period of paid leave under this policy begins with the first day of the absence from University contractual duties resulting from such illness or disability. If a leave begins as a brief illness, then results in a more serious condition that warrants use of the Serious Illness Leave policy, the period of paid leave under this policy will revert back to the first day of absence.

II. Eligibility

This policy applies to persons holding regular full-time faculty appointments who are eligible for participation in either the North Carolina Teachers and State Employees Retirement System or the Optional Retirement Program, and who are not eligible to earn sick leave under any other state or institutional leave policy. If a faculty member has been in a previous leave-earning position and has an accumulated sick leave balance, the faculty member must exhaust any previous sick leave balance prior to requesting coverage under this policy. Part-time permanent faculty holding appointments of at least 75% are also covered under this policy.

III. Benefit

(A) In all cases, leave granted under this policy shall be in increments that are appropriate to the facts and circumstances surrounding the illness or disability, the academic calendar, the needs of the unit, and the responsibilities of the faculty member. Leave taken under this Serious Illness policy shall run concurrently with FMLA leave and/or with the statutory provisions of the North Carolina Family Illness Act. Any leave under this policy will count as part of the 52 week allowable total under the NCFIA and/or as part of the 12 week allowable total under the FMLA.

(B) A faculty member who has a medically verifiable illness or disability, with proper medical documentation, as defined under FMLA, or whose immediate family member has a medically documented, verifiable illness, may elect to request a paid leave of absence for up to 15 calendar weeks in accordance with Section V. Such a request must be reviewed by the immediate supervisor and the dean with notification of the action taken submitted to the appropriate vice chancellor and the Office of Human Resources.

(C) If the illness or disability requires an absence from faculty duties in excess of the 15 calendar weeks, the faculty member may elect to petition for an extension of paid leave (see (E) below) or for a leave of absence without pay under procedures described in the *Faculty Manual* or under University policies implementing the FMLA or under statutory regulations of the NCFIA.

(D) The faculty member should consult with the Office of Human Resources regarding existing benefits through the Disability Income Plan or through other disability programs that may be offered to University employees on an optional basis.

(E) A faculty member who provides the appropriate additional medical documentation and whose illness or disability, or that of the family member, extends beyond the 15 weeks provided for under this Policy, may elect to submit a written request to the immediate supervisor for an extension of leave with pay up to a maximum of one year (determined by counting forward 12 months from the date the leave begins) at the discretion of the University. More than one serious illness or disability leave may be granted in a 12-month period, but the total maximum allowable paid leave for all such serious illnesses may not exceed one year in length. Such requests must be reviewed by the appropriate dean, vice chancellor, and the Associate Vice Chancellor for Human Resources. Additional leave with pay in excess of the limits may be granted in exceptional cases at the discretion of the university.

(F) Additional leave requires leave of absence without pay.

(G) The immediate supervisor may require such medical documentation or certifications, second or third medical opinions (at the university's expense) or other documentation of the need for leave, probable length of absence from normal duties, ability to return to work, or intent to return to work as it may deem necessary.

(H) When the request is to care for a member of the faculty member's immediate family, the University will also require satisfactory evidence that the faculty member will exercise primary responsibility for the care of those who would qualify the faculty member for leave under this policy.

(I) Leave offered under this policy is *not* allowable as terminal leave payment when the faculty member leaves the employment of the University. Unused leave shall not accumulate nor be carried forward from one academic year or calendar year to the next. It may not be used to extend years of creditable state service for retirement benefits. However, it may be exhausted prior to participation in the Disability Income Plan of North Carolina that is provided to eligible state employees.

(J) It is the intent of this Policy that faculty members receive the benefits defined herein during the period(s) in which they have a contractual commitment to the University.

IV. Use of Leave

The period of leave provided under this policy may be used for medically verifiable sickness or injury as defined under the FMLA. Use of such leave includes the birth of a child and to care for the newborn child after birth or for temporary disability connected with childbearing and recovery, which prevents the faculty member from performing usual duties. Leave also may be used for the placement of or to care for a child placed with the employee for adoption or foster care, and/or for a serious health condition of the employee that prevents the employee from performing the essential functions of his/her job. In accordance with ECU's policy on leave granted under the Family and Medical Leave Act, a faculty member may seek leave needed as a consequence of a medically verifiable illness/disability of a member of the immediate family, as defined in Section I. of this policy.

