Administrative Separation and/or Return to a Faculty Position

06.55.01 Current Version

Authority: Board of Trustees

History: First Issued on March 26, 2004; related and superseding policies of the University of North Carolina became effective May 2, 2010; ECU's policy revised September 17, 2010 by the ECU Board of Trustees and approved by the President of the University of North Carolina on April 5, 2011.

Related Policies: East Carolina University Policy on Administrative Separation and/or Retreat to a Faculty Position, dated March 26, 2004; UNC Policy 300.1.1 - Senior Academic and Administrative Officers; UNC Policy 300.1.6 - Policy on Administrative Separation and/or Retreat to a Faculty Position; UNC Policy 300.1.6 [R] - Regulation on Administration Separation; Tenure and Promotion Policies and Procedures of East Carolina University (Faculty Manual, Part IX)

Additional Resources: East Carolina University's Plan for Management Flexibility to Appoint and Fix Compensation

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1. Purpose

1.1. All voluntary and involuntary separations from Senior Academic and Administrative Officer positions, as defined by UNC Policy 300.1.1, are governed by the following terms.

1.2. Senior Academic and Administrative Officers appointed on or after May 2, 2010 are subject to the terms and conditions of Section 2 below.

1.3. Senior Academic and Administrative Officers appointed prior to May 2, 2010 will be governed by the terms and conditions of Section 3 below, which were approved by the ECU Board of Trustees in March 2004, unless set forth by written agreement subsequent to November 8, 2002 and appropriately approved in accordance with East Carolina Universitys Plan for Management Flexibility to Appoint and Fix Compensation.

2. Administrative Separation and/or Return to a Faculty Position (appointed on or after May 2, 2010)

2.1. Administrative Separation and Return to a Tenured Faculty Position (UNC Policy 300.1.6 [R], 5/02/10)

2.1.1. Return to a Tenured Faculty Position: An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home academic department, unless an institutional due process or termination proceeding is initiated to discharge or demote the administrator from the tenured faculty position.

2.1.2. Removal of Administrative Stipend: If there has been an administrative stipend associated with the related administrative duties during the appointment, that stipend shall be removed upon the termination of administrative duties and before any salary adjustments are made (i.e., from a 12-month appointment to a 9-month appointment).

2.1.3. Salary: The salary shall be adjusted from a 12 month administrative salary to a 9-month or 12-month faculty salary that is commensurate with the salaries of comparable faculty members in the department and prevailing market conditions.

2.1.4. Research Leave (Preparation for Return to Faculty Position): At the Chancellors discretion, the Chancellor may provide for up to the equivalent of a one semester research leave for any tenured faculty member who has served in one or more consecutive Senior Academic and Administrative Officer positions subject to UNC Policy 300.1.1, I.A for at least five years in order to provide an opportunity for the faculty member to prepare for teaching and research responsibilities. Prior to the beginning of the research leave, the administrator shall submit a written work plan for the leave period to include expected outcomes. The plan should reflect activities reasonably calculated to prepare the faculty member to resume teaching and research responsibilities at ECU. The plan will be reviewed by the Unit Administrator and approved by the Chancellor, and incorporated into the faculty members contract. The

leave will be paid at a salary commensurate with the salaries of comparable faculty members.

2.1.5. Exception Provision: Exceptions may be made to recognize extraordinary circumstances, including, but not limited to, extended or superior service in administrative roles. Any exception to these provisions must be approved by the Board of Trustees and by the President.

2.1.6. Failure to Return to Faculty Role: In the event that the faculty member does not assume faculty responsibilities for at least a semester after the research leave in accordance with this policy, the Chancellor is authorized, in his or her discretion, to require repayment of compensation paid during the leave period from the non-returning faculty member. Requirement for repayment in accordance with this provision will be included in the written contract.