A faculty member who anticipates the need for a temporary leave shall notify his or her immediate supervisor in writing as soon as possible.

If the faculty member's request is for the purpose of caring for an immediate family member, the immediate supervisor may request medical verification of the illness or disability of that person and may also inquire about the circumstances which make it impossible or difficult for the faculty member to carry on with normal duties.

When the request is for the care of the faculty member's family member or dependent, the immediate supervisor may base the recommendation on other factors, including the needs of the unit, timing within the academic year, effect on students, ability of the unit to compensate for the absence, etc.

Female faculty shall not be penalized because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery. Disabilities resulting from pregnancy shall be treated the same as any other temporary disability. The type and nature of the faculty member's duties during pregnancy shall be determined by the faculty member's immediate supervisor in consultation with the faculty member and upon advice she receives from her physician.

V. Administration of Benefit

It is the responsibility of the faculty member to request the use of leave provided by this policy as soon as possible upon learning of the need for the leave. This request will be made to the faculty member's immediate supervisor. The request for leave shall include an estimate of the amount of time the faculty member is expected to be on leave. The faculty member will notify his or her immediate supervisor if the estimate materially changes.

Such requests must be in writing, but there may be instances where the employee is unable to make the request by completing the necessary forms at the Office of Human Resources web site or via a letter. All conditions covered by this serious illness and disability leave policy cannot be anticipated. The policy provided herein is expected to be appropriate in most situations. However, in unusual cases, the faculty member or other responsible party may be unable to provide the necessary notification. In those rare instances where the employee or a member of the employee's family is unable to make the necessary request, it is the responsibility of the immediate supervisor to consult with a Human Resources benefits counselor for direction.

The immediate supervisor will review the request and forward the documentation to the dean. The dean is responsible for reviewing the documentation and consulting with the Office of Human Resources. The dean will provide written notification of the decision to the immediate supervisor, who will then advise the faculty member. The dean will provide a copy of the notice

to the appropriate vice chancellor and to the Office of Human Resources. If leave is denied, the written notification will include the grounds for denial.

In the case of a request for leave beyond the initial 15 week period, the request must also be reviewed by the appropriate vice chancellor and the Associate Vice Chancellor for Human Resources. The person responsible for notifying the faculty member is the Associate Vice Chancellor for Human Resources. If leave is denied, the written notification will include the grounds for denial.

The immediate supervisor is responsible for securing, to the extent possible, substitute personnel for the duration of the faculty member's leave. Any adjustments in work schedules within the unit are at the discretion of the immediate supervisor with the approval of the dean and are subject to departmental and institutional needs and resources. In recommending approval of a leave, the immediate supervisor will develop a written plan to cover the responsibilities of the faculty member for the duration of the leave. Funding of substitute personnel is the responsibility of the appropriate vice chancellor.

Nothing in this policy shall prohibit other faculty members from "covering" for the faculty member on leave but only so long as the faculty member on leave complies with this leave policy.

VI. Appeals

A decision not to grant a request for leave under this policy may be appealed to the appropriate vice chancellor. The vice chancellor's decision may be appealed to the chancellor. Appeals of a negative decision must be made by the faculty member to the next higher level within ten (10) business days of receipt of the negative decision. The vice chancellor and chancellor must respond to an appeal within ten (10) business days of receipt of the appeal.

VII. Confidentiality

Communications concerning leave requested or granted under this policy are subject to the same confidentiality requirements as other personnel records in accordance with North Carolina law.

VIII. Record-Keeping

Because this policy provides an important financial benefit, accurate records on all requests for leave, whether or not the request is granted, must be maintained. The immediate supervisor shall be responsible for forwarding all records pertaining to the use of this policy to the Office of Human Resources. The Office of Human Resources will maintain the official records concerning requests for leave under this Policy, and may, from time to time, be required to make general reports on its use to other University administrators and to the Faculty Senate.

IX. Coordination with Other Policies

ECU's *Faculty Manual* indicates that leaves from all employment obligations which are granted to probationary-term faculty may include extension of the length of the probationary term. It is the responsibility of the faculty member to review the pertinent sections and determine the impact such leave would have on their probationary term.