2.2. Reappointment of an Administrator without Faculty Return Rights
An administrator leaving a position that is categorized as ,at will has no claim to a position at the University; however, there may be circumstances in which the Chancellor, or Chancellors designee, determines that an assignment to another administrative or teaching position would be beneficial for both the University and the employee. In these cases, the new salary should be appropriate to the assignment. Any exception must be approved by the Board of Trustees and by the President. This regulation does not supersede any notice or severance pay required by Board of Governors policy.

2.3. Separation from the University

2.3.1. In some cases, it may be in the best interests of the University to negotiate a severance agreement with an administrator. UNC policy addresses timely notice for termination of Senior Academic and Administrative Officers hired pursuant to UNC Policy 300.1.1, I.B. In accordance with UNC Policy 300.1.1,III.B.1, these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on their length of service.

2.3.2. The Chancellor may, at his or her discretion, determine that the circumstances justify continuing full pay for employees subject to UNC Policy 300.1.1,I.A for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the Board of Trustees.

2.4. Retirement
Nothing in these Regulations shall prevent a tenured faculty member

from immediately participating in phased retirement, consistent with existing University of North Carolina and East Carolina University policies.

2.5. Coverage
The regulations in Section 2 apply to Senior Academic and Administrative Officers appointed on or after May 2, 2010. Employees serving as Senior Academic and Administrative Officers prior to May 2, 2010 remain covered under the Policy on Administrative Separation and/or Retreat to a Faculty Position (Section 3, below), dated March 26, 2004.

3. Administrative Separation and/or Retreat to a Faculty Position (appointed prior to May 2, 2010)

3.1. Retreat to a Faculty Position

3.1.1. An administrator who holds a concurrent tenured faculty appointment may return to that appointment with all the rights and responsibilities of faculty in the home academic department, unless an institutional due process or termination proceeding is initiated to discharge or demote the administrator from the faculty position.

3.1.2. Removal of Administrative Stipend: If there has been an administrative stipend associated with the related administrative duties during the appointment, that stipend will be removed upon the termination of administrative duties and before any salary conversions are made (i.e., from a 12-month appointment to a 9-month appointment).

3.1.3. Salary: The salary will be determined based on either a 9-month or 12-month appointment, as appropriate for the department, commensurate with the salaries of similarly situated faculty members in the department and prevailing market conditions.

3.1.4. Preparation for Return to Faculty Position: At the Chancellors discretion, the Chancellor may approve a reasonable period of time to provide an opportunity for the employee to prepare for teaching and research responsibilities. Such preparation time may be with full or partial pay. The period of time should be directly related to the time spent in administrative duties, but may not continue for longer than one year without approval of the Board of Trustees.

3.2. Reappointment of an Administrator without Faculty Retreat Rights
An administrator leaving a position that is categorized as ,at will has no claim to a position at the University; however, there may be circumstances in which the Chancellor determines that assignment to

another administrative or teaching position would be beneficial for both the University and the employee. In these cases, the new salary should be appropriate to the assignment. If the supervisor proposes to pay the administrator his or her full administrative salary after moving the administrator to a position that would normally be lower paying, or if paid leave is to be granted, the agreement with the administrator must be approved by the Board of Trustees. This guideline does not supersede any notice or severance pay required by Board of Governors policy.

3.3. Separation from the University

3.3.1. In some cases, it may be in the best interests of the University to negotiate a severance agreement with an administrator. UNC policy addresses timely notice for termination of Senior Academic and Administrative Officers hired pursuant to UNC Policy 300.1.1, I.B. In accordance with The University of North Carolina UNC Policy 300.1.1, III.B, in certain circumstances these employees are entitled to notice of the discontinuation of their employment with full pay for up to 90 days or severance pay, depending on their length of service.

3.3.2. The Chancellor may, at his or her discretion, determine that the circumstances justify continuing full pay for employees subject to UNC Policy 300.1.1,I.A for up to 90 days. Any agreement that results in a longer period of compensation must be approved by the Board of Trustees.

3.4. Retirement

Nothing in these guidelines shall prevent an administrator from retiring or an administrator who holds a faculty appointment from participating in phased retirement consistent with existing University of North Carolina policies.