A permanently tenured faculty member granted leave under this policy may have his or her five-year cumulative review delayed by a period agreed upon by the faculty member, the faculty member's immediate supervisor, the dean, and the appropriate vice chancellor.

The terms of this policy pertain only to a leave for a specified period because of illness or disability. This policy has no effect on provisions for other types of leave as described in the *Faculty Manual*.

The leave provided for under this policy shall have no effect on the faculty member's other employment benefits.

X. Effective Date

This policy shall become effective immediately upon approval by the Board of Trustees of East Carolina University and shall supersede any previous authority granting leave for faculty, if any.

(Approved: May 6, 2005, East Carolina University Board of Trustees)

VIII. Frequently Asked Questions About Faculty Personnel Records

1. What is the definition of a "personnel file?"

North Carolina law defines a personnel file as any information gathered by East Carolina University that relates to an individual's application, selection or non-selection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment, wherever located and in whatever form. Records related to grievances and appeals of non-reappointment and non-conferral of tenure are personnel records. The Personnel Action Dossier ("PAD") is an evaluative document and is a personnel record. Like other personnel records, the PAD is University Property and is retained by the University.

2. Where can I find the state laws that pertain to personnel records?

You will find the statutes that relate to personnel records for state employees in the General Statutes of North Carolina in Chapter 126. The General Statutes are located in Joyner Library and in the University Attorney's Office.

You can also access the statutes on the Internet at:

www.ncga.state.nc.us/Statutes/Statutes.html or www.allaw.com/state_law_search/north_carolina/

PLEASE NOTE THAT THE STATUTES REPORTED ON THE INTERNET MAY NOT BE ACCURATE AND MAY NOT BE UPDATED IN A TIMELY MANNER TO REFLECT THE LATEST SUPPLEMENTS.

Section 126-5 of the General Statutes of North Carolina makes the provisions of Chapter 126 applicable to all State employees and ECU faculty. Sections 126-22 *et seq.* in Article 7 (The Privacy of State Employee Personnel Records) defines personnel records (126-22), determines who has access to personnel records (126-23), provides for the confidentiality of personnel records (126-24), and provides remedies for employees objecting to material in the personnel file (126-25), among other things.

3. What does "wherever located and in whatever form" mean?

It means that your personnel records may be located in different offices on campus. Documents that meet the statutory definition will be considered personnel records.

4. Where is my personnel file located?

Faculty will have a primary personnel file located in his/her Code Unit Administrator's Office. In addition, there may be other files containing personnel records that are located in approved University offices. The Department of Human Resources will have only documents about faculty employment that reflect basic employment and benefits information. Please consult the Personnel File Checklist that has been attached to the inside cover of your primary personnel file to confirm the offices where your personnel records are located. **(Faculty Senate Resolution #02-04, January 2002)**

5. Are there other files that may contain information about me?

Records related to your employment may be found in the offices identified in FAQ # 4 and FAQ #5. However, if you have filed a grievance, an appeal of non-reappointment or non-conferral of tenure; or a complaint was filed by you or against you with the ECU EEO Office alleging sexual harassment, discrimination based on age, race, religion, or disability, or a violation of the amorous relations policy; or you are subject to a disciplinary action, records from your personnel file may be included in an appeal hearing file or investigative file prepared by the EEO Office or by the University Attorney's Office.

Please note that those personnel records in the EEO Office or the University Attorney's Office remain confidential, but the documents collected and/or created in those offices would be part of an investigative/preparation file and would not be considered part of your personnel file. Disclosure of documents in those files would be subject to the applicable University policies and state laws. Additionally, the University would formally notify you in accordance with the relevant policy, if a complaint or grievance was filed against you, and would follow the procedures prescribed for due process. In most cases, personnel documents maintained in those files would be duplicates of documents in your primary personnel file.

If you have any questions about University policies that are referenced above, you may wish to review these sections of the *ECU Faculty Manual*:

- Appendix D. Procedures for Appeal of Notice of Non-Reappointment or Non-Conferral of Permanent Tenure
- Appendix I. East Carolina University Policy on Conflicts of Interest and Commitment
- Appendix J. Informal Faculty Grievance Procedure for Grievances Involving Sex Discrimination and Other Equal Employment Opportunity Complaints
- Appendix U. Policy on Improper Relationships Between Students and Faculty
- Appendix V. Sexual Harassment, Discrimination, and Conflicts of Interest Policies
- Appendix W. Racial and Ethnic Harassment Policies
- Appendix X. Grievance Procedures for Complaints of Sexual or Racial Harassment or Discrimination or Conflicts of Interest Brought Against East Carolina University Faculty Members or Administrators Holding Faculty Status
- Appendix Y. Grievance Policies and Procedures of East Carolina University

6. Is there any truth to rumor about the existence of secret files?

No. Personnel files should only be kept in University offices and should always be accessible to you during regular business hours with reasonable advance notice. Administrators shall not keep secret files and shall not include anonymous material in personnel files, except student opinion surveys. See Frequently Asked Question #4 for the file locations. **(Faculty Senate Resolution #02-04, January 2002)**

7. When can I review my personnel file?

Although your personnel file is about you, it is University property. You have complete access to your personnel records during regular business hours with advance notice to the custodian of the records. Advance notice is required so that your file can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, can be removed. Additionally, the custodian of records will need to 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, if necessary. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements.

Please note that documents can not be added to or removed from the personnel file at this time. The University reserves the right to limit the number of copies and to make only one complete copy of the PAD.

8. Is any information in my personnel file considered public information?

Yes. State law requires that the University permit the public to have access to the following information about your personnel records: name, age, date of original state employment, current position or title, current salary, date and amount of most recent salary change, date of most recent status change (promotion, resignation, termination, etc.), and current office assignment.

9. What information is considered confidential personnel information?

As stated above in FAQ #8, Section 126- 23 of the General Statutes of North Carolina provides that certain records to be kept by State agencies are open to inspection. Those records include a record of each State employee showing the following information with respect to each such employee: name, age, date of original employment or appointment to the State service, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned.

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/her properly authorized agent, who may examine his/her own personnel file in its entirety except for (i) letters of reference solicited prior to the 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) Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
- 4) A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file;
- 5) An official of an agency of the federal government, State government or any political subdivision thereof.

10. Is there any information in my personnel file that I do not have access to?

As mentioned in FAQ # 9, reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to the faculty member.

11. Does anyone, other than me, have access to my confidential personnel records?

Yes. Anyone that you properly authorize (in a written release) may have access to your records. Your supervisor(s), members of the General Assembly, anyone with a proper court order, and officials of federal and state agencies may also inspect and examine your personnel records. In accordance with Appendix D of the *ECU Faculty Manual*, the Personnel Action Dossier is compiled by candidates for reappointment, promotion, and/or permanent tenure in consultation with the unit administrator and the Unit Personnel Committee. The Code Unit Administrator and the Unit Personnel Committee have access to your personnel records.

12. What can I do if I consider material in my personnel file to be inaccurate or misleading?

Section 126-25 of the General Statutes of North Carolina states that an employee, former employee, or applicant for employment who objects to material in his/her file may place in his/her file a statement relating to the material he/she considers to be inaccurate or misleading. Statements relating to the objectionable material should be submitted to the Code Unit Administrator. Removal of the offensive material may be sought in accordance with Appendix Y of the *ECU Faculty Manual*; however, informal resolution of disputes about the inaccuracy or misleading nature of material in your personnel file is encouraged before resorting to Appendix Y procedures.

13. How long does the University keep my personnel file?

Personnel records are kept in accordance with the Record Retention and Disposition Schedule approved by the University Archivist, the Director of the Division of Archives and History, the Chancellor, and the Secretary of Cultural Resources. Although it depends on the type of document, most personnel records are stored, and transferred to the State Records Center to be microfilmed for permanent security storage in the Archives vault.

14. If I have other questions about my personnel file, where should I look or whom should I contact for more information?

For more specific information, you may refer to the General Statutes of North Carolina, Appendix C, and Appendix D ("PAD") of the *ECU Faculty Manual*, contact the Faculty Senate Office at 328-6537, or contact the University Attorney's Office at 328-6940.

FACULTY PERSONNEL FILE CHECKLIST
(Division of Academic Affairs)

Your primary personnel file is located in the office of your Code Unit Administrator, Dr./Dean _____, and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to 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, if you request same. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements. Multiple copies of the same document may be limited.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) you are concerned about. Removal of offensive materials may be sought in accordance with the procedures in Appendix Y of the *ECU Faculty Manual*.

Location of Records Related to Employment:

- _____ Code Unit Administrator's Office
- _____ Dean's Office
- _____ Academic Department Chair's Office in Professional Schools
- _____ Vice Chancellor for Academic Affairs' Office
- _____ Department of Human Resources

Other Files Containing Personnel Records May be Located:

- _____ Equal Employment Opportunity/Affirmative Action Office
- _____ University Attorney's Office
- _____ Faculty Senate Office

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records related to a medical condition or disability should be maintained in a separate envelope. Questions about your personnel records should be directed to the Faculty Senate office or the University Attorney's office.

FACULTY PERSONNEL FILE CHECKLIST
(Division of Health Sciences)

Your primary personnel file is located in the office of your Code Unit Administrator, Dr./Dean _____, and may be reviewed at any time during regular business hours with advance notice to the custodian of records or his/her designee. Advance notice is required so that your files can be gathered from other offices, if necessary, and so that confidential documents, like references for initial employment or certain medical information, as described in the General Statutes of North Carolina, can be removed. The custodian of records will need to 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, if you request them. A reasonable number of copies will be provided at no cost to the faculty member. While reasonable efforts will be made to provide you with quick access to your file, it may take some time to make the necessary arrangements. _____ will serve as the custodian of personnel records for the Brody School of Medicine and the Office of the Vice Chancellor for Health Sciences.

Please note that you cannot add to or remove documents from your personnel files at the time you review your files. If you have concerns about documents in your files, please bring them to the attention of the custodian of records. You can object to inaccurate or misleading information in your files by putting your objections in a written statement to your Code Unit Administrator, who will add your statement to the file(s) which concern(s) you. Removal of inaccurate or misleading materials may be sought in accordance with the procedures in Appendix Y of the *ECU Faculty Manual*.

Location of Records Related to Employment:

- _____ Code Unit Administrator's Office
- _____ Dean's Office
- _____ Academic Department Chair's Office
- _____ Center Administrator's Office (ex. Center for Advancement of Health)
- _____ Department Section Head's Office
- _____ Vice Chancellor for Health Sciences' Office
- _____ Department of Human Resources

Other Files Containing Personnel Records May be Located:

- _____ Equal Employment Opportunity/Affirmative Action Office
- _____ University Attorney's Office
- _____ Faculty Senate Office

Additional Records for Physician Faculty - located at Brody SOM and Pitt County Memorial Hospital:

- _____ Medical Faculty Practice Plan Benefits Office
- _____ Managed Care Office
- _____ ECU Physicians Credentialing Office
- _____ PCMH Credentials Verification Office (Medical Staff Support)

This notifies you that certain Brody School of Medicine or other ECU offices (including, but not limited to, University Attorney, Equal Employment Opportunity, Compliance, BSOM Risk Management, CME, etc.) may maintain records (including, but not limited to, attendance records for mandatory training sessions, orientation, and CME programs; routine audits of medical records and billing documentation; Quality Assurance; malpractice; etc.) related to your employment and which may constitute personnel records. Should you wish to verify whether such offices maintain records related to your employment, you may contact the specific office for further information regarding your records and/or _____ within the Office of the Vice Chancellor for Health Sciences.

Please note that reference letters solicited prior to employment and medical records that a prudent physician would not disclose to his/her patient shall not be disclosed to you and should be kept in a sealed envelope that can be easily removed from your file. Additionally, medical records governed by General Statute, if any, would be maintained in a separate envelope. Questions about your personnel records should be directed to the Faculty senate office or to the University Attorney's office.

Approved: Faculty Senate Resolution #00-13
April 5, 2000
East Carolina University Chancellor

Amended: Faculty Senate Resolution #02-04, January 2002
Faculty Senate Resolution #02-13, March 2002
Faculty Senate Resolution #03-13, March 2003
Faculty Senate Resolution #03-14, March 2